



12 March 2019

Agenda Item: 6

REPORT OF CORPORATE DIRECTOR – PLACE

BASSETLAW DISTRICT REF. NO.: 1/18/01561/CDM

PROPOSAL: PLANNING APPLICATION TO VARY CONDITION 4 OF PLANNING PERMISSION REF: 1/13/00475/CDM TO ALLOW WASTE DEPOSIT AT THE SITE TO CONTINUE UNTIL 31ST DECEMBER 2023 AND RESTORATION TO BE COMPLETED BY 31ST DECEMBER 2025

LOCATION: STYRRUP QUARRY, MAIN STREET, STYRRUP, DN11 8NA

APPLICANT: J.WHITE & CO (TDE) LIMITED

Purpose of Report

1. To consider a planning application for an extension of time to restore part of the existing quarry void by means of inert landfill. The key issues relate to planning policy and the need for inert disposal, traffic, ecology and other restoration benefits. The recommendation is to grant permission subject to conditions and a legal agreement.

The Site and Surroundings

2. Styrrup Quarry is located towards the northern boundary of Nottinghamshire, approximately 10km north of Worksop, 13km north-west of Retford and 13km south of Doncaster. The nearest residential areas are Styrrup immediately to the north-west, Harworth and Bircotes 1.4km to the north-east and Oldcotes 2km to the south-west of the site (see Plan 1).
3. The site is located within a generally rural setting with a relatively flat topography. Other notable features include the A1(M) approximately 480m to the east and the partially restored Harworth Colliery spoil tip approximately 750m to the east.
4. The site is bordered to the south and east by agricultural land. Immediately to the north of the site is a field and part of the remaining quarry void which falls outside of the boundary of this planning application. Beyond this is the village of Styrrup. The quarry area to the north of the application site historically formed the access, although the access is now located in the southwest corner of the site, off the B6463. The B6463 forms the western boundary of the site, beyond which are further agricultural fields.
5. The application site is rectangular in shape with an area of approximately 4.5 hectares. The site comprises a sandstone quarry which has been intermittently

worked for building sand, having been worked out to various levels. The site lay dormant for some time, but has been operating under its existing planning permission for inert landfill since October 2015.

6. The site now comprises a restored area with a capping sand layer; bare ground (infill material); bare sand and mounds of sand; sparse/short ephemeral/short perennials; some shallow pools; and tall herbs and trees/scrub that form the edges of the site. The base of the quarry is 16.45m Above Ordnance Datum (AOD) at its lowest, with the surrounding ridges up to 29.13m AOD on the western side and up to 29.12m on the eastern side. The old quarry to the north is separated from the application site by an earth bund which reaches 20m AOD and slopes down to the old quarry base at 16m AOD (see Plans 2 and 3).
7. The nearest residential receptors are in the village of Styrrup to the north, with the closest approximately 165m from the boundary of the site (see Plan 1).
8. The whole of the quarry is a Local Wildlife Site (Styrrup Sand Quarry LWS), designated as a sand quarry of botanical interest. This designation extends to the north including the old quarry. Also to the north, within the old quarry area, is the Styrrup Quarry Site of Special Scientific Interest (SSSI). This is an extensive exposure of the Nottingham Castle Formation (Sherwood Sandstone Group, Triassic). Immediately to the west of the site, alongside the B6463, is Styrrup Roadside Exposure GeoSINC, which is a good exposure of the Nottingham Castle Formation (Bunter Pebble Beds) showing good sedimentary features (see Plan 1).
9. There are a number of Grade II Listed buildings within the village of Styrrup, the nearest is approximately 290m to the north-east of the site, separated by agricultural fields and screened by other properties.

Planning History

10. In July 1991 a planning application was submitted to infill the quarry with inert waste and put in a new access. This application was refused on appeal on the grounds of potential harm to environmental interests, and lack of need for a waste disposal site, although the Inspector on appeal commented that the proposed new access would be an improvement over the then existing access arrangements. Planning permission was subsequently granted for a new access into the site in October 1997 (the access currently in use), subject to a number of conditions regarding the stopping up of the old access and visibility splays at the new access.
11. The site has a long history of extraction under old permissions, which were brought up to date and consolidated in August 1999 under the Review of Old Mineral Workings Provisions (ROMP) of the Environment Act 1995. The updated permission specifies a low level restoration scheme, with the bulk of the base of the quarry returned to agricultural use. The sides of the quarry would be battered and left to regenerate naturally (see Plan 4).
12. Planning permission (Ref: 1/66/02/00015) was granted in July 2007 for the restoration of the quarry by means of infilling with 130,000m³ inert waste. Condition 16 limited the life of the permission requiring all plant and equipment to be removed from the site not later than 4 years from the date of commencement, with restoration works completed no later than 5 years from

the date of commencement. The work commenced in July 2009. A Section 106 Agreement was attached to this permission which prevented any further export of sand and sandstone from the site, set in place a number of requirements to manage potential HGV impact and extended the statutory aftercare period from 5 to 15 years.

13. It is of note that the application for restoration went to the Planning and Licensing Committee in 2004, however, permission was not issued until 2007 due to delays in the signing of the Section 106 Agreement. In the three years that it took to arrange the Section 106 Agreement an additional 30,000 tonnes of minerals were extracted. Amended restorations levels were subsequently agreed. However, whilst planning permission ref: 1/66/02/00015 was recorded as having been implemented in July 2009 no inert waste was imported into the site. The applicant indicated that the site had lain dormant due to a combination of the recession and excessive rain in 2012. In addition, the applicant highlighted that they had been concentrating on the restoration of two other sites.
14. A retrospective application was submitted in 2015 for the retention of the northern slopes of a retaining soil bund, which provides a separation between the old quarry and the area subject to restoration through inert waste disposal. The bund had developed habitat and rather than require its relocation, planning permission was granted in June 2015 for its retention in situ (Ref: 1/15/00575/CDM).
15. Most recently, planning permission was granted on 16 July 2015 (ref: 1/13/00475) to extend the life of the site, with restoration to be complete by the end of 2018.

Background

16. The most recent application to extend the life of the site was submitted in March 2013 and was reported to Planning and Licensing Committee in November 2013. However, due to a delay in the applicant obtaining an Environmental Permit from the Environment Agency and in negotiating the Section 106 Agreement, planning permission was not formally issued until June 2015. As such, the applicant highlights that they have had less time to complete the infilling of the site than they anticipated when the previous planning application was submitted.
17. The extant planning permission allows for 130,000 cubic metres of infilling. Since the start of operations in October 2015 there has been approximately 63,500 cubic metres of material imported into the site. This means that there is approximately 66,500 cubic metres of void remaining to complete the approved restoration profiles.
18. The imported material has been used to fill the north side of the site where some small depressions have been created to form bunds at the top of the restored area.
19. The applicant indicates that the volume of construction waste has not been as high as envisaged due to the length of the recession; the requirement of the applicant to complete two other sites that they were operating; and the recycling initiatives for inert waste on construction sites. However, volumes have now

increased, and the applicant expects to be able to deposit the remaining material by the end of 2023.

Proposed Development

20. Condition 4 of the existing planning permission states:

“Waste operations shall cease and all associated plant and equipment shall be removed from the site no later than 4 years from the date of commencement as notified under Condition 15, and 30th November 2018 at the latest. Restoration works shall be completed no later than 5 years from the date of commencement, no later than 31st December 2018”.
21. The application seeks to vary Condition 4 to allow the continuation of the deposit of waste until the end of 2023.
22. The applicant proposes to continue filling across the floor in a southerly direction in accordance with the approved scheme of phasing, and covering the fill with sand extracted from the quarry. The applicant states that no other changes to the development are proposed other than the extension of time to complete the work, which is needed due to the availability of waste material, and the time it took to sign the Section 106 Agreement and obtain a recovery permit from the Environment Agency.
23. Notwithstanding the above, the Waste Planning Authority (WPA) has also undertaken a full review of the conditions that apply to the development taking into account information which has previously been submitted to discharge conditions.

Consultations

24. **Bassetlaw District Council** – *No objection.*
25. **Styrrup with Oldcotes Parish Council** – *Objection.*
26. *The restoration of the quarry has gone on long enough, the applicant has failed to manage the extraction and infilling inadequately resulting in a road accident on mud/sand in the road and causing a fire appliance to crash nearby in 2018. The site also attracts fly tipping in the entrance.*
27. *The Parish Council understands the difficulties of transporting infill but the Company has left scars all over the place where ever they seem to operation. A tip in Renishaw is a case in point.*
28. **NCC (Planning Policy)** – *No objection.*
29. *The National Planning Policy for Waste (NPPW) outlines that, when determining planning application, land raising/filling sites should be restored at the earliest opportunity. It is recognised that circumstances have prevented the restoration. The remaining material required will be partially fulfilled by importing waste from neighbouring authorities. In line with Policy WCS12 in the Nottinghamshire and Nottingham Waste Core Strategy (WCS, 2013), it should be considered whether there are no facilities in a more sustainable location in relation to the anticipated*

source of waste, or that there are wider social, economic or environmental sustainability benefits that support the proposal.

30. *Filling the site at Styrrup is a key part of the restoration scheme that has been permitted, with waste disposal providing a way of restoring old colliery tips and mineral voids and create new open spaces or wildlife habitats, as explained in paragraph 7.44 of the WCS. Therefore, preference is given to sites, along with consideration of capacity and geological circumstances, firstly to extensions of existing waste facilities, followed by sites which restore and/or re-work old colliery tips and the reclamation of mineral workings and other man-made voids where this would have associated environmental benefits (Policy WCS5).*
31. *Considering that the site already has planning permission and this application does not wish to vary the restoration proposed nor the amount of inert waste to be disposed and that this extension of time should assist with the reclamation and restoration of the former quarry site, the planning policy team would not raise an objection to the proposal. However, an extension of time will result in the extension of the adverse impacts that can be associated with such sites, as listed in appendix B of the NPPW. Therefore, whilst there is no objection from a policy perspective for this variation, this is subject to the environmental and amenity impacts of the development being acceptable.*
32. **Environment Agency** – *No objection.*
33. **Natural England** – *No objection.*
34. **NCC (Nature Conservation)** – *The application is accompanied by a Restoration Progress Report produced by the applicant's ecologist, which is welcomed. This demonstrates that the restoration is progressing, with the northern part of the infill area having been capped with sand, and shallow waterbodies having been created. The only concerns to note are:*
 - a) *It would be desirable to slightly deepen some of the ephemeral waterbodies, if the depth of sand capping allows it.*
 - b) *Birch scrub is establishing in front of the sand martin cliff face. This requires removal and should be conditioned to take place on an on-going (annual) basis.*
35. **Via (Landscape)** – *No objection.*
36. **NCC (Highways) Bassetlaw** – *No objection, subject to previous conditions being retained in terms of the permitted access, the lorry route and vehicle numbers.*
37. **Via (Noise Engineer)** – *No objection.*
38. **Anglian Water Services Limited** – *No comments.*
39. No response has been received from **Via (Reclamation)** or **Nottinghamshire Wildlife Trust**. Any response received will be reported orally.

Publicity

40. The application has been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
41. One letter of representation has been received commenting that there should be an earlier target date for the restoration, to avoid the unsightly and dangerous mud on the road that occurs throughout the infilling activity. The letter of representation notes that a road sweeper is periodically employed, but one is needed constantly if filling is to continue, as the entrance to the quarry is on a dangerous bend and slow-moving vehicles present a hazard.
42. Councillor Sheila Place has been notified of the application.
43. The issues raised are considered in the Observations Section of this report.

Observations

Introduction

44. Planning permission is being sought to vary Condition 4 of the extant planning permission (Ref: 1/13/00475/CDM) to allow an extension of time for tipping of inert waste to allow the completion of the restoration in line with the approved restoration profiles. Permission is sought for the tipping of waste until the end of 2023, with restoration to be complete by the end of 2025.
45. In addition to the extension of life, the applicant has submitted details to address information sought under conditions attached to the existing planning permission, particularly in relation to ecology.

Planning Policy Assessment

46. Paragraph 7 of the National Planning Policy for Waste (published October 2014) states that when determining waste planning applications WPAs should ensure that land raising or land filling sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the use of appropriate conditions where necessary.
47. Policy W4.2 (Availability and timescales) of the Nottinghamshire and Nottingham Waste Local Plan (adopted January 2002) states that proposals for waste disposal will only be permitted where satisfactory evidence has been provided to show that sufficient waste material is likely to be available to achieve reclamation of the site within an acceptable timescale.
48. The national Planning Practice Guidance (PPG) states that the WPA should not assume that because a particular area has hosted, or hosts, waste disposal facilities, that it is appropriate to add to these or extend their life. It is important to consider the cumulative effect of previous waste disposal facilities on a community's wellbeing. Impacts on environmental quality, social cohesion and inclusion and economic potential may all be relevant. Engagement with the local communities affected by previous waste disposal decisions will help in these considerations (Paragraph: 047 Reference ID: 28-047-20141016).

49. The PPG also states that WPAs should be aware that the continued provision and availability of waste disposal sites, such as landfill, remain an important part of the network of facilities needed to manage England's waste. In addition, the continued movement of waste up the Waste Hierarchy may mean that landfill sites take longer to reach their full capacity, meaning an extension of time to exercise the planning permission may be needed in some circumstances, provided this is in accordance with the Local Plan and having taken into account all material considerations (Paragraph: 048 Reference ID: 28-048-20141016).
50. The proposed restoration of the site to acid grassland and heathland, small ponds and woodland planting around the edges of the site (see Plan 4) complies with the beneficial after use and high environmental standards required in Paragraph 7 of the NPPW. However, the delays in signing the previous Section 106 agreement, securing the necessary Environmental Permit and prioritising other sites means that the site has not been restored at the earliest opportunity.
51. Notwithstanding the above, there are other factors that have delayed the restoration of the site including the recession and the increase in recycling rates, which has resulted in a reduction in suitable fill material. The applicant is now confident that there will be sufficient recovered inert material from their processing operations in Rotherham, and that changes in the housing sector with an increase in development on brownfield land helping to provide sufficient material. It is also recognised that since operations commenced in 2015, over half of the required fill material has been brought to site. As such, the WPA is satisfied that there are justified reasons for the delay in the restoration of the site and that there will be sufficient material available over the proposed extended lifetime, in line with W4.2 of the Nottinghamshire and Nottingham Waste Local Plan.
52. Policy WCS3 (Future waste management provision) of the Nottinghamshire and Nottingham Replacement Waste Local Plan – Part 1 Waste Core Strategy – WCS (adopted December 2013) states that proposals will be assessed as follows:
 - a) Priority will be given to the development of new or extended waste recycling, composting and anaerobic digestion facilities;
 - b) New or extended energy recovery facilities will be permitted only where it can be shown that this would divert waste that would otherwise need to be disposed of and the heat and/or power generated can be used locally or fed into the national grid;
 - c) New or extended disposal capacity will be permitted only where it can be shown that this is necessary to manage residual waste that cannot economically be recycled or recovered.
53. As a facility to deal with residual waste that cannot be economically recycled or recovered, the site is at the bottom of the hierarchy set out in WCS3. Nevertheless, it is recognised that much of the waste coming to the site will be via the applicant's processing facility in Rotherham where the elements that can be recycled are removed. As such, the proposed disposal of waste to enable the restoration of this site accords with Policy WCS3.

54. Policy WCS5 of the Waste Core Strategy relates to disposal sites for hazardous, non-hazardous and inert waste. It states that where it is shown that additional inert landfill capacity is needed, the policy gives priority to sites within the main shortfall areas around Nottingham and Mansfield. In this instance, the proposal is for an extension of time, so no new disposal capacity would be created.
55. Policy WCS7 sets out the general locations that waste management facilities will be supported, subject to there being no unacceptable environmental impacts. This policy identifies that disposal is generally acceptable at derelict land/other previously restored land, such as un-restored or poorly restored colliery land in need of restoration. Given that the site is a former quarry currently undergoing restoration through waste infill, the development is in accordance with Policy WCS7.
56. Policy WCS12 (Managing Non-Local Waste) – Waste management proposals which are likely to dispose of waste from areas outside Nottinghamshire and Nottingham will be permitted where they demonstrate that:
- a) the envisaged facility makes a significant contribution to the movement of waste up the waste hierarchy, or
 - b) there are no facilities or potential sites in more sustainable locations in relation to the anticipated source of the identified waste stream, or
 - c) there are wider social, economic or environmental sustainability benefits which clearly support the proposal.
57. The planning application is clear that 'out of county' waste will be disposed at the site, given that the applicant's processing facility is located in Rotherham. However, because the site is located approximately 1km from the Nottinghamshire boundary it is expected that the site would take waste from outside of the County. Taking into account the restoration scheme which will provide acid grassland and heathland, small ponds and woodland planting, the WPA considers that there are wider environmental sustainability benefits in allowing the extension of time to complete the approved restoration scheme. As such, the development is in accordance with Policy WCS12 of the WCS.
58. There are no policies within the Bassetlaw Core Strategy which relate to minerals development. Policy DM1 relates to economic development in the countryside (e.g. tourist attractions, equine enterprises, rural businesses and farm diversification) and Policy DM3 relates to general development in the Countryside (replacement of buildings, re-use of previously developed land in rural areas and agricultural/forestry buildings and domestic equine facilities). These policies are not written with waste development in mind and are, therefore, of limited applicability and no further consideration is given to them.

Ecology

59. The restoration scheme and fifteen years of aftercare have previously been approved and the applicant is not seeking to change these in any way. The restoration of the site will provide acid grassland and heathland, small ponds and woodland planting (see Plan 4).

60. NCC Ecology has commented that it would be desirable to slightly deepen some of the ephemeral waterbodies, if the depth of sand capping allows it. Given that slightly deeper waterbodies are desirable, rather than strictly necessary, and that they depend on the availability of on-site sand, the WPA recommends that this is included as an informative to the applicant.
61. NCC Ecology has also noted that birch scrub is establishing in front of the sand martin cliff face and recommends that a condition is attached to require its removal on an annual basis. During the site visit undertaken by the Planning Officer in January 2019 it was noted that this scrub had now been cleared. Nevertheless, to ensure the cliffs remain clear the WPA recommends that such a condition is added.
62. In reviewing some of the former conditions, consideration has been given to Condition 13 which required the submission of a method statement for the removal of Japanese Knotweed. A method statement has been provided, however, NCC Ecology consider it to be a little brief and would benefit from details such as how long the treatment would continue for and what the status of knotweed is at the site (as the site has been operational for over 3 years).
63. It is acknowledged that, to supplement the method statement, the applicant prepared a note in January 2015 prior to the re-commencement of operations at the site. The note did not identify any Japanese knotweed, but did identify suspected *Polygonum alpine* (Alpine knotgrass, Alpine knotweed or Alaska Wild Rhubarb) which is recognised as an invasive species in Europe. The note explained that the plant is likely to hinder the development of the desired acid grassland habitats and recommended its eradication, using treatment similar to that used to eradicate Japanese knotweed, with the treatment repeated on any regrowth until no more fresh growth appears.
64. In light of the above, the WPA recommends that the condition is varied so that the removal of Japanese Knotweed or any similar invasive species is undertaken in line with submitted method statement until no fresh growth appears, and an invasive species update report is provided to the MPA annually. If any regrowth does subsequently appear, the treatment should then recommence.
65. Condition 17 of the existing planning permission required full details of the concept restoration scheme to be submitted to, and approved in writing by, the WPA. The condition then sets out a range of details to be included, within such a submission. Many of these details have been submitted or are no longer relevant, as set out below:
 - a) Condition 17 a) required working design details for the construction of a maintenance road for access to the land to the north of the application site, and the relocation within the application site of the northern bund. A maintenance road is included in the restoration design in the current Section 106 and it now in place. In addition, the unauthorised part of the separation bund was granted retrospective planning permission granted in June 2015. As such, this part of Condition 17 is no longer considered necessary.
 - b) Condition 17 b) requires design detail, method statement and a timetable of works to mitigate any undue adverse impact to the Styrrup Quarry SSSI. To date there have been no undue adverse impacts on the SSSI. In addition, a

separation bund which provides protection to the SSSI is in place. As such, this part of Condition 17 is no longer considered necessary.

- c) Condition 17 c) requires a method statement and phasing details, including timescales, for infilling and progressive restoration including measure for the protection of all trees and hedgerow bordering the site. The applicant has provided an outline of the intended phases of working within the submitted Supporting Statement. However, a plan to define these phases is still required. The protection of trees and hedgerow are covered by other conditions. This part of Condition 17 will be revised and will form a stand along condition.
- d) Condition 17 d) requires the submission of a detailed assessment of the materials required to complete the approved restoration contours. There is a condition which states that there shall be nothing other than uncontaminated inert material tipped at the site. In addition, capping of the site will take place using sand from the quarry. As such, it is considered that the materials used to establish the restoration contours have been established and this condition is no longer necessary.
- e) Condition 17 e) requires a scheme of soil handling and placement, including profiles and depths. It is recommended that this now forms a stand-alone condition.
- f) Condition 17 f) requires details of landscaping, such as planting locations, numbers, groupings and species; schedules of fertilizer application; grass and wildflower mixes; plant protection measures; drainage arrangements; pond design; and drainage ditches. NCC Ecology has confirmed that the information within the Section 106 Agreement (15 year aftercare plan) satisfies the requirements of this condition. As such, this part of Condition 17 is no longer necessary.

Traffic and Transportation

- 66. During the week HGV movements to and from the site are limited to 60 per day (30 arrivals and 30 departures). On Saturdays HGV movements are limited to 30 (15 arrivals and 15 departures). The applicant does not propose any changes to vehicle movements, so the existing condition would be repeated on any new planning permission issued.
- 67. There is a condition on the existing planning permission which prevents HGVs from turning right out of the site. In addition, as part of the Section 106 attached to the existing planning permission there is a routeing agreement which requires HGVs to travel along the B6463 to the A634 near Oldcotes, thereby avoiding Styrrup Village (see Plan 5). No change is proposed to the routeing of HGVs, but the S106 will need to be updated to ensure that it refers to any new planning permission granted.
- 68. Given the S106 Routeing Agreement the MPA considers that the condition preventing HGVs from turning right out of the site is not necessary, essentially duplicating controls set out in the S106. Therefore, the condition does not meet the tests for attaching conditions and the WPA recommends that it be removed from any new planning permission granted.

69. The Parish Council has raised concerns about the deposit of mud on the highway and report that a road accident occurred as a result of mud/sand on the road in 2018. A local resident has also raised concerns about mud on the road, noting that a road sweeper is periodically employed, but that it is not used often enough.
70. Mud and debris on the road has not been identified as an issue during regular monitoring visits by the Monitoring and Enforcement Team or whilst the Planning Officer undertook a site visit for this planning application. Indeed, whilst site visit was being undertaken a road sweeper was present, cleaning the site access. It is also noted that there have been no complaints to the WPA regarding mud or debris since the site recommenced inert fill in October 2015 (other than those in response to this application).
71. Notwithstanding the above, it is acknowledged that mud and debris is a transitory impact and officers have recently, whilst passing the site, observed mud and debris on the highway, resulting from operations at the site.
72. The WPA has raised the issue with the applicant and discussed the installation of a wheel wash. The applicant is reluctant to install a wheel wash due to fears that it will be subject to metal theft, noting that they do not leave any plant or machinery at the site overnight. They also noted that they would most likely still have to engage the services of a road sweeper even with the installation of a wheel wash.
73. There is a condition attached to the existing planning permission which restricts vehicles from leaving the site in a condition whereby mud and other deleterious material is carried onto the highway, and it requires further measures to be implemented in the event of a justified complaint. In this instance, the WPA considers that there have been justified complaints from the Parish Council and public (albeit in response to a planning application consultation) backed up by mud being observed on the road by officers. As such, the WPA is recommending a condition for the installation of a wheel wash. This approach would be in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.
74. An objection has also been submitted on the basis that the site entrance/exit is on a dangerous bend and that slow moving vehicles present a hazard. The current site access was the subject of an application in 1997 and has been established for approximately 20 years. No changes are proposed to the established access and the Highways Authority has not raised any concerns.

Conditions

75. The planning application has been submitted by the applicant to extend the life of the site. However, there are a number of conditions attached the existing planning permission for which the required information has been submitted. In addition, the WPA is of the view that a number of the conditions are no longer necessary. As such, this WPA is taking the opportunity presented by this application to review and update all the conditions where necessary. Below is a table of all existing conditions and any changes recommended.

Existing Condition No.	Condition Description	Amendment
1	Defines the permission and identifies the site, limiting infill to 130,000 cubic meters.	Varied to refer to the 'continuation' of the use of the site for restoration by infilling with waste. No change to the volume of fill.
2	Requires development to be commenced within 1 year of the date of the permission.	Deleted – The development has commenced so the condition is no longer necessary.
3	The date of commencement shall be notified to the WPA.	Deleted - The development has commenced so the condition is no longer necessary.
4	Waste operations to cease by 30 th November 2018 and restoration by end of 2018.	Varied – This is the subject of the planning application and will be varied to allow the continuation of infilling until end of December 2023 and the restoration of the site by the end of December 2025.
5	Lists the approved drawings and documents.	Varied – to refer to the updated restoration plan which was provided as part of the previous deed of variation to the Section 106 Agreement and to remove reference to redundant 'existing' plans and old correspondence.
6	Details approved drawing for site offices, toilets and car parking.	No change – Although it is noted that the applicant no longer keeps any office facilities or plant on site due to security concerns.
7	Measures to protect SSSI and SINC	No change
8	Prior to commencement site to be marked out, including the batter to the northern boundary.	Deleted – A separate planning permission (1/15/00575/CDM) was granted in June 2015 for the portion of the bund which sat outside the red-line of the main permission.
9	Prior to commencement details (including sound power levels) of plant/machinery to be used on site to be provided to WPA.	Varied – to refer to previously submitted details.
10	Prior to commencement details of length of cliffs to be retained and the location of sand martin nesting areas.	Varied – Fencing to protect the retained sand martin cliff in the south-west corner of the site shall remain in place for the life of the development.

11	Prior to the commencement a method statement shall be submitted to limit disturbance to Little Ringed Plover.	Varied – Development to be undertaken in accordance with the Ground Nesting Bird method statement.
12	Prior to commencement a breeding bird survey shall be undertaken with the results being used to inform the restoration scheme.	Deleted – A breeding bird survey was undertaken in Spring 2014 and submitted to the WPA.
13	Prior to the commencement of development a method statement shall be submitted to the WPA for the removal of Japanese Knotweed.	Varied – Development shall be undertaken in accordance with the submitted Japanese Knotweed method statement.
14	Immediately prior to the commencement of development a pre-construction check for protected species shall be undertaken.	Deleted – The survey was undertaken in September 2015.
15	Prior to the commencement of development, a method statement to protect reptiles and amphibians during vegetation clearance shall be submitted.	Varied – Development shall be undertaken in accordance with submitted method statement.
16	Prior to commencement details of measures to secure the site from inappropriate use by bicycle and motorised vehicles shall be submitted to the WPA.	Varied – To ensure that measures are put in place within 3 months of the permission.
17	Prior to the commencement of development full details of the concept restoration plan shall be submitted to the WPA.	Varied – A number of elements of this condition are covered by other conditions or the S106. The remaining elements of the condition (phasing details and soil handling/placement) will become stand-alone conditions.
18	Access and egress shall only be via the existing access off the B6463 to the south of Styrrup.	Deleted – This condition is a legacy of the relocation of the site access. The old access is completely restored and the only way to enter the site is via the existing access/egress off the B6463. Furthermore, the S106 defines the site access. The condition is no longer necessary.
19	There shall be no right turn out of the site onto the B6463 for HGVs.	Deleted – The approved route is controlled by a Section 106 agreement, which will be updated to apply to any new planning permission granted. This condition is no longer necessary as it

		duplicates controls in the Section 106.
20	HGV movements limited to 30 in and 30 out on weekdays and 15 in and 15 out on Saturdays.	Varied – No change in HGV numbers, but the condition will be updated to clarify that there should be no HGV movements on Sundays or Public or Bank Holidays.
21	Site shall only operate between 07:30 – 18:00 on weekdays and 08:00 – 13:00 on Saturdays. No HGV movements before 09:00 or after 16:00 on any weekdays. No operations on Sundays, Public or Bank Holidays.	Varied – Additional text will be added to clarify that HGV should not arrive before 09:00 on a Saturday as well as during the week.
22	Any site clearance involving the destruction or removal of vegetation shall not be undertaken between March to August.	No change
23	Sets out measure to be taken to ensure that noise is kept to a minimum.	No change
24	Sets out the measures to be used to ensure that dust arising from the site is kept to a minimum.	No change
25	No vehicles shall leave the site in a condition whereby mud or other deleterious material is carried onto the highway.	No change – However, it should be noted that an additional condition will be attached requiring the applicant to install a wheel wash.
26	Measure to be implemented for the storage of soils, fuels or chemicals on the site.	No change
27	Nothing other than uncontaminated inert material shall be tipped at the site.	No change
28	There shall be no burning of materials on the site at any time.	Deleted – The condition does not relate to the development that is being permitted and, therefore, does not pass the tests of attaching a condition.
29	There shall be no crushing or screening of materials carried out at the site at any time.	No change

30	There shall be no foul drainage on site. Toilet facilities shall be provided in the form of sealed toilets with the contents removed off site as and when required.	No change
31	No stripping or storage of soils within 4m of public highway or 3m of a hedgerow.	Varied – To include Condition 32.
32	All trees and hedgerow bordering the site shall be retained and protected from development operations.	Deleted – Integrated with the above condition. However, an additional condition will be added requiring scrub clearance at the sand martin cliff on an annual basis.
33	The site shall be restored in accordance with the concept scheme, unless otherwise amended by a variation resulting from differing on site volumes.	Deleted – Condition 5 lists the approved drawings and plans, including the concept restoration scheme. As such, this condition is not necessary.
34	No soils shall be removed from site, unless previously agreed by the WPA as part of the approved restoration scheme.	Varied – To remove the reference to “unless otherwise agreed in writing by the WPA”
35	Before any placement of soils, the surface of the site shall be graded and cross ripped.	Varied – To remove the reference to Condition 17.
36	Following re-spreading of soils, any stones larger than 50mm shall be removed from site.	No change
37	Following the placement of soils in any phase, grass seed shall be sown in the first available season for sowing, in areas proposed for grassland creation.	Varied – To remove the reference to Condition 17.
38	Tree/shrub planting shall be carried out within the first available planting season following placement of soils in any phase.	Varied – To remove the reference to Condition 17.
39	Restoration of the site shall be completed within 12 months of the date of completion of waste infilling operations in any phase.	Deleted – the revised Condition 4 sets the date by which the site shall be restored, so this condition is no longer necessary.
40	If the use of the site should cease for a period of more than six months, the operator shall, upon the written request	No change

	<p>of the WPA, clear the site of all buildings plant and machinery within three months. A detailed revised restoration scheme shall then be submitted to the WPA for its approval.</p>	
--	--	--

Other Issues

76. In addition to the Highways concerns Styrrup with Oldcotes Parish Council have objected to the proposed development on the basis that it has gone on long enough and that the company operating the site “*has left scars all over the place where ever they seem to operate*”.
77. The length of time it is taken to restore the quarry has been dealt with in the Policy section of this report and whilst it is recognised that there is policy support to restore sites at the earliest opportunity, it is also recognised that there are factors that have legitimately delayed the restoration at this site.
78. With regard to the Parish Council’s concerns about the ability of the company and their other operations, it is important to recognise that the planning process considers the acceptability of a development and/or use at a particular site. It does not assess whether a company is a ‘fit and proper’ operator. Notwithstanding this, suitable conditions will be placed on any planning permission granted, to ensure that the site is managed in a suitable manner without unacceptable impact, and the County Council will be able to enforce such conditions where expedient.
79. The issue of fly tipping at the site entrance has been highlighted. This is not part of the proposed development and, if anything, the presence of an ongoing business operating at this site would potentially reduce the likelihood of fly tipping at this particular location.
80. A Section 106 Agreement was attached to the 2007 planning permission which:
- a) Required the export of sand from the site to cease;
 - b) Put in place a routeing agreement requiring HGV drivers to access the site via the A634 at Oldcotes; and
 - c) The implementation of a 15 year restoration management scheme.
81. The 2015 planning permission included a deed of variation to the Section 106 attached to the 2007 planning permission. The deed of variation was to ensure that the Section 106 referred to the latest planning permission and to provide an updated 15 year restoration management schedule. In all other respects the Section 106 remained the same and in force. The Section 106 and deed of variation will need to be updated to reflect any new planning permission issued.
82. Condition 16 of the existing planning permission requires details of measures to secure the site from inappropriate use by motorised vehicles to be submitted to the WPA. The main access off the site is secured with a lockable gate and the site is also separated from the SSSI by a fence, although an associated gate has been removed. The operational presence and activity on-site dissuades motocross types of activity. The applicant states that they are not aware of any motor vehicle intrusions on site, but did note that dog walkers are seen on

occasion. Nevertheless, during a site visit the Planning Officer observed what appeared to be tracks from a motorised vehicle (likely to be a quad bike) through a hedge opening from an adjacent field. The applicant does report that there are ongoing issues with regard to security and plant and machinery is removed at the end of each day.

83. The WPA considers that securing the site from unauthorised motorised vehicles is important to ensure that the habitat in the restoration scheme establishes properly. As such, the WPA considers that measures to prevent access to the quarry should be implemented, including the replacement of the gate separating the northern quarry and the filling in of hedgerow gaps. This will be secured by an updated condition.
84. Overall, with the associated conditions the proposed extension of life for the restoration of the site will not have an adverse impact on the amenity of those living and working nearby, or on the environment. As such, the development is in accordance with Policy WCS13 (Protecting and enhancing our environment) of the Waste Core Strategy.

Other Options Considered

85. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

86. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

87. Styrrup Quarry is currently occupied with active working on site. However, historically the site has been left unoccupied which has resulted in trespass and use of the site for motocross activities. It is considered that the continuation of active operation at the site would continue to help to deter some of these activities from taking place. The final restored site would be less attractive for motocross activities compared to the current quarry profiles. Whilst the restoration scheme may not necessarily eliminate such antisocial activities, it is likely to discourage it.
88. The applicant reports that they have experienced theft from the site in the past and as a result remove plant and machinery from the site at the end of each day.

Data Protection and Information Governance

89. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

Financial Implications

90. There is a Section 106 Agreement and associated Deed of Variation attached to the existing planning permission. This restricts any further extraction and removal off site of sand; sets out the approved route for HGVs; and secures a 15 year aftercare scheme for the restored site. Should permission be granted it is recommended that an agreement pursuant to Section 106 is used to secure these measures for the extended permission. The costs associated with this would be borne by the applicant and any decision notice will not be issued until the Agreement has been completed.

Human Rights Implications

91. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Implications for Sustainability and the Environment

92. The application has been considered against the National Planning Policy Framework, the National Planning Policy for Waste; the Nottinghamshire and Nottingham Waste Local Plan and the Nottinghamshire and Nottingham Waste Core Strategy, all of which are underpinned by the objective of achieving sustainable development. The development would provide the restoration of a former quarry through the disposal of inert material.

Other Implications

93. There are no implications for Human Resources, the Public Sector Equality Duty, Safeguarding Children and Adults at Risk, or Service Users.

Statement of Positive and Proactive Engagement

94. In determining this application, the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

95. It is RECOMMENDED that the Corporate Director – Place be instructed to enter into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to ensure no further sand or sandstone is exported from the land; to secure a HGV routeing agreement; and to secure a fifteen year aftercare programme.
96. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 12 June 2019 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed before the 12 June 2019, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is Recommended that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time. Members need to consider the issues set out in the report and resolve accordingly.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [RHC 11/2/2019]

Planning and Licensing Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

Comments of the Service Director – Finance [RWK 12/02/2019]

The financial implications are set out in paragraph 90 of the report.

Background Papers Available for Inspection

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division(s) and Member(s) Affected

Blyth & Harworth

Councillor Sheila Place

Report Author/Case Officer

Oliver Meek

0115 9932599

For any enquiries about this report, please contact the report author.