

## RECOMMENDED PLANNING CONDITIONS

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/15/01797/CMA

PROPOSAL: TO VARY CONDITIONS 4, 5 AND 12 OF PLANNING PERMISSION 3/13/00495/CMM TO REGULARISE THE COAL FINES RECOVERY OPERATIONS TO INCREASE THE MAXIMUM TONNAGE OF MATERIALS TO ENTER AND LEAVE THE SITE IN ANY SEVEN DAY PERIOD TO 10,000 TONNES AND TO EXTEND THE TIMESCALE FOR COMPLETION OF MINERAL RECOVERY OPERATIONS TO 30/09/2018 WITH A FURTHER YEAR TO COMPLETE THE RESTORATION.

### Commencement

1. The development hereby permitted shall be begun within 1 year from the date of this permission.

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

2. The Minerals Planning Authority (MPA) 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 the development.

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

### Approved Documents

3. The development hereby permitted shall be carried out in accordance with the documents approved under planning permission 3/13/00495/CMM and varied by planning permission 3/15/01797/CMA, as set out within the following documents:
  - a. Supporting Statement received by the MPA on 9<sup>th</sup> April 2013.
  - b. Restoration Masterplan Statement received by the MPA on 2<sup>nd</sup> August 2013.
  - c. Drawing No. 466-h1-034a: Coal Extraction Application Plan dated 29<sup>th</sup> July 2013.
  - d. Drawing No. 466-h1-035: Extraction Phase Plan dated 8<sup>th</sup> April 2013.
  - e. Drawing No. 466-h1-036a: Working Plan dated 29<sup>th</sup> July 2013.
  - f. Drawing No. 466-h1-037a: Restoration Masterplan (Rufford Wildlife Trust) dated 30<sup>th</sup> July 2013.
  - g. Drawing No. 466-h1-028: Rufford Zones 1, 7, 9 & 9a 5 Year Extended Aftercare dated 15<sup>th</sup> January 2016.
  - h. Footpath Protection Measures as detailed within email dated 30<sup>th</sup> July 2013.

*Reason: For the avoidance of doubt.*

### **Scope and Duration of Planning Permission**

4. Planning permission hereby granted is for the extraction of coal and the associated conditioning and storage of extracted material for a temporary period expiring on 30<sup>th</sup> September 2018. The development shall be undertaken as part of the wider development permitted under Planning Permission 3/15/01798/CMA and 3/15/01799/CMA for the extraction, processing, storage and stocking of coal fines from lagoons at the Rufford Colliery tipping complex. Concurrently the operator shall undertake a co-ordinated habitat establishment, enhancement and management strategy of the wider Rufford Colliery Complex (on the land edged blue on Drawing No. 466-h1-034a: Coal Extraction Application Plan and detailed in the Restoration Masterplan Statement and Plan) to ensure sensitive ecological habitats are appropriated provided and managed. At the end of this period all stored materials and associated development shall be removed from the site and the site shall be restored within 12 months to an appropriate condition in accordance with the details approved under condition 19. Following completion of restoration the land comprising Lagoon 9 – the current extraction area, Rufford Sand Quarry and the former landfill site previously owned by NCC (labelled as Zone 1, 7, 9 & 9a on Drawing No. 466-h1-028: Rufford Zones 1, 7, 9 & 9a 5 Year Extended Aftercare) shall be subject to ten years aftercare and management. The remaining land within the Rufford Colliery Complex shall be subject to five years aftercare and management. All aftercare and management shall be carried out in accordance with the arrangements set out within Condition 20.

*Reason: To ensure that the site is worked and restored within an appropriate timescale, therefore ensuring compliance with Nottinghamshire Minerals Local Plan Policy M4.1.*

### **Storage Heights**

5. The maximum storage height of coal conditioning stocks on the site shall be 4m above original ground level. The maximum height of final product stockpiles shall be 15m above the original ground level.

*Reason: In the interest of visual amenity and to ensure compliance with Policy M3.3 of the Nottinghamshire Minerals Local Plan.*

### **Dust & Mud**

6. All vehicles transporting materials from the site shall be fully covered with sheeting prior to them leaving the application site and entering the public highway.

*Reason: To prevent dust, mud and other deleterious material contaminating the highway in accordance with Policies M3.7 and M3.12 of the Nottinghamshire Minerals Local Plan.*

7. Measures shall be employed to ensure that dust, mud and other deleterious materials are kept to a minimum and contained within the site. These measures shall include, but not necessarily be restricted to:
  - a. The use as appropriate of a dust suppression system throughout all working areas;
  - b. The use as appropriate of road sweepers, water bowsers and/or spray systems to dampen the access roads, vehicle circulation and manoeuvring areas;
  - c. The use of wheel washing facilities, as appropriate;
  - e. The temporary cessation of the operations during periods of extreme dry and windy weather.

If, in the opinion of the MPA, these measures fail to satisfactorily control dust or mud arising from the operation of the site, then the operator shall within 1 week of a written request of the MPA prepare and submit a mitigation strategy for the MPA's approval in writing to remedy the nuisance. The site shall thereafter operate in compliance with the approved mitigation strategy throughout its operational life.

*Reason: To minimise disturbance from dust and mud in accordance with Policy M3.7 and Policy M3.12 of the Nottinghamshire Minerals Local Plan.*

## **Noise**

8. Processing operations including crushing and screening operations shall only be undertaken within the coal extraction area of the planning application site and not from other locations within the Rufford Colliery complex.

*Reason: To provide acoustic distance between processing operations and residential properties so as to minimise noise impacts arising from the operation of the site in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

9. All reversing warning devices used on mobile plant under the control of the operator shall comprise white noise (broadband) alarms.

*Reason: To minimise noise impacts arising from the operation of the site in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

10. Noise generated within the site shall be kept to a minimum. Measures to minimise noise shall include the fitting and use of effective silencers to plant and machinery and the regular servicing of plant and machinery in accordance with the manufacturers' specifications. If, in the opinion of the MPA these measures fail to satisfactorily control noise emissions from the site then the operator shall within 1 month of a written request of the MPA prepare and submit a mitigation strategy to reduce noise emissions for the MPA's approval in writing. The site shall thereafter

operate in compliance with the approved mitigation strategy throughout its operational life.

*Reason: To minimise noise impacts arising from the operation of the site in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

11. Activities permitted by this planning permission including the processing, crushing, screening, loading and movement of coal and other materials shall only be undertaken between the hours of 0630 – 18:30 Monday to Friday and 0630 – 1300 on Saturdays. Haulage of coal products on the access road between the public highway and the material storage area shall not be permitted to commence prior to 0700 hours Monday – Saturday. No operations shall be undertaken on Sundays, Bank or Public Holidays.

*Reason: To minimise environmental impacts in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

12. A maximum total of 10,000 tonnes of material shall be permitted to enter or leave the site within any seven day period. Written records shall be maintained of all HGV movements including the time of day such movements take place. Copies of the HGV movement records shall be made available to the MPA within 7 days of a written request being made by the MPA.

*Reason: To minimise environmental impacts in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan*

13. The condition of the access road connecting the public highway with the material storage area shall be routinely monitored throughout the operational life of the site and appropriate remediation action taken in the event of carriageway deterioration.

*Reason: To ensure that the condition of the private access road is satisfactory and its use does not result in excessive levels of noise in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

## **Vegetation Removal**

14. Works which involve the felling, clearing or removal of vegetation and excavations into undisturbed ground shall not be undertaken during the months of February to August inclusive unless otherwise agreed in writing by the MPA following the submission of a report detailing survey work for nesting birds carried out by a suitably qualified ecologist.

*Reason: To minimise potential disturbances to birds.*

15. Prior to the removal of any further vegetation from the Rufford Colliery Complex there shall be submitted to the MPA and approved in writing a method statement

detailing the measures that will be put in place to ensure the protection of reptiles. Development shall be carried out in accordance with the approved details.

*Reason: To prevent the killing of reptiles.*

### **External Lighting**

16. Any external floodlighting installed on the site shall be agreed in writing with the MPA prior to its installation. Development shall be carried out in accordance with the approved details.

*Reason: To minimise potential disturbances to ecologically important birds.*

### **Ground Contamination**

17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless agreed in writing with the MPA) shall be carried out until the developer has submitted a remediation strategy to the MPA detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be approved in writing by the MPA and thereafter implemented as approved.

*Reason: To prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of pollution.*

### **Bridleway Protection**

18. The Bridleway Users Protection Methodology statement incorporated within the email from Robert Nicholson dated 30<sup>th</sup> July 2013 and Bridleway Protection scheme dated February 2014 including drawing 466-h1-045, approved in writing by the MPA on the 30<sup>th</sup> April 2014 shall be implemented throughout the operational life of the development.

*Reason: To satisfactorily protect users of the bridleway in accordance with the requirements of Policy M3.26 of the Nottinghamshire Minerals Local Plan.*

### **Restoration of the site**

19. The site (incorporating the larger Rufford Colliery complex) shall be restored in compliance with the details shown on the Restoration Masterplan Statement and identified on Drawing No. 466-h1-037a: Restoration Masterplan (Rufford Wildlife Trust) dated 30<sup>th</sup> July 2013 and Rufford Coal Stocking Area: Restoration Proposals Version No. 3 dated 26<sup>th</sup> February 2014. Restoration works shall be undertaken in compliance with the timetables set out within these documents.

Prior to the completion of coal recovery operations within the lagoon area, the following details shall be submitted to the MPA for its approval in writing:

- a. A restoration and aftercare planting scheme incorporating a timetable of works for the Lagoon Extraction Area.
- b. A scheme detailing the utilisation of the spoil stockpile currently located on the land formerly owned by the Coal Authority (located on the west of the land shaded green on Drawing No. 466-h1-037a: Restoration Masterplan (Rufford Wildlife Trust) dated 30<sup>th</sup> July 2013). The scheme shall incorporate details of a restoration plan for the underlying land and aftercare planting scheme incorporating a timetable of works.
- c. A drainage scheme and timetabling of works for the wider Rufford Colliery Complex Area. The scheme shall utilise sustainable drainage techniques to provide water quality, amenity, biodiversity and water resource benefits and shall be designed to an adequate capacity to minimise flood risk. The scheme shall identify future maintenance responsibilities for the drainage system.

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

*Reason: To ensure the site is satisfactory restored to a beneficial use following the completion of mineral workings in accordance with the requirements of Policy M4.1 of the Nottinghamshire Minerals Local Plan.*

## **Aftercare**

20. Following the completion of the restoration works within the wider Rufford Colliery Complex the site shall be subject to aftercare and management provisions as follows:

- Land comprising Lagoon 9 (the current extraction area), Rufford Sand Quarry and the former landfill site previously owned by NCC ((labelled as Zone 1, 7, 9 & 9a on Drawing No. 466-h1-028: Rufford Zones 1, 7, 9 & 9a 5 Year Extended Aftercare) shall be subject to ten years aftercare and management.
- The remaining land within the Rufford Colliery Complex shall be subject to five years aftercare and management.

The aftercare and management shall be carried out in accordance with the details shown on the Restoration Masterplan Statement and Drawing No. 466-h1-037a: Restoration Masterplan (Rufford (Wildlife Trust)) dated 30<sup>th</sup> July 2013, the Rufford Coal Stocking Area: Restoration Proposals Version No. 3 dated 26<sup>th</sup> February 2014 and the details approved under Condition 19 (above). A Conservation Management Team shall be established by the operator to advise and oversee the habitat creation and enhancement works. The Conservation Management Team shall meet quarterly, or at intervals considered appropriate to the MPA, and shall include representatives from the developers, the MPA, NCC Ecology and Nottinghamshire Wildlife Trust. Alterations to the restoration and aftercare recommended by the Conservation Management Team shall not be implemented unless subsequently approved in writing by the MPA. Issues the Conservation Management Team shall concern itself include:

- Establishment methods and maintenance regimes for all areas of the wider Rufford Colliery Complex.
- Detailed habitat enhancement methodologies corresponding to relevant areas shown on the Restoration Masterplan and described in the Conservation Master Plan statement.

- Details relating to water management, drainage and wetland creation.
- Ensuring the protection of Annexe 1 bird species through the working, restoration and aftercare scheme.

*Reason: To ensure the site is satisfactorily landscaped and managed in accordance with the requirements of Policy M4.4 of the Nottinghamshire Minerals Local Plan.*

21. All conservation management works shall be carried out under the guidance of a suitably qualified ecological clerk of works.

*Reason: To ensure that ecological habitat management works are undertaken to a satisfactory standard.*

### **Premature cessation of operations**

22. Should, for any reason, coal extraction and processing operations cease for a period exceeding 6 months, or in any other circumstances cease prior to the completion of the approved scheme, such cessation being in the reasoned opinion of the MPA a permanent cessation of operations, upon written request from the MPA, a revised scheme for the restoration of the site shall be submitted in writing for the approval of the MPA. Details to be submitted shall include the restoration landform, after-uses of the restored site, a programme of restoration works with timings, provision of soil cover, seeding & vegetation establishment, rights of way and associated drainage, fencing and aftercare provisions, in a manner similar to those details shown within the Restoration Masterplan document dated 30<sup>th</sup> July 2013. The revised restoration and aftercare scheme shall thereafter be implemented in accordance with the approved details and timetable.

*Reason: To ensure the site is satisfactory restored to a beneficial use following the completion of mineral workings in accordance with the requirements of Policy M4.1 of the Nottinghamshire Minerals Local Plan.*

### **Note to Applicant**

1. The applicant is reminded of their undertaking within the Restoration Masterplan to make financial contributions towards 'Operation Nebraska' to deter illegal off-road access into the Rufford Colliery complex and the wider area during the operational life of the development.