

**RECOMMENDED PLANNING CONDITIONS**

PLANNING APPLICATION 2

GEDLING DISTRICT REF. NO.: 7/2018/01681NCC

PROPOSAL: TO VARY CONDITIONS 5 OF PLANNING PERMISSON 7/2013/0757NCC TO REFLECT A SLIGHT CHANGE IN THE PROPOSED CONTOURS OF THE RESTORED LANDFORM INCLUDING THE RE-ENGINEERING OF A CLAY STOCKPILE FACILITY AND ITS RETENTION/CONTINUED USE BEYOND THE OPERATIONAL LIFE OF DORKET HEAD QUARRY.

**Scope of Permission**

1. This permission relates to the winning and working of clay from land at the existing Dorket Head Quarry for the manufacture of clay products within the Dorket Head Brick Factory and the subsequent restoration of the quarry utilising imported inert waste materials to achieve agricultural, woodland and nature conservation afteruses.

*Reason: To define the extent of the planning permission*

**Commencement**

2. The development hereby permitted shall not begin later than three years from the date of this decision.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act.*

3. The Mineral Planning Authority (MPA) shall be notified in writing of the date of the commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

*Reason: To assist with monitoring of the conditions attached to the planning permission and for the avoidance of doubt.*

**Duration**

4. This permission shall expire on 1<sup>st</sup> February 2042, by which time all quarrying and associated operations shall have ceased and the site fully restored in accordance with a scheme approved under Conditions No's 49 and 53 below.

*Reason: To secure the proper restoration of the site within an acceptable timescale in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.*

### **Approved Details**

5. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with details contained in the submitted application No. 7/2003/0335 dated 17<sup>th</sup> February 2003 and the accompanying statement of drawings, subject to the variations detailed within the Section 73 (Variation of Planning Condition) submission hereby approved, as detailed on the following plans and documents:
  - a. Planning application forms and supporting statement (Report Number 12514140317.500/B.0 received by the MPA on 19<sup>th</sup> June 2013, and modified by Section 73 submission reference 7/2018/01681NCC.
  - b. Drawing No. PAS 1b: Section 73 Red Line Plan received by the MPA on 19<sup>th</sup> June 2013.
  - c. Drawing No. HD-001 Rev A: Quarry Development Proposals Landfill Pause Position received by the MPA on 19<sup>th</sup> June 2013.
  - d. Drawing No. HD-002 Rev A: Quarry Development Proposals Temporarily Restored Landfill Face received by the MPA on 19<sup>th</sup> June 2013.
  - e. Drawing No. HD-003 Rev A: Quarry Development Proposals Final Profiling of Eastern Extension received by the MPA on 19<sup>th</sup> June 2013.
  - f. Drawing No. DHS3/10 – Rev A Restoration Masterplan dated April 2018 and received by the MPA on 30<sup>th</sup> April 2018.
  - g. Drawing No. HD-005 Rev A: Quarry Development Proposals Existing Site Configuration received by the MPA on 19<sup>th</sup> June 2013.
  - h. Drawing No.'s DHS 3/5 – DHS3/8: Infill Phase's 1-4 dated 15<sup>th</sup> June 2017 and received by the MPA on 8<sup>th</sup> February 2018.

*Reason: For the avoidance of doubt.*

6. A copy of this determination notice and the plans and documentation approved in accordance with these conditions shall be kept at the site office and made available for inspection by the MPA.

*Reason: To assist with monitoring of the conditions attached to the planning permission and for the avoidance of doubt.*

### **Boundaries and Site Security**

7. For the duration of extractive and landfilling operations, restoration works and aftercare period, the operator shall retain and maintain all perimeter hedgerows,

trees and fences and protect the same from drainage. The trees and hedgerows that border the site on its north eastern and eastern boundaries shall be retained at a minimum height of 2 metres.

*Reason: To ensure satisfactory screening of quarrying activities in accordance with Nottinghamshire Minerals Local Plan Policy M3.4.*

### **Restriction of Permitted Development Rights**

8. Notwithstanding the provisions of the Town and Country Planning General Development Order 2015:

- (a) no fixed plant or machinery, buildings, structures and erections shall be erected, extended, installed or replaced at the site without the prior approval in writing with MPA; and
- (b) no lights or fences shall be installed or erected at the site unless details of them have been submitted to and agreed in writing with the MPA.

*Reason: To minimise visual impacts from quarrying activities in accordance with Nottinghamshire Minerals Local Plan Policy M3.3: Visual Intrusion.*

### **Access and Wheel Cleansing**

9. All brickmaking material extracted from the site shall be taken for processing at the applicant's existing brickworks on the west side of Calverton Road using the existing conveyor system and tunnel beneath Calverton Road. In the event of conveyor breakdown which result in the need for alternative clay movement arrangements, the written consent of the MPA shall be obtained for the duration of any such temporary arrangements prior to them commencing.

*Reason: To ensure that minerals are used in a sustainable manner locally to their extraction origin and to minimise additional traffic on the public highway in compliance with Nottinghamshire Minerals Local Plan Policy M3.13: Vehicular Movements.*

10. There shall be no access to or exit from the site to the public highway other than via the existing roadway serving the site from Woodborough Lane as shown on drawing No. HD-005 Rev A: Existing Site Configuration. This access shall at all times be maintained so as not to impede visibility.

*Reason: To ensure that satisfactory access is maintained to the highway in compliance with Nottinghamshire Minerals Local Plan Policy M3.13: Vehicular Movements.*

11. Unless otherwise agreed in writing with the MPA the existing access facility between clay product factory (A) and clay winning/landfill site (B) as shown on Drawing No. D10/EA7 accompanying application No. 7/2003/0335 dated 17<sup>th</sup> February 2003 shall be used solely for the transfer of mobile plant and equipment.

*Reason: To ensure that satisfactory access is maintained to the highway in compliance with Nottinghamshire Minerals Local Plan Policy M3.13: Vehicular Movements.*

12. The existing wheel wash facilities on the site shall be retained and used as necessary to ensure that HGVs and other vehicles do not deposit mud and detritus on the public highway. Where the existing wheel cleansing facilities are proving ineffective other reasonable measures shall be taken to prevent the deposition of extraneous material on the highway to the satisfaction of the MPA.

*Reason: To ensure that the highway is satisfactorily protected from detritus in compliance with Nottinghamshire Minerals Local Plan Policy M3.12: Highway Protection.*

13. There shall be a maximum of 330 inert waste delivery loads (660 two way movements) to the site within any one week period. Written records shall be maintained of all HGV movements into and out of the site. Copies of the HGV vehicle movements shall be made available to the WPA within 7 days of a written request being made to the WPA

*Reason: To limit vehicle movements on the surrounding highway network to an appropriate level in accordance with W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Working Programme**

14. The remaining area of mineral extraction within the application area shall take place in a phased and progressive manner in accordance with the sequences set out within the Section 73 Planning Supporting Statement (Ref: 12514140317.500/B.0) and supporting drawings HD-001 Rev. A, HD-002 Rev A, HD-003 Rev A & HD-004 Rev A received by the MPA 19<sup>th</sup> June 2013.

*Reason: To ensure that the quarry is worked in a phased sequence of extraction and reclamation so as to ensure environmental impacts are minimised and ensure compliance with Nottinghamshire Minerals Local Plan Policy M4.2: Phasing.*

15. The working and phasing of the site shall only be carried out in accordance with the scheme set out within paragraph 4.4 of the Section 73 Planning Supporting Statement (Ref: 12514140317.500/B.0) received by the MPA 19<sup>th</sup> June 2013.

*Reason: To ensure that the quarry is worked in a phased sequence of extraction and reclamation so as to ensure environmental impacts are minimised and ensure compliance with Nottinghamshire Minerals Local Plan Policy M4.2: Phasing.*

### **Clay Stocking**

16. The clay stockpile shall be sited within the location identified on Drawing No. HD-001 Rev. A: Quarry Development Proposals Landfill Pause Position until

such time that it is necessary to relocate the stockpile following the completion of extraction within the Eastern Extension. At this point in time an alternative temporary clay stockpile area and associated conveyor infrastructure shall be agreed in writing and thereafter installed whilst mineral extraction and landfill restoration works are undertaken on the land underlying the current mineral stockpile area. Clay stocking within the existing stockpile area shall not exceed 7 metres above existing ground level.

*Reason: To minimise visual impacts from quarrying activities in accordance with Nottinghamshire Minerals Local Plan Policy M3.3: Visual Intrusion.*

17. Restoration works carried out on the land underling the replacement clay stockpile area shall engineer a working area at a level of 135m AOD behind a restored ridge of 140m AOD in the location identified on Drawing No. DHS3/10 – Rev A dated April 2018 and received by the MPA on 30<sup>th</sup> April 2018. Upon construction of this replacement clay stockpile facility the use of the temporary clay stockpile area approved under Condition 16 shall cease. Clay stockpiling within the replacement clay stockpile area shall not exceed 5 metres in height. The replacement clay stockpiling area shall be removed in the event of the closure of Dorket Head brickworks, or when it is no longer required for the storage of clay, whichever occurs first. At such time the operator shall provide a written scheme to the MPA for its written approval to provide for the restoration and aftercare management of the clay stockpile area to agricultural/woodland/ecological habitat end use including timetabling for carrying out the works. The site shall be restored and managed in accordance with the approved scheme and timetable.

*Reason: To minimise visual impacts from clay stockpiling in accordance with Nottinghamshire Minerals Local Plan Policy M3.3: Visual Intrusion.*

### **Soil/Overburden Stripping, Handling and Storage**

18. All soils and overburden shall be stripped, handled, and stored in accordance with the details set out within the letter from Bowman Planton Limited (Ref: D10/P2/04/NBH/JB dated 4<sup>th</sup> June 2004 in the locations identified on Drawing No. 01909/002: Soil Storage Post 2007 Excavations dated 20<sup>th</sup> November 2007. Prior to the commencement of any future soil stripping within the site the proposed location and treatment of all soils and overburden shall be submitted to the MPA for written approval. The scheme shall be implemented as approved.

*Reason: To ensure that soils and other restoration materials are conserved for future use in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil conservation and use of soil making materials.*

19. Not less than seven days' advance written notice shall be given to the MPA before the commencement of stripping operations of any part of the site.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

20. All soil movement operations shall only be carried out when the full depth of topsoil to be stripped or otherwise transported is in a suitable dry soil moisture condition, i.e. the soil is in a non-plastic state such that damage to its structure shall be avoided. Conditions shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty. Such conditions shall be determined by reference to the Field Guide 'General Principles for Soil Handling' set in Appendix 4 contained in the submitted application No. 7/2003/0335 dated 17<sup>th</sup> February 2003.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

21. No plant or vehicles shall cross any area of unstripped topsoil or subsoil except where such trafficking is unavoidable or is undertaking in connection with soil handling operations permitted by this schedule of planning conditions. Where trafficking does occur it must be kept to the essential minimum and all available topsoil and subsoil shall be first stripped from the part where trafficking occurs.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

22. Previously undisturbed topsoil, and overburden shall be separately stripped to their full depth and either stored or respread in accordance with the agreed programme of working set out within the letter from Bowman Planton Limited (Ref: D10/P2/04/NBH/JP dated 4<sup>th</sup> June 2004 in the locations identified on Drawing No. 01909/002: Soil Storage Post 2007 Excavations dated 20<sup>th</sup> November 2007. All topsoil and subsoil shall be retained on site.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

23. Within 3 months of the formation of any topsoil, subsoil or overburden mounds, the location and quantities shall be measured and recorded on a plan, which shall be submitted to the MPA.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

24. Soil mounds shall be constructed with only the minimum amount of compaction necessary to ensure their stability, and shall not be traversed by heavy vehicles or machinery except during their construction and removal. Unless otherwise agreed in writing by the MPA topsoil mounds shall be constructed to a maximum height of 4m and sub/soil/overburden shall be constructed to a maximum height of 5m.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

25. Where soil mounds are to remain in situ for more than 6 months or over the winter period they shall be seeded with a suitable grass seeds mixture in accordance with a specification to be agreed in writing with the Mineral Planning Authority. Once established, the sward shall be managed throughout the period of storage to avoid erosion or waterlogging and kept weed free.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

### **Hours of Operation**

26. Except in emergencies (which shall be notified to the Mineral Planning Authority as soon as practicable) or unless otherwise agreed in writing by the Mineral Planning Authority:

- (a) no mineral extraction operations shall be carried out at the site except between the following times:
- 0700 hours and 1900 hours Monday to Friday; and
  - 0700 hours and 1300 hours Saturday;
- (b) no excavation of clay from stockpiles shall be carried out at the site except between the following times:
- 0600 hours and 1800 hours Monday to Friday; and
  - 0600 hours and 1800 hours Saturdays;
  - 0600 hours and 1800 hours on Sundays and Public or Bank Holidays;
- (c) no soil and overburden stripping, replacement and ripping shall be carried out at the site except between the following times:
- 0800 hours and 1900 hours Monday to Friday; and
  - 0800 hours and 1300 hours Saturdays;
- (d) no landfill operations shall be carried out at the site except between the following times:

- 0730 hours and 1730 hours Monday to Friday; and
- 0730 hours and 1630 hours Saturdays;
- 0800 hours and 1630 hours Sundays (open to receive civic amenity waste only).

*Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise.*

27. In the event that the operation, servicing, maintenance, repair and testing of any mobile plant cannot be carried out within the normal working hours for mineral extraction and landfilling operations specified above, such works shall only be carried out between 1300 hours and 1600 hours on Saturdays and 0900 hours and 1600 hours on Sundays, Public and Bank Holidays. These works shall only be undertaken within the site garage and immediate surrounding area as identified on the letter and attached plan from Waste Recycling Group dated 3<sup>rd</sup> December 2004.

*Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise.*

## **Noise**

28. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specification at all times and shall be fitted with and use effective silencers. All vehicles, plant and machinery shall only operate in accordance with the hours required by Conditions Nos.24 & 25 above.

*Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise*

29. All audible warning devices fitted to vehicles, plant and machinery operating within the site, whilst affording suitable safety, shall be of a design that does not cause unreasonable noise intrusion to residential properties. No audible warning device shall be used on any new or additional plant except in accordance with details that shall be submitted to and approved in writing with the MPA.

*Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise*

30. Unless otherwise agreed in writing with the MPA, and with the exception of temporary operations specified in Condition No. 29 below, no operations within the permitted operational hours of the site shall give rise to site attributable noise levels in excess of those set out below for each of the following noise sensitive properties:

- |       |                    |               |
|-------|--------------------|---------------|
| (i)   | 220 Surgeys Lane   | 50 dBLAeq.1hr |
| (ii)  | 15 Strathmore Road | 49 dBLAeq.1hr |
| (iii) | Howbeck Close      | 55 dBLAeq.1hr |



- (v) Arnold Lodge 52 dBLAeq.1hr
- (v) Dorket Head Farm 55 dBLAeq.1hr
- (vi) 48 Jenned Road 55 dBLAeq.1hr

All measurements shall be taken at a height above ground level of between 1.2 and 1.5 metres and at least 3.5 metres from any sound reflecting structure.

*Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise*

31. Unless otherwise agreed in writing with the MPA, except for temporary operations, the free-field Equivalent Continuous Noise Level,  $L_{Aeq, T}$ , measured at any noise sensitive property nearest the extraction site other than the noise sensitive premises specified in Condition 28 above, due to operations in the site, shall not exceed 55 dB  $L_{Aeq, 1 \text{ hour}}$ , free-field or 10 dB (A) above the existing background level (LA90 1 hour) whichever is the lowest. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and where practical a correction shall be made for any such effects.

*Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise*

32. Unless otherwise agreed in writing with the MPA, for temporary operations such as site preparation, topsoil stripping, bund formation and removal and final restoration, the free-field noise level due to these works shall not exceed 70 dB  $L_{Aeq, T}$  expressed in the same manner as for Condition 29 above. The applicant shall give the MPA 5 day's written notice in advance of the commencement of any temporary operations. Temporary operations shall not exceed a total of eight weeks in any calendar year for work that is likely to exceed the relevant day-to-day criterion level at each noise sensitive property. Advance notice of the commencement of such temporary operations shall be given to the MPA. All measurements shall be taken at a height above ground level of between 1.2 and 1.5 metres and at least 3.5 metres from the sound reflecting structure.

*Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise*

33. Noise monitoring shall be undertaken twice a year in accordance with the scheme incorporated in the letter from Bowman Planton Limited (Ref: D10/p2/04/JBH/JB) dated 4<sup>th</sup> June 2004, throughout the operational life of the development site.

*Reason: To monitor noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise*

## **Dust**

34. Dust monitoring shall be undertaken twice a year in accordance with the scheme incorporated in the letter from Bowman Planton Limited (Ref:

D10/p2/04/JBH/JB) dated 4th June 2004, throughout the operational life of the development site.

*Reason: To monitor dust emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.7: Dust.*

35. All operations shall be carried in a manner to minimise the emission of dust from the site. In order to control dust from the internal traffic movements, all haul roads within the site shall be maintained in a good condition and shall be kept moist in dry and windy conditions as necessary. Any dry exposed area/material shall be watered as necessary in windy conditions to prevent dust becoming airborne. Dust filters shall be fitted where appropriate on all plant and machinery.

*Reason: To minimise dust emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.7: Dust.*

36. At such times as operations on site give rise to unacceptable levels of dust leaving the site such as during adverse weather conditions, operations shall be temporarily suspended until such time as they can be resumed without causing nuisance either by a change in conditions or by taking additional measures.

*Reason: To minimise dust emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.7: Dust.*

### **Other Environmental Protection**

37. Measures shall be taken and the development carried out in such a manner as to ensure that no undue disturbance or adverse effect is caused in the locality by reason of illumination, litter or malodour emanating from the site. In particular, the following measures, should they be carried out, shall be in accordance with the details which have been previously agreed in writing with the MPA.

- (a) floodlighting within and at the boundary of the site;
- (b) litter fencing erected within and at the boundary of the site.

In respect of (b) above, any windblown litter which escapes the site shall, upon a request from the MPA, be collected within 48 hours of its occurrence.

*Reason: To minimise environmental releases from site operations in accordance with Nottinghamshire and Nottingham Waste Local Plan Policies W3.7: Odour & W3.8: Litter.*

### **Surface Drainage and Pollution Protection**

38. There shall be no discharge of trade effluent, sewage effluent or contaminated drainage from the site into any ditch, watercourse or underground strata except in accordance with an appropriate consent, the conditions of which shall be regularly monitored.

*Reason: To control risks from pollution in accordance with the requirements of Nottinghamshire Minerals Local Plan Policy M3.8: Water Environment.*

39. There shall be no discharge or foul or contaminated drainage from the site into either the ground water or any surface waters, whether direct or via soakaways.

*Reason: To control risks from pollution in accordance with the requirements of Nottinghamshire Minerals Local Plan Policy M3.8: Water Environment.*

40. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above the ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

*Reason: To control risks from pollution in accordance with the requirements of Nottinghamshire Minerals Local Plan Policy M3.8: Water Environment.*

41. Surface water from the impermeable roads or plant parking/fuelling areas shall be passed through a suitable sized petrol/oil interception facility, designed and constructed in accordance with details that have been agreed in writing with the MPA prior to being discharged into a watercourse sewer or soakaway.

*Reason: To control risks from pollution in accordance with the requirements of Nottinghamshire Minerals Local Plan Policy M3.8: Water Environment.*

## **Archaeology**

42. Prior to the stripping of topsoil in the remaining area of mineral extraction details of a scheme for archaeological mitigation shall be submitted to and approved in writing with the MPA. The development shall be implemented and carried out in accordance with the approved details.

*Reason: To ensure that adequate archaeological investigation and recording is undertaken prior to the development taking place, in accordance with Nottinghamshire Minerals Local Plan Policy M3.25: Archaeology.*

## **Landfill Restoration Operations**

43. Only inert waste, soils and soil making materials which are fit for purpose for restoring the mineral workings shall be imported into the site. Any non-confirming wastes shall be rejected and not tipped within the site.

*Reason: To ensure there is no unacceptable risk of pollution to groundwater or surface water and to avoid potential risks of odour release from tipping operations in accordance with Policies W3.5 and W3.7 of the Nottinghamshire Waste Local Plan.*

44. Following the capping of any landfill phase, the subsoil shall be spread to an even depth over the low permeability cap so as to follow the pre-settlement contours in accordance with the agreed scheme of restoration as required by Condition No. 49 below. Where necessitated by the machinery/methods used in this operation the subsoil shall be ripped in such a manner as to disturb the whole soil profile subject to the proviso that at all times extreme care must be exercised to avoid damage to the low permeability cap. The subsoil shall be free from any objects (greater than 15 cm in any dimension) likely to be any obstruction to deep cultivations or drainage operations.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

45. The topsoil shall be spread to a minimum depth of 20 cm over the reinstated subsoil so as to form the final contours. The minimum settled depth of topsoil and subsoil shall be 1m.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

46. Plant or vehicle movements involved in soil replacement operations shall be the minimum necessary to achieve the final restored landform, and shall avoid crossing or travelling over restored soils.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

47. The topsoil shall be ripped so that many compact layers are effectively broken up; stones greater than 100mm in any dimension shall be removed from the site.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

48. The developer shall notify the MPA at least 3 working days in advance of the commencement of the final subsoil placement of each phase or part phase. On completion of the subsoil placement no further work shall be carried out for a period of 5 working days without the consent of the MPA, to allow an inspection of the to take place.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

49. The restored land shall be drained, as necessary, in order to render it satisfactory for agricultural use, to the satisfaction of the MPA, including as may be necessary the provision of under drainage and/or carrying out of moling or subsoiling.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

50. In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant shall fill the depression to the final settlement contour specified with suitable imported soils, to a specification to be agreed with the MPA, by the end of September within any year in which differential settlement occurs.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

### **Protection of Breeding Birds**

51. Unless otherwise agreed in writing with the MPA, site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to July inclusive to ensure that breeding birds are not adversely affected.

*Reason: In the interest of protecting species and their habitats and to comply with Nottinghamshire Minerals Local Plan Policy M3.22.*

### **Restoration and Aftercare**

52. Prior to the completion of tipping within any phase of the development, or an alternative date that is agreed in writing with the MPA, a detailed scheme for the restoration, landscaping and planting of the phase shall be submitted for the written approval of the MPA. The submitted scheme shall include details of:

- a. ground preparation works including ripping and surface cultivation;

- b. topsoil and subsoil replacement including the depths of soils and the method of soil handling and respreading;
- c. the planting and maintenance of trees, shrubs and hedgerows including location, species, size, number and spacing;
- d. the seeding, fertilising, watering and draining or other treatment of the land;
- e. the location and type of fencing and gates;
- f. time-scales for implementing and completing the above works;

The restoration scheme shall be carried out in accordance with the approved details.

*Reason To ensure proper restoration and aftercare of the site, conserving and managing all available soil resources and ensuring satisfactory planting, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials and Policy M4.9: Aftercare.*

53. All plant and buildings shall be removed from the site on completion of quarrying and landfilling operations, unless otherwise agreed in writing with the MPA. Any plant, which is no longer in operation, shall be removed from the site.

*Reason To ensure proper restoration, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

54. Within three months of the completion of tipping within any phase of the development, or an alternative date that is agreed in writing with the MPA, an aftercare management scheme for the first five years following the restoration of the phase shall be submitted to and for the approval of the MPA. The submitted scheme shall include details of:

- a. Arrangements for the management of the replacement planting and seeding of each phase for the first five years following its provision including arrangements for an annual review undertaken with the MPA to assess the progress made in connection with the establishment of aftercare planting and identify a programme of aftercare works for the following 12 months.
- b. A scheme for the establishment of permissive footpaths and the replacement of public footpaths across the site, including commitments to retain the permissive paths beyond the aftercare period.
- c. Time-scales for implementing and completing the above works;

The aftercare scheme shall be carried out in accordance with the approved details, or as amended in consultation with the MPA following each annual review meeting.

*Reason: To ensure satisfactory aftercare management of the site in accordance with Nottinghamshire Minerals Local Plan Policy M4.9: Aftercare*

## **Notifications to Mineral Planning Authority**

55. The developer shall notify the MPA within one month of any of the following:
- a. completion of clay extraction in any phase;
  - b. completion of landfill/tipping operations in any phase;
  - c. completion of sub-soiling, top-soiling and soil cultivation in any phase;
  - d. completion of restoration operations in any phase prior to the commencement of aftercare.

*Reason: To assist with monitoring of the conditions attached to the planning permission and for the avoidance of doubt.*

## **Annual Surveys**

56. A survey plan showing surface levels within the site shall be submitted to the Mineral Planning Authority in accordance with the following timetables:
- a. on or before 31 December of each year;
  - b. within one month of receipt of a written request by the Mineral Planning Authority.

The survey plan shall show surface contours at 1 metre intervals and detail the following areas; clay extraction area, landfill area, area under restoration, area in aftercare.

*Reason: To assist with monitoring of the restoration of the site.*

## **Premature Closure**

57. Should the extraction of clay (including the removal of clay from the stockpile) and restoration by landfill cease for a period in excess of 9 months respectively, then within 3 months of receipt of a written request from the MPA, there shall be submitted to the MPA an alternative restoration and aftercare scheme, generally in accordance with the principle contained in and steps required by this determination, which shall then implemented within 12 months of its approval in writing by the MPA.

*Reason: To achieve a satisfactory restoration of the site in the event of premature closure.*