



30 September 2013

Agenda Item: 6

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

BASSETLAW DISTRICT REF. NO.: 1/13/00639/CDM

**PROPOSAL: THE IMPORTATION OF ALKALINE/LIME RICH MATERIAL TO SPREAD
ON THE EXPOSED COLLIERY DISCARD AND PROVIDE A LONG TERM
SOLUTION TO REDUCING THE ACIDITY LEVELS OF THE SURFACE
WATER RUN-OFF FROM THE TIP**

LOCATION: HARWORTH COLLIERY SPOIL TIP NO. 2, BLYTH ROAD, HARWORTH

APPLICANT: HARWORTH ESTATES

Purpose of Report

1. To consider a planning application for the importation and spreading of a liming by-product at Harworth Colliery Spoil Tip No. 2 in order to reduce acidity levels. The key issues relate to noise, traffic and contamination. The recommendation is to grant planning permission subject to the planning conditions at Appendix 1.

The Site and Surroundings

2. Harworth Colliery Spoil Tip is located towards the northern boundary of Nottinghamshire, approximately 8km north-east of Worksop, 10km north-west of Retford and 10km south of Doncaster. The nearest residential areas are Styrrup, 80m to the west; Harworth and Bircotes, 800m to the north; and Blyth 1.3km to the south.
3. The spoil tip is located in a generally rural setting with an otherwise relatively flat topography. The surrounding area is dominated by agricultural fields, although there is urban and industrial development nearby, particularly to the north.
4. The site is bordered on the west by the A1(M), beyond which are agricultural fields apart from in the north where the village of Styrrup is located (see Plan 1). To the north the site is bordered by Serlby Road, beyond which is an industrial estate, which stretches around the north-east corner of the spoil tip. Beyond the industrial estate is Harworth Colliery itself, which is not currently

operational. The spoil tip is connected to the colliery by a conveyor which runs in a north-east to south-west direction. It enters the north-east corner of the spoil tip and is in a state of disrepair. The villages of Harworth and Bircotes are separated by the industrial estate and colliery. To the east of the site is Blyth Road, beyond which are agricultural fields. To the south of the spoil tip there are also agricultural fields. Also of note, immediately to the south-east of the site is a small group of bungalows located off Blyth Road.

5. The spoil tip site is of a roughly rectangular shape with an area of 109 hectares. The site comprises an unfinished spoil tip with considerable areas of exposed spoil. In the north of the site, areas have been restored and comprise poor semi-improved acid grassland. Curving around the southern side of the spoil tip, and extending partway along the eastern and western sides is plantation broadleaved woodland. There is also an area of plantation broadleaved woodland adjacent to the A1(M) boundary in the north-western corner of the site. There are areas of plantation mixed woodland on the eastern and western edges of the site, and extending around the north-east boundary. Drainage ditches run around the toe of the spoil tip, connecting a number of ponds. There is an access track which runs around the base of the spoil tip.
6. The nearest residential receptor is an individual property located 15m to the east of the south-east corner of the site, although it is approximately 75m from any areas of bare spoil. There are bungalows located on Harworth Avenue, off Blyth Road, which are approximately 80m east of the site boundary (330m from any bare spoil). In addition, the nearest residential properties in Styrrup are 75m west of the application boundary, but 530m from any bare spoil.
7. Vehicular access to the spoil tip is via Blyth Road, using an existing entrance approximately half way along the eastern side of the spoil tip. Blyth Road joins the A614 to the south, just north of a junction with the A1. To the north Blyth Road passes through the western side of the village of Harworth.
8. The application site is not within any area of designation as shown on the Bassetlaw Core Strategy Proposals Map, although it is of note that the 'Development Boundary' of Harworth runs along the northern and eastern corner of the spoil tip.
9. Styrrup Quarry Site of Special Scientific Interest (SSSI), a geological exposure, is located 650m to the west of the spoil tip. There are no other internationally or nationally designated sites within 2km of the spoil tip. There are a number of nearby Sites of Importance for Nature Conservation (SINCs) including Ash Holt SINC, an ancient woodland supporting a characteristic flora 510m to the west; Styrrup Quarry SINC, a sand quarry of botanical interest 450m to the west; and Coronation Clump Sand Pit, a sand quarry supporting notable plant species and of faunal interest 730m to the east.
10. The most significant designated heritage assets in proximity to the spoil tip include a Grade II* Arch (1.2km to the east), Blyth Priory (Scheduled Monument 1.8km to the south), Blyth New Bridge (Scheduled Monument 2km south), Roman Villa at Oldcotes (Scheduled Monument 2.5km south-west),

Malpas Hill Gateway (Grade II* 2.4km west), and Sandbeck Park and Roche Abbey (designated Park and Garden 2.35km west). In addition, there are a number of Grade II Listed Buildings located in the surrounding settlements. The nearest conservation areas are in Blyth, approximately 2km south of the site, and at Oldcotes 2km west of the site boundary.

Proposed Development

Site History and Background

11. Harworth Colliery Spoil Tip No. 2 started receiving spoil in 1977 and ceased receiving spoil in 2006 due to Harworth Colliery being mothballed. The spoil tip has since been under a scheme of maintenance.
12. Planning permission for the spoil tip expired at the end of June 2013. A separate planning application has been submitted to extend the life of the spoil tip by 25 years, which will be required if mining operations recommence at Harworth Colliery. This application is in the process of being determined.
13. The applicant states that over the life of the colliery the surface of the spoil tip has become strongly acidic. This is a common feature of colliery spoil as the entrained pyrite is present in its raw reduced state and, on exposure to air, oxidises over time to produce sulphuric acid with a consequential pH reduction.
14. Chemical analysis undertaken in 2011 shows that the site has a strongly acidic pH of 3.0. One of the main issues with this is that there is a risk of significant amounts of acidic leachate for any water that percolates through the material and exits via drainage channels.
15. The current acidity controls include surface water being fed through drainage channels and into a series of balance ponds. One of the balance ponds includes limestone blocks, which reduce the acidity of the water once it has passed through. Dilution of the water is still needed following this, which is achieved by pumping groundwater via boreholes into the run-off water prior to its discharge into the watercourse. The applicant considers the current solution to reducing acidity levels to be insufficient to solve the problem in the long term.

Proposed Development

16. This planning application is seeking permission to import and spread high alkaline material at Harworth Colliery Spoil Tip No. 2. The material would either be K Lime or Potassic Lime although this material will depend on timing of operations and availability of material. The purpose is to stabilise the surface of the tip area, using a liming by-product to reduce the acidity levels in the surface water run-off from the site. The liming by-product would have a neutralising effect helping to increase and maintain pH levels at or near the surface. The material is likely to be sourced by 4R Recycling from a cement by-product conditioning facility at Beeley Wood, Sheffield.

17. The proposal involves the importation of 32,000 tonnes of material. This figure has been calculated as necessary to counteract the acidification based on 1,000 tonnes per hectare, with a substrate pH of 3.0. This rate has been based on the analysis of the mineral substrate at the tip during 2011.
18. The material would be delivered to the site and placed in stockpiles to allow efficient application of the materials onto the tip surface. The lime additions would be applied to the site in a four stage process:
 - i) Removal of the surface (c. 0-40cm) on-site mineral material using a suitable earth moving technique (i.e. bulldozers) to temporary stockpiles.
 - ii) Application of lime, at the proposed rate, using a combination of dumper trucks to deposit the lime and spreading by bulldozer.
 - iii) Replacement of on-site mineral material by bulldozer and ripping of the lime and mineral materials using deep tines attached to the bulldozer.
 - iv) Rolling to level the surface.
19. On the flat surface of the spoil tip lime materials would be mixed to a depth of 0-40cm, however on the batters, the lime would be mixed to a depth of 50-100cm. Following mixing and levelling works the site would be monitored to ensure the process has been successful. The application states the site would then have the potential to facilitate further disposal of colliery spoil, as the proposal will have minimal impact on the capacity at the tip. It should be noted that there will be 8.4 million m³ of remaining capacity only if the application to extend the life of the tip receives planning permission.
20. The importation of lime material would be phased over a 10-12 month period and delivered using articulated lorry via the existing access off Blyth Road. During the five busiest months of a 10 month period there is forecast to be 394 vehicle movements (in and out) per month. This equates to 18 movements per day or 1.5 movements per hour based on a 12 hour working day.
21. The proposed hours of operation would correspond with those worked when the colliery spoil tip was operational, as set out in the recently expired planning permission (Ref: 1/66/96/16). The hours proposed are 07:00 – 19:00 Mondays to Fridays; 07:00 – 13:00 on Saturdays; and no working on Sundays, Public or Bank Holidays.
22. There are currently three full time employees associated with the spoil tip. The proposal is not anticipated to change this.

Consultations

23. **Bassetlaw District Council** – No objection.
24. **Environment Agency Midlands Region** – No objection. However a number of comments are made:

- i) The proposed activities must not result in breaches of any conditions of the current site discharge permit ref. T/77/08517/T.
- ii) The proposed activity has the potential to generate significant suspended solids run-off and a scheme concurrent with any necessary mobile plant permit, etc should address this risk.
- iii) The Environment Agency requests an agreed scheme of sampling of surface waters on site to validate the success of the proposed activity;
- iv) The Environment Agency requests a pre-commencement meeting.

Any material which the EA classified as a waste material can only be used if a relevant permit and/or exemption and deployment is in place.

- 25. **NCC (Planning Policy)** – Paragraph 109 of the NPPF seeks the remediation and mitigation of despoiled and contaminated land and also the prevention of unacceptable risks from soil, air, water or noise pollution. Paragraphs 120 and 121 guide decision making and matters to be taken into account when dealing with contaminated or unstable land.
- 26. Nottinghamshire Minerals Local Plan Policy M3.8 deals with the water environment and protecting both the surface water and ground water resources. The Mining Waste Directive is also applicable in Article 4 which directs that operators will ensure measures are in place to reduce as far as possible and with the best available techniques any adverse impacts on the environment and human health. Articles 11 and 13 direct that measures to protect water and soil contamination are in place including the collection and treatment of water and leachate before their discharge.
- 27. The Minerals Planning Authority (MPA) should be satisfied that the haulage of the materials can be accommodated without causing unacceptable environmental impact or disturbance to local communities in accordance with Policy M3.13 and that visual impact is acceptable in accordance with Policy M3.3. In this regard it is possible that the alkaline material will be light in colour, as opposed to the familiar darkness of the spoil, but it is not clear whether this would entail any landscape or visual issues beyond the site boundary.
- 28. The MPA may also wish to clarify whether the existing balancing ponds are to remain functional alongside the proposed lime tipping method, as it is not clear whether the proposals would replace or supplement the current methodology.
- 29. In conclusion the proposal can be determined against the Minerals Local Plan, particularly in regards to measures for environmental protection and attention is drawn to the relevant European Directive in this case.
- 30. **NCC (Noise Engineer)** – No objection. All noise levels from site operations are predicted to be equal to or less than the permitted levels in the NPPF (i.e. less than or equal to 55dB L_{Aeq, 1hour} for normal operations). Therefore it is not anticipated that there will be any adverse noise impact from the proposals.

31. It is recommended that should planning permission be granted noise conditions should be attached relating to hours of operation, noise levels at the nearest residential receptors, and reversing alarms on vehicles/mobile plant.
32. **NCC (Highways) Bassetlaw** – No objection. The Transport Statement states that the development would generate 394 vehicle movements per month. This equates to 18 vehicles a day or 1.5 per hour. The classification of the roads proposed to be used is such that no compromise of the free flow of traffic is envisaged.
33. The submitted drawings show a 4.5m x 215m visibility splay can be achieved at the site access. At present this is not the case due to vegetation. To ensure driver safety the applicant is required to remove all obstructions to vision above 0.26m of the carriageway level within the splay.
34. The site access has degraded over time. The applicant will be required to re-surface the access for the first 15m behind the highway boundary to prevent loose material being deposited onto the highway.
35. **NCC (Reclamation)** – From a contaminated land perspective there do not appear to be any issues of significance provided previous and existing operating procedures and monitoring regimes are continued.
36. The development will need to ensure protection of underlying groundwater and continued protection of surface water systems from adverse run-off from the colliery spoil heap. Similarly air quality will require monitoring works to ensure unacceptable levels of fugitive dust are not generated during the liming works.
37. The most significant impact of the proposed works will be the exposure of the site workforce to highly alkaline/corrosive materials. Site conditions should be monitored and tipping should not be undertaken in windy and dry conditions. Workforce should be protected with appropriated Personal Protection Equipment (PPE).
38. Provided the applicant can prove these procedures and operational methods will be adhered to and the proposals are acceptable to the EA and HSE then there should be no reason to object to the proposal from a contaminated land perspective.
39. **NCC (Nature Conservation)** – No objection. The site has the potential to be used by Little Ringed Plover. The works are due to last around a year and could affect this species if present. A condition is recommended requiring the production and implementation of a method statement relating to ground nesting birds. The contents of the method statement should be followed when works are taking place during the period March – August.
40. The site lies well outside the Sherwood 5km buffer zone around the 'might be' Special Protection Area (SPA) and material is likely to be coming from Sheffield. As a result the potential impacts on the 'might be' Sherwood SPA are not considered to be an issue in relation to this application.

41. **National Grid (Gas)** – No objection. National Grid has identified that it has apparatus in the vicinity of the application which may be affected by the activities specified. National Grid request to be informed of the decision the Authority is likely to make.
42. **Anglian Water Services Limited** – No objection.
43. **Northern Powergrid** – No objection.
44. No response received from **Styrrup with Oldcotes Parish Council, NCC (Countryside Access), Nottinghamshire Wildlife Trust, Natural England and Severn Trent Water Limited**.

Publicity

45. 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. No representations have been received.
46. Councillor Sheila Place has been notified of the application.

Observations

Introduction

47. Planning permission is being sought to import lime material to spread on Harworth Colliery Spoil Tip No. 2. The purpose is to reduce the acidity levels of surface water run-off. The proposal involves the importation of 32,000 tonnes of material over a 10-12 month period.

Planning Policy Assessment of the Proposed Site

48. There are no policies within the Nottinghamshire Minerals Local Plan (MLP) that deal directly with the spreading of lime material on a spoil tip to alter pH levels of surface water run-off. However, there are policies that relate to new, and reworking of existing, spoil tips.
49. Policy M12.3 (Colliery Spoil Disposal) of the MLP sets out measures that will be imposed where planning permission is granted for colliery tipping, including:
 - a) Priority is given to early construction and reclamation of external, visible faces;
 - b) Tipping profiles avoid 'engineered' or other alien landforms;
 - c) Opportunities are taken to improve the appearance of existing adjacent tipping schemes;
 - d) Reclamation is phased to minimise visual impact and problems of surface run-off;

- e) Opportunities are taken to reclaim sites to suitable level Biodiversity Action Plan priority habitats.
- 50. It is recognised that the proposed development does not strictly fall under Policy M12.3. However, as the development involves tipping material onto an existing spoil tip elements of the policy are applicable, namely the promotion of early reclamation and minimisation of problems associated with surface water run-off.
- 51. Firstly, as mentioned above, the existing planning permission for the spoil tip has expired. An application has been submitted to extend the life, and due to the requirement for further ecological information, which can only be seasonally collated, is not likely to be determined until summer time next year at the earliest. As such, if the extension of life is granted planning permission and spoil disposal recommences, this planning application will have no impact on the timescales for reclamation. On the other hand, if planning permission is not granted then restoration works should begin. However, this proposal is for a temporary period of 10-12 months and is, therefore, unlikely to have a significant impact on restoration timescales providing that it is implemented quickly and is in line with this section of Policy M12.3. In order to ensure that the development is implemented in a timely manner it is recommended that a condition requires the development to commence within 12 months of permission being granted and lasts no longer than the 10-12 months stated in the application.
- 52. The second relevant aspect of Policy M12.3 is phasing schemes to minimise surface water run-off problems. Whilst it is acknowledged that this scheme has little to do with phasing, the purpose is to mitigate existing surface-water run-off problems. As such, the development is considered to be in line with the thrust of this section of Policy M12.3.
- 53. Policy M12.6 (Reworking of Colliery Spoil Tips) sets out criteria for the acceptability of existing spoil tip reworking, including:
 - a) The spoil tip has not become an established, attractive landscape or wildlife feature;
 - b) It would not cause an unacceptable environmental impact;
 - c) It would not cause unacceptable impact to local communities;
 - d) It will result in a substantial environmental improvement of the site.
- 54. Again, it is noted that strictly speaking Policy M12.6 applies to reworking of colliery spoil tips to recover coal that was disposed in the spoil tip due to past inefficiencies in processing and washing. However, the proposal would involve the removal of the surface of the spoil tip in a manner similar to, although not as extensive as, spoil tip reworking. As such, all the criteria contained within the policy are considered applicable.
- 55. Parts of the spoil tip have been restored and there are a range of habitats including semi-improved acid grassland and woodland planting. However,

there remain large areas of exposed spoil and the applicant states that works would only occur on these areas. The development is not deemed to have an unacceptable environmental impact, in fact, the purpose is to reduce the pH of acidic surface water run-off thereby creating an environmental improvement for the site. The development is not considered to have an unacceptable impact on local communities by virtue of noise, traffic or dust and all of these issues are discussed in more detail. Overall, the proposed development is deemed to be fully in accordance with the principles of Policy M12.6.

Contamination and Water Environment

56. The National Planning Policy Framework (NPPF) discusses pollution in Chapter 11 'Conserving and Enhancing the Natural Environment', with paragraph 120 stating that planning decisions should ensure that new development is appropriate to its location and the effects of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects of pollution, should be taken into account.
57. Policy M3.8 of the MLP states that planning permission for minerals development will only be granted where:
 - a) Surface water flows are not detrimentally altered;
 - b) Groundwater levels, where critical, are not affected;
 - c) There are no risks of polluting ground or surface waters.
58. Surface water flows are currently controlled by drainage channels surrounding the spoil tip, which link balance ponds together. This method of managing surface water will not be altered. However, the development is proposed to remove the need to abstract ground water to dilute the surface water run-off, thereby reducing the volume of water entering the local watercourse. The development is in accordance with Part a) of Policy M3.8.
59. The proposed development would reduce, or even eliminate, the need to abstract groundwater for dilution purposes. This means that groundwater levels would no longer be affected by the treatment process, fully in line with Part b) of Policy M3.8.
60. The purpose of the development is to create a surface layer on the spoil tip treated with lime material. This would buffer the acidification which is presently arising from the colliery spoil substrate, preventing the potential for acid leachate production as water percolates through the mineral surface. This would reduce the acidity levels in the surface water run-off and the potential for polluting the water environment. The development is therefore fully in accordance with Part c) of Policy M3.8.
61. The Environment Agency has been consulted on the proposal and has no objection, although a number of comments have been made relating to permits and sampling. The applicant's attention will be drawn to the comments in the

‘informatives’ section of the decision notice should planning permission be granted.

62. The NCC Landscape and Reclamation Team also have no objection to the development stating that there do not appear to be any issues of significance from a contaminated land perspective. The corrosive nature of alkaline materials has been highlighted and it is recommended that workers should wear suitable safety equipment, although this is not a planning issue and would be covered by site protocols and Health and Safety regulation. The potential for dust generation has also been highlighted, although this is discussed later.

Traffic and Access

63. The development would involve the importation, by HGV, of 32,000 tonnes of material over a period of 10-12 months. The applicant has forecast the amount of material, and corresponding lorry movements, per month over the duration of the development. This is replicated in Table 1 below.

Table 1 – Monthly tonnage import and lorry movements

Month	Tonnage	Lorry Movements	
		Average 25 Tonne Load	Average 30 Tonne Load
1	820	66	54
2	1,640	132	110
3	2,465	198	164
4	4,923	394	328
5	4,923	394	328
6	4,923	394	328
7	4,923	394	328
8	4,923	394	328
9	1,640	132	110
10	820	66	54
Total	32,000	2,564	2,132

64. The applicant has assumed that each month represents 28 days (rather than 30-31) to increase the average daily traffic generation. Each working week of 5 ½ working days equals 66 working hours (264 hours over a month).
65. During the peak months, assuming a 25 tonne load, there would be 394 lorry movements per month. Based on the above assumptions this equates to 18 lorry movements per day (1.5 movements per hour). Development generated traffic would increase the 12 hour flows of traffic along Blyth Road from an observed figure of 5,241 to a forecast figure of 5,259, an increase of 0.3%.
66. The HGVs delivering material to the site would travel via junction 34 of the A1(M) (the Blyth junction) and then travel along the section of Blyth Road to the site access on the eastern side of the spoil tip.
67. The proposed development will not generate a level of traffic that would compromise the surrounding highway network. This view is supported by the

NCC Highways Team. In this regard, the development is in accordance with Policy M3.13 (Vehicular Movements) of the MLP.

68. The NCC Highways Team notes that the submitted drawings show suitable visibility splays (4.5m x 215m) at the access. However, having inspected the site it is apparent that this is not the case due to overgrown vegetation. Therefore, it is recommended that a condition is attached to require the applicant to remove all obstructions to vision above 0.26m of the carriageway level within the visibility splay. This is to ensure that drivers can exit the site in a safe manner.
69. The NCC Highways Team also recommend a condition that requires the access being surfaced in a suitably bound material up to a point 15m behind the carriageway. This is to prevent loose material being deposited onto the highway when the use of the site access intensifies. This measure is in line with Policy M3.12 of the MLP which recommends the use of measure to prevent mud and other deleterious material contaminating the public highway.

Noise

70. A noise assessment was submitted with the planning application considering the potential noise impact associated with any future short-term and operational activities on the spoil tip, to include the loading of soil and spoil by wheeled loaders, transport of material around the site, and bund/tip shaping by a dozer.
71. The noise assessment was originally conducted in relation to the application to extend the life of the spoil tip which is running concurrently with this application, as mentioned in the site history and background of this report. However, the applicant confirmed that the plant and equipment to be used on site would be the same and, as such, the assessment also applies to this proposal.
72. Baseline noise monitoring was carried out at three locations which were discussed with the NCC Noise Engineer and considered to be representative of locations most exposed to noise from the site. The noise measurement locations and levels are set out in the table below.

Table 2 – Summary of Measured Daytime (07:00-19:00hrs) Noise Levels, dB(A)

Location	L _{Amax}	L _{Aeq}	L _{A90}
1: Adjacent to rear gardens on Pagdin Drive	65-88	59	56
2: Front Garden of Kirk View Kennels and Cattery	70-82	61	47
3: Rear of dwellings on Harworth Avenue	56-91	52	45

73. The assessment states that the main source of background noise is road traffic.
74. Predicted noise levels have been calculated during short term operations under a number of different scenarios to reflect worst case conditions (e.g. where items of plant will work closest to each of the nearby dwellings). Similarly, the calculated noise levels during normal operations have been carried out for a number of scenarios to reflect worst-case conditions. The

predicted noise levels have been calculated using noise levels from two CAT 250E Dump Trucks, a CAT 950 Loading Shovel and a CAT D6 Dozer and it has been assumed that all fixed and mobile plant would have 100% on-time for the purpose of calculating a worst case scenario. The predicted noise levels are set out in Table 3 below.

Table 3 – Predicted Worst-Case Hourly Noise Levels (dB L_{Aeq,1hr,free-field})

Location	Short Term Operations					Normal Operations			
	Limit	T1	T2	T3	T4	Limit	N1	N2	N3
1: Adjacent to rear gardens on Pagdin Drive	70	53	62	62	63	55	45	43	43
2: Front Garden of Kirk View Kennels and Cattery	70	28	27	31	51	55	29	30	50
2A: Dwellings on Harworth Avenue adjacent to Blyth Lane	70	26	26	30	47	55	29	29	45
3: Dwellings on Harworth Avenue	70	26	25	30	46	55	28	29	43

76. The Technical Guidance to the NPPF provides guidance on noise levels at minerals sites. Paragraph 30 states that subject to a maximum of 55dB(A)LAeq, 1h (free field) mineral planning authorities should aim to establish a noise limit at noise sensitive properties that does not exceed the background level by more than 10dB(A). Paragraph 31 states that all mineral operations will have some particularly noisy short-term activities that cannot meet the limits set for normal operations. However, these activities can bring longer-term environmental benefits. Increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer term environmental benefit to the site or its environs.
77. The noise assessment concludes that the results of the calculations, as set out in Table 3, show that noise from the site during both short-term and normal operations would meet the adopted noise criteria. The applicant considers that noise from the site can be controlled to below the adopted noise criteria without any specific noise mitigation measures other than using plant that meets the adopted source noise levels.
78. The NCC Noise Engineer has reviewed the noise assessment and notes that the existing background noise levels (L₉₀) were recorded as 56dB at Pagdin Drive, 47dB at Kirk View Kennels and 45dB at Harworth Avenue. The NPPF specifies that noise levels from normal operations should not exceed an LAeq, 1hour of L₉₀ + 10dB subject to a maximum limit of 55dB. Therefore the noise limit for normal operations will be L_{Aeq, 1 hour} 55dB at all properties. All noise levels from site operations are predicted to be equal to or less than the permitted levels in the NPPF for normal operations. Therefore, it is not anticipated that there will be any adverse noise impact from the proposals.

79. The NCC Noise Engineer recommends conditions relating to working hours, noise limits and reversing alarms on vehicles/mobile plant. Attaching such conditions would be in line with Policy M3.5 of the MLP which seeks to attach appropriate conditions to planning permission for minerals development.

Ecology

80. The proposed development is not within any areas of ecological designation, with the nearest being Styrrup Quarry SINC approximately 450m to the west. It is not considered that the development will have any impact on this, or any other, designated area.
81. The applicant has confirmed that the proposal will only result in material being placed on bare areas of exposed colliery spoil and that the development will not compromise the restoration of the spoil tip. The NCC Ecologist is satisfied and has no objection to the development. However, the site has potential for use by Little Ringed Plover and, as such, a condition is recommended requiring the production and implementation of a method statement relating to ground nesting birds to be followed during the period March to August.

Other

82. The proposed activities (i.e. removal of surface spoil, placing of lime material, replacement of surface spoil and ripping of lime and mineral materials) has the potential to generate dust, particularly during dry and windy conditions. In light of this, conditions will be attached to suppress dust generation in line with Condition M3.7 of the MLP.
83. The issue of visual impact was raised in the consultation response from the NCC Planning Policy Team, specifically if the proposed material to be imported is light in colour. The applicant has clarified that the material would be of a light colour although in order for it to be effective it would need ploughing/ripping into the top layer of exposed colliery spoil and that this would not cause a lightening of the spoil surface. It is therefore considered that there would not be a visual impact from the proposed development.

Other Options Considered

84. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. The alternative would be to continue current methods of reducing acidity levels involving abstraction of ground water and reliance on balancing ponds although this is not regarded as a suitable long term solution.

Statutory and Policy Implications

85. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service 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

86. With regard to crime and disorder there have been instances of trespass on the spoil tip, with individuals observed to be 'ferreting' for rabbits. An operational presence on site may serve to deter this type of activity.

Human Rights Implications

87. The relevant issues arising out of consideration 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 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

88. The acidification of the surface of the spoil tip carries potential environmental risks of pollution of surrounding watercourses. Current measures are in place to reduce this risk, including the placing of limestone blocks in balancing ponds and using abstracted groundwater to dilute run-off. The proposal would reduce the potential risks of pollution to the wider environment, remove the need to abstract water for the purposes of dilution and use a lime by-product rather than a primary aggregate.

Conclusions

89. The purpose of the proposed development is to reduce the acidity of surface water run-off in a more controlled and sustainable manner than the measures that are currently used. The nature of the development is in line with one of the overarching principles of the National Planning Policy Framework (NPPF) which states that there is a presumption in favour of sustainable development.
90. There are no specific policies within the Nottinghamshire Minerals Local Plan (MLP) that directly apply to the spreading of a lime material at spoil tips to reduce acidification. However, the development has been assessed against Policies M12.3 (Colliery Spoil Disposal) and M12.6 (Reworking of Colliery Spoil Tips) and has been found to be in accordance with the relevant criteria.
91. The purpose of the scheme is to prevent pollution to surrounding watercourses. The development would also result in there no longer being a need to abstract water to dilute surface water run-off. This is fully in accordance with Policy M3.8 of the MLP.
92. The vehicle numbers associated with the development are not considered to have any impact upon the surrounding highway network and highway safety measures will be secured through conditions. This is in accordance with

Policies M3.12 (Highway Safety and Protection) and M3.13 (Vehicular Movements) of the MLP.

93. The potential amenity impacts of dust and noise have been assessed. The potential noise impact of the development has been assessed and found to be acceptable. The development is therefore in accordance with Policy M3.5 of the MLP. Dust can be generated by the stripping and spreading operations associated with this development, and this can be controlled through conditions in line with Policy M3.7 of the MLP.
94. The scheme involves spreading material on existing bare and exposed areas of spoil. This development would have very little ecological impact. Nevertheless, a condition relating to ground nesting birds will ensure their protection.

Statement of Positive and Proactive Engagement

95. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; assessing the proposals against relevant Development Plan policies; the National Planning Policy Framework, including the accompanying technical guidance. The Minerals Planning Authority has identified all material considerations; forwarding consultation responses that have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application. Issues of concern have been raised with the applicant, such as impacts of noise, ecology and visual impact and have been addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

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

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

Committee have power to decide the Recommendation

[28.08.13 SHB]

Comments of the Service Director - Finance

Text to be entered here

[Initials and date here in square brackets]

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Blyth and Harworth – Councillor Sheila Place

Report Author / Case Officer

Oliver Meek

0115 9696516

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

W001161 – DLGS REFERENCE

PPCS OM/TEB – COMMITTEE REPORT FOLDER REFERENCE

6 September 2013 – Date Report Completed by WP Operators

EP5375

RECOMMENDED PLANNING CONDITIONS

Commencement and Duration of the Development

1. The development hereby permitted shall be begun within 12 months 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.

3. The permission hereby permitted is for a temporary period only, ceasing 12 months after the commencement of development as notified under Condition 2.

Reason: To ensure that the lime spreading is undertaken in a timely fashion and does not delay future spoil tipping or restoration of the site.

Approved Plans and Documents

4. The development hereby permitted shall be carried out in accordance with the following plans and documents, unless otherwise required pursuant to other conditions of this planning permission:

- a) Drawing No. 001/HPL/HE/HTIP titled 'Site Location Plan' – received by the MPA on 15 March 2013;
- b) Drawing No. 002/HPL/HE/HTIP titled 'Planning Application Plan' – received by the MPA on 15 March 2013;
- c) Drawing No 2127/1 titled 'Existing Site Access Junction' – received by the MPA on 15 March 2013;
- d) Planning Application Forms – received by the MPA on 15 March 2013;
- e) Supporting Statement – received by the MPA on 15 March 2013;
- f) Transport Statement – received by the MPA on 15 March 2013;

Reason: For the avoidance of doubt.

Importation of Material

5. Only K Lime and/or Potassic Lime shall be used as the high alkaline material in the development hereby permitted. Details of any other similar liming by-products shall be submitted to, and approved in writing by, the MPA prior to their use on site.

Reason: To define the high alkaline material to be used.

6. The liming by-product to be imported shall only be spread on areas of bare and exposed colliery spoil.

Reason: To ensure restored areas are not affected.

7. The maximum amount of lime material to be imported to the site is 32,000 tonnes. A written record shall be kept by the site operator of the amounts of material accepted and it shall be made available to the MPA within 7 days of a written request from the MPA.

Reason: To ensure impacts arising from the operation of the site do not cause unacceptable disturbance to local communities in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan (MLP).

Hours of Working

8. The development hereby permitted shall only operate between the following hours:

Operation	Area of Site	Mondays to Fridays	Saturdays	Sundays, Bank and Public Holidays
Transportation of Lime Material to Site	-	07:00 – 19:00	07:00 – 13:00	Not at all
Deposit/spreading of lime material	Within 200m of Kirk View Kennels	08:00 – 18:00	08:00 – 13:00	Not at all
	All other areas	07:00 – 19:00	07:00 – 13:00	Not at all

Reason: In the interests of the amenity of nearby occupiers and to accord with Policy M3.5 of the MLP.

Noise

9. Noise levels due to short term operations associated with soil stripping, storage and replacement within the site shall only exceed 55dB(A) (1 hour Leq) when measured at residential receptors, for periods totalling no more than 8 weeks during the 12 month life of the development hereby permitted. During an 8 week period, the maximum noise level shall not exceed 70dB(A) (1 hour Leq).

Reason: To mitigate noise impact in accordance with Policy M3.5 of the MLP

10. Other than as set out in Condition 9, the noise level from the development hereby permitted shall not exceed 55dB(A) when measured as a 1 hour L_{Aeq} at any residential receptor.

Reason: To mitigate noise impact in accordance with Policy M3.5 of the MLP

11. All vehicle and mobile plant on-site shall be fitted with smart audible alarms adjusted to background noise levels at all times.

Reason: To mitigate noise impact in accordance with Policy M3.5 of the MLP.

Dust

12. Measures shall be taken to minimise the generation of dust from operations at the site. These shall include, but not necessarily be limited to, any or all of the following steps as appropriate:

- a. The use of water bowzers to dampen haul roads, coal stockpiles, exposed spoil material and other operational areas of the site;
- b. The regular re-grading of internal haul roads;
- c. The fitting of all mobile plant with exhaust systems which cannot be emitted in a downward direction;
- e. The minimisation of exposed surfaces on the spoil mound;
- f. Upon the request of the MPA, the temporary suspension of operations during periods of unfavourably dry or windy weather conditions.

Reason: To ensure that dust impacts associated with the operation of the development are minimised in accordance with Policy M3.7 of the MLP.

13. Dust monitoring shall be carried out on-site in accordance with a dust monitoring scheme which shall have been submitted to and approved in writing by the MPA within one month of the date of commencement of the development. The dust monitoring scheme shall include:

- a. Details of the method of dust monitoring;
- b. The location of the dust monitoring points;
- c. The frequency of the dust monitoring inspections;
- d. The method of analysis;
- e. The logging of dust monitoring results;
- f. The submission of dust monitoring results to the MPA; and

- g. Procedures and timescales for implementing corrective actions.

Any corrective actions considered necessary shall be implemented in accordance with the approved scheme.

Reason: To ensure that dust impacts associated with the operation of the development are minimised in accordance with Policy M3.7 of the MLP.

Ecology

14. Before the development hereby permitted commences a method statement detailing protection measures for ground nesting birds shall be submitted to, and approved in writing by, the MPA. The development shall thereafter be carried out in full accordance with the approved method statement.

Reason: In order to reduce potential for impact on protected species.

Traffic and Access

15. No part of the development hereby permitted shall be brought into use until the visibility splays as shown on drawing number 2127/1 are provided. The area within the visibility splays shall thereafter be kept free of all obstructions, structures or erections exceeding 0.26m above carriageway level.

Reason: In the interests of highway safety.

16. No part of the development hereby permitted shall be brought into use until the access to the site has been surfaced in a bound material for a minimum distance of 15m behind the highway boundary in accordance with plans first submitted to, and approved in writing by, the MPA.

Reason: In the interests of highway safety and in accordance with Policy M3.12 of the MLP.

Contamination

17. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of the aggregate storage capacity of all storage containers. All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or wall.

Reason: To protect ground and surface water from pollution in accordance with Policy M3.8 of the MLP.

Other

18. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995, as amended, no plant, buildings or machinery shall be erected on site without the prior written approved of the MPA.

Reason: In order that the effects of any proposed plant, building and machinery can be assessed by the MPA.

INFORMATIVES / Notes to Applicant

1. Attention is drawn to the letter from the Environment Agency dated 1 August 2013, a copy of which is attached to this decision notice.
2. Attention is drawn to the letter from the National Grid dated 3 June 2013, a copy of which is attached to this decision notice.
3. Attention is drawn to the letter from Northern Powergrid dated 23 July 2013, a copy of which is attached to this decision notice.