

## RECOMMENDED PLANNING CONDITIONS

1. This permission is for the continuation of the restoration of the former Bentinck tip site using site derived and imported restoration materials until 7 March 2024 (and thereafter to create a range of outdoor recreational facilities including an equestrian centre, football pitches, golf course, driving range, camping grounds, fishing pond, and adventure play area, including landscaping, planting, ecological enhancements and the installation and operation of two wind turbines to provide the facilities with renewable energy) without compliance with condition 3 of the planning permission as originally imposed. This permission comes into immediate effect.

*Reason: To define the development as permitted and as varied under s73 of the Town and Country Planning Act 1990.*

2. A topographical survey (minimum of 0.5m contour intervals) of the site shall be submitted to the Waste Planning Authority (WPA) by 1 March each year identifying areas of the site which are unrestored, those restored, and those undergoing restoration.

*Reason: To monitor the phased restoration of the tip in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.*

3. The importation of inert material onto the site and its grading to the final approved levels shall be completed by 7 March 2024.

*Reason: To ensure the restoration of the site is completed within a satisfactory timescale.*

4. For each phase of the development the WPA shall be notified in writing of the date of completion of the importation of inert material and its grading to the final approved landform at least seven days, but not more than 14 days, following the completion of these works.

*Reason: To enable the WPA to monitor compliance with the conditions of the planning permission.*

## Approved plans

5. From the commencement of the development to its completion, a copy of this permission including all plans and documents hereby approved, and any other plans and documents subsequently approved in accordance with this permission, shall always be available at the site offices for inspection by the WPA during normal working hours.

*Reason: To enable the WPA to monitor compliance with the conditions of the planning permission.*

6. The development hereby permitted shall only be carried out in accordance with the details contained within the planning application and Environmental Statement (ES) received by the WPA on 24 February 2012 and the Regulation 22 Submissions received on 17 August 2012 and 27 September 2012, as supplemented by the further Environmental Statement received 25/07/22, and in particular the plans and details identified below, unless amendments are made pursuant to the other conditions below:
- (i) 'Drawing Number BG 3/1 – Existing Site Layout' received by the WPA on 24 February 2012;
  - (ii) 'Drawing Number BG 3/2A – Proposed Site Layout' received by the WPA on 17 August 2012;
  - (iii) 'Drawing Number BG 3/2A – Sections' received by the WPA on 17 August 2012;
  - (iv) 'Drawing Number LH/1 – Landscape and Restoration Proposals and Sections' received by the WPA on 17 August 2012;
  - (v) 'Drawing Number BG 3/3 – Driving Range Building' received by the WPA on 24 February 2012;
  - (vi) 'Drawing Number BG 3/4 – Green Keepers Building' received by the WPA on 24 February 2012;
  - (vii) 'Drawing Number BG 3/5 – Equestrian Centre Stables and Office Building Layout' received by the WPA on 24 February 2012;
  - (viii) 'Drawing Number BG 3/6 – Equestrian Centre Building Elevations and Layout' received by the WPA on 24 February 2012;
  - (ix) 'Drawing Number BG 3/6A – Equestrian Centre: Hay Store' received by the WPA on 24 February 2012;
  - (x) 'Drawing Number BG 3/7A – Layout of Camping and Adventure Play Area' received by the WPA on 17 August 2012;
  - (xi) 'Drawing Number BG 3/8 – Manager/Security Office and Accommodation' received by the WPA on 24 February 2012;
  - (xii) 'Drawing Number BG 3/9 – Campsite Toilet/Shower Facilities' received by the WPA on 24 February 2012;
  - (xiii) 'Drawing Number BG 3/10 – Outdoor Classroom' received by the WPA on 24 February 2012;
  - (xiv) 'Drawing Number BG 3/11A – Restoration Phasing Plan' received by the WPA on 17 August 2012;
  - (xv) 'Drawing Number BG 3/12 – Football Pitch: Changing Rooms' received by the WPA on 24 February 2012;
  - (xvi) 'Drawing Number BG 3/13 – Proposed Bird Hide' received by the WPA on 24 February 2012;
  - (xvii) 'Drawing Number BG 3/14 – Proposed Car Park Lighting' received by the WPA on 24 February 2012;

- (xviii) 'Drawing Number BG 3/15A – Luminance Plan' received by the WPA on 17 August 2012;
- (xix) 'Drawing Number BG 6/1A – Landscape and Restoration' received by the WPA on 17 August 2012;
- (xx) 'Drawing entitled 'Endurance Wind E-3120 Elevation' received by the WPA on 24 February 2012;
- (xxi) 'Drawing Number 11/1843/01 Revision A – Clubhouse: Proposed Site Layout' received by the WPA on 24 February 2012;
- (xxii) 'Drawing Number 11/1743/02 Revision A – Clubhouse: Proposed Lower Floor Layout' received by the WPA on 24 February 2012;
- (xxiii) 'Drawing Number 11/1843/03 Revision A – Clubhouse: Proposed Upper Floor Layout' received by the WPA on 24 February 2012;
- (xxiv) 'Drawing Number 11/1843/04 Revision A – Clubhouse: Proposed Elevations (Sht 1)' received by the WPA on 24 February 2012;
- (xxv) 'Drawing Number 11/1843/05 – Clubhouse: Proposed Elevations (Sht 2)' received by the WPA on 24 February 2012;
- (xxvi) 'Drawing Number 11/1843/06 Revision A – Employment Buildings: Proposed Layouts and Elevations' received by the WPA on 24 February 2012'.

*Reason: To enable the WPA to monitor compliance with the conditions of the planning permission.*

### **Inspection of the Cuttail Brook culvert**

7. Prior to the importation of inert material onto Phase 4, as detailed on 'Drawing Number BG 3/11A - Restoration Phasing Plan' received by the WPA on 17 August 2012, a programme for the inspection and maintenance of the section of the Cuttail Brook culvert which lies within the application area, as detailed on 'Drawing Number BG 3/11A – Restoration Phasing Plan' received by the WPA on 17 August 2012, shall be/shall have been submitted to and approved in writing by the WPA. The scheme shall provide for:
  - (a) A survey of the culvert to be carried out prior to the commencement of the importation of inert material onto Phase 4;
  - (b) The submission of the culvert survey to the WPA within six months of the commencement of importation of inert material onto Phase 4 along with a programme for subsequent maintenance including timing/phasing arrangements which shall provide for any refurbishment and repair works to be carried out prior to the deposit of any inert material within phases 5 and 6;
  - (c) The provision of a further survey to take place following the completion of the importation of inert material onto the site and its grading to the final approved landform, as notified under Condition 4 above, to be undertaken no later than one year following the completion of the

importation of inert material onto the site and its grading to the final approved landform; and

- (d) The submission of the further culvert survey to the WPA along with a further programme for subsequent maintenance including timing/phasing arrangements which shall provide for any further refurbishment and repair works to be carried out within three months of the further survey being carried out.

The scheme shall be implemented in accordance with the approved details.

*Reason: To protect surface and groundwater resources in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Surface water and foul sewage drainage**

8. Prior to the importation of inert material onto Phase 4, as detailed on 'Drawing Number BG 3/11A – Restoration Phasing Plan' received by the WPA on 17 August 2012, a scheme for the disposal of surface water shall have been implemented in accordance with details previously submitted to and approved in writing by the WPA. The scheme shall include details of how the adjacent rail line will not be adversely affected by changes to surface water drainage from the site, including details of the locations of any soakaway or lagoon constructed as a means of storm/surface water disposal or storage. The scheme shall be implemented in accordance with the approved scheme.

*Reason: To protect surface and groundwater resources in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

9. A scheme to dispose of foul drainage shall be submitted to and approved in writing by the WPA prior to the installation of a foul water drainage system at the site. The scheme shall include details of the discharge arrangements which shall demonstrate that there would be no adverse impacts on the adjacent Sites of Special Scientific Interest. The foul water drainage system shall be installed in accordance with the approved details.

*Reason: To protect surface and groundwater resources in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Restoration works**

10. By 30th April 2023, or as otherwise agreed by the WPA, an interim restoration scheme shall be submitted for written approval. The scheme shall follow the principles of the Landscape and Restoration Proposals (shown on Drawing BG 6/1a) and details provided in Chapter 6 of the 2012 ES, as supplemented by a Reg. 22 response, including the Ecological Mitigation and Management Plan (EMMP) as required to be updated by condition 39.

*Reason: To ensure there is an adequate interim restoration of the site before afteruses are developed, or in the event that these are not fully developed.*

11. Only uncontaminated soils, clays and soil making materials (uncontaminated inert waste such as concrete, hardcore and other similar demolition waste) which are fit for the purpose of restoring the site to a recreational/amenity/biodiversity afteruse shall be imported into the site. If, in the opinion of the WPA, it is considered that the materials being imported into the site are not fit for purpose then, within two weeks of a written request from the WPA, detailed chemical analyses of samples of the materials imported onto the site shall be undertaken and submitted to the WPA for assessment and for its approval in writing. The analyses, based on criteria derived from BS:3882 and guidance from the Contaminated Land Exposure Assessment, shall provide data on the concentrations of the following and any other compounds or substances deemed appropriate by the WPA:

- (a) pH;
- (b) Arsenic;
- (c) Asbestos;
- (d) Boron;
- (e) Cadmium;
- (f) Chromium (III and IV);
- (g) Copper;
- (h) Hydrocarbons;
- (i) Lead;
- (j) Mercury (inorganic);
- (k) Nickel;
- (l) Selenium; and
- (m) Zinc.

Should the results of the analyses confirm that unsuitable material has been imported onto the site, it shall be removed from the site within two weeks of notification from the WPA, and disposed of at a suitably licensed site.

*Reason: To ensure there is no unacceptable risk of pollution to groundwater or surface water, in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

12. No development shall commence in any phase of site until:
- a) A phase 1 desk top study has been submitted to and approved in writing by the WPA;
  - b) The site investigation contained in the phase 1 desk top study submitted in accordance with Condition 12 (a) has been completed and approved in writing by the WPA and a risk assessment has been completed; and

- c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters and on the proposed land use, using the information obtained from the site investigation, has been submitted to and approved in writing by the WPA prior to that remediation being carried out on the site.
- d) No development shall commence in the particular phase of the site until the remediation works approved under (c) above have been completed in accordance with the approved method statement to the satisfaction of the WPA.

*Reason: To ensure that the proposed final uses of the site do not pose a risk to public health or the wider environment by ensuring that the site is made suitable for its intended use, in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

13. Validation of the remedial scheme carried out in accordance with Condition 12 above, including evidence of post remediation sampling and monitoring results to demonstrate that the required remediation has been fully effective, shall have been submitted to and have been approved in writing by the WPA within 3 months of the completion of the remediation or such other timescale as may first be agreed in writing with the WPA.

*Reason: To ensure that the proposed final uses of the site do not pose a risk to public health or the wider environment by ensuring that the site is made suitable for its intended use, in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

14. If, during the approved restoration works, contamination not previously identified through the details submitted under Condition 12 above is found to be present at the site, then no further development shall be carried out until a method statement has been submitted to and been approved in writing by the WPA, detailing any additional remediation requirements to deal with the unsuspected contamination, including measures to minimise the impact on ground and surface waters and on the proposed land use, using the information obtained from additional site investigations. The method statement shall be implemented in accordance with the approved details prior to any of the recreational or other facilities approved by this permission first being brought into use or such other timescale as may first be agreed in writing with the WPA.

*Reason: To ensure that the proposed final uses of the site do not pose a risk to public health or the wider environment by ensuring that the site is made suitable for its intended use, in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

15. Within 3 months of completion of the restoration in any phase or phases and prior to any of the recreational or other facilities approved by this permission first being brought into use in those phases (or such other timescale as may first be agreed in writing with the WPA), a verification report shall be submitted for the written approval by the WPA. The verification report should include evidence e.g., ground investigation results and ground gas risk assessments, to show that the site is uncontaminated and suitable for use in relation to the approved post-restoration land uses.

*Reason: To ensure that the proposed final uses of the site do not pose a risk to public health or the wider environment by ensuring that the site is made suitable for its intended use, in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

16. The development hereby permitted shall be carried out in a manner which mitigates the adverse impacts of undetonated seismic charges on the site. All precautionary measures deemed necessary to mitigate any potential impacts from the undetonated seismic charges on the site shall be undertaken by the operator in accordance with appropriate expert advice during both the restoration works and any groundworks associated with the construction of any buildings in the vicinity of the boreholes located on the site.

*Reason: To ensure the safety of the tip site and prevent any pollution to groundwaters in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

17. Dust shall continue to be minimised and monitored in accordance with the previously approved Dust Management Plan Rev A received by the WPA on 01/07/13 and approved on 22/08/13.

*Reason: To ensure that dust impacts associated with the operation of the development are minimised, in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

18. Construction access shall continue as previously approved with the access road surface maintained with a bound material for a minimum distance of 50 metres behind the highway boundary and a minimum of 10 metres of kerbed radii.

*Reason: To reduce the possibility of deleterious material being deposited on the public highway and in the interests of highway safety in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.*

19. Measures shall be employed to prevent the deposit of mud, clay and other deleterious materials on the surrounding public highway during the restoration works. Such measures shall include the retention of the existing wheel washing facilities on the access road; and regular sweeping and cleaning of the access road, vehicular circulation routes and the adjacent public highway. In the event that such measures prove inadequate, then within one week of a written request from the WPA, a scheme including revised and additional steps or measures to be taken in order to prevent the deposit of materials upon the public highway shall be submitted to the WPA for its approval in writing. The approved steps for the protection of the surrounding roads shall be implemented immediately upon their approval and thereafter maintained throughout the restoration works.

*Reason: In the interests of highway safety in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.*

20. Visibility splays at the site entrance of 2.4 metres by 120 metres shall be kept free of all obstructions and structures exceeding 0.26 metres in height (as detailed on Dwg H/1 – Visibility Splay dated May 2011 as approved under NMA/2948 on 24/12/13).

*Reason: To afford adequate visibility at the access to the site to cater for the expected volume of traffic joining the existing highway network and in the interests of highway safety in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

21. The restoration of the site shall be carried out on a phased basis in accordance with the details on 'Drawing Number BG 3/11A – Restoration Phasing Plan' received by the WPA on 17 August 2012, except that works in phase 6 shall follow immediately after phase 3. The WPA shall be notified in writing of the completion of each phase of restoration.

*Reason: To minimise the operating area of the site at any one time and to provide for the phased disposal and restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.*

22. The existing access road shall be maintained throughout the restoration works so as to ensure that there is no unregulated discharge of surface water onto the public highway. Should the access road be widened, resurfaced or extended to provide access to the offices and equestrian centre, no works shall be carried out until details of the provisions to prevent the unregulated discharge of surface water onto the public highway have been submitted to and approved in writing by the WPA. The access road shall only be widened, resurfaced or extended in accordance with the approved details and thereafter maintained to the satisfaction of the WPA.

*Reason: In the interests of highway safety in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

23. The total number of HGVs entering the site shall not exceed 250 in any week. A written record of all HGV movements to the site shall be maintained by the operator and made available to the WPA in writing within seven days of a written request from the WPA.

*Reason: In the interests of highway safety in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

24. All plant and machinery used on the site for the purposes of grading colliery spoil or inert restoration material to the final approved levels shall incorporate 'white noise' reversing warning devices and be fitted with noise abatement measures and silencers maintained in accordance with the manufacturers' recommendations and specifications.

*Reason: To minimise potential noise disturbance at the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

25. Any cranes and jibbed machines used in connection with the restoration works hereby permitted shall be positioned so that the jib or any suspended load does not swing over adjacent railway infrastructure or within three metres of the nearest rail if the boundary is closer than three metres.

*Reason: To maintain the safety of railway operations.*

26. All cranes, machinery and constructional plant must be so positioned and used to prevent the accidental entry onto railway property of such plant, or loads attached thereto, in the event of failure.

*Reason: To maintain the safety of railway operations.*

27. Noise levels associated with the restoration works hereby permitted shall not exceed 55.0 dB<sub>L<sub>Aeq</sub> 1 hour (free field)</sub> at The Hollies, Park Lane, Kirkby-in-Ashfield, 25 Main Road, Annesley Woodhouse, and Suvla Bay, Salmon Lane, Annesley Woodhouse.

*Reason: To minimise potential noise disturbance at the site in accordance with Policy W3.9 of the Waste Local Plan.*

28. Noise levels associated with the construction of the golf clubhouse, driving range, the camping shower block, the adventure playground, equestrian centre, and office block hereby permitted shall not exceed 70.0 dB<sub>L<sub>Aeq</sub> 1 hour (free field)</sub> at The Hollies, Park Lane, Kirkby-in-Ashfield, 25 Main Road, Annesley Woodhouse, and Suvla Bay, Salmon Lane, Annesley Woodhouse.

*Reason: To minimise potential noise disturbance at the site in accordance with and Policy W3.9 of the Waste Local Plan.*

29. Except in an emergency, which shall be notified to the WPA in writing within no more than 48 hours of its occurrence, the restoration works hereby permitted shall only be undertaken during daylight hours and, in any event, within the following hours only:

Mondays to Fridays 0700 hrs to 1800 hrs

Saturdays 0700 hrs to 1300 hrs

There shall be no working on Sundays, Public and Bank Holidays.

*Reason: In the interests of amenity in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

30. Except in an emergency, which shall be notified to the WPA in writing within no more than 48 hours of its occurrence, construction works hereby permitted involving earth moving, piling works, foundation construction and external building works shall only be undertaken during daylight hours and, in any event, within the following hours only:

Mondays to Fridays 0800 hrs to 1800 hrs

Saturdays 0800 hrs to 1300 hrs

There shall be no working on Sundays, Public and Bank Holidays.

Construction works involving the internal fitting of any buildings shall be permitted to start at 0700 hrs.

*Reason: In the interests of amenity in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

31. There shall be no changes to ground levels on land within 10 metres of the site boundary adjacent to the railway line until details of those changes, including cross sections, have been submitted to the WPA and have been approved in

writing by the WPA. Restoration works within 10 metres of adjacent railway infrastructure shall be carried out in accordance with the approved details.

*Reason: To maintain the safety of railway operations.*

## **Ecology**

32. Measures to protect all retained trees, hedges and shrubs during each phase of restoration shall be implemented and maintained throughout that phase of restoration in accordance with the details set out in the document entitled 'Protection to Trees, Hedges and Shrubs Revision A' received by the WPA on the 25<sup>th</sup> June 2013 in respect of condition 33 of planning permission 4/V/2012/0096 approved on 20/08/13.

*Reason: To ensure the protection of vegetation on the site in accordance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.*

33. Dewatering of the lagoons, as part of capping work taking place, shall be undertaken in full accordance with the SLR report Ref: 405.02711.00005 dated 14/12/16 as previously approved by the WPA on 02/03/17 pursuant to condition 34 of planning permission 4/V/2012/0096.

*Reason: To ensure that no legally protected species are adversely affected by the development and to ensure compliance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

34. HGVs depositing inert restoration material onto any phase of the site shall only use the previously approved haul routes as shown on the plan 'Site Haul Routes' dated May 2013 and as approved by the WPA on 20/08/13 pursuant to condition 35 of planning permission 4/V/2012/0096.

*Reason: In order to minimise the impact of the development on features of ecological interest.*

35. Restoration works in phases 1, 3 and 5 shall be undertaken in accordance with the approved Reptile Method Statement (SLR ref 406.04487.00002 dated July 2013), or any subsequent scheme that may be approved by the WPA.

*Reason: In the interests of protecting species and their habitats in accordance with Policy W3.22 of the Nottinghamshire and Nottingham Waste Local Plan.*

36. Prior to the removal of vegetation from any phase of the restoration works, as detailed on 'Drawing Number BG 3/11A – Restoration Phasing Plan' received by the WPA on 17 August 2012, a qualified ecologist shall walk the affected land to ensure that no species as identified in the Ecological Mitigation and Management Plan or species protected by the Wildlife and Countryside Act 1981 are present. A report detailing the findings of the survey shall be submitted to the WPA for its approval in writing prior to restoration works commencing within that phase. In the event that the ecological survey identifies any protect species, then the report shall provide recommendations for appropriate mitigation measures to ensure the satisfactory protection of the

species. The mitigation measure shall be implemented in accordance with the approved details prior to the removal of any vegetation within that phase.

*Reason: In the interests of protecting species and their habitats in accordance with Policies W3.21, W3.22 and W3.23 of the Nottinghamshire and Nottingham Waste Local Plan.*

37. Site clearance operations that involve the removal or destruction of vegetation shall not be undertaken during the months of March to August inclusive except with the prior written approval of the WPA and in such circumstances following the carrying out and submission to the WPA for its approval in writing of an ecological appraisal undertaken by an appropriately qualified person in accordance with the details required under Condition 36 above.

*Reason: In the interests of protecting species and their habitats in accordance with Policies W3.21, W3.22 and W3.23 of the Nottinghamshire and Nottingham Waste Local Plan.*

38. The surface water ditch on the south eastern boundary of the site detailed on 'Drawing Number BG 3/2A – Proposed Site Layout' received by the WPA on 17 August 2012 shall be maintained/utilised until the completion of site restoration earthworks/reprofiling whereafter proposed drainage details shall be carried out as per the SLR letter ref 05.02711.00005 dated 14/12/16 and drawings BNT-1 'Existing Site Overview' and BNT-2, 'Proposed Drainage Details Overview' (dated December 2016) as previously approved by the WPA on 02/03/17 pursuant to condition 39 of planning permission 4/V/2012/0096.

*Reason: To ensure the development does not have an adverse impact on the Annesley Woodhouse Quarries Site of Special Scientific Interest in accordance with Policy W3.23 of the Nottinghamshire and Nottingham Waste Local Plan.*

39. The restoration of the site shall initially be carried out in accordance with the Ecological Mitigation and Management Plan received by the WPA on 17 August 2012, but thereafter in accordance with an updated EMMP which shall be submitted to the WPA for its approval no later than 30<sup>th</sup> April 2023. The EMMP shall in particular provide for:

- (a) Habitat retention, enhancement and creation for grassland, woodland and scrub, hedgerows, ponds and reedbeds;
- (b) Mitigation and habitat creation for great crested newts and other amphibians, birds, water voles, reptiles, bats, and terrestrial invertebrates;
- (c) Habitat management and monitoring.

*Reason: In the interests of protecting species and their habitats in accordance with Policies W3.21, W3.22 and W3.23 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Sports pitch construction and maintenance**

40. Any alternative use of the football pitches shall be restricted to the full sized pitch and the  $\frac{3}{4}$  sized pitch which are closest to the main car park as detailed on

'Drawing Number BG 3/2A – Proposed Site Layout' received by the WPA on 17 August 2012.

*Reason: To minimise the impact of activities on the site on features and species of ecological interest.*

41. No floodlighting shall be erected to illuminate the football pitches unless details have previously been submitted to and approved in writing by the WPA. Development shall be carried out in accordance with approved details.

*Reason: To minimise the impact of activities on the site on features and species of ecological interest.*

### **Construction of buildings and associated infrastructure**

42. The internal infrastructure layout of the site shall not be installed until details of road geometry, car/cycle parking facilities, turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays, and a travel plan have been submitted to and approved in writing by the WPA. The details submitted shall comply with the County Council's most up-to-date Highway Design and Parking Guides. The internal infrastructure of the site shall be installed in accordance with the approved details.

*Reason: To minimise congestion on the public highway and in the interest of highway safety.*

43. Prior to their use on site, samples of proposed facing materials and finishes, including the colour of glazing frames, on all buildings to be constructed shall have been submitted to and been approved in writing by the WPA. The development shall be carried out in accordance with the approved details.

*Reason: In the interest of visual amenity and in accordance with Policy ST1 of the Ashfield Local Plan Review.*

44. All windows on the western elevation of the function room in the clubhouse, as detailed on 'Drawing Number 11/1843/04 Revision A – Clubhouse: Proposed Elevations (Sht 1)' received by the WPA on 24 February 2012, shall be sealed units.

*Reason: In order to minimise the impact of the development on features of ecological interest.*

45. The driving range lighting shall be installed so as to provide luminance and light spill levels in accordance with the details on 'Drawing Number BG 3/15A – Luminance Plan' received by the WPA on 17 August 2012. The lighting shall be maintained to provide these levels of luminance and light spill.

*Reason: In order to minimise the impact of the development on features of ecological interest and to protect motorway users.*

46. Prior to being installed, design details, locations, height, hours of illumination and light spread of external lighting to be installed on any of the buildings and elsewhere within the site, shall have been submitted to and been approved in writing by the WPA. The lighting shall be installed in accordance with the

approved details and shall be so maintained throughout the life of the development.

*Reason: In the interest of visual amenity and in accordance with Policy ST1 of the Ashfield Local Plan Review.*

47. The designated pathway from the access road to the bird hide shall be located in accordance with the details on 'Drawing Number BG 6/1A – Landscape and Restoration' received by the WPA on 17 August 2012. Suitable signs shall be erected in the main car park to direct the public to the bird hide via the designated path.

*Reason: In order to minimise the impact of the development on features of ecological interest.*

## **Restoration**

48. The site shall be restored in accordance with 'Drawing Number BG 6/1A – Landscape and Restoration' received by the WPA on 17 August 2012, except that the relevant submissions under Condition 49 below shall provide for additional areas of natural regeneration suitable for dingy skipper.

*Reason: To ensure the proper restoration of the site in accordance with Policy W4.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

49. Within three months of the date of the completion of the importation of inert material and the reprofiling of the landform on any phase, as notified under Condition 21 above, details of the landscape and ecology management for each phase shall be submitted to the WPA for its approval in writing. The details shall include:

- (a) Planting proposals showing numbers, species, density of planting, positions, sizes and establishment methods of all trees and shrubs, which shall be of native genetic origin appropriate to the local area and shall accord with the species mixes detailed in the Ecological Mitigation and Management Plan received by the WPA on 17 August 2012;
- (b) Native species grassland seed mixes for neutral, damp, calcareous and acidic grassland areas (the scope and scale of which shall be determined by analysis of the substrates imported into each phase and any part of therein), and planting within ponds, including rates of sowing and establishment methods, which shall be of native genetic origin and shall accord with the species mixes in the Ecological Mitigation and Management Plan received by the WPA on 17 August 2012 with the exception of:
  - 1. In the neutral grassland mix (MG5), meadow saxifrage shall not be included and the mix shall include no more than 12 herb species;
  - 2. In the damp grassland mix (MG4/MG10), meadow saxifrage, pepper saxifrage and devil's-bit scabious shall not be included and the mix shall include no more than 12 herb species;

3. In the calcareous mix, common rockrose and dropwort shall not be included and the mix shall include no more than 12 herb species;
  4. In the acidic mix, bitter vetch, viper's bugloss, devil's-bit scabious, crested dogtail, sweet vernal grass and chewing fescue shall not be included and the mix shall include no more than six herb species to include tormentil, sheep's sorrel, heath bedstraw and harebell;
  5. For the planting in ponds, frogbit shall not be included and the details submitted shall detail a commitment to using plant material salvaged from existing water bodies on the site to ensure local provenance and the adaptation of species to local conditions.
- (c) Substrate penetration (where required), including the creation of micro-topography features;
  - (d) The extend of areas of natural regeneration;
  - (e) Boundary and fencing treatments;
  - (f) Confirmation that habitats considered to support foraging and commuting bats would not be provided within 50 metres of the two wind turbines in phases 1 and 3;
  - (g) Provision for the submission of an annual aftercare report for the five year aftercare period which shall detail works undertaken in the previous 12 months and those proposed for the following 12 months;
  - (h) Timetable for the implementation of the restoration works.

The restoration of each phase shall be carried out in accordance with the approved details.

*Reason: To ensure the phased restoration of the site in accordance with Policies W4.1 and W4.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

50. Ornamental planting on the site shall only be planted within the vicinity of the clubhouse and only in accordance with details previously submitted to and approved in writing by the WPA.

*Reason: To safeguard areas and features of ecological interest elsewhere on the site in accordance with Policy W3.23 of the Nottinghamshire and Nottingham Waste Local Plan.*

51. No chemical shall be used to treat weeds on areas of woodland and scrub planting within 50 metres of open water habitats and the Bogs Farm Site of Special Scientific Interest.

*Reason: To safeguard areas and features of ecological interest in accordance with Policy W3.23 of the Nottinghamshire and Nottingham Waste Local Plan.*

52. Any tree planting close to the adjacent railway line shall be planted at a distance in excess of their mature height from railway property.

*Reason: To maintain the safety of railway operations.*

## Aftercare

53. Upon the completion of restoration works on any phase of the site, as required by Condition 49 above, that phase shall enter into a five year aftercare period. Prior to any phase being entered into aftercare, the extent of the area and its date of entry into aftercare shall be agreed in writing with the WPA.

*Reason: To ensure the proper restoration of the site in accordance with Policy W4.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

54. The aftercare and long-term management of the restored areas shall be carried out in accordance with the details approved under Condition 49 above. Site management meetings shall be held with the WPA to assess and review the annual programme of landscaping, restoration and site maintenance as approved under Condition 49 above, having regard to the conditions of the land, progress in its rehabilitation and other relevant factors.

*Reason: To ensure the proper restoration of the site in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

## Alternative Restoration

55. Should, for any reason, the restoration works hereby permitted not be completed in full or in part within the timescales permitted under Condition 3 above, then, within three months of the receipt of a written request from the WPA, a revised scheme for the restoration of the site shall be submitted to the WPA for its approval in writing. Such a scheme shall include details of the regarding of any restoration material and soils on site onto unrestored areas, final contours, sowing, planting of trees and shrubs, drainage and fencing.

*Reason: To secure the proper restoration of the site within an acceptable timescale.*

56. The revised restoration scheme approved under Condition 55 shall be implemented within 12 months of its approval by the WPA, and shall be subject to the aftercare provisions of Conditions 53-54 above.

*Reason: To secure the proper restoration of the site within an acceptable timescale.*

## Ongoing operational details

57. Prior to the golf course and horse riding trail being brought into use, details shall have been submitted to the WPA and approved in writing by the WPA setting out how the various ecological features of interest both within and adjacent to the site will be brought to the attention of the users of these facilities. The details shall include but not be limited to:

(a) The provision of 'out of bounds' markers on the golf course, including a plan detailing the location of such markers;

- (b) The provision of details on the golf scorecards and/or in the clubhouse detailing the ecological features of interest on the site and the need not to disturb these areas;
- (c) The provision of signs on the horse riding trail and at the equestrian centre detailing the need to keep on the trail and off the adjacent Annesley Woodhouse Quarries Site of Special Scientific Interest and other ecological features of interest within the site.

The measures shall be implemented in accordance with the approved details and thereafter maintained to the satisfaction of the WPA.

*Reason: To safeguard areas and features of ecological interest in accordance with Policy W3.23 of the Nottinghamshire and Nottingham Waste Local Plan.*

58. The noise levels associated with the use of the function room in the clubhouse shall not exceed the existing background noise level of 46.0 dB<sub>LA90</sub> (free field) at High Cliff and The Hollies, Park Lane after the addition of the 5dB(A) penalty to reflect tonal, discrete or impact noise as advised by BS4142 between the hours of 19.00 and 02.00. The operator shall, within two weeks of a written request from the WPA, undertake and submit the results of a BS4142 noise survey to assess whether noise arising from the use of the function room exceeds the permitted noise levels. The monitored noise levels are to be 'free field' carried out at a height of 1.2 metres to 1.5 metres above ground level and presented as a L<sub>aeq, 5 mins</sub> value. Where the noise survey results indicate that the permitted noise levels are exceeded the survey shall include further measures, to be submitted to the WPA for its written approval, to be introduced on site to mitigate the noise impact so as to ensure compliance with the noise criterion. Any such measures shall be implemented within 2 weeks of the WPA's written approval.

*Reason: In the interest of residential amenity and to accord with Policy ST1 of the Ashfield Local Plan Review.*

59. In the event that a complaint is received regarding noise from either of the two wind turbines, which the WPA considers may be justified, the operator shall, within one month of a written request from the WPA, undertake and submit to the WPA for its approval in writing a BS4142 noise assessment to assess whether noise arising from the turbines exceeds the daytime criterion of 10dB(A) above the background noise level and the night-time criterion of 5dB(A) above the background noise level inclusive of the 5dB(A) penalty if deemed appropriate by the WPA. The submitted survey shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criteria. The measures shall be implemented in accordance with the approved details.

*Reason: In the interest of residential amenity and to accord with Policy ST1 of the Ashfield Local Plan Review.*

60. The wind turbines hereby permitted shall be for a temporary period only to expire 25 years after the date(s) of their commissioning, written confirmation of which shall be provided to the WPA within one month of such commissioning.

*Reason: These elements of the development hereby permitted are not considered suitable for permanent permission.*

61. No part of the wind turbines hereby permitted shall carry any logo or lettering other than as may be required for health and safety reasons.

*Reason: To ensure the appearance of the development is satisfactory in the interests of the character and appearance of the surrounding area and in the interests of highway safety.*

62. From the commencement of the development, Kirkby Footpath Number 20 shall be maintained in accordance with details previously submitted to and approved in writing by the WPA, in order to provide for safe and easy access along the route of the footpath. The footpath shall be maintained in accordance with the approved details thereafter.

*Reason: In the interests of public rights of way users.*

63. The use of the office buildings, as detailed on 'Drawing Number 11/1843/06 Revision A – Employment Buildings: Proposed Layouts and Elevations' received by the WPA on 24 February 2012' shall be restricted to those uses detailed in Class B1 of The Town and Country Planning (Use Classes) Order 1987 (as amended).

*Reason: To minimise the impact of the development hereby permitted on the Green Belt.*

64. The occupation of the site manager's office and accommodation building, as detailed on 'Drawing Number BG 3/8 – Manager/Security Office and Accommodation' received by the WPA on 24 February 2012, shall be limited to a person solely or mainly working on the site in a role required for the management and security of the site.

*Reason: To provide for suitable accommodation related to a form of development considered appropriate in the Green Belt as defined in the National Planning Policy Framework.*

65. The caravan and camping area, as detailed on Drawing Number BG3/7A received by the WPA on 17 August 2012, shall only be occupied when the caravan and campsite manager is on site.

*Reason: In the interest of residential amenity and to accord with Policy ST1 of the Ashfield Local Plan Review.*

66. Any horse manure and grass cuttings temporarily stored on the site shall be stored on suitably surfaced areas with raised edges in order to prevent any contaminated surface water flowing onto surrounding land. Horse manure and grass cuttings shall be regularly removed from the site.

*Reason: In order to minimise the impact of the development on features of ecological interest.*

*End of conditions*

### **Informatives/notes to applicants**

1. The requirements contained within the Section 106 Agreement dated 7th March 2013 between Broomco (1997) Ltd (the developer) and Nottinghamshire County

Council, as varied by the Deed of Variation made on 6th February 2017 remain in force - relating to Lorry Routing, an annual dilapidation survey of Park Lane, and an additional five years of aftercare for the areas of ecological interest.

2. The Environment Agency highlights that the existing Environmental Permit (EAWML 104992) states a maximum of 940,500 tonnes of waste can be imported onto the site to complete the desired restoration scheme. Any change in planning which relates to the requirement to import more waste than outlined in the permit, will require a permit variation to allow for the extra waste needed to meet the planning permission. This permit variation must be applied for and granted before any waste above the 940,500 tonnes limit is accepted on site.
3. Pursuant to condition 18 (site entrance), the County Highways Authority advised a Section 278 highways agreement will be required in order to provide a satisfactory junction onto the public highway once the construction phase has been completed.
4. The use of Ash for the proposed woodland areas should now be avoided due to the continued prevalence of Ash Die back disease - *Hymenoscyphus fraxineus*. The proportions of other tree species should be increased to compensate for the removal of Ash.