meeting **PLANNING AND LICENSING COMMITTEE**date **31 OCTOBER 2006**from: **Strategic Director (Communities)**

agenda item number

6**DISPOSAL OF PULVERISED FUEL ASH (PFA) BY MEANS OF LAND
RAISING OF EXISTING LAGOONS, COTTAM POWER STATION, COTTAM,
NOTTS****APPLICANT: EDF ENERGY (COTTAM POWER) LTD****Purpose of Report**

1. To consider a planning application for the disposal of up to four million tonnes of pulverised fuel ash (PFA) by over tipping existing lagoons at Cottam Power Station by EDF Energy (Cottam Power) Ltd up to fifteen years. The application is accompanied by an Environmental Statement as required by the Environmental Impact Assessment Regulations 1999. The recommendation is to grant conditional planning permission.

Introduction

2. PFA is a by-product of coal combustion, and it is either recycled into the construction industry or disposed of as surplus. To date Cottam have through the years made a variety of decision regarding disposal. After the Station was constructed in the early 1960s PFA was pumped in slurry form into two purpose built on-site lagoons, known as the North and South Lagoons. After these were at capacity PFA was pumped to Sutton cum Lound to assist with restoration of the sand and gravel quarry. Following a failure in that pipeline PFA was pumped to sand and gravel quarries immediately to the south of the station (Rampton R1 and R2) which are now full to capacity.
3. EDF Energy (Cottam Power) Ltd now propose to commence a second phase of PFA disposal on site at the Cottam Power Station. The Station therefore needs to find additional storage capacity for surplus PFA as a matter of urgency.

The Site and Surroundings

4. The existing buildings at Cottam Power Station and the adjoining Cottam Development Centre (a gas fired power station in separate ownership) lie to the immediate south west of Cottam village in the Trent valley (see Plan). Access to the site is from the A57 trunk road by secondary roads.

5. The area is generally low lying with the River Trent immediately adjacent to the east. Cottam village is partially visually separated from the stations by an artificially created ridge of about 6 metres maximum height, which has been grassed and extensively planted with trees. The site is otherwise surrounded by farmland and woodland, with the villages and outlying houses of Rampton and Treswell lying about 1km to the south west and 2 kms to the west (respectively). Rampton Sand and Gravel Quarry lies immediately to the south, and this quarry has been infilled with slurried PFA from the station.
6. The area around the former ash lagoons on the power station site is designated as the Cottam Wetlands SINC. A Mature Landscape Area is located two kilometres east of the River Trent at Littleborough. A Scheduled Ancient Monument, Fleet Plantation moated site, is located to the south of the power station.
7. The station site is on raised ground, some 2.5 metres above the maximum recorded flood level for the River Trent. In addition to the embankment to Cottam village and one to the south west of the site to screen Rampton village, the ground level visual impact of the station has been offset by extensive landscaping.
8. Existing PFA lagoons known as the North Lagoons and the South Lagoons are located to the north-east and east of the station respectively. The lagoons were created in the 1970s and comprised 5 metre sand and gravel embankments surrounding a 40 ha area for the North Lagoons and a 40 ha area for the South Lagoons. At the time PFA was pumped as a slurry into these areas, which were classified as reservoirs and regulated under the appropriate legislation.
9. The North Lagoons when full were subsequently drained, denotified as reservoirs and now support a dry grassland flora and are grazed by sheep. At the eastern end is a seasonal balancing pond and the grassland grades into wetland vegetation to the far east. A public right of way runs over the North Lagoon.
10. Of the South Lagoons only Lagoons 5 and 6 remain classified as reservoirs. The lagoons drain to a pond at their eastern end, the water passing through a reed bed to an outfall discharging to the River Trent. Lagoon No 1 contains stocks of PFA for sale, and a Nature Centre run by the Nottinghamshire Wildlife Trust (NWT); No 2 is ash filled but has a shallow lake for wildlife as does No 3. Nos 4 and 5 are ash filled and also have soil deposits available for recovery for restoration works. No 6 has been partially filled, although there is an expanse of open water with mudflats.
11. The lagoon areas are split in two by a public bridleway which runs from the northwest by the village of Cottam to the south east along the line of a dismantled railway and down to the River Trent.

Relevant Planning History

12. The original power station was approved and commissioned in the 1960s. In 2001 Cottam Power Ltd applied, under Section 36 of the Electricity Act 1989, to the Secretary of State for Trade and Industry for consent to construct two Flue

Gas Desulphurisation (FGD) units to two of the four generators to comply with European and national clean air directives. The DTi subsequently issued consent for this development in August 2002.

13. Two additional FGD units were applied for in 2003 and the consent was issued by the DTi in March 2004. Members may recall both proposals were reported to this Committee in January 2002 and February 2004 respectively and subsequently reported to the Cabinet Member for Environment for ratification of the County Council's response to the Secretary of State. These have now been constructed.

Proposed Development

14. The current proposal is accompanied by an Environmental Statement (ES) and non technical summary as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999
15. The station's extended lifespan until 2020 requires an increased output of PFA to be managed. The current application is designed to accommodate all the station's predicted unrecycled PFA within this time period, but allows flexibility to adjust to potential future changes.
16. The proposed development is to land raise by over tipping two pre-existing lagoon areas that are located to the north-east and east of the cooling towers (See Plan 1). The amounts of proposed material to send to landfill are given on the attached Key Facts sheet.
17. The method of disposal proposed in this application is for the deposit of dry material rather than a pumped slurry. The applicant notes the advantage of dry PFA, because of its physical capabilities, is that it can be formed straightaway into stable deposits and can be quickly restored and planted up. Wet slurried PFA requires about four to five years drying out before it can be restored and the land reused.

The main points to note are:

Proposed Tipping

18. PFA would be mixed with a small amount of water for handling/dust suppression once it leaves the power station precipitators and taken by HGVs initially to the North Lagoon area until this area is over tipped to proposed contours to produce a landform for restoration to natural habitat with public access. It is estimated this process would take between six and eight years, assuming a tipping rate of between 250,000 – 300,000 tonnes pa. At this point disposal would move to part of the South Lagoon area unless other off-site alternatives have become available.

North Lagoons

19. The proposed disposal to the North Lagoon would commence at the west end of the site, nearest Cottam Village, where the steep existing embankment would be

re-contoured by extending the landform westward by an average five metres, allowing for a more gentle slope up to the top of the existing embankment . A three to four metre wide levelled and grassed 'bench' would be formed at this point , with the landform rising behind this to a height of 13.5 metres some 140 metres to the east.

20. This area would then be advance planted, using topsoil from an existing soil mound near Carr Drain, so that a screen is formed for residents in the village. Additional planting would also be carried out between the existing lagoon and the village for further screening. A period of three months is given as the time frame to complete this portion of the proposed works.
21. Ash deposition would continue moving in an easterly direction filling in behind the initial landform and completing outer slopes to finished contours. Works would then continue to the northern section to extend the screen along this side, and then commence on the remainder of the lagoon to a maximum height of 17 metres. Such tipping estimates a capacity of 1.5 to 2 million tonnes of PFA.
22. The applicant has provided an alternative restoration scenario should volumes of PFA be lower than anticipated. This would entail a reduced height landform, but the phasing of work would remain essentially the same.
23. On completion of this phase of tipping the new landform would be restored in accordance with a detailed landscape scheme which would incorporate the three – four metre 'bench' along the line of the original embankment to provide maintenance access and a new permanent route for a proposed diversion of the public right of way that would have to be closed temporarily. The landform would be planted with appropriate species of plants and trees using topsoils retrieved from the topsoil area to the east of the North Lagoon, supplemented if required by river silt from the station cooling tower ponds. The latter area would then be restored as wetland habitat.
24. The Station would retain the North Lagoons as a permanent feature and there is no intention to reuse the site, once restored, as PFA stocks.

South Lagoons

25. The tipping programme is concentrated on the North Lagoons. However, should the need arise for further on-site tipping, PFA would then be taken to the South Lagoon areas. These areas remain functional, dealing with operational drainage waters and site drainage and contain the ecological interest on the site. It is intended that tipping would commence at the western end which would necessitate the Nature Centre, bird hides and nature lagoon to be relocated to the east (to Lagoons 3 and 4). Lagoons 1 and 2 would then be prepared to take dry ash up to a maximum of four metres above the existing site level. If further tipping were required lagoons 3 and 4 would need to be prepared for tipping; the Educational Centre is then proposed to be temporarily closed until it could be re-opened on Lagoon 4 in the future.
26. Estimated tipping capacity for the South Lagoons is around 1.4 to 1.8 million tonnes. These mounds are profiled as relatively flat. Lagoons 3, 4, 5 and 6 would

be restored as wildlife habitat. Lagoons 1 and 2 would be grass seeded and retained for potential future development as yet unknown. (see plans on display).

Transportation

27. Conditioned ash would be loaded from buffer stocks onto 30 tonne articulated HGVs and taken to site using internal roads. It is estimated 250,000 tonnes – 300, 000 tonnes of PFA would need to be disposed of per annum, generating 3 trips (i.e. 6 movements) per hour operating 07:00 – 18:00 hrs six days per week.
28. Access to the South Lagoons is straightforward, but access to the North Lagoons requires the crossing of Bridleway 18 which splits the two lagoon sites.

Rights of Way

29. It is proposed that Bridleway 18 will carry any diverted traffic from RUPP 2, a public right of way which historically crossed the North Lagoons, but was unavailable for use during the years the lagoon was being filled with slurry. RUPP 2 would need to be temporarily closed again and diverted. The station proposes to provide electronically operated barriers at the point where PFA lorries would cross the bridleway to protect members of the public. Additionally it proposes to provide a manned crossing for the bridleway at another location when top soil is being moved over a temporary haul road crossing further to the east.
30. The applicant proposes to reinstate RUPP 2 along a redefined route around the northern edge of the proposed new landform on the North Lagoon. This right of way will be to required standards. In addition the Station are also willing to extend bridleway rights further south than the line of the original RUPP to link with Bridleway 18 and thus create a loop for riders. They are also willing to construct a new bridge for RUPP 2 over Carr Drain so that access can be re-opened down to the riverside.

Ecology

31. The North Lagoon mound would be restored to open space with enhanced biodiversity achieved through plant stocks and mix to meet the Nottinghamshire Landscape Guidelines and the Local Biodiversity Action Plan objectives.
32. The South Lagoons are currently a wetland SINIC habitat. The Station maintains that this habitat only exists because of the dewatering activities of the Station. Nevertheless, whilst this is true, the area has become established over the years as a habitat for wetland birds and many species regularly breed on site. The applicant therefore proposes to manage any tipping on these areas by advance relocation of nature features to establish appropriate new locations prior to tipping commencing. Whilst disturbance would be caused in the event tipping does occur here, careful handling of the situation would reduce impacts. The applicant does not propose to tip at any time over Lagoons 5 and 6.

Operational Matters

33. Hours of Operation: are proposed from 07:00 –18:00 hrs Monday to Saturday for a period of up to 15 years. However, this time would vary according to the time of year as no floodlighting is proposed, and therefore winter operations should cease before 18:00 hrs.
34. Noise: Noise impacts from the proposals are predicted at their worst case when initial works to the western end of the North Lagoon are implemented to create the screen for Cottam Village. A 4 dbA increase above background noise levels is possible, although this is still within BS4142 limits of a marginal noise increase. Once these works are completed, estimated to be about three months, noise impacts are predicted to be minimal, as distance will reduce noise to sensitive receptors to below existing background noise levels. There will be no impacts to residential properties from noise from any ash disposal on the South Lagoons. The applicant proposes a noise monitoring and management programme
35. Dust : Conditioned PFA is mixed with a small amount of water to prevent dust blow. HGV lorries are proposed to be sheeted, water bowsters or an automatic watering system would be on site and a dust monitoring programme is proposed.

Security

36. The Station propose a number of security measures including fencing the site along the boundary with the bridlepath to prevent access by fly tippers as well as the public, a secure compound within the Station main grounds for vehicle security, secure gates at the bridlepath crossings, warning signage to deter climbing over the embankments, and six security cameras to be located at various points around the sites of both lagoons.

Ash Recovery

37. The Station have committed that they will not recover PFA from the North Lagoon landform once restoration works have been carried out. However, in the Environmental Statement (paras. 4.10) there is reference to the applicant wishing to retain the right to recover PFA from working faces should a major order for civil works be received. Proposals for ash recovery are detailed in the supporting Environmental Statement.

Flood Risk

38. The proposal involves PFA disposal over the top of existing bunds in the floodplain and hence there is no additional loss of flood plain storage capacity. Some minor earthworks to slacken the gradient at the western end will result in a slight loss of capacity but it is considered that there will be more than enough compensatory storage when the existing topsoil store is removed and restored to wetland habitat. The impact of the deposition over the South Lagoons again causes no net loss of flood storage capacity.

Consultations and Representations

External

39. Bassetlaw District Council raise no objections
40. Torksey Parish Council have not commented.
41. Treswell with Cottam Parish Council raised a number of issues - visual impact of the North Lagoon restoration, potential noise impacts, the impacts of HGVs crossing the bridleway and dust management. Revised proposals and responses to these issues have been sent to residents and the Parish Council. Any further response received from the Parish Council will be reported orally.
42. West Lindsey District Council have not responded with any observations
43. British Waterways Board requested and received further details regarding dust impacts. No further response has been received.
44. Central Networks have no observations.
45. British Horse Society have not responded.
46. The Environment Agency raise no objections but note that the scheme should be undertaken in accordance with the submitted scheme regarding drainage and flood risk assessment.
47. Laneham Internal Drainage Board raised a number of issues which were dealt with directly by the applicants and the IDB have now withdrawn their holding objection.
48. English Nature comment that any protected species issues can be dealt with through appropriate licensing, although their presence is unlikely. They note that Great Crested Newts are not found on site. With regard to breeding birds and wintering birds it is noted that breeding areas will be lost to three important species but that retaining and enhancing wetland areas will on balance ensure the site retains its interest. They support consultation with the Nottinghamshire Wildlife Trust and the County Council ecologists in ensuring continuity. A pre-commencement condition regarding design, method statements and mitigation is advised.
49. Nottinghamshire Wildlife Trust have removed their original holding objection with the submission of full ecological surveys. They comment that they would prefer no tipping to take place over the South Lagoons and that they would expect the Station to find alternative disposal sites as a priority. They also comment that as any tipping would not take place on the South Lagoons for perhaps eight years, appropriate conditions are applied to any consent to ensure adequate new surveys of ecological matters and that the proposed restoration of the South Lagoons is amended to remove woodland.

50. Gamston Aviation (Retford Airport) removed their original objection once it was understood that the final restoration reduced potential hazards.
51. The Rural Development Service has no comments other than regarding proper placement of top soils.
52. The Ramblers Association originally objected to the further temporary closure of RUPP No 2 but do not object to the crossing of Bridleways 6 and 18. Their objection to the closure of RUPP 2 is now withdrawn after discussions over access timings and the further improvements offered regarding the public access network.
53. Severn Trent have not responded
54. Transco have not responded

Internal

55. NCC Countryside Conservation: comment that generally the proposals are acceptable in the light of up to date ecological surveys. The proposals for the North Lagoon areas will have limited impacts that can easily be mitigated. However, concern remains over the future of the South Lagoons SINC areas. Whilst it is accepted that the areas exist because of Station activities, nevertheless there is significant ecological interest established for wading birds and invertebrates, particularly over Lagoons 3-6. In order to ensure wildlife interests are not harmed a number of conditions are requested covering re-surveys at the appropriate time, no unsupervised vegetation clearance during bird nesting season, revisions to the restoration of the South Lagoons if required, advanced mitigation for the South Lagoons and the production of a habitat management plan.
56. NCC Landscape: consider revised proposals for the North Lagoon will have a screening effect for general views from public footpaths and river users of lower level developments at the power station. It is acknowledged that impacts on residents at Cottam village will be noticeable because views from upper windows will be reduced and, despite tree planting, there will be an impact for residents in their immediate locality. However, the proposed mound has been redesigned to a more natural form similar to other areas of land of similar height in the area. On balance it is considered that the long term impact of a landscaped form as proposed can be supported.
57. The proposed landform and restoration proposals for the South Lagoon area are satisfactory. There are several issues raised with regard to plant species, habitat establishment and long term management which could be addressed through appropriate conditions.
58. NCC Reclamation: The proposals for dust control are considered satisfactory.
59. NCC Archaeology: suggest a watching brief is kept upon the existing topsoil storage area before stocks are used for restoration.

60. NCC Highways: have no comment as all lorry movements are internal.
61. NCC Rights of Way: can support the proposal provided that all measures to ensure public safety on Bridleways 6 and 18 are suitably conditioned; that RUPP 2 is diverted under the Town and Country Planning Act procedures, that the Station dedicate a section of additional bridlepath to connect the existing Bridleways 6 and 18 with RUPP 2; that the RUPP, when diverted, must be four metres wide, and that a new bridge/culvert is provided for Carr Drain at the new crossing points.
62. NCC Waste and Minerals Policy: comment that there are no specific policies for PFA over-tipping. However, the case for land raising would need to be proved in the light of relevant Waste Local Plan policies.

Publicity

63. The application was advertised by means of site notices, newspaper advertisement in the Retford and Gainsborough Times and neighbour consultations. Six letters or emails objecting to the proposal were received. The following issues were raised:
- Noise: the station's activities already cause noise nuisance problems and landraising opposite the village could exacerbate this;
 - Dust: concerns were expressed regarding potential for dust (this in the light of dust blows of PFA from the station associated with the digging out of the South Coal Stock lagoons under current operational works);
 - Safety impacts on the bridleway;
 - Impacts on nature conservation issues for ground nesting birds and owls;
 - Impacts of visual intrusion on the village from the raising of the North Lagoon to 16 plus metres;
 - Lighting: potential impacts of floodlighting, if any;
 - Contaminated Land: how does the proposal sit in relation to Planning Policy Statement (PPS) 23: 'Planning and Pollution Control'; and
 - Detrimental impacts to adjoining farmland.
64. A number of the issues relate to current station operations. The villagers and the Parish Council have been reconsulted with additional details. There has been one further response, maintaining concerns regarding the potential problems with dust blow and accident potential between bridleway users and HGV traffic.

Policy Considerations

- 65. The Nottinghamshire and Nottingham Waste Local Plan 2002 sets out the main policies affecting the proposal. Policy W2.1 seeks the best practical environmental option based on a hierarchy of preferences.
- 66. There are no specific policies to cover the disposal of by-products from power stations, although Cottam is identified as a permitted disposal site for power station ash.
- 67. Land raising is generally not considered a suitable option for waste disposal unless there is no alternative and that there are no unacceptable environmental impacts. Policies W3.1 to W3.29 seek to control proposals for waste disposal.

Observations

Need for the Proposal

- 68. When the station was originally constructed in the 1960s it had a design life of 30 years. In the 1990s decisions were taken at national level to down grade coal fired stations. Two of the units at Cottam were to be taken out of commission by 2004 with a third to follow. PFA disposal was not foreseen as a problem as nearby facilities would have taken the reduced amount of PFA surplus.
- 69. Changes in the energy market have, however, resulted in renewed demand for coal fired electricity and Cottam has been regenerated for a further 20 years. All four units are now operational and retro-fitted with Flue Gas Desulphurisation units. PFA production has therefore escalated and the need for disposal facilities is a matter of urgency.

Policy and Site Selection

- 70. Disposal to land remains the least preferred management option in the Waste Local Plan, but remains a part of the waste management strategy if viable alternatives are not available. Land raising is the least preferred option unless there are no alternatives (NCC Waste Local Plan paras 10.1 to 10.7). The applicant has, as part of the EIA, examined a number of alternatives in terms of both sites and methods of disposal of PFA in the waste hierarchy.
- 71. It is accepted that reduction in PFA production is not an option as it is a by-product of coal fired power generation, which is now being stepped up again. Recycling is already carried out by the Station. Cottam currently sells around 50-60% of its PFA in any one year. However, unless there is increased demand for PFA it will not be possible to increase the amount recycled.
- 72. The applicants examined a number of potential landfill sites. The conclusion was that no immediate facilities existed in the very short term (within a year) or short to medium term (i.e. three - five years) that would be viable. After five years it may be that an alternative at a mineral allocation for Sturton le Steeple may come on stream in the medium to longer term, and that PFA (by pipeline) could be used to help restore the quarried areas. However, a planning application has

yet to be submitted for this proposal, and even if submitted and approved, it may be many years before it becomes a realistic option.

73. Alternative landfills were looked at. Serlby Quarry near Harworth was not considered appropriate as this site does not have a PPC permit from the Environment Agency to take PFA. Currently it is a sand quarry to be restored through inert landfill. PFA is no longer considered an inert waste by the EA. If the owners of the landfill agreed to take solely PFA and the necessary permit application were made to the EA, this could take up to a year to achieve. It may have been possible for PFA to reach this site by rail.
74. Other alternatives within the County are Cromwell and Rampton Quarries. Cromwell now has an approved revised final restoration scheme for which PFA would not be required. Rampton Quarry is now about full. Girton Quarry, across the river, would require Environment Agency consents and could take up to 2 years to come on stream. In addition transportation to the site at Girton would be problematical.
75. Other alternatives lie outside the County. One major limiting factor is that any landfill site that would require road access would be likely to raise an objection in highway terms as the current highway network from Cottam to the main A517 is not considered to have sufficient capacity to carry additional HGV traffic generated by PFA disposal from the station.
76. In the light of the above constraints the applicant considers that rather than rely on third party facilities, none of which are either available or may require unacceptable lorry movements, that land raising over existing on-site PFA slurry lagoons would be the best practicable and least environmentally disturbing option. Cottam is designated in the NCC Waste Local Plan as a site for the disposal of power station ash and therefore the proposal would not in principle conflict with plan principles. However, it will be the environmental impacts of the current proposal which will need careful examination to ensure such operations can be adequately mitigated. Land raising is potentially more adverse in terms of visual impact, noise etc as all activities are above ground.

Landscape and Visual Interest

77. Within the vicinity of the station the river terraces to the west of the river lie below the five metre contour line. To the east of the river land levels are around 5-10 metres in height, with a prominent river bluff east of Cottam which rises to 25 metres above the floodplain and extends north for some miles. This feature is 500 metres from the proposed application site.
78. The power station itself dwarfs all surrounding structures and flat landforms. The addition of artificially created mounds in this landscape will not, overall, be of great significance and could be considered, in the wider context, slightly beneficial. When viewing the site from a distance, ground level views are of hedgerows and copse planting. The increased height of the PFA mound will increase the degree of screening of the low level station developments, and when wooded and grassed, will not appear out of place.

79. The part of the proposal with the most immediate visual impact is that for the landraising of the North Lagoon area which is located opposite the village of Cottam and within 200 metres of residents. It will be impossible to disguise the increased height and scale of the deposit. However, the establishment of woodland/grassland combined with public access will make a long term amenity of the feature that will mitigate its impact. The South Lagoons are away from immediate view by the public.
80. On balance and with the revised contours producing a more natural looking feature it is felt the proposed landform would be acceptable overall. The revised contours additionally move the impact of the proposed mound nearest the village towards the mass of the station itself and minimise it in the line of sight of villagers.
81. Whilst it is understood that some residents feel they are losing a view, it is felt on balance the need to provide a suitable disposal facility to enable power supplies to be continued is more pressing than an impediment to a long distance view. Only eight properties are located directly opposite the site and of these only a few directly face the site.
82. The applicants are proposing to commence works at the village end to build up a visual screen by depositing PFA. Physical impacts noticeable in this first phase would be stripping of rough grassland from the plateau; minor loss of scrub from the top of the existing bunds to allow for a new berm to provide structural stability and access for vehicles as well as a surface for the proposed diverted right of way on restoration. A landform up to 13.5 metres would be created to provide a screen for remaining phases as they progress eastwards away from the village. This area would be landscaped in advance of the main restoration works to provide visual enhancement and screening for the residents.
83. The deposit of PFA would then continue behind the PFA screen gradually moving eastwards and to higher contours behind bunds that would be emplaced first to provide screening from public rights of way. The contours have been revised to a slightly higher crown height of 17 metres, to allow for the same capacity of fill but in a more natural landform shape.
84. Once completed the proposed restoration scheme comprises woodland and grassland planting to enhance habitat creation and provide appropriate planting for the landscape. Additional works to the eastern end of the North Lagoon - the polishing pond area and the topsoil stocking areas - would be redesigned to provide compensatory habitat for that which may be lost if and when work commences on the South Lagoons. The new landform has been designed to incorporate surface water drainage to minimise water infiltration and potential for leachate into groundwater.
85. The South Lagoons scheme proposes a similar phasing, with restoration on the first phase restricted to grassland plateau to allow for potential future on-site development. The more incremental phasing and lower height of the proposed landform does not give rise to significant impacts in the landscape. In addition these phased works will leave the areas designated as a SINC untouched for as long as possible, if over-tipped at all.

86. It is noted by the applicant that once the North Lagoons are over-filled alternative sites for PFA disposal may come on stream off-site. The applicants have suggested they would be willing to be subject to a review of phasing and progress once the North Lagoons are reaching the end of their active fill stages. Whilst this is a responsible and considered suggestion, it cannot be properly enforced in planning terms and therefore such condition is not proposed.
87. The applicants also wish to be able to recover emplaced but unrestored PFA should the occasion arise (Environmental Statement Section 4.10 Ash Recovery). This activity is not formally applied for in the application form, and is only noted in the supporting Environmental Statement. It is considered that such activity will require separate planning permission. Whilst this activity can in principle be supported in terms of sustainability, it would impact upon the phasing and completion of the North Lagoons. The North Lagoons should be tipped and restored as a matter of priority to prevent unacceptable long term and cumulative impacts on residents, the landscape and rights of way. Such activity could be construed as creating an unacceptable cumulative impact in the environment contrary to Policy W3.29 of the WLP. It is therefore proposed that conditions be applied to require the applicant to re-apply should the main phasing as set out in the E.S. (Section 7.5 Mitigation) be subject to change and to ensure that tipping is progressively restored.

Ecology

88. Policies W.3.21, W3.22 and W3.23 of the WLP seek to protect sites of interest for nature conservation, species or habitats of county importance or valuable water features from destruction or degradation unless the need for the development outweighs the interest of the site.
89. The North Lagoons have restricted habitat implications. Ground nesting birds use the site but there are alternative areas for them. The South Lagoons are designated as the Cottam Wetland SINC and provide habitats for a wide variety of nationally and locally important wildlife species. The protection of the biodiversity of this area or the provision of adequate compensatory mitigation is a matter of plan policy and a key factor in achieving an acceptable scheme. The applicant has stated that if alternative sites become available they will seek to use these rather than the South Lagoon areas. The potential for PFA disposal should the removal of sand and gravel from the Sturton le Steeple Minerals Local Plan allocation go ahead could be sought at the planning application stage for any proposed extraction at that site.
90. If alternatives do not become available by the time PFA may need to be disposed of on the South Lagoons then suitable mitigation proposals need to be considered. Whilst the applicants have indicated a proposed restoration scheme for this area, it is considered this whole issue would need to be re-examined nearer the time, dependent upon further ecological surveys being carried out to establish what the lagoons are supporting at that time, as both the County Ecologist and the Nottinghamshire Wildlife Trust request.

91. Whilst an objection is not raised in principle, it will be expected that the applicants provide the appropriate information prior to work commencing in this area, and that mitigation and restoration is reconsidered in the light of such surveys. Suitable planning conditions should be applied to any permission to ensure this procedure is followed, and that adequate mitigation in the form of additional compensatory habitat creation is made available.
92. In addition the importance of habitat on South Lagoons 3 and 4 for invertebrates should be mitigated against early on in case tipping does eventually proceed on these areas. Advanced habitat creation on Lagoons 5 and 6 is considered appropriate in order to give sufficient time for appropriate habitats to establish themselves. Suitable planning conditions could be applied to cover this situation.
93. In the meantime, the applicants are proposing some advanced habitat creation at the eastern end of the North Lagoon area, where existing topsoil stocks are to be removed for restoration works to the proposed North Lagoon landform. Other mitigation proposals are additionally being sought, but these do not form part of the current application at this stage.
94. On balance it is considered that there is sufficient opportunity for the applicants to provide compensatory suitable wildlife habitats, and therefore no objection is raised to the development on these grounds.

Noise

95. Policy W3.9 of the WLP states that planning permission for waste management facilities will be conditioned to contain noise impacts. This proposal is not anticipated to cause unacceptable impacts at the nearest noise sensitive properties because of the distance of the general working phases. For the overall operation of PFA disposal predicted noise impacts are lower than the current background noise levels during the day time.
96. However initial works at the closest end of the North Lagoons to residential property may cause some disturbance as the initial bund is raised. Distances here will be in the order of 140 metres from property. Noise levels of up to 10 dbA higher than background noise levels may be experienced. Whilst noise levels up to 70 dbA are allowed for a period of upto 8 weeks for temporary works under the relevant guidance, the works at this end of the North Lagoons is indicated to take three to four months. The applicant proposes hours of operation to be 07:00 to 18:00 hrs Monday to Saturday, or during daylight whichever is the shorter with no working on Sundays or Bank Holidays.
97. To protect residents from noise nuisance during initial bund raising it is therefore recommended that a condition be applied that the applicant shall give notice to residents of commencement and that the hours of operation are restricted to 13:00 hrs on Saturdays until the development reaches a point 250 metres from the nearest noise sensitive property, the point where predicted noise levels will be below existing ambient noise levels.

98. Thereafter, noise impacts are not anticipated, but in accordance with WLP Policy W3.9 a suitably worded condition should be applied to ensure that residents are not unacceptably disturbed through tonal reversing alarms.

Dust

99. In accordance with WLP Policy W3.10 conditions can be imposed to suppress dust generation. Dust generation from conditioned PFA disposal should not normally be a problem as the PFA quickly forms a crust once deposited and left undisturbed in the manner that this application proposes.
100. Residents at Cottam have recently experienced heavy dust blow events from the station and have raised objections to this application for those reasons. Those particular events were caused by the digging out of stocks in the South Lagoons coal stocking area to create additional storage space for wet PFA and occurred where management systems failed to deal with the situation.
101. Prior to PFA crusting over, it has the capacity to blow if conditions are suitable. Lorries must therefore be sheeted and water bowsers or automated water sprinklers should be placed along haul routes and be available at the working area in case of dry conditions.
102. The applicants have submitted details of their dust prevention management measures and these could be formalised in appropriate conditions. Additionally a standard condition could be imposed requiring the deposition works to cease temporarily if in the opinion of the Waste Planning Authority unusually dry and windy conditions require it. This condition would be imposed to prevent problems to nearby residents, farmers or river traffic.
103. The operations at West Burton Power Station (also owned by the applicants) for ash disposal at Bole lngs do not appear to cause dust problems and it is anticipated that, subject to the above controls, this operation should not do so.

Rights of Way

104. Policy W3.26 states that planning permission will not be granted for a facility that will temporarily or permanently disrupt public rights of way unless equivalent routes are provided.
105. The current proposal requires the temporary closure of RUPP No 2 which crosses the North Lagoons. The applicant proposes to temporarily close and divert public rights to the adjoining Bridleways 6 and 18 during the period the North Lagoons are being overtipped and restored. These rights of way are located 220 metres (average distance) to the south. Thereafter the applicant proposes to provide to equivalent capacity a diverted RUPP, which is proposed to skirt the North Lagoon landform from its original start point, to rejoin it at its easterly point on the reformed lagoon. In addition the applicants propose to extend the route of the RUPP so that it joins Bridleway 18 to create a circular route for the public. It will also provide a new crossing for Carr Drain to the east to allow access back to the riverside again, and provide a crossing if required across internal land drains. All these works are within Cottam owned land.

106. To protect members of the public using the bridlepaths the applicants propose semi-automatic crossings where the main haul route will be in operation, and a manned crossing where topsoils will be moved for restoration to the North Lagoons. The former will be in operation for the duration of operations, the latter only when soil movements are ongoing. These proposals are acceptable to the County Council.
107. The proposals are supported by the County Council as they will enable, in the longer term, enhanced public access. There is no conflict therefore with Policy W3.26.

Other issues

108. Water Resources: WLP Policy W3.5 seeks to protect ground and surface waters from unacceptable risk. There are no objections from the Environment Agency and no planning conditions requested. All groundwater will be monitored by the Environment Agency through the Pollution Prevention and Control (PPC) permits. The Laneham Internal Drainage Board is satisfied that there will not be adverse impacts to the land drainage system and have not requested any planning conditions to be applied.
109. However to ensure the restoration scheme is not affected by inappropriate surface water drainage details of these will be conditioned for submission.
110. The objection from an adjoining farmer regarding impacts on his land from the North Lagoon over tipping is maintained. Having considered all issues, two matters should be noted. Firstly there is a raised landform already in place - the current proposal seeks to over tip over the same footprint. It is considered that any changes to ground water or surface water flow patterns will already have occurred with the existing lagoon formation. The likelihood of further impacts may come from increased shadowing or wind shadow effects. There may be some minimal shading from sunlight during winter months, or some wind shadowing, again only at certain times of the year. It is considered therefore that the impacts from the proposal are marginal, and in any case, and this is the second point, will be more a matter of good land management practice between neighbouring land owners. It is believed the two parties are in contact and some agreement on these issues should be forthcoming in the future. Therefore whilst the continued objection is noted, it is considered that the impacts are likely to be marginal.

Human Rights Act Implications

111. The relevant issues arising out of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are affected. The proposal, for the North Lagoons, has the potential to introduce some temporary noise intrusion and will introduce long term visual impacts. However, these considerations need to be balanced against the short duration of the works insofar as noise impacts are concerned, the positive impacts of a visual screen and the need to dispose of a waste product from essential energy generation in the wider public interest.

Conclusions

112. To conclude it is considered that, on balance, the need for on site PFA disposal is accepted, and this concurs with the Waste Local Plan in principle. Whilst the provision of over-tipping may be considered acceptable where there are no other overriding material considerations that are of detrimental impact, it is considered that, bearing in mind the proposed mitigation measures, the proposals are acceptable. The main issues of concern are landscape and ecological impacts, both of which can be adequately mitigated, or have the potential for adequate mitigation. It is further considered that any likely impacts from operational matters can be adequately controlled by appropriate conditions.

Statutory and Policy Implications

113. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, crime and disorder and users. Where such implications are material, they have been brought out in the text of the report.

RECOMMENDATION

114. It is RECOMMENDED that planning permission be granted, subject to conditions as set out in Appendix 1 of this report. Members need to consider the issues set out in the report, including the Human Rights Act issues and resolve accordingly.

Statement of reasons for approval

115. The County Council is of the opinion that overall the development gives rise to no material harm and complies with the relevant Development Plan Policies and there are no material considerations that indicate the decision should be made otherwise. The County Council considers that any potential harm as a result of the proposed development would be reasonably mitigated by the imposition of the attached conditions.

MICK BURROWS
Strategic Director (Communities)

Financial Comments of the Strategic Director (Resources)

This report deals with the planning application and has no direct financial implications.
[DJK 17.10.06]

Legal Services' Comments

The decision falls within the delegation to Planning & Licensing Committee.

[HD 20.10.06]

Background Papers Available for Inspection

1. Letter from Environment Agency dated 23/03/06
2. Letter from Gamston Aviation dated 24/03/06, photocopy of letter to agent 28/04/06
3. Letter from Central Networks dated 17/03/06
4. Letter from Ramblers Association dated 10/04/06, email dated 3/10/06
5. Letter from English Nature dated 10/04/06
6. Letter from British Waterways Board dated 11/04/06
7. Letter from Nottinghamshire Wildlife Trust dated 13/04/06, 2/05/06, 14/09/06
8. Letter from Treswell with Cottam Parish Council dated 4/05/06
9. Letter from Laneham Internal Drainage Board dated 18/05/06, 7/06/06, email dated 21/06/06
10. Letter from Rural Development Services dated 25/05/06, and email dated 20/06/06
11. Letter from Bassetlaw District Council dated 12/06/06

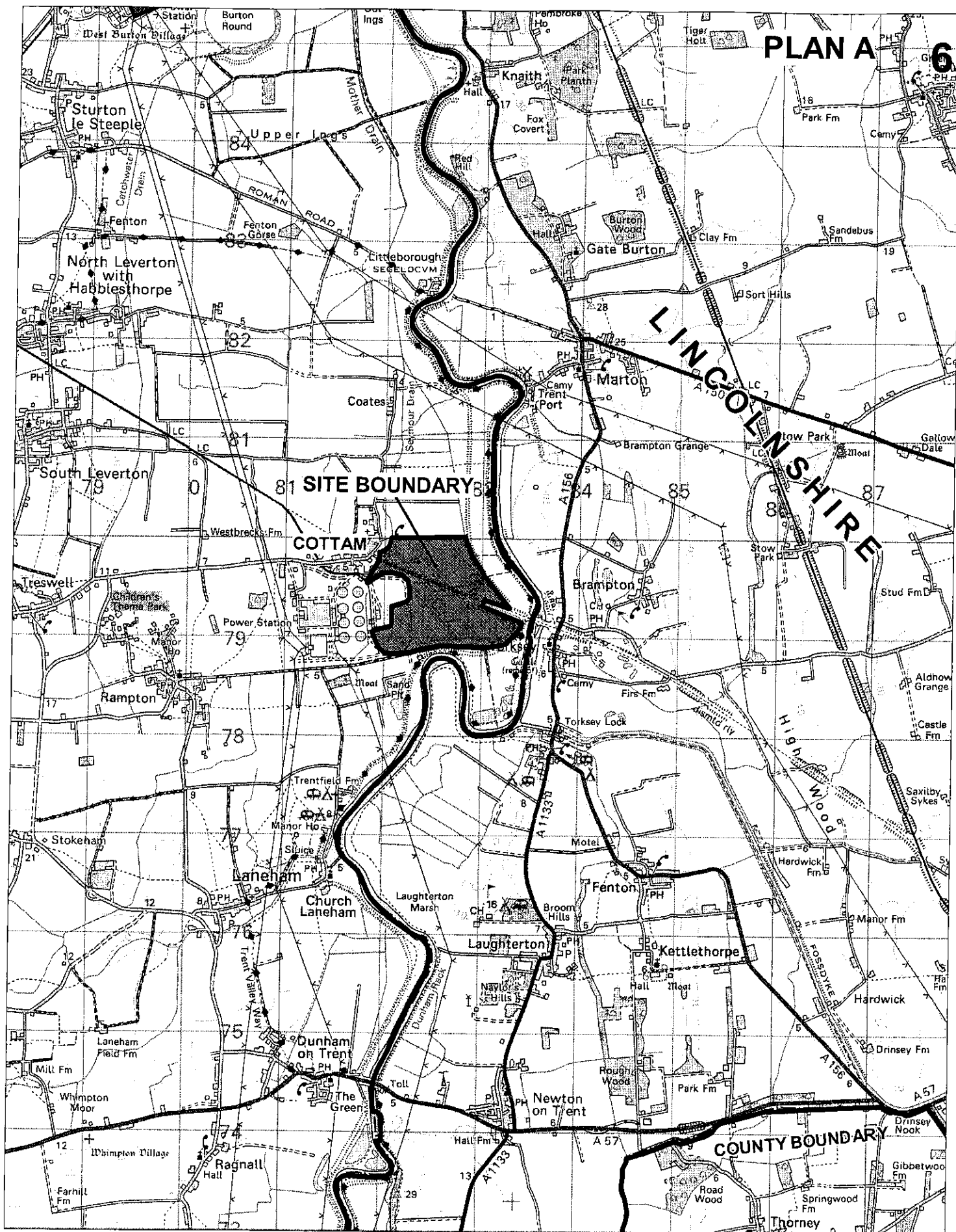
Letters of Objection:

12. 4 letters and 3 emails from residents received between 5/04/06 and 23/05/06
13. 2 letters received 26/09/06 and 10/10/06
14. Copy letter from applicant to one objector dated 15/09/06

Electoral Division(s) and Member(s) Affected

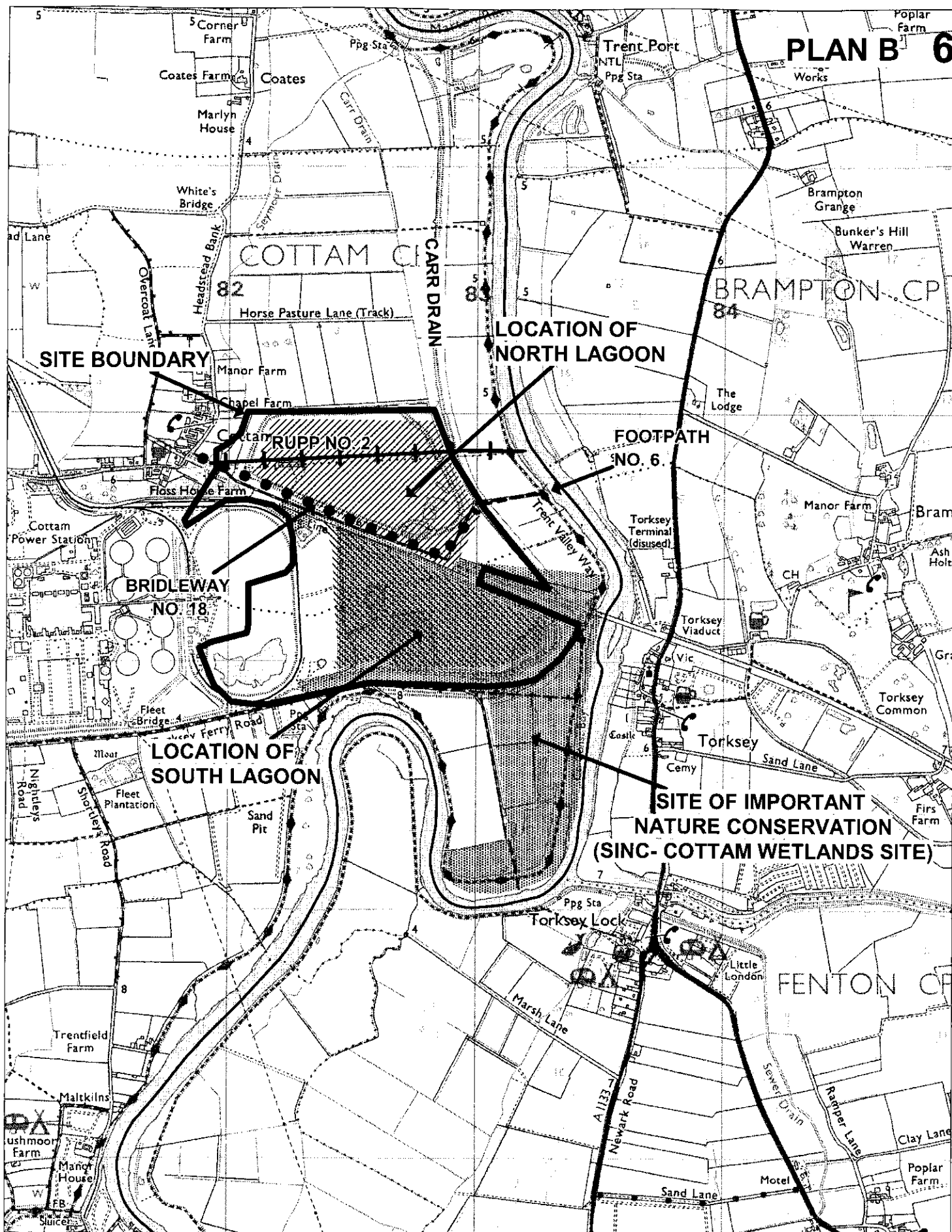
Tuxford

Cllr John Hempsall



**LOCATION PLAN
COTHAM PFA DISPOSAL**

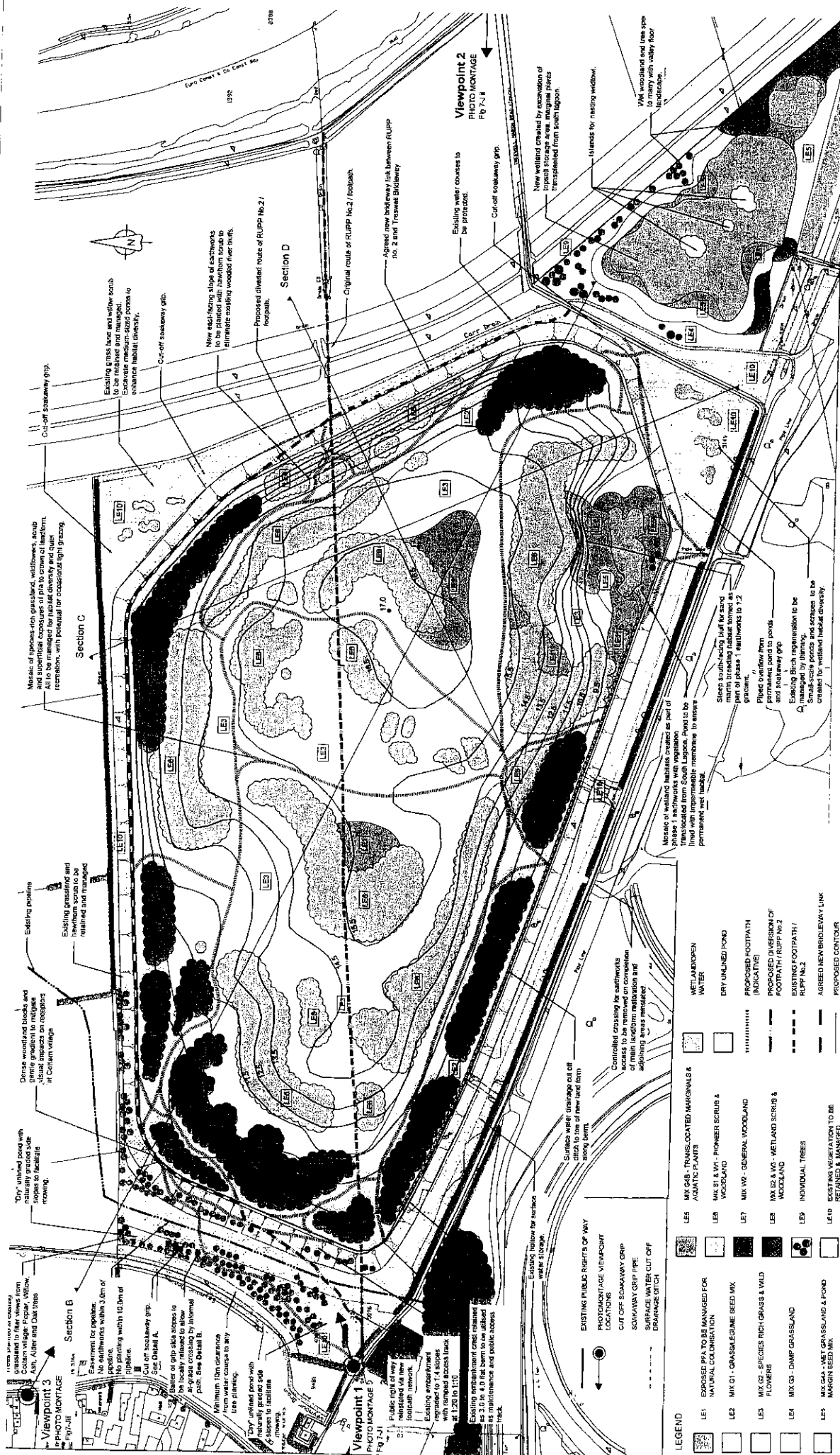




**Nottinghamshire
County Council**

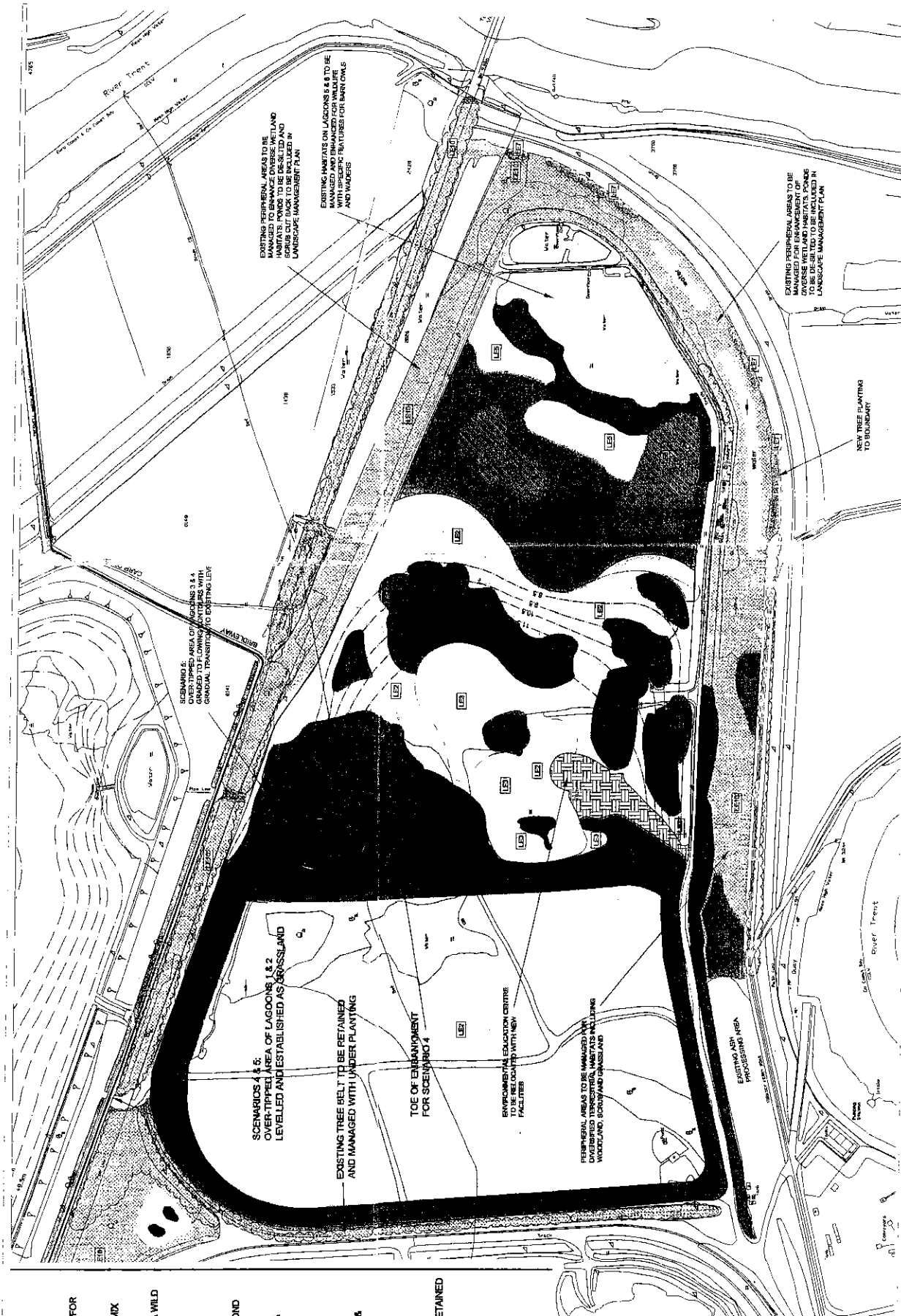
**Trent Bridge House, Fox Road
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LEGEND

LE1	EXPOSED PFA TO BE MANAGED FOR NATURAL COLONISATION
LE2	MIX G1 - GRASS/LEGUME SEED MIX
LE3	MIX G2 - SPECIES RICH GRASS & WILD FLOWERS
LE4	MIX G3 - DAMP GRASSLAND
LE5	MIX G4 - WET GRASSLAND & POND MARGIN SEED MIX
LE6	MIX S1 & W1 - PIONEER SCRUB & WOODLAND
LE7	MIX W2 - GENERAL WOODLAND
LE8	MIX S2 & W3 - WETLAND SCRUB & WOODLAND
LE9	INDIVIDUAL TREES
LE10	EXISTING VEGETATION TO BE RETAINED & MANAGED
	WETLAND/OPEN WATER
	PROPOSED CONTOUR (INDICATIVE)



**Nottinghamshire
County Council**



Trent Bridge House, Fox Road
West Bridgford, Nottingham, NG2 6BJ
Tel: 0115 982 3823

COTTAM PFA DISPOSAL SOUTH LAGOON LANDSCAPE / ECOLOGY PROPOSALS

**PLAN D
6**



Scale: NTS
Produced by: JW
Date: OCT 2006

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RECOMMENDED CONDITIONS**APPENDIX 1**

1. The development hereby permitted shall be begun within 3 years of the date of this permission

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.

2. The Waste Planning Authority (WPA) shall be notified in writing of the date of commencement at least 7 days but not more than 14 days prior to the commencement of:

- a) site preparation works;
- b) PFA deposit in the North Lagoons;
- c) PFA deposit in the South Lagoons.

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

Approved Plans and Scope of Permission

3. The development hereby permitted is for the deposit of pulverised fuel ash (PFA) solely and shall only be carried out in accordance with the following documents, unless otherwise agreed in writing with the WPA, or where amendments are made pursuant to the other conditions below:
 - a) Planning application and Environmental Statement for the disposal of pulverised fuel ash (PFA) by means of landraising of existing lagoons at Cottam Power Station dated 6/-03/06 and received by the WPA on 8/03/06
 - b) Drawing No: J25043A0/EJA/Fig 1-A Application site boundaries received by the WPA on 8/03/06
 - c) Drawing J25043A0/EIA/Fig 4-A Cottam Lagoons Proposed Arrangements received by the WPA on 8/03/06
 - d) Drawing J25043A0/EIA/Fig 7-G Restoration Phasing North Lagoon received by the WPA on 8/03/06
 - e) Drawing J250443A0/EIA/Fig 7-H Alternative tipping Scenarios South lagoon received by the WPA on 8/03/06
 - f) Drawing J25043A0/EIA/Fig 7-F Rev 5 Landscape and Ecology Masterplan North Lagoon received by the WPA on 11/09/06 and Drawing J25043A0/EIA/Fig 7-I Landscape and Ecology Masterplan South Lagoon received by the WPA on 08/03/06

Reason: For the avoidance of doubt

4. The deposition of PFA on the site shall be carried out in accordance with the details indicated in the accompanying Environmental Statement Section 7.5 (b) Phasing Scenario 1 (Maximum Volume) and accompanying Drawing J25043A0/EIA/Fig 7-G Restoration Phasing North Lagoons and Phasing Scenario 5 (Overtipping of Lagoons 1-4) and Drawing J25043A0/EIA/Fig 7-H Alternative Tipping Scenarios- South Lagoons.

Reason: To ensure proper restoration of the site within an acceptable timescale and in accordance with Policy W4.2 of the Waste Local Plan

5. No material shall be excavated from any ash (PFA) deposit on the site the subject of this application, and no material shall be removed from the site without the prior written permission of the WPA.

Reason: For the avoidance of doubt

Duration

6. All PFA deposition on the North Lagoon area shall cease by the 31 December 2014.

Reason: To ensure proper restoration of the site within an acceptable timescale an in accordance with Policy W4.1 of the Waste Local Plan

7. All PFA deposition permitted on the South Lagoons shall begin sequentially from the completion of the North Lagoons and shall cease by 31 December 2021.

Reason: To ensure proper restoration of the site within an acceptable timescale in accordance with Policy W4.1 of the Waste Local Plan.

Buildings, Fixed Plant and Machinery

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no buildings, fixed plant or machinery, other than that approved by this permission, shall be erected or placed on the site without the prior written approval of the WPA

Reason: To enable the WPA to control the development and to minimise its impact on the amenity of the local area, in accordance with Policy W 3.1 of the Waste local Plan

9. No lighting shall be used on the tipping site except in an emergency when life, limb or property are in danger or with the prior written approval of the WPA

Reason: To enable the WPA to control the development and to minimise impact on the amenity of nearby residents

10. Prior to the commencement of tipping operations details of security cameras, security fencing and fencing for the protection of the public shall have been submitted to and approved in writing by the WPA. The fencing shall be implemented as approved prior to the commencement of tipping operations.

Reason: To enable the WPA to control the development and to ensure adequate means of protection for uses of adjoining public rights of way and to minimise impact on the local area.

Hours of Operation

11. Except in emergencies when life, limb or property are in danger – and which are to be notified to the WPA in writing within 48 hours of their occurrence- PFA deposition, soil and overburden stripping, transport of soils or overburden and restoration operations shall not occur outside the hours of:

Monday to Friday	0700 to 1800
Saturday	0700 to 1300 (until Phase 1A is complete)
Sundays and Public or Bank Holidays	Not at all.

Unless otherwise agreed in writing with the WPA. Once Phase 1A is complete, then upon the submission of an appropriate noise monitoring review, (the defects of which have been previously agreed in writing with the WPA), and provided the monitoring indicates that no nuisance, as defined within the parameters of BS 4142 (1997), will be caused then Saturday working may be extended to 1800 hours thereafter.

Reason: To minimise impact on the amenity of nearby residents in accordance with Policy W3.9 of the WLP

Noise

12. Unless otherwise agreed in writing by the WPA the development hereby permitted shall not give rise to noise levels in excess of 10 dBA above existing background noise level at any property on Town Street, Cottam. In the event that a complaint justified in accordance with BS 4142 (1997) is received regarding noise arising from the operation of the development hereby approved which exceeds the above level, then within 1 month of a written request from the WPA the applicant shall submit a scheme to mitigate the noise impact. The scheme shall consider but not necessarily be limited to the following measures;

- Provision of noise attenuation fencing and screening.
- Alterations to plant and machinery.
- Restriction of operating hours of development.

The mitigation measure shall be implemented as approved.

Reason: To minimise impact on the amenities of nearby residents in accordance with Policy W3.9 of the WLP

13. Notwithstanding the requirements of condition 12 above all possible measures, as set out in Paragraph 9.7 of the Environmental Statement received by the WPA on 8/03/06, shall be employed to control the emission of noise from the development hereby permitted, including the use of appropriate silencers on all machinery and regular maintenance of equipment to ensure that all development does not give rise to disturbance from noise at surrounding noise sensitive locations.

Reason: To minimise impact on the amenities of nearby residents in accordance with Policy W3.9 of the WLP

Dust

14. Before PFA is transported to the site it shall be conditioned by the addition of water at Cottam Power Station. Water shall be added in sufficient quantity to ensure dust is not raised in the course of transportation. The measures set out in paragraph 14.2 of the Environmental Statement shall be adhered to at all times

Reason: To minimise dust disturbance at the site and ensure compliance with Policy W3.10 of the WLP.

15. Measures shall be employed to ensure that dust emissions from the site are controlled and that no dust is allowed to escape from the working areas. Such measures shall include all or any of the following measures as appropriate in addition to those set out in the Environmental Statement Dust Blow Prevention Plan (Paragraph 14.6) for disposal of PFA only:

- The use of water bowsters and/or automatic water spray equipment to dampen working areas and haul roads as weather conditions dictate;
- The temporary cessation of PFA deposition during periods of dry and windy weather if requested to do so by the WPA; and
- The provision of a piped water supply to the site to ensure water can be supplied to bowsters, pumping or automatic water sprays.

Reason: To minimise dust disturbance at the site and to ensure compliance with Policy W3.10 of the Waste Local Plan

16. The active tipping face shall be limited to as small an area as reasonably practical. Each section of the working face shall, on reaching final levels, be covered with soil as soon as practicable thereafter.

Reason: To minimise dust disturbance at the site and to ensure compliance with Policy W3.10 of the Waste Local Plan

Transport and Rights of Way

17. Vehicular access to and egress from the disposal areas identified as the North Lagoons and the South lagoons to carry out disposal activities shall only be by means of internal haul routes as indicated on Drawings J25043A0/EIA/Figs 7-G and 7-H, submitted in the accompanying Environmental Statement

Reason: To enable the WPA to control the development and to minimise its impact on the local area in accordance with Policy W3.1 of the Waste Local Plan.

18. Tipping of PFA shall not commence until the new internal haul road is surfaced in accordance with the details set out in paragraph 4.2 of the accompanying Environmental Statement (i.e. of compacted furnace bottom ash).

Reason: To enable the WPA to control the development and to minimise its impact on the local area in accordance with Policy W3.1 of the Waste Local Plan.

19. Prior to development commencing, as referred to in Condition 2 above, there shall have been submitted to the WPA, for their written approval, full details of the proposed semi - automatic crossing for the internal haul route to the North Lagoons where it crosses the Treswell Bridleway No 18, (written details of which are included in the letter received by the WPA from the applicant on 22/06/06). The crossing shall be constructed in accordance with the approved details prior to the commencement of PFA deposit and thereafter operated as approved for the duration of the works to the North Lagoons, or until all vehicle crossing movements have permanently ceased, whichever is the later. Within one month of the completion of such movements the crossing shall be dismantled. Within one month of the cessation of PFA deposit in the Northern lagoons details of the restoration of the crossing point shall be submitted to the WPA. The crossing point shall be restored in accordance with the approved details within 3 months of their approval.

Reason: In the interests of the safety of users of the bridleway and in order to comply with Policy W3.36 of the Waste Local Plan.

20. Prior to the commencement of top soil stripping operations for restoration works to the North lagoon, details of the proposed manned barrier constructions over Treswell Bridleway No. 6, shall be submitted to the WPA for its approval in writing. The works shall be implemented as approved prior to vehicles crossing the Bridleway and the crossing shall be manned in accordance with the details submitted in an e-mail received by the WPA on 08/08/06. The crossing shall be so manned at all times when vehicles will be crossing the public bridleway.

Reason: In the interests of the safety of users of the bridleway and in order to comply with Policy W3.36 of the Waste Local Plan.

21. Within three months of the commencement of PFA tipping in Phase 3A, plans shall be submitted to the WPA for its written approval for a new crossing facility over Carr Drain. Such plans shall contain details of the means of crossing, designs, working drawings and a timetable of works for implementation and availability for use by members of the public. The plans shall be implemented as approved.

Reason: In the interests of public access and to comply with Policy W.3.36 of the Waste Local Plan.

Archaeology

22. No development shall take place to remove topsoil from the top soil storage area at the eastern end of the North Lagoons or construct access tracks without details of a scheme for an archaeological watching brief having been submitted to and been approved by the WPA. Thereafter the scheme shall be implemented in full accordance with the approved details.

Reason: To ensure that adequate archaeological investigation and recording is undertaken to ensure compliance with Policy W3.27 of the Waste Local Plan

Ecology

23. Prior to the commencement of development in each phase a qualified ecologist shall walk areas of the site to ensure that no species as identified in the planning application surveys or species protected by the Wildlife and Countryside Act 2001 are present the details of the finding of the walkover shall be submitted to the WPA in writing prior to commencement of each phase . Should any such species be found appropriate mitigation action shall be taken in accordance with measures to be agreed with the WPA, or other appropriate body, before any works commence.

Reason: In the interests of the protection of species and heir habitats in accordance with Policies W 3.21, W3.22, W3.23 and W3.24 of the Waste Local Plan.

24. Site clearance operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to August inclusive except with the prior approval of the WPA to ensure that breeding birds and reptiles are not adversely affected by the development.

Reason: In the interests of protecting species and their habitats in accordance with W3.21, W 3.22, W3.23 and W 3.24 of the Waste Local Plan.

25. Within 6 months of PFA deposit commencing on the North Lagoons proposals for advanced habitat enhancement works to South Lagoons Nos. 5 and 6 shall be submitted to the WPA for its written approval. Such works shall be implemented as approved.

Reason: In the interests of protecting species and their habitats in accordance with W3.21, W 3.22, W3.23 and W 3.24 of the Waste Local Plan.

26. Within three months of PFA deposit commencing in Phase 3C and prior to the commencement of any works on the South Lagoons, the applicant shall carry out a full ecological survey of the South Lagoons to update current ecological data. Such survey shall be carried out at the appropriate time of year for each flora and fauna detailed as follows: amphibians ,reptiles, invertebrates, breeding birds (targeted to wildfowl and wader interest), protected species generally, together

with an updated Phase 1 habitat survey and more detailed Phase 2 survey of areas of interest identified in Phase 1. If any protected species are found to be present a working design, method statement and timetable to mitigate any adverse impacts on the species involved shall be submitted to the WPA for its approval in writing. The mitigation measures shall be carried out as approved.

Reason: In the interests of protecting species and their habitats in accordance with W3.21, W 3.22, W3.23 and W 3.24 of the Waste Local Plan.

27. Habitat management plans for both the North and South lagoon areas shall be submitted to the WPA for its written approval within 6 months of PFA deposit commencing in each area. These plans shall be implemented as approved.

Reason: In the interests of protecting species and their habitats in accordance with W3.21, W 3.22, W3.23 and W 3.24 of the Waste Local Plan.

Landscaping and Restoration

28. Prior to development commencing on tipping operations the following details shall have been submitted to the WPA for their approval in writing:

- a) all trees, hedges and shrubs to be retained or translocated and the measures for their protection during the course of development and thereafter;
- b) an annual topographic survey.

The development shall be implemented as approved.

Reason: To ensure the proposed restoration of the site in accordance with Policy W 4.6 of the Waste Local Plan

29. The site shall be fully restored in accordance with the concept proposals shown on Drawing J25043A0/EIA/Fig 7-F Rev 5 (North Lagoons) received by the WPA on 11/09/06 and Drawing J25043A0/Eia/Fig 7-I received by the WPA on 8/03/06 (South Lagoons) and in accordance with details subsequently approved pursuant to Conditions 28 and 30 unless as amended by the requirements of other conditions or with the written approval of the WPA.

Reason: To secure the proper restoration of the site in accordance with Policy 4.6 of the Waste Local Plan

30. Within three months of the date of this permission a detailed landscaping/restoration scheme for the development shall be submitted to the WPA for approval in writing. The scheme shall include the following details:

- a) planting proposals showing numbers, species, density of planting, positions and sizes of all trees and shrubs; and planting, seeding of soft landscape areas, including 'wild' areas;

- b) details of planting/seeding areas not to be utilised for PFA disposal;
- c) a landscape management plan and schedule of maintenance;
- d) surface treatments: including those for the proposed diversion to RUPP 2 right of way;
- e) boundary and fencing treatments;
- f) annual submission of an aftercare report detailing works undertaken and those proposed for the subsequent 12 months;

The landscaping and restoration works shall be undertaken as approved within 12 months of the completion of PFA disposal in any phase.

Reason: To secure the proper restoration of the site in accordance with Policy W4.6 of the Waste Local Plan.

- 31. The site shall be tipped and restored in accordance with phasing arrangements indicated on Drawings J25043A0/EIA/ Fig 7-G for the North Lagoons and J25043A0/EIA/ Fig 7-H for the South Lagoons

Reason: To secure the proper restoration of the site in accordance with Policy W4.6 of the Waste Local Plan.

- 32. All soils and soil making materials shall only be stripped, handled, stored and replaced when the full volume of material involved is in a friable condition. Plant and vehicles shall not cross areas of replaced materials or areas spread with sub or top soils except for the purposes of restoration operations.

Reason: To ensure the proposed restoration of the site through soil Conservation and establishment in accordance with Policy W4.5 of the Waste Local Plan

- 33. The developer shall take all reasonable precautions to ensure that topsoils, subsoils and ash are prevented from mixing.

Reason: To secure the proper restoration of the site in accordance with Policy W4.6 of the Waste Local Plan.

- 34. The top soil shall be ripped to depths set out in the submitted Environmental Statement, paragraph 12.3, as received by the WPA on 8/03/06 except where modified by this schedule of conditions or as otherwise agreed in writing by the WPA.

Reason: To ensure proper restoration of the site through soil conservation and establishment in accordance with Policy W4.5 of the Waste Local Plan.

35. Following placement of soils or soil making materials in any phase of development grass seed shall be sown in the first available sowing season thereafter in areas proposed for grassland creation in accordance with the details approved pursuant to Condition 30, and in areas proposed for tree/shrub planting in accordance with the specification for the grass seed mix approved under condition 30.

Reason: In the interests of the proper restoration of the site and to comply with Policy W4.5 of the Waste Local Plan

36. Tree and shrub planting shall be carried out within the first planting season following grass seeding on those areas shown on Drawings J25043A0/EIA Fig 7-F and J25043A0/EIA/ Fig 7-I following the necessary ground preparation treatment as detailed in the Environmental Statement para12.3.

Reason: In the interests of the proper restoration of the site and to comply with Policy W4.5 of the Waste Local Plan

37. All restoration work required by Condition 30 as applied to the North Lagoons shall have been completed by 31 December 2014 or two years after the cessation of the disposal of PFA on the site, whichever is the sooner, unless otherwise agreed in writing by the WPA.

Reason: In the interests of the proper restoration of the site and to comply with Policy W4.5 of the Waste Local Plan

38. All restoration work required by Condition 30 as applied to the South Lagoons shall have been completed by 31 December 2021 or two years after the cessation of the disposal of PFA on the site, whichever is the sooner, unless otherwise agreed in writing by the WPA.

Reason: In the interests of the proper restoration of the site and to comply with Policy W4.5 of the Waste Local Plan

39. On completion of restoration on any phase (or sub phase) the restored areas shall undergo a 25 year period of aftercare, the date of which shall have been previously agreed in writing by the WPA.

Reason: In the interests of the proper restoration of the site and to comply with Policy W4.5 of the Waste Local Plan.

40. The aftercare and long term management of the restored areas shall be carried out in conjunction with the detailed landscape and management strategy for the Cottam Power Station site, as approved under Condition 30 above.

Reason: In the interests of the proper restoration of the site and to comply with Policy W4.5 of the Waste Local Plan.

41. Site management meeting shall be held with the WPA each year to assess and review the annual programme of aftercare operations as approved under

Conditions 30 and 37 above, having regard to the condition of the land, progress in its rehabilitation and necessary maintenance.

Reason: In the interests of the proper restoration of the site and to comply with Policy W4.5 of the Waste Local Plan.

Flood Risk and Surface Water Drainage

42. Throughout the operation of the development and during restoration and aftercare the developer shall adhere to the details contained within Section 11 (Drainage and Flood Risk Assessment) of the Environmental Statement in relation to flood risk and surface water drainage matters

Reason: To ensure the protection of the surrounding areas from flood risk and to protect the restored landform.

43. Any restored area of the site which is affected by local settlement or ponding, other than as approved under the landscape and restoration plans, shall, within 6 months or a written request from the WPA be regraded, to levels to prevent ponding.

Reason: To ensure the proper drainage from the site.

Removal of Operational Plant and Machinery.

44. Within 24 months of the cessation of tipping in accordance with approved restoration requirements all operational equipment, standings, vehicle compound areas, temporary stock pile areas associated with the development hereby approved and haul roads shall be removed and the ground reinstated to previous use. All fixed and mobile plant and machinery shall be removed from the site.

Reason: To enable the WPA to control the development and to minimise its visual impact on the amenity of the local area.

Premature Cessation

45. An annual review of the volumes of waste deposited within the site and its progress with regard to the approved phasing plans shall be undertaken, the details of which shall be submitted to the WPA annually after the date of commencement (Condition 2). Should the review indicate that the development is not in accordance with the approved phasing and timings, then, within 3 months of the written request of the WPA a revised scheme of restoration, including a schedule of timings, final contours, provision for soiling, sowing of grass, planting of trees and shrubs, provision of any water areas, drainage and fencing in a similar manner to that approved under this permission shall be submitted to the WPA for its written approval.

Reason: To ensure the satisfactory restoration of the site in accordance with Policy W 4.7 of the Waste Local Plan

46. The revised restoration scheme approved under Condition 45 above shall be implemented within 12 months of its approval by the WPA and shall be subject to the same aftercare provisions of Conditions above

Reason: To ensure the satisfactory restoration of the site in accordance with Policy W 4.7 of the Waste Local Plan

47. Should the deposit of PFA cease on site for a period in excess of 12 months, then within 3 months of a written request from the WPA an aftercare and restoration scheme for the site shall be submitted to the WPA, such scheme to provide for revised final contours and for soiling, sowing of grass, planting of trees and shrubs, provision of any water areas, drainage and fencing in a similar manner to that approved under this permission shall be submitted to the WPA for its written approval. The scheme shall be implemented as approved.

Reason: To ensure the satisfactory restoration of the site in accordance with Policy W 4.7 of the Waste Local Plan

Key Facts Sheet:

Site:	Land at Cottam Power Station
Applicant:	EDF Energy Ltd
Proposal:	Disposal of about 4 million tonnes of PFA by means of land raising of existing lagoons North Lagoon Capacity: 1.5 – 2 m tonnes 6-8 years South Lagoon capacity 0.8 – 1.8 m tonnes 4-7 years (assuming deposition rates between 250, 000 -300, 000 tonnes pa)
Site Area:	123 ha
Current Use:	Existing lagoons previously used for the disposal of ash slurry from Cottam Power Station
Proposed Waste:	Dry conditioned PFA
Proposed Operations:	Conditioned PFA will be taken to disposal point by 30 tonne HGVs. Once raised to the proposed pre restored contours the landform will then be topsoiled and planted with appropriate landscaping.
Proposed Equipment:	30 tonne HGV and bulldozer
Waste Input rate:	30 x 30 tonne HGV per day – approx. 3200 per week
Traffic:	60 HGV movements – 30 in 30 out per day
Vehicle Routeing:	Internal road from station to lagoons
Hours:	07.00-18.00 hrs Mon-Sat
Duration:	15 years
Employment:	Under 10
Key Planning Policies	None in MLP or WLP.
Key Issues:	Impact in landscape, loss of SINC, disturbance to adjoining residents

