



Northumberland County Council

Mrs Katie Wood
R & K Wood Planning LLP
1 Meadowfield Court
Meadowfield Ind. Est.
Ponteland
Newcastle Upon Tyne
NE20 9SD

Our Ref: 22/02162/CCM
Your Ref:
Contact: Mr Gordon Halliday
Direct Line: 07785727053
E-Mail: Gordon.Halliday@northumberland.gov.uk
Date: 18th July 2023

Dear Sir/Madam,

Application to Northumberland County Council – Development Management

I refer to your application to the above unit and enclose your approval certificate. This is an important legal document that may need to be produced, for example, if you decide to sell your property. It should therefore be safely stored.

Most approvals are subject to conditions and these are listed on the second page of the certificate. These form part of your permission and must be adhered to. Some conditions may require additional information to be submitted to this unit prior to the starting of any works, whilst others are ongoing, either just during the construction period and others for the life of the development. An application for 'Approval of details reserved by condition' is required to discharge conditions that request further information. Failure to complete work in compliance with the approved plans/conditions or failure to discharge your condition(s) at the correct time could result in the Council taking enforcement action. Please read further information on our website so you fully understand your responsibilities (www.northumberland.gov.uk/Planning).

If you consider that you are unable to comply with any of the conditions, you do have a right to apply to the Council to have a condition removed or varied. This has to be in the form of a variation application. Alternatively you do have a right of appeal to the Planning Inspectorate (see information on reverse of certificate). In either of these circumstances, you are advised to contact the Planning Case Officer first.

Most building work requires Building Regulations Approval. If you have not already applied for this, you should your area Building Control office

Finally, it would be helpful for record keeping purposes, if you could inform the planning unit prior to starting the building or other works, contact information is detailed at the top of this letter.

Yours faithfully,

Rob Murfin
Director of Housing & Planning (Chief Planning Officer)



Northumberland County Council

TOWN AND COUNTRY PLANNING ACT 1990(As Amended)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2010

NOTICE OF PLANNING PERMISSION

Application No. 22/02162/CCM

Mrs Katie Wood
R & K Wood Planning LLP
1 Meadowfield Court
Meadowfield Ind. Est.
Ponteland
Newcastle Upon Tyne
NE20 9SD

Proposal Restoration, including removal of asphalt and sub-base associated with haul road, and importing inert material to infill resulting void at Northern Section of Stobswood Haul Road.

Location Stobswood Haul Road Ulgham Northumberland

Applicant Mrs Nicola Sanders Sanders Plant and Waste Management Ltd
40 Butterwell Drive Pegswood Morpeth NE61 6YE

In pursuance of powers under the above Act the Local Planning Authority hereby PERMITS the development described above which should be carried out in accordance with plans and details submitted with the application subject to all conditions defined in the attached schedule.

Rob Murfin
Director of Housing & Planning (Chief Planning Officer)

18th July 2023

NOTE

Failure to adhere to any details shown on the plans forming part of the application for which permission is hereby granted, and/or failure to comply with any conditions attached to this permission, may constitute a contravention of the provisions of the Town and Country Planning Act 1990 in respect of which enforcement action might be taken.

(YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF)

Application No. 22/02162/CCM

Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and documents. The approved plans and documents for this development are:

Plans

- a. Location Plan (Drawing 21-144-001 Rev B)
- b. Existing and Proposed Extent of Works (Drawing 21-144-002 Rev C)
- c. Existing and Proposed Signage (Drawing 21-144-003)
- d. Restoration Plan (Drawing 21-144-004)
- e. Site Access Arrangements (Drawing 21-144-005 Rev A)
- f. Cross Section (Drawing 21-0144-006)
- g. Operational Period Works Plan (Drawing 21-144-008 Rev. A)
- h. Compound Area Plan ((Drawing 21-144-009 Rev. A)

Documents

- i. Planning Statement. R&K Wood Planning LLP on behalf of Sanders Plant and Waste Management. June 2022
- j. Restoration Plan. FWS Geotechnical & Environmental Consultants. (Rev. 2) June 2022
- k. Flood Risk assessment and Drainage Strategy. Coast Consulting Engineers. 19 August 2022
- l. Construction Environmental Management Plan. R&K Wood Planning. 28 February 2023
- m. Landscape and Ecological Management Plan. AES Ltd. February 2023

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans and documents.

- 3 The Local Planning Authority shall be notified in writing within 7 days of the development having commenced, of the date of the commencement of site operations.

Reason: In the interests of the proper working of the site in accordance with Policy MIN 3 of the Northumberland Local Plan.

- 4 The permission hereby granted is for a period expiring on 31 December 2027. The exportation of materials for recycling from the site and the importation of soils shall cease no later than 31 December 2026 and the site shall be fully restored no later than 31 December 2027 in full accordance with the plans and details hereby approved.

Reason: In the interests of the proper working and restoration of the site in accordance with Policy MIN 3 of the Northumberland Local Plan.

- 5 The operator shall ensure that a notice board is erected and maintained at the entrance to the site indicating the name, address and telephone number of a representative of the operator who would be available to deal promptly with any complaints.

Reason: In the interests of the proper working of the site in accordance with Policy MIN 3 of the Northumberland Local Plan.

- 6 Until the completion of restoration, a copy of this permission, all approved plans, documents and details approved subsequently shall be displayed at the site in such a location or locations that all relevant personnel may be aware of their contents.

Reason: In the interests of the proper working of the site in accordance with Policy MIN 3 of the Northumberland Local Plan.

- 7 Notwithstanding the provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 (or any Order amending, replacing or re-enacting that Order) no fixed plant or machinery shall be erected on the site without the prior approval of the Mineral Planning Authority and, similarly, details of the siting and design of all temporary buildings and structures required in connection with site operations shall be submitted to and approved in writing by the Local Planning Authority before they are erected on site.

Reason: In the interests of the proper working of the site and the visual amenity of the surrounding area in accordance with Policy MIN 3 of the Northumberland Local Plan.

- 8 No operations shall be carried out, no plant shall be operated (except for the purposes of site drainage or maintenance of plant) and no heavy goods vehicles shall enter or leave the site, except between the following hours:

Monday - Friday 08.00 - 17.00

Saturday 08.00 - 12.00

There shall be no working on Sundays or Bank Holidays.

Reason: In the interests of residential amenity in accordance with Policy QOP 2 of the Northumberland Local Plan.

- 9 Within one month of the date of this decision the site office building and any other buildings in the site compound shall be painted olive green (BS 220) and shall be maintained in good condition for the duration of the development.

Reason: In the interests of the amenity of the area in accordance with Policy QOP 2 of the Northumberland Local Plan.

- 10 The site office building, weighbridge and any other buildings approved to be located within the site compound shall be removed and the area restored within one month of the completion of site works.
- Reason: In the interests of the amenity of the area in accordance with Policy QOP 2 of the Northumberland Local Plan.
- 11 Notwithstanding the information submitted, no works to, or under, or affecting the road bridge structures, shall commence until full details and method of such works beneath any road bridge have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.
- 12 Within three months of the completion of site works, the highway including grass verge, fence and kerbs, shall be reinstated at the site access point.
- Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.
- 13 Development shall not commence until a Construction Method Statement, together with a supporting plan has been submitted to and approved by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the duration of site operations. The Construction Method Statement and plan, where applicable, shall provide for:
- a. details of temporary traffic management measures, temporary access, routes and vehicle types and numbers;
 - b. vehicle cleaning facilities;
 - c. the parking of vehicles of site operatives and visitors;
 - d. the loading and unloading of plant and materials;
 - e. the storage of plant and materials in constructing the development;
 - f. the phasing of the works.
- Reason: To prevent nuisance in the interests of amenity and highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.
- 14 No loaded vehicle shall leave the site unless it is sheeted and effectively cleaned to prevent mud and dirt leaving the site.
- Reason: To prevent nuisance in the interests of amenity and highway safety, in accordance with the National Planning Policy Framework and Policies QOP 2 and TRA2 of the Northumberland Local Plan.
- 15 No more than 20 heavy goods vehicles shall enter or leave the site (40 movements in total) on any single working day and the total number of all such movements shall not

exceed a maximum of 750 movements entering or leaving the site (1500 in total) over a rolling 3 calendar month period. A record shall be kept of the number of heavy goods vehicles entering or leaving the site each day and that record shall be made available to the Local Planning Authority on request.

Reason: To prevent nuisance in the interests of amenity and highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

- 16 The public bridleway shown on Restoration Plan (Drawing 21-144-004) shall be constructed in accordance with the details and specifications set out in Restoration Plan. FWS Geotechnical & Environmental Consultants. (Rev. 2) June 2022.

Reason: To secure the provision of a public bridleway in accordance with Policies STP 6 and MIN 3 of the Northumberland Local Plan.

- 17 Within one month of the date of this decision, details of the disposal of surface water from the development through the construction phase shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the risk of flooding does not increase during construction and to limit the siltation of any on-site surface water features in accordance with Policies WAT 3 and WAT 4 of the Northumberland Local Plan.

- 18 Prior to the development being brought into use, details of surface water drainage to manage run off from private land shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is brought into use and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run-off in the interests of highway safety, the amenity of the area and to protect the integrity of the highway in accordance with the National Planning Policy Framework.

- 19 The development shall be carried out in accordance with the recommendations of the Construction Environmental Management Plan (CEMP) prepared by R&K Wood Planning and dated 28 February 2023.

Reason: To maintain the biodiversity value of the site in accordance with Policy ENV 2 of the Northumberland Local Plan.

- 20 The development shall be carried out in accordance with the recommendations of the Landscape and Ecological Management Plan (LEMP) prepared by AES Ltd and dated February 2023.

Reason: To maintain the biodiversity value of the site in accordance with Policy ENV 2 of the Northumberland Local Plan.

- 21 Within 7 days of the completion of restoration the Local Planning Authority shall be notified in writing of the date of the completion of restoration works.

Reason: In the interests of the proper working of the site in accordance with Policy MIN 3 of the Northumberland Local Plan.

22 Within 6 months of the completion of restoration, a monitoring report with evidence of the restoration work having been carried out as approved, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To maintain the biodiversity value of the site in accordance with Policy ENV 2 of the Northumberland Local Plan.

Notes to Applicant

1. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.
2. The Coal Authority recommends that information outlining how the former mining activities affect the proposed development, along with mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval.
3. Any intrusive activities which disturb or enter coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority permit for such activities is trespass, with the potential for court action.
4. Property specific summary information on past, current and future coal mining activity can be obtained from www.groundstability.com or a similar service provider.
5. If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at www.gov.uk/coalauthority.
6. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal);
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal);
 - on or within 16 metres of a sea defence;
 - involve quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert;
 - in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if a tidal main river) and do not already have planning permission. For further guidance visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the National Consumer Contact Centre on 03708 506506 or emailing enquiries@environment-agency.gov.uk
7. The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of waste. The code of practice applies if you produce, carry, keep, dispose of, treat, import or have control of waste. The law requires anyone dealing with waste to keep it safe and make sure it is dealt with responsibly and only given to businesses authorised to take it. The code of practice can

be found at <https://www.gov.uk/government/publications/waste-duty-of-care-code-of-practice>.

8. If materials that are potentially waste are to be used on-site you will need to ensure that you can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1)© for the use of, 'uncontaminated soil and other naturally occurring materials excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply. Where you cannot meet the criteria, you will be required to obtain the appropriate waste permit or exemption from the Environment Agency.
9. A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as any operation the principal result of which is waste serving a useful purpose for replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.
10. The Definition of Waste: Development Industry Code of Practice (DoW CoP) guidance sets out the lines of evidence that are needed to demonstrate that the excavated materials are not or have ceased to be waste. These are based on four factors:

protection of human health and the environment (acceptable risk assessment of pollution);

suitability for use without further treatment (no further processing and / or treatment, as demonstrated by a specification and a site-specific risk assessment including chemical, geotechnical properties and biological aspects);

certainty of use (outlined in the Remediation Strategy and Material Management Plan); and

quantity of material (outlined in the Remediation Strategy and Material Management Plan).

To demonstrate these factors a Materials Management Plan (MMP) needs to be produced to ensure all factors are considered and the correct determination is made. A Verification Plan needs to be set out in the MMP and must identify the recording method of materials being placed, as well as the quantity of materials to be used. It should also contain a statement on how the use of the materials relate to the remediation of design objectives.

11. In general, any material that has to be treated in order to render it suitable for its intended use is considered to be a waste and waste controls apply. To demonstrate this to the Environment Agency's satisfaction, the processes and requirements detailed in the DoW CoP need to be followed in full. Requirements include:

desktop study of the site;

conceptual modelling of the site(s) concerned;

site investigation details (if appropriate); and

any details of contamination (if relevant).

Regardless of whether the site is contaminated or not, the following documents should be produced.

Risk Assessments.

Options Appraisal Report.

Remediation Strategy (Contaminated soils) or Design Statement (Clean naturally occurring soils).

Materials Management Plan.

Verification Report once the work is completed.

12. The decision to use the CL:AIRE Definition of Waste: Development Industry Code of Practice is the responsibility of the holder of the materials. The project manager should collate all relevant documents, permissions, site reports, MMP etc. and consult with an independent Qualified Person (QP) to confirm that the site meets the requirements and tests for use of the DoW CoP. The QP must review the documentation and let the developer know that a Verification Report will be required before signing a Declaration. If the site meets the tests that materials are suitable for re-use, certain to be re-used, are not excessive in volume and pose no risk to the environment or harm to human health then the QP can make a formal Declaration to CL:AIRE. The formal Declaration must be submitted to CL:AIRE and the Environment Agency by a QP before any excavation activities or transfer of materials occurs. In these circumstances the QP is meeting the requirements of the Regulator to ensure appropriate environmental and human health protection is in place for the development to go ahead.
13. Materials not used in accordance with the DoW CoP process in full may be deemed waste and will require a relevant permit for deposit. Materials illegally deposited or deposited at inappropriate sites may be subject to relevant landfill taxes, payable by all parties. Only robust due diligence is a defence against joint liability. For clarification, it is important to note that DoW CoP declarations cannot be made retrospectively. In addition to this if you wish to re-use material under the 'site of origin scenario' and this material has previously been imported to that site as waste without authorisation for example a historical illegal deposit then it does not originate at that site. It is not site-derived material and you cannot use DoW CoP site of origin scenario for this activity, you will require an appropriate waste authorisation such as an environmental permit.
14. If you require any local advice or guidance on informatives 6 - 13 above please contact your local Environment Agency office: Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR: telephone 0370 850 6506.
15. A highway condition survey should be carried out before the commencement of heavy goods vehicle movements into or leaving the site. To arrange a survey contact Highways Development Management at highwaysplanning@northumberland.gov.uk.
16. Works to the vehicle access point are required following the completion of site operations. To arrange the works, including the reinstatement of the grass verge, fence and kerb line (and make good any damage), contact the highways Area Office at centralareahighways@northumberland.gov.uk
17. Offsite highway works required in connection with this permission are under the control of the Council's Technical Services Division and will require a legal agreement with the Highway Authority. The Council will undertake all such works at the applicant's expense.

Contact the Technical Services (Structures) team at Patrick.Smith@northumberland.gov.uk to progress this matter.

18. Contact the Council's Traffic Management Section and Streetworks Team at highwaysprogramme@northumberland.gov.uk and streetworks@northumberland.gov.uk before and during the construction period in respect of the impacts on the C129, B1137 and C124 roads.
 19. Building materials or equipment should not be stored on the highway unless otherwise agreed. Contact the Streetworks Team on 0345 600600 for Skips and Container licences.
 20. Technical approval of highway structures is required. Contact Highways Development Management at highwaysplanning@northumberland.gov.uk
 21. In accordance with the Highways Act 1980, mud, debris or rubbish should not be deposited on the highway.
 22. Any areas of hardstanding (e.g. car parks) within the development shall be constructed of a permeable surface so flood risk is not increased elsewhere. A permeable surface may be created by:
 - Using gravel or a mainly green vegetated area;
 - Directing water from an impermeable surface to a border rain garden or soakaway; or
 - Using permeable block paving, porous asphalt / concrete.
- Further information can be obtained at:
- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf
23. The developer should explore disconnecting any gutter down pipes into rain water harvesting units and water butts, with overflow into rainwater garden / pond thus providing a resource as well as amenity value and improving water quality



Northumberland County Council

County Hall □ Morpeth □ Northumberland □ NE61 2EF □ Web: www.northumberland.gov.uk

Town and Country Planning Act 1990

NOTIFICATION OF COMMENCEMENT OF DEVELOPMENT SUBJECT TO S106 AGREEMENT

Planning Permission Reference: 22/02162/CCM

Development: Restoration, including removal of asphalt and sub-base associated with haul road, and importing inert material to infill resulting void at Northern Section of Stobswood Haul Road.

Location: Stobswood Haul Road Ulgham Northumberland

To notify of commencement of Development, please email S106instruction@northumberland.gov.uk stating the Planning Permission Reference and details requested below. Alternatively, please complete and return this notice to the address stated below.

I confirm that the above development will begin on site on: _____

Full Name: _____

Signed: _____

Date: _____

Contact Tel No: _____

Email Address: _____

Postal Address for Invoice: _____

Important

Submission of this notice will allow us to help you by monitoring your development effectively. Please return it at least two weeks before work begins on site to:

S106 Officer, Planning department, County Hall, Morpeth, Northumberland NE61 2EF.

If your S106 includes a financial contribution which is payable on commencement, an invoice will be issued to you shortly.

It is your responsibility to ensure that all requirements of the planning permission and its attached conditions have been met before starting works.

Thank you for your co-operation

NOTES

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the First Secretary of State under section 78 of The Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development that is already the subject of an enforcement notice, if you want to appeal against your local planning authorities decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.
- If you want to appeal, then you must do so within six months of the date of this notice (if this is a decision to refuse planning permission for a householder application or a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice) using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-decision>.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.