

**WASTE RECOVERY PLAN FOR THE PROPOSED RECOVERY
OPERATIONS OF A FORMER HAUL ROAD AT STOBWOOD,
NORTHUMBERLAND**

3865OR01Rev2/June 2023

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PROJECT NUMBER	3865	
PROJECT TITLE	Waste Recovery Permit – Stobswood Haul Road	
CLIENT	Sanders Plant & Waste Management Ltd 40 Butterwell Drive Pegswood Morpeth NE61 6YE	
REPORT TITLE	Waste Recovery Plan for the Proposed Recovery Operations of a Former Haul Road at Stobswood, Northumberland	
REPORT REFERENCE	3865OR01Rev2	
REVISION	Date	Checked
Rev00 (DRAFT)	29/10/2020	ML
Rev01	24/04/2023	ML
Rev02	16/06/2023	ML

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WASTE RECOVERY PLAN FOR THE PROPOSED RECOVERY OPERATIONS OF A FORMER HAUL ROAD AT STOBWOOD, NORTHUMBERLAND

1 INTRODUCTION

FWS Consultants Ltd (FWS) was instructed by Sanders Plant & Waste Management Ltd to prepare a Waste Recovery Plan to support a Bespoke Environmental Permit Application for the proposed deposit for recovery scheme of the northern and western parts of the haul road (Sections A to F as illustrated in Drawing 21-144-002, Appendix 1) at a restored former opencast mine at Stobwood, Northumberland (the site).

It is proposed to undertake restoration of the land to original ground level using imported clean landscape materials so the land may be used for a combination of agricultural purposes and the creation of publicly accessible bridleway.

Although the work is to be undertaken broadly in line with a Standard Rules Environmental Permit covering deposit for recovery (SR2015 No.39), a small section of the work within Section D is to be undertaken within 50 m of Bricks Plantation, a deciduous woodland which is designated as a protected habitat and, therefore, this work is required to be undertaken under a Bespoke Environmental Permit.

The Waste Recovery Plan has been drafted, with reference to the following guidance documents:

- Environment Agency webpage – Waste Recovery Plans and Permits (<https://www.gov.uk/guidance/waste-recovery-plans-and-permits>) accessed April 2023.
- Environment Agency webpage – Waste Acceptance procedures for waste recovery on land (<https://www.gov.uk/guidance/waste-acceptance-procedures-for-waste-recovery-on-land>) accessed April 2023.

The purpose of this Waste Recovery Plan is to define the nature of the proposed activities and to demonstrate that importation and use of suitable landscape materials would be for recovery purposes only.

2 SITE LOCATION AND DESCRIPTION

The site is located at approximate National Grid Reference 421415E, 591342N located to the south and west of Ulgham, Northumberland as shown in Drawing 3685OD01, Appendix 1.

The site comprises 6 sub-sections (A-F) of the northern and western asphalted haul road associated with a former (now restored) open cast coal mine as shown in Drawing 21-144-002, Appendix 1. The Application Area is approximately two kilometres long and a 6 m wide section of the asphalted haul road. The road is generally set between 0.5 m to 6 m lower than the adjoining agricultural fields and a verge between 10 m to 30 m wide separates the road from the fields.

The haul road runs south from the site of the former Stobswood opencast mine over a metal Mabey Bridge over the River Lyne and continues under an underpass beneath the C129. The Application Site ends at a vehicle access point into the haul road from the C129 as shown in (Drawing 21-044-001, Appendix 1). The level of the road varies from 50 m AOD in its northern most extent and exhibits a general southerly increase with a maximum elevation of 81 m AOD in the southwestern corner.

The road was originally used to transport coal from the opencast mine site to the 'Butterwell Disposal Point'. The haul road continues to the east of the current Application Site where the coal was loaded onto trains for transport around the country. This eastern section of the haul has not been included in the Planning Application, is not currently being proposed for restoration and is not included in this proposed Waste Recovery Plan.

3 PROPOSED WASTE MANAGEMENT OPERATIONS

Following the closure and restoration of the former Stobswood open cast coal mine to the north, the haul road has been left intact pending agreement of final restoration proposals. As required by the current planning permission (Appendix 2), it is now proposed to restore the northern and western sections of haul road by removal of the existing 600-900 mm sub-base and asphalt surfacing (for disposal off-site), and importation of clean landscape fill materials, to achieve the desired restoration levels.

The Application Area comprises six sub-sections (A-E) as shown in Drawing 21-144-002, Appendix 1 and summarised below:

- Section A – The current haul road, approximately 375 m in length, is set at an elevation of around 61.448 m AOD, which is to be removed and locally reinstated to the same elevation. This will involve the removal of approximately 2,500 m³ of material from the haul road with the same volume of material being imported for restoration.
- Section B – The current haul road is set at an elevation of around 59.275 m AOD, which is to be removed and locally reinstated to an elevation of between 60.900 m AOD in the east to 61.110 m AOD in the west over a distance of around 20 m width and a linear distance of around 155 m. It is estimated that approximately 1,000 m³ of material will be removed from the haul road with approximately 9,000 m³ of additional material required to restore the section to the proposed levels.
- Section C – it is understood that no works are proposed to Section C which comprises both Mabey Bridge and the areas immediately adjacent to the north and south of the bridge. The exclusion areas to the north and south of the bridge ensures that no works are to be carried out within 10 m of the River Lyne.
- Section D – current haul road is set at an elevation of around 61.978 m AOD, which is to be removed and locally reinstated to an elevation of between 62.920 m AOD in the west and 63.288 m AOD in the east over a distance of around 28 m width and a linear distance of around 240 m. It is estimated that approximately 1,550 m³ of material will be removed from the haul road with approximately 4,850 m³ of additional material required to restore the section to the proposed levels.
- Section E – The current haul road, approximately 720 m in length, is set at an elevation of around 69.371 to 70.211 m AOD, which is to be removed and locally reinstated to around the same elevation. This will involve the removal of approximately 4,800 m³ of material from the haul with the same volume of material being imported for restoration.

- Section F – The current haul road, approximately 504 m in length is set at an elevation of around 78.475 to 78.600 m AOD, which is to be removed and locally reinstated to around the same elevation. This will involve the removal of approximately 3,900 m³ of material from the haul with the same volume of material being imported for restoration.

Following the completion of the infilling works, a portion of land to the west of the proposed bridleway will be returned to agricultural use and hedgerows will be planted to the east of the proposed bridleway as indicated in Drawing 21-144-006, Appendix 1.

It is proposed to utilise clean landscape materials sourced by the Client from local housing development projects to restore the site levels. These landscape materials are technically classed as ‘discard’ or ‘waste’ as, when originally excavated, they have had no predetermined use.

There will be no point source discharges to controlled waters or groundwater.

3.1 Volumes

The approximate quantities required have been determined by the Engineer from the topographic survey and the proposed finished ground levels, as follows:

Table 1 – Volumes and Tonnage Required based on Current and Proposed Levels

Material Type	Volume (m ³)	Tonnage Required**
Existing road materials to be removed (assuming 900 mm thickness)	13,750	24,750
Imported materials to achieve proposed contour levels (calculated from survey plan – with road in-place)	27,600	49,680

*all calculations based on unbulked survey drawing volumes, provided by Engineer

**Tonnage calculations based on unbulked volumes using a conversion factor of 1.8 tonnes per m³.

3.2 Alternative Proposals Considered

The planning permission (Appendix 2) requires restoration of the land to a combination of agricultural use and a publicly accessible bridleway. It is not possible to use less material than proposed as this would cause gradients unsuitable for agricultural machinery, prevent farmers from incorporating the land into the existing fields, and potentially promote localised flooding along the proposed publicly accessible bridleway.

Significant volumes of material are required in order to fulfil the restoration proposal set out in the Planning Application. There is a lack of locally available suitable non-waste landscape materials to undertake the restoration required and, as such, a recovery operation utilising suitable ‘waste’ landscape materials is necessary.

4 CLASSIFICATION AS RECOVERY OR DISPOSAL AND OBLIGATION FOR WORKS

The following section is to demonstrate that the proposed activity involving the permanent deposit of suitable landscape materials, derived from ‘waste’ complies with the criteria for recovery, and that there is an obligation for the restoration works to be undertaken.

A recovery operation is defined as follows: ‘recovery means any operation the principal result of which is waste serving a useful purpose by 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 wider economy’.

The Environment Agency webpage ‘waste acceptance procedures for waste recovery on land’ defines three main ways in which evidence can be used to demonstrate that waste is being used in place of a non-waste, including:

- Financial gain by using non-waste
- Funding to use non-waste
- Obligations to do the work

Only one of these criteria needs to be demonstrated.

The restoration of the entire haul road was conditioned as part of an original planning permission for the opencast mine in 2006 (Ref 05/00170/CCMEIA) that specifically referred to the haul road, and that the restoration “shall include for the removal of all buildings and plant and for restoration to agriculture and woodland including public access”.

Paragraph 78 of this Planning Permission required that “All fixed plant, machinery, buildings, access and works roads including the coal haul road to the disposal point shall be removed from the site within two years following the completion of mineral extraction and their sites restored in accordance with the submitted restoration plan or such further plan as may be agreed”. The ‘disposal point’ was the haul road end located to the east of the current Planning Application and former coal loading point at the railway line in the southeast.

Preliminary details for the restoration were submitted by Harworth Estates in 2017 as required by Northumberland County Council. Harworth sold the site to Sanders Plant and Waste Management Ltd who subsequently submitted the current Planning Application (Ref: 2022/02162/CCM) for the northern and western section of the haul road, planning permission for which was granted in March 2023. It is understood that a separate future planning application will be made for the eastern section of the haul road.

As the restoration of the site is required as part of the existing planning consent, with specific details and levels agreed (See Drawings 21-144-002 and 21-144-006, Appendix 1) and there is a necessity to import suitable landscape materials (subsoil and topsoil) it is confirmed that the obligation to restore the site has been demonstrated.

There is a significant lack of locally available suitable non-waste landscape materials to undertake the restoration required and, as such, a recovery operation utilising suitable ‘waste’ landscape materials is necessary. It is considered, therefore, that an obligation to undertake the restoration works under a recovery operation, as described above and shown in the drawings (Appendix 1), has been demonstrated.

5 WASTE TYPES AND SUITABILITY OF THE WASTE

All materials accepted on to the permit site will comply with the list of acceptable wastes in the Standard Rules Permit No. 39 rules and will predominantly comprise 17 05 04 topsoil

and subsoil. Materials from contaminated sites will not be accepted. The landscape materials will be sourced by the Client (Sanders Plant and Waste Management).

5.1 Waste Acceptance Procedures

In accordance with the requirements of EA Guidance ‘Waste acceptance procedures for waste recovery on land’, the following shall be undertaken by the Contractor as part of the waste acceptance procedure to ensure materials imported to site meet the necessary specification: -

- Review of Available Data – provide details of original source of the materials and any previous treatment to remove unsuitable materials.
- Source Material Inspection – provide details of inspections undertaken including photographic record to confirm that there is no historical or visual evidence of hazardous contamination.
- Source Material Testing – Prior to importation to site, all materials shall be tested by the Contractor to confirm acceptability and ensure that unacceptable materials are not imported. Provide testing records to confirm that materials are ‘clean’ and acceptable for incorporation into the permanent works.

Additional validation check testing comprising spot sampling of imported materials will be undertaken following importation of materials to the permit site to confirm that they are as described by the supplier and meet the waste acceptance criteria detailed below.

5.2 Waste Acceptance Criteria

Chemical Acceptability

It is not acceptable to import materials from sources having known former contaminative use (“contaminated sites”). Appropriate documentation (e.g. a desk study or source testing records) will be required to demonstrate that the material has not been impacted on by contaminative land-uses. Materials from contaminated sites will not be accepted.

The materials will be chemically screened to ensure compliance with waste acceptance criteria for public open space. The waste acceptance criteria for topsoil and subsoil are presented in Table 1 (Appendix 3). These criteria have been derived in accordance with current EA/DEFRA guidance and as specific end-use criteria does not exist for agriculture, the criteria has been based on conservative public open space assessment criteria.

Chemical analysis for total concentrations shall be undertaken by the Contractor prior to importation of topsoil and subsoil, as detailed in Tables 1 and 2 (Appendix 3). Level 1 characterisation will be undertaken by the Contractor prior to importation of materials. Due to the proposed multiple original sources, testing frequencies will be determined once the volumes from each source have been confirmed and testing will be undertaken at the minimum frequencies per waste stream and source, detailed in the EA guidance (Ref. 2) Topsoil shall also be compliant with BS3882:2015.

Only materials complying with the Waste Acceptance Criteria (Appendix 3) shall be accepted and considered suitable for the intended restoration.

Validation check soil and leachability testing (Level 2 Compliance Testing) shall be undertaken following importation of materials to site at a frequency of 1 sample per 2,500 m³ or three samples per defined waste sub-sample, whichever is the higher.

Geotechnical Acceptability

All imported subsoil materials that are to be reused as part of the restoration of the site levels will be placed as a General Landscape fill (Class 4), in accordance with the Specification of Highways Works; and, as such, there are no geotechnical acceptability criteria to be adopted. Landscape fills are to be placed to ensure there are no significant voids and this is anticipated to comprise end-tipping followed by spreading via bulldozer or equivalent and, where required, additional tracking to lightly compact the material.

Following placement of subsoil, Class 5B imported topsoil will be spread across the site to achieve the required 250 mm thickness. Compaction is not required for topsoil.

In addition, imported topsoil and subsoil materials must not contain the following constituents:-

- Perishable materials (i.e. wood, straw, sawdust and paper).
- Materials in a frozen condition.
- Materials having hazardous chemical, biological or physical properties.

5.3 Unacceptable Materials

Should unacceptable materials be identified either via validation check testing or visual inspection they will be separated and stockpiled away from the restoration area. Confirmatory testing shall be undertaken at a frequency of 1 sample per 500 m³ and materials subsequently confirmed as unsuitable shall be removed offsite by the Contractor.

Table 3: Acceptable Waste Types In Line With SR2015 No. 39

Exclusions: Wastes having any of the following characteristics shall not be accepted:				
<ul style="list-style-type: none"> • Consisting solely or mainly of dusts, powders or loose fibres • Wastes that are in a form which is either sludge or liquid. • Soils and stones from contaminated sites. 				
Permitted Waste Types				
Source	Sub-Source	Waste Code	Description	Additional Restrictions
01 Waste resulting from exploration, mining, quarrying and physical and chemical treatment of minerals	01 01 wastes from mineral excavation	01 01 02	Wastes from mineral non-metalliferous excavation	Restricted to waste overburden and interburden only
	01 04 wastes from physical and chemical processing of non-metalliferous minerals	01 04 08	Waste gravel and crushed rocks other than those mentioned in 01 04 06	
		01 04 09	Waste sand and clays	
10 Wastes from thermal processes	10 12 wastes from manufacture of ceramic goods, bricks, tiles and construction products	10 12 08	Waste ceramics, bricks, tiles and construction products (after thermal processing)	
17 Construction and demolition wastes	17 01 concrete, bricks, tiles and ceramics	17 01 01	Concrete	
		17 01 02	Bricks	
		17 01 03	Tiles and ceramics	
		17 01 07	Mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06	Metal from reinforced concrete must have been removed
	17 05 soil stones and dredging spoil	17 05 04	Soil and stones other than those mentioned in 17 05 03	Restricted to topsoil, peat, subsoil and stones only.
19 Wastes from waste management facilities	19 12 wastes from the mechanical treatments of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified	19 12 09	Minerals (for example sand, stones) that are from the treatment of waste aggregates that are otherwise naturally occurring minerals.	Restricted to wastes from treatment of waste aggregates that are otherwise naturally occurring minerals. Does not include fines from treatment of any non-hazardous waste or gypsum from recovered plasterboard.
20 Municipal wastes (household waste and similar commercial, industrial and institutional wastes) including separately collected fractions	20 02 garden and park wastes	20 02 02	Soil and stones	Restricted to topsoil, peat, subsoil and stones only.

All wastes will be visually inspected on arrival and at the point of deposit to ensure it complies with the description in the documentation supplied by the producer and holder.

6 MEETING QUALITY STANDARDS

6.1 Chemical Standards

The imported soils will be compliant with the chemical assessment criteria illustrated in Tables 1 and 2 (Appendix 3). Topsoil will be compliant with BS3882:2015 and of minimum thickness of 250 mm. There will be no pollution risk to the site or the surrounding environment.

6.2 Construction Standards

The imported materials will be placed in accordance with the Specification for Highway Works Series 600 (Ref. 1) as Class 4 Landscape Fill and Class 5B imported topsoil to ensure there are no significant voids that would induce settlement in the future.

6.3 Environment

The soils will not require on-site treatment and, therefore, no significant levels of dust will be generated.

Leaving the haul road in place and unrestored removes around 10 hectares of potential agricultural land from the area and is in contravention of the planning conditions for the site. Restoring the site with clean soil materials will naturally absorb rainwater and prevent excess runoff and flooding.

The restoration of the site will be of ecological and agricultural benefit to the area, providing suitable farmland, an uninterrupted landscape and a public bridleway. Following restoration of levels and placement of topsoil, vegetation as part of the agricultural process will assist with binding the soil together and preventing soil erosion.

7 RECORD-KEEPING AND VALIDATION

To ensure the works are compliant with this Waste Recovery Plan, the Contractor shall keep records of all imported materials including topographic surveys of placed material and chemical testing results. Upon completion of the restoration, a topographic survey shall be undertaken to demonstrate that the required levels have been achieved.

A materials tracking system will be adopted by the Contractor to document the tonnage and source of all restoration materials used on the site.

All documentation shall be collated to be included in a validation report at Permit Surrender.

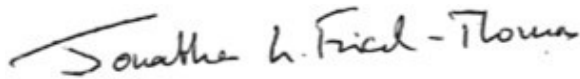
8 SUMMARY

This Waste Recovery Plan has been produced in support of the restoration of the Stobswood haul road, using clean uncontaminated landscape materials under a Bespoke Environmental Permit (Based on Standard Rules Environmental Permit No. 39 for deposit for recovery).

The plan demonstrates the following:

- The works will be undertaken in line with stringent environmental and construction quality standards.
- The minimum volume of material will be imported to restore the ground levels.
- The restoration works would progress regardless of whether non-waste or waste was used, as there is an obligation to do so under the current planning permission and conditions.
- There is a clear need for the restoration.

The lines of evidence presented are considered sufficient to demonstrate the recovery nature of the works, and that the placement of these clean soil materials is not a disposal activity.



PRINCIPAL CONSULTANT



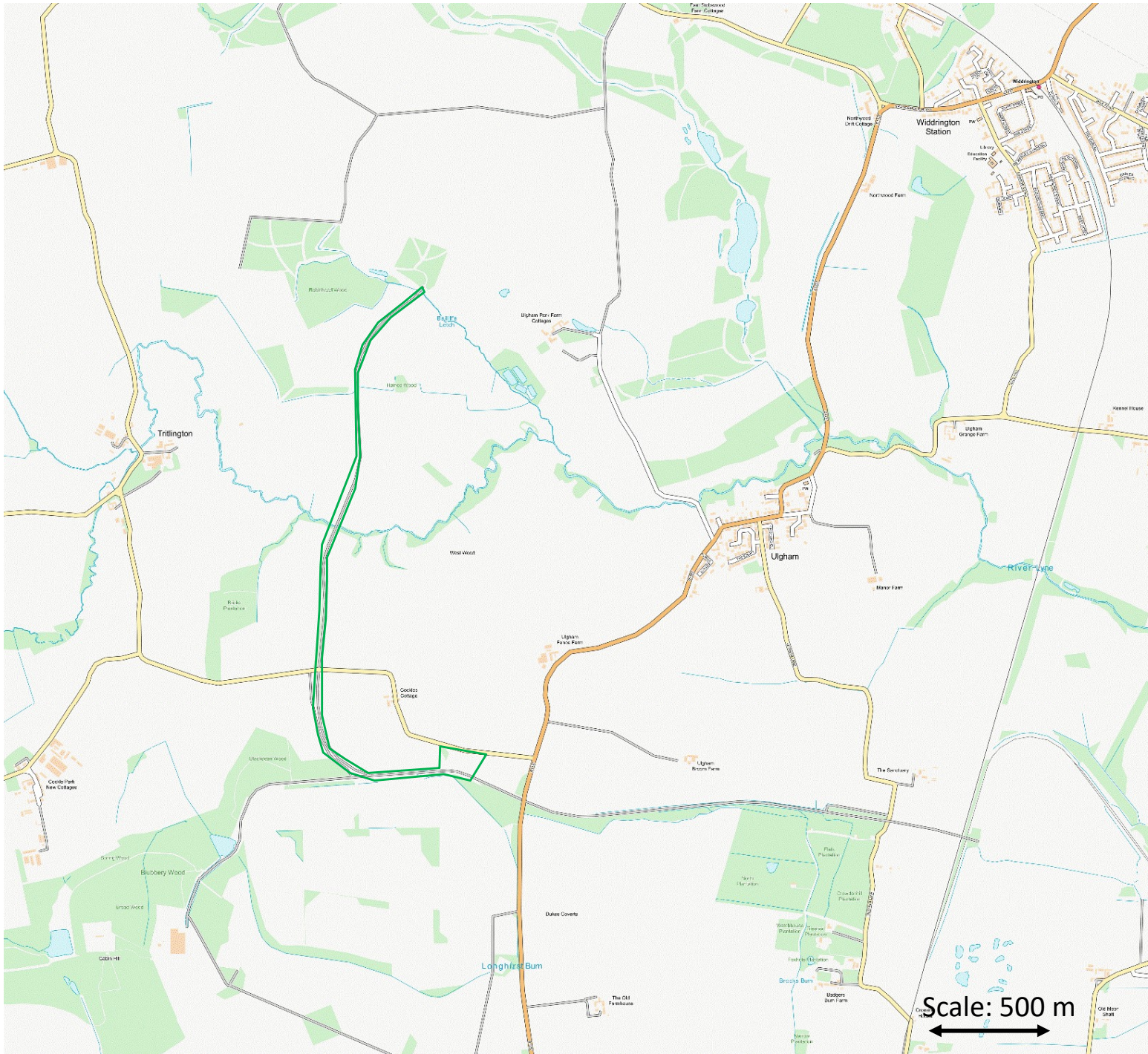
DIRECTOR

9 REFERENCES

- 1 Highways Agency. Specification For Highway Works Series 600 – Earthworks. 2016.
- 2 Environment Agency, January 2020. Guidance: Dispose of Waste to Landfill. <https://www.gov.uk/guidance/dispose-of-waste-to-landfill#sampling-your-waste>
Accessed March 2021.

APPENDIX 1

DRAWINGS



NOTES / KEY

SITE BOUNDARY

CLIENT

Sanders Plant and Waste Management

DRAWING TITLE

SITE LOCATION PLAN

PROJECT TITLE

STOBWOOD HAUL ROAD

STATUS	PROJECT NUMBER
FINAL	3865
DRAWN BY	DATE
JFT	Apr 2023
SCALE	DRG. No.
AS SHOWN	38650D01



- Notes**
1. Do not scale from this drawing. All dimensions shown are in metres unless noted otherwise.
 2. This drawing has been based upon topographical survey information and Milestone Transport Planning cannot be held responsible for any discrepancies which may arise because of it.

Key

Red Line Boundary -	—
Future Work -	—

Ordnance Survey Licence number: 100057360

Drawing Revisions

Rev:	Drn:	Date:	Details:	Chk:
-	JW	28/04/2022	First Issue	DK
A	JW	05/05/2022	Red Line Adjustment	DK
B	JW	12/05/2022	Red Line Adjustment	DK

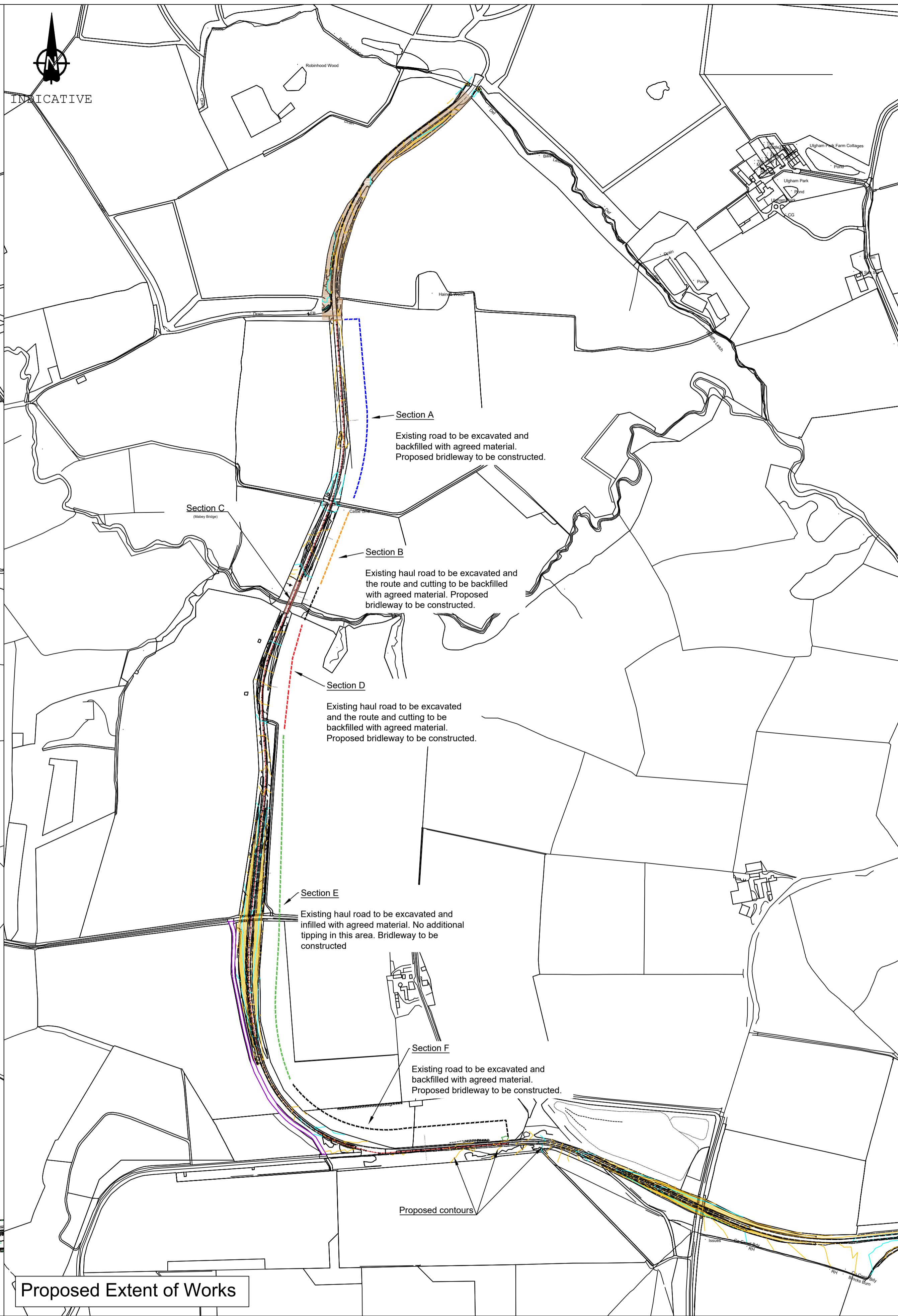
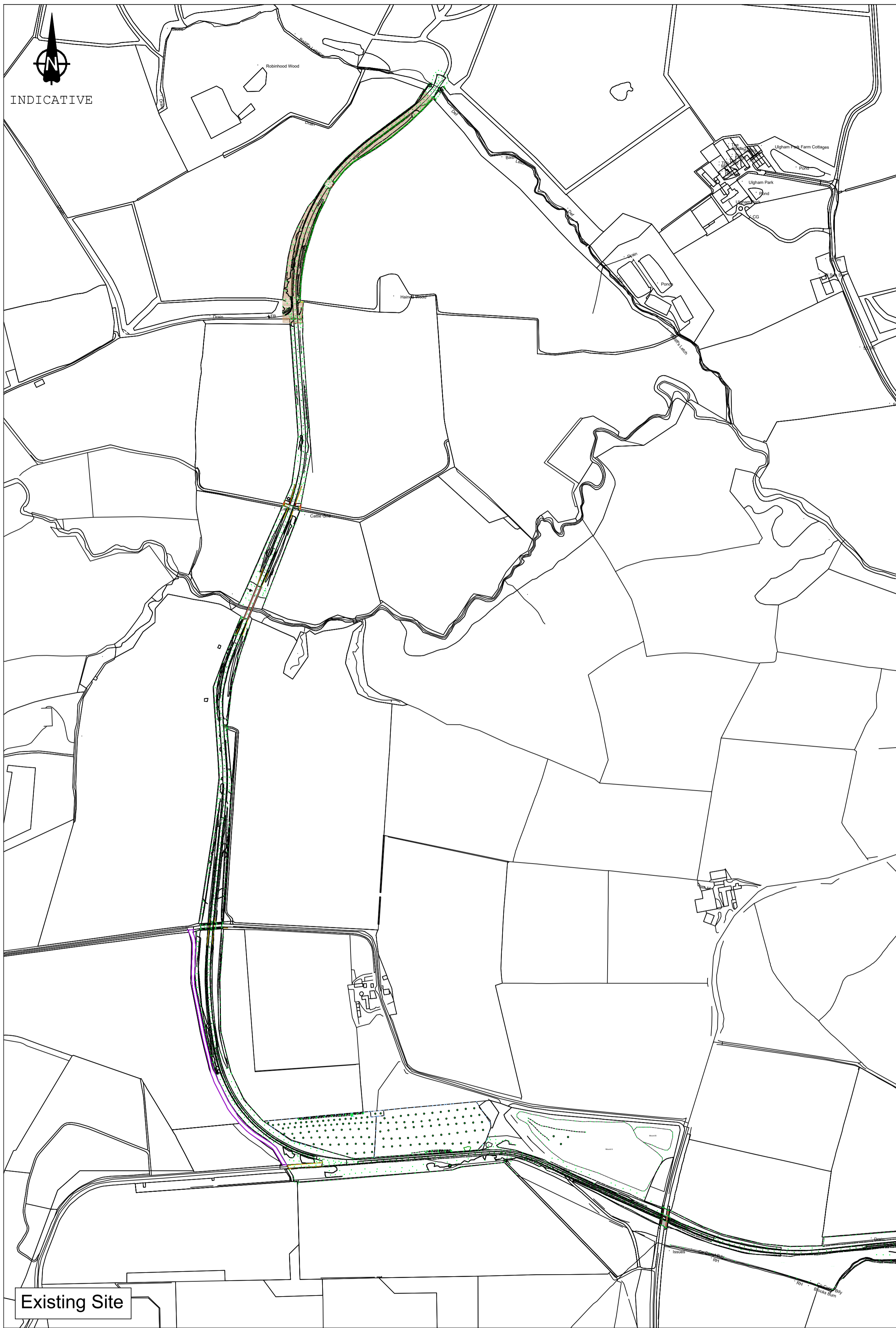
Client
Sanders Plant & Waste Management Ltd

Project
Stobswood Haul Road

Title
Location Plan

MILESTONE
TRANSPORT PLANNING
Abbey House, 282 Farnborough Rd, Farnborough, Hants GU14 7NA
Tel: 01483 397888
Gateshead IBC, Mulgrave Terrace, Gateshead, NE8 1AN
Tel: 0191 338 7220
web: www.milestonetp.co.uk

Drawing Number: 21-144-001
Scale: 1:5000
Revision: B



Notes
 1. Do not scale from this drawing. All dimensions shown are in metres unless noted otherwise.
 2. This drawing has been based upon topographical survey information and Milestone Transport Planning cannot be held responsible for any discrepancies which may arise because of it.

Key:
 Proposed Contours -

Ordnance Survey Licence number: 100057360

Drawing Revisions				
Rev.	Drn.	Date	Details	Chk.
-	JW	28/04/2022	First issue	DK
A	JW	18/05/2022	Updated sections	DK
B	JW	23/05/2022	Updated sections	DK
C	JW	31/05/2022	Brideway detail added	DK

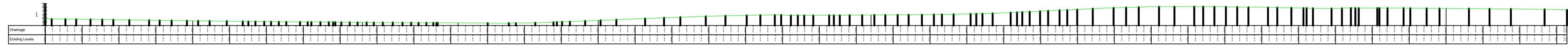
Client
 Sanders Plant & Waste Management Ltd

Project
 Stobswood Haul Road

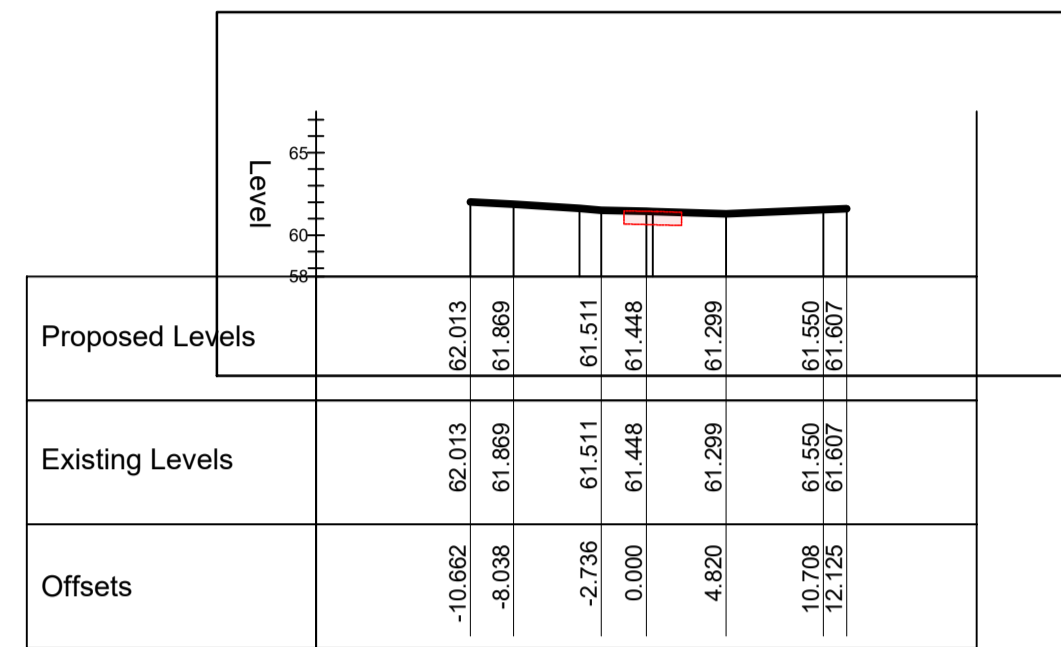
Title
 Existing / Proposed Extent of Works

MILESTONE
 TRANSPORT PLANNING
 Abbey House, 282 Farnborough Rd, Farnborough, Hants GU14 7NA
 Tel: 01483 397888
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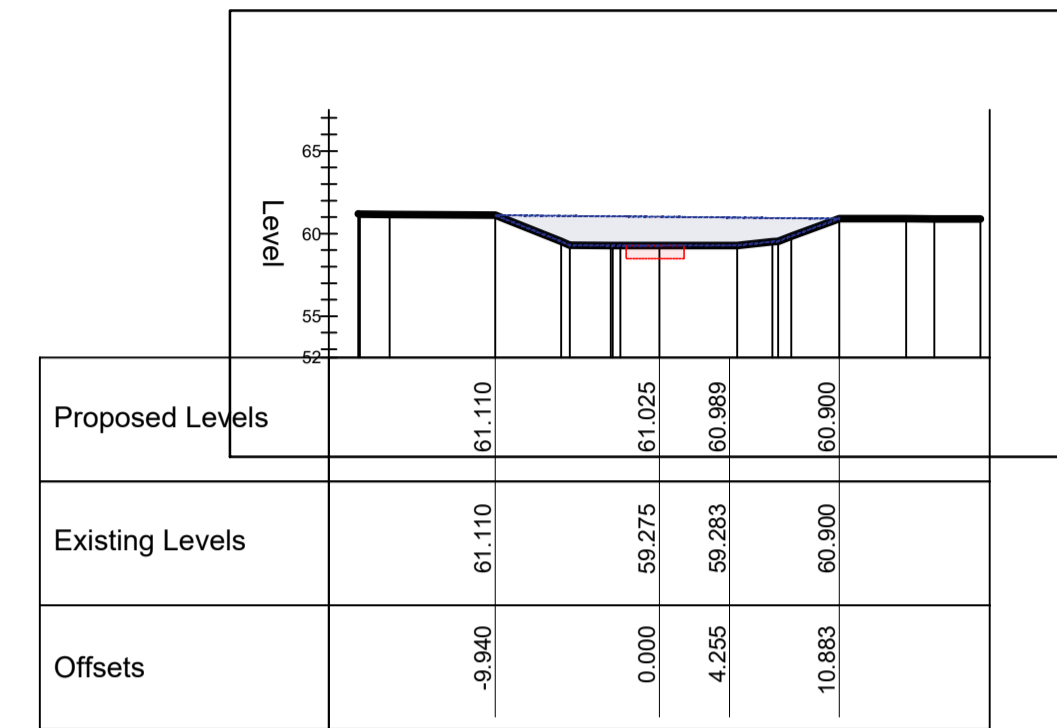
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Revision: C



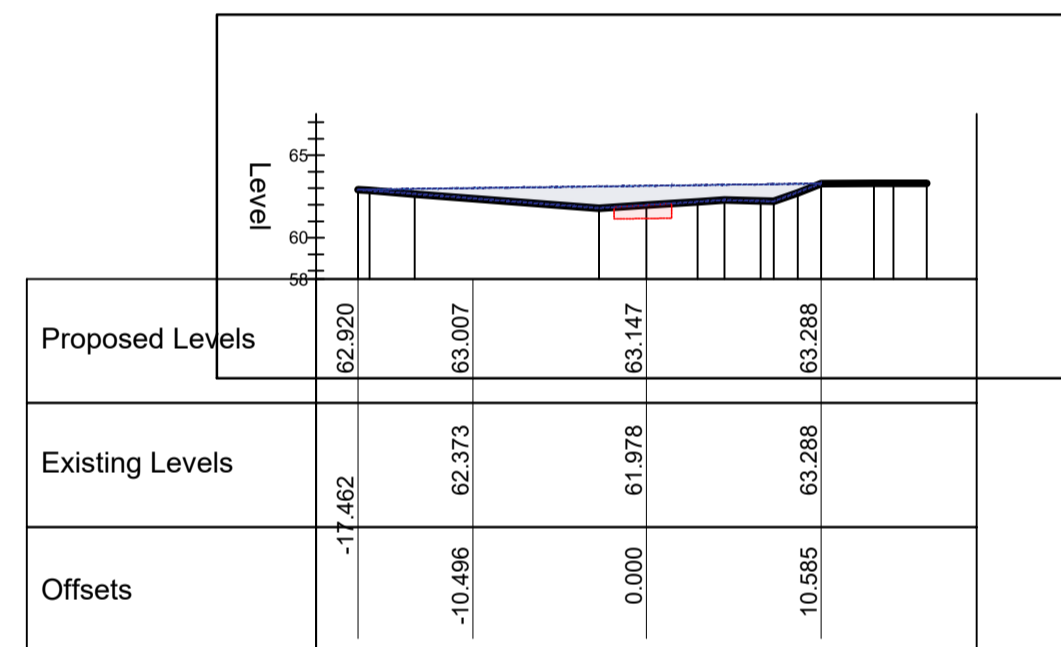
ALPHAMPTON (S) - CONSTRUCTION
 SCALE: 1:1000 (1:500 DATUM 95.50)



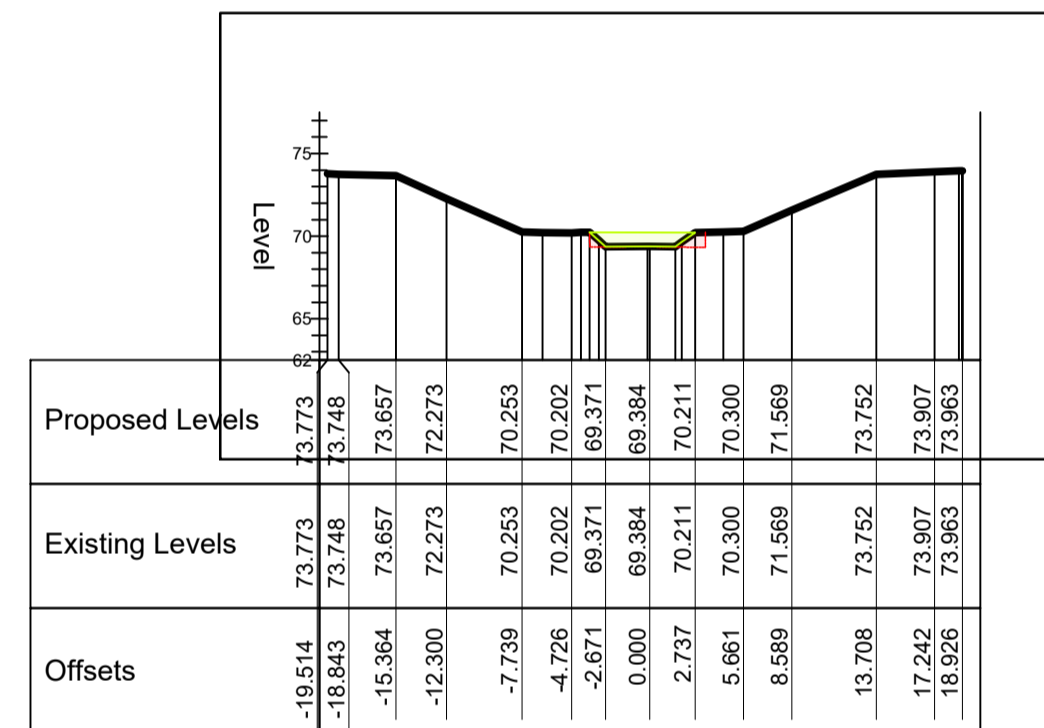
Section A



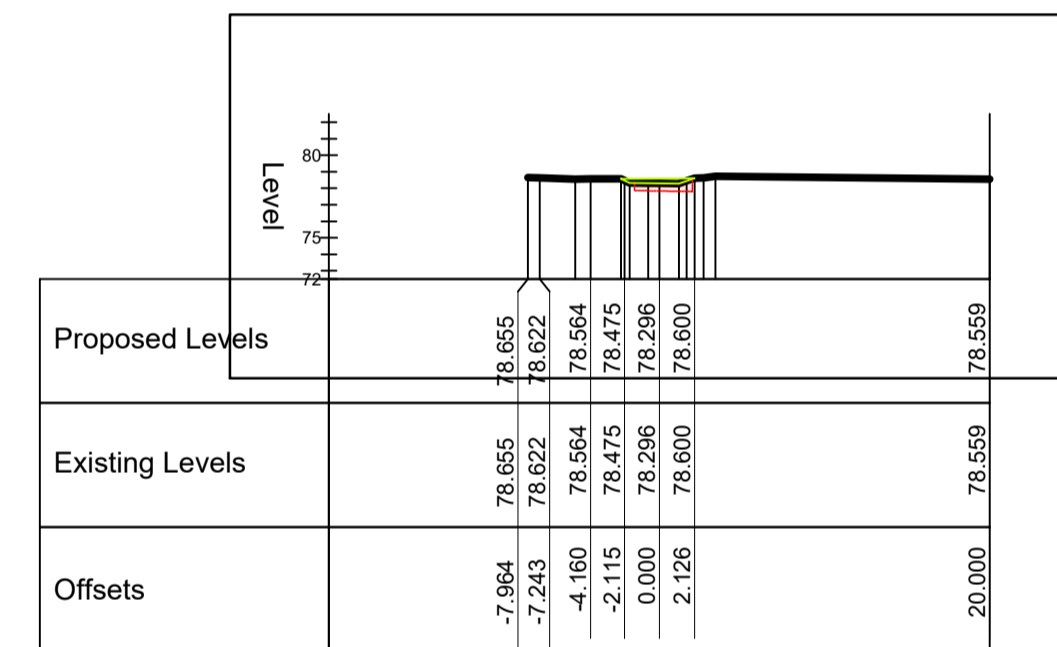
Section B



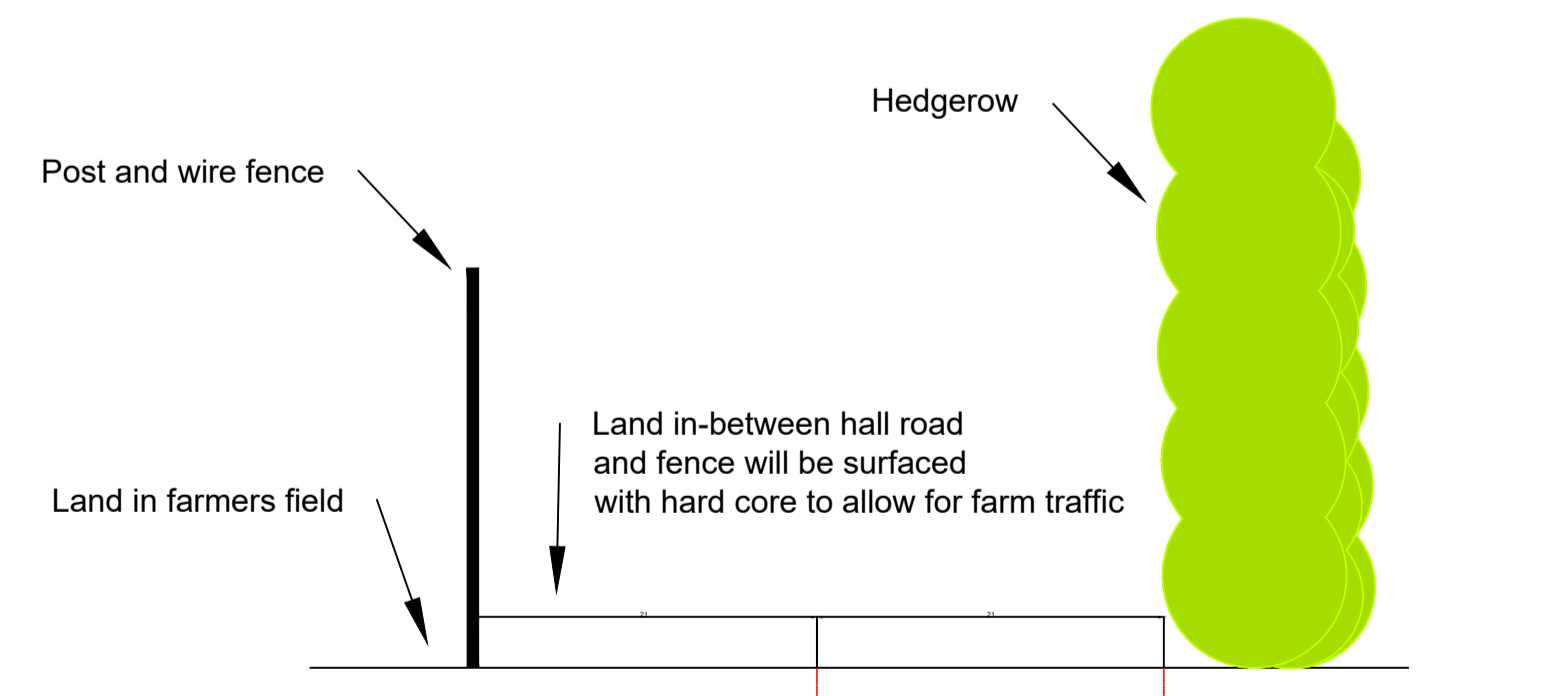
Section D



Section E



Section F



Bridleway Specifications:
 150mm deep basecourse (of 40mm crusher run)
 150mm depth whinstone (20mm down, fines rich)
 topped with 10mm depth 4mm down whinstone dust topping

Sections A-D

- Notes
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Key:

- Existing Land Level -
- Route of Haul Road -
- Infill Area to Existing Land Level -

Tarmac and hard core to be removed and the void infilled with appropriate materials

Ordnance Survey Licence number: 100057360

Drawing Revisions

Rev.	Drn.	Date	Details	Chk.
-	JW	18/05/2022	First issue	DK
A	JW	23/05/2022	Updated Layout	DK

Client
 Sanders Plant & Waste Management Ltd

Project
 Stobswood Haul Road

Title
 Cross Sections

MILESTONE
 TRANSPORT PLANNING

Abbey House, 282 Farnborough Rd, Farnborough, Hants GU14 7NA
 Tel: 01483 397888
 Gateshead IBC, Mulgrave Terrace, Gateshead, NE8 1AN
 Tel: 0191 338 7220
 web: www.milestonetp.co.uk

Drawing Number: 21-144-006

Scale: Stated @ A1

Revision: A

APPENDIX 2

PLANNING PERMISSION AND CONDITIONS

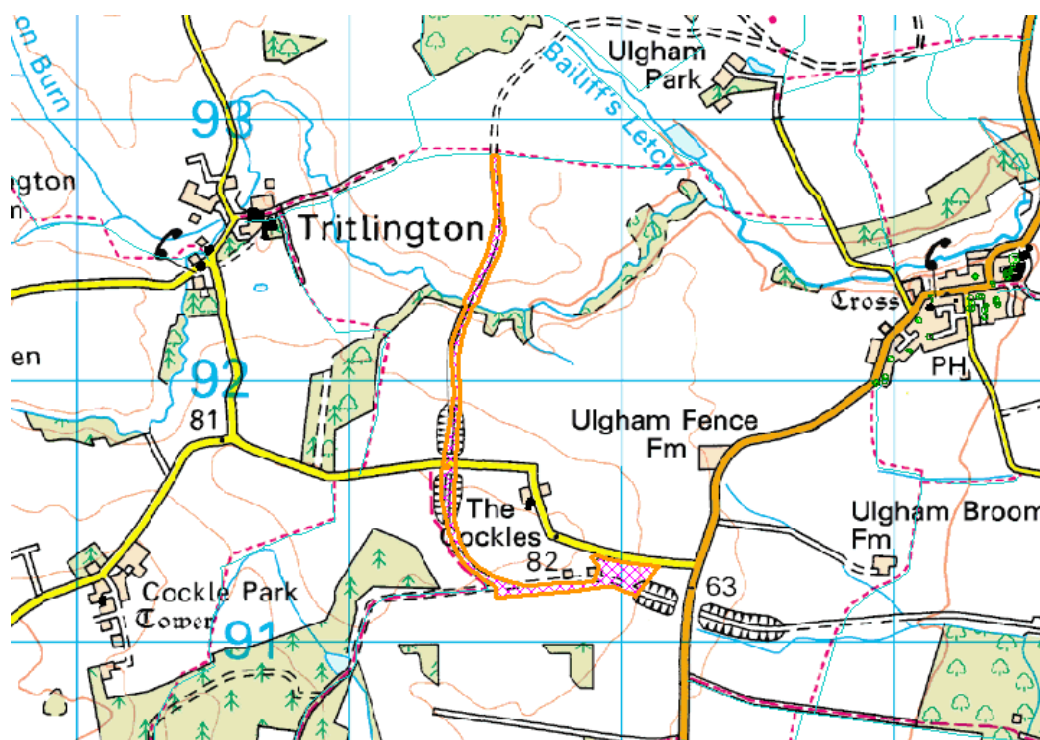


Northumberland County Council

Delegated Report – Subject to Completion of Planning Obligation

Application No:	22/02162/CCM		
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		
Site Address	Stobswood Haul Road, Ulgham, Northumberland		
Applicant:	Sanders Plant & Waste Management Limited	Agent:	Mrs Katie Wood 1 Meadowfield Court, Meadowfield Industrial Estate, Ponteland, Newcastle Upon Tyne NE20 9SD
Ward	Pegswood	Parish	Ulgham
Valid Date:	26 August 2022	Expiry Date:	31 March 2022
Case Officer Details:	Name: Mr Gordon Halliday Job Title: Consultant Planner Tel No: 07785 727053 Email: gordon.halliday@northumberland.gov.uk		

Recommendation: That this application is granted permission



1. Introduction

1.1 It has been agreed that this application can be determined under delegated powers.

1.2 The County Council has adopted a Screening Opinion under the Town and Country Planning (Environmental Impact Regulations) 2017. This concludes that the County Council, as Local Planning Authority, considers that the proposed development is not likely to have significant effects on the environment and as such is not considered to be EIA development.

2. The Application Site and Surrounding Area

2.1 The former haul road was a private road that linked the Stobswood opencast coal site to the Butterwell Disposal Point. Coal mined at the Stobswood site was transported along the road to the disposal point where it was loaded on to trains for onward transport to markets. The haul road is approximately 4.5 kilometres long and the current application relates to the northern and western section of the road which is approximately 2 kilometres long and runs from the former opencast site to a vehicular access point ('the old Butterwell Access Point') into the haul road from the C129 road.

2.2 The section of the former haul road that is the subject of this application runs south from the former Stobswood site over a metal Mabey Bridge over the River Lyne and continues under two public highways (C129 and B1337) through cuttings

2.2 It is proposed that the eastern section of the former haul road which runs from the access point to the east coast main railway line will be the subject of a separate planning application.

2.3 The haul road is 6 metres wide and up to 0.9 metres deep which includes a sub-base of hard-core type material overlain by an asphalt surface. A wide verge on either side of the road separates it from adjoining agricultural land with the distance between the adjoining fields varying from between about 10 metres and 30 metres. The road is generally set between 0.5 metres and 6 metres lower than the adjoining agricultural fields. The lower sections generally occur where the haul road passes underneath the public highway. In some sections the sub-base and asphalt has been removed without the resulting void being infilled.

3. Planning History

Reference Number: 05/00170/CCMEI

Description: Extraction of coal and fireclay by opencast methods including construction of underpass under C117 road and rail loading pad at Butterwell Disposal Point and restoration to woodland, open water, nature conservation uses and agriculture on land to the north of C117 road and to the north of Stobswood Opencast Coal Site, Morpeth.

Status: PERMITTED

Reference Number: 17/04350/DISCON

Description: Discharge of Condition 71 of planning decision 05/00170/CCMEI requiring the submission of full restoration details for the

Stobswood coal haul road with full restoration to agriculture, woodland and public access.

Status: PENDING

3.1 The former Stobswood Haul Road was a private road used to link the Stobswood opencast coal site with the Butterwell Disposal Point. Coal extracted from the Stobswood site was transported by dump trucks to the disposal point where it was loaded on to trains for despatch to markets. Condition 71 of the planning permission for the Stobswood site required the haul road to be restored on the completion of coal extraction. For a variety of reasons restoration did not take place within the required timescales and since the submission of the application to discharge condition 71 in 2017, Harworth Estates have sold the land to Sanders Plant and Waste Management Ltd. It has been agreed that the application to discharge condition 71 will remain undetermined until the position with the restoration of the haul road is finalised.

3.2 The new landowners reviewed the previous submission by Harworth Estates and entered into formal pre-application discussions with Council officers. Through these discussions a number of issues have arisen relating to the ownership and responsibility of the highway structures and the land below these structures. The applicants concluded that as these issues might take additional time to resolve, it would be more appropriate and timely to submit a scheme for the northern and central sections of the former haul road, with a separate planning application to be submitted in due course for the eastern section of the haul road. Council officers agreed that this would be an acceptable way to proceed. The requirement to submit a planning application for the restoration of the other sections of the former haul road is the subject of a Section 106 Planning Obligation.

4. Description of the Proposal

4.1 The original scheme proposed by Harworth Estates included the following elements.

- The removal of the asphalt top and excess sub-base material making up the haul road.
- The creation of a bridleway along the length of the haul road.
- Existing hedgerows to be supplemented and retained as appropriate.

4.2 The main change in the current application is to import soils in order to restore the site. Sections of the asphalt and sub-base have been removed in previous years leaving voids that need to be backfilled. Similarly the removal of the remaining asphalt and sub-base will leave voids that need filling. The scheme therefore comprises the following operations.

- Removal of the asphalt and hard-core sub-base to Sanders site in Pegswood for recycling.
- Infilling of voids with imported clays and soils including bringing levels up to similar levels as adjacent farmland.
- Construction of a 3 metre wide bridleway to link into existing public rights of way and the C129 at the Butterwell Access Point.
- Fencing / hedge planting adjacent to the bridleway.
- Retention and repair as necessary of the 70 metre long Mabey Bridge over the River Lyne.
- Retention of underpass beneath the C129 to allow continued access for bridge inspections by the Highways Authority.

4.3 The proposal identifies 6 sections of the haul road and sets out details of how each section will be restored. In total it is estimated that 10,800 cubic metres of sub-base and asphalt will be removed from the site for recycling. In order to bring the levels up to the levels of the adjacent agricultural land it is estimated that an additional 2,700 cubic metres of soils and clays will need to be imported meaning that the total amount of material to be imported is estimated as 13,500 cubic metres. There will be a maximum of 12 loaded wagons entering and leaving the site each day (24 movements in total). It is proposed that the operations will take three years and if the works were to be undertaken at a constant rate there would be 3 vehicles entering and leaving the site each day (6 movements in total). However, it is envisaged that working will not be consistent throughout the three years.

4.4 The site working hours will be 08.00 – 17.00 Monday to Friday, 08.00 – 12.00 on Saturdays with no working on Sundays or public or bank holidays. The machinery will include a 360 excavator, dozer and dump truck. There will be no crushing or screening on site. A compound will be created close to the improved site access point on the C129. The compound will include office and welfare facilities and areas for the storage of the materials to be exported and imported. Some of these works have already been carried out but it has been decided not to take enforcement action whilst a decision on the planning application is pending.

5. Consultee Responses

Ulgham Parish Council	No objections. The bridleway should be completed as soon as possible.
Longhirst Parish Council	No response received.
Tritlington and West Chevington Parish Council	No response received.
The Coal Authority	No objections.
Environment Agency	No objections
Forestry Commission	No response received.
County Highways	No objections subject to conditions.
County Ecologist	No objections subject to conditions.
Public Protection	No comments.
Lead Local Flood Authority (LLFA)	No objections subject to the imposition of a condition on the disposal of surface water.
Countryside/ Rights Of Way	No objections subject to the imposition of planning conditions / legal agreements related to the creation of the bridleway.
Climate Change Team	No response received.

6. Public Responses

5.1 Neighbour Notification

Number of Neighbours Notified	5
Number of Objections	1
Number of Support	1
Number of General Comments	1

Notices

5.2 Site notices were posted in the vicinity of the site on 1 September 2022. A press notice was placed in the Northumberland Gazette on 8 September 2022.

Summary of Responses:

5.3 The letter of objection received to the application objects on the following grounds.

- The proposal does not deal with the full length of the haul road leaving decisions about both ends of the bridleway to some unspecified future time.
- Other footpaths neglected since opencasting began should meet the bridleway and be cleared and signposted.
- There is no provision for even modest car parking to avoid parking on narrow lanes in the area.

5.4 The letter of support referred to the proposal taking into account both public access and restoration including the seamless reconstitution of farmland.

5.5 The British Horse Society has welcomed the submission of the application and considers that the proposed bridleway will be a welcome addition to the local network providing several miles of safe off-road riding for horses and cyclists and walkers, linking many other paths in the area. It notes that this is only a partial plan with access points at either end not specified. It urges proposals for rest of the former haul road to be brought forward in a timely manner. It makes a number of suggestions for access points to meet the rights of way network.

5.6 The above is a summary of the comments. The full written text is available on our website at:

<https://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q87O7YQSFNO00>

6. Planning Policy

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan is the Northumberland Local Plan (NLP) that was adopted on 31 March 2022. The policies in the NLP are therefore up-to-date and must be given full weight.

6.2 The policies in the NLP that are relevant to the consideration of the application include the following policies.

STP 1: Spatial strategy
STP 2: Presumption in favour of sustainable development
STP 3: Principles of sustainable development
STP 6: Green infrastructure
STP 7: Strategic approach to the Green Belt

STP 8: Development in the Green Belt
TRA 1: Promoting sustainable connections
TRA 2: The effects of development on the transport network
QOP 2: Good Design and Amenity
ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment
ENV 2 Biodiversity and Geodiversity
ENV 3 Landscape
WAT 3: Flooding
WAT 4: Sustainable Drainage Systems
POL 2 Pollution and air, soil and water quality
MIN 3: Mineral and landfill site restoration, aftercare and after-use
WAS 3: Waste disposal

6.3 The National Planning Policy Framework (NPPF) (2021), Planning Practice Guidance (PPG) and the Northumberland Landscape Character Assessment (2010) are material considerations in determining this application.

7. Appraisal

7.1 The main issues for consideration in the determination of this application are:

- Principle of the development
- Green Belt
- Public Rights of Way
- Landscape and visual impact
- Impact on residential amenity
- Transport considerations
- Impact on ecology
- Water Management

Principle of the Development

7.2 Policy STP 1 of the NLP sets out the spatial strategy for Northumberland and directs development towards established settlements. Outside of these settlements, development in the open countryside will only be supported if it meets one of the exceptions listed in criterion g of the policy. This includes if the proposal relates to the extraction and processing of minerals in accordance with other policies in the NLP. As the current proposal concerns the restoration of land related to mineral extraction, it is considered that there is no policy conflict with policy STP 1, dependent upon alignment with other minerals and waste policies.

7.3 Mineral site restoration is covered by NLP Policy MIN 3 which states that proposals should deliver net gains for biodiversity and improved public access through the expansion of the rights of way network. Policy TRA 1 (part 1(e)), states that support will be given to development that protects, enhances and supports

public rights of way. NPPF paragraph 98 requires planning decisions to protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

7.4 Paragraph 205(e) of the NPPF states that minerals planning authorities should provide for the restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards. Whilst it is regrettable that the restoration of the haul road has been delayed, this has resulted from historical factors when the land was in different ownership.

7.5 In order to achieve the restoration of the site, the proposal includes importing significant quantities of inert waste. NLP Policy WAS 3 sets out the strategy for the disposal of waste which includes encouraging the use of inert waste material to restore former mineral sites. It is considered that the applicant has provided justification for the importation of material and the quantities of inert waste to be imported.

7.6 It is concluded therefore that NLP minerals and waste policies support the principle of the proposed development and that the proposal accords with the spatial strategy for Northumberland set out in the NLP.

Green Belt

7.7 The majority of the former haul road is within the Green Belt. NLP Policy STP 8 states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The engineering operations proposed in this application are not inappropriate development in the Green Belt, will not impact on its openness and do not conflict with the strategic aims of the Northumberland Green Belt as defined in NLP Policy STP 7. The proposal is therefore in accordance with national and local planning policy for the Green Belt.

Public Rights of Way

7.8 NLP Policy STP 6 includes provisions to secure improved public rights of way, Policy TRA 1 seeks to protect, enhance and support public rights of way and Policy MIN 3 seeks to deliver an expansion of the public rights of way network in the restoration of former mineral sites. The provision of a bridleway as part of the restoration of the haul road has been a longstanding commitment and was included in the original restoration plans for the Stobswood opencast coal site.

7.9 The submissions include the construction of a 3 metre wide bridleway bounded by a post and rail fence to the west and a hedgerow to the east. The bridleway will link into an existing bridleway and public rights of way to the north of the site and to the C129 in the south. It would be constructed with a finishing layer of 200 mm of type 2 sub-base overlaying 50mm depth of finer grade material, compacted and kept free of larger stones at the surface. This technical specification accords with County Council guidelines and is supported by the British Horse Society.

7.10 The Public Rights of Way (PROW) team has reviewed the submissions. Overall, it supports the creation of the proposed public bridleway along the old haul road as specified, and the necessary creation of a connection to link with Ulgham

BR20 (424/020) as specified. It states that no alterations or works should be carried out which will affect the adjacent public rights of way network without prior consent or any legal orders being made and confirmed.

7.11 The PROW team therefore recommends that a condition is imposed on any planning consent requiring the applicant to enter into a legal agreement to create a public bridleway as shown within the application. As the application only relates to the northern and central section of the haul road to the west of the B1337, the PROW team also recommend that a further condition is imposed that the applicant will enter into a legal agreement to allow a public bridleway creation order to be made on the section of the proposed bridleway east of this application area and tying in with the C124 county road known as Ulgham Lane. This would allow the proposed bridleway on the restored haul road to be connected to the local highways and public right of way network. These matters are the subjects of a Section 106 Planning Obligation.

7.12 The PROW team also advise that no action should be taken to disturb the path surface, without prior consent from the Highway Authority, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided.

7.13 Agricultural vehicles will require access to some sections of the former haul road and therefore it is proposed that along these sections a strip of land approximately 3 metres wide to the west of the bridleway will be surfaced in hardcore and be capable of use by agricultural vehicles.

7.14 It is considered that the proposal to create a new bridleway accords with Policies STP 6, TRA 2 and MIN 3 of the NLP. The various recommendations of the PROW team have been included in the proposed conditions, informatives and Section 106 Planning Obligation.

Landscape and Visual Impact

7.15 NLP Policies ENV 1 and ENV 3 requires development proposals to conserve and enhance important elements of landscape character. The site is not within an area that has a landscape designation. It is within the South East Northumberland Coastal Plain National Landscape Character Area. At the County scale it is within the Coalfield Farmland Character Type and the Coastal Coalfields Character Area. In the Northumberland Landscape Character Assessment (2010), the restoration of former opencast operations is seen as having great potential as a force for change. The creation of opportunities for recreation through restoration is encouraged

7.16 The current character of the area is open countryside and the former coal haul road is an industrial feature that in its current condition has an adverse impact upon the character of the area. Restoring the site by the removal of the existing unsightly road surfacing and sub-base material, bringing the land up to the level of adjoining agricultural land and providing the bridleway will improve the character and visual amenity of the area. This accords with the provisions of the Northumberland Landscape Character Assessment

7.17 There will be some adverse impacts on visual amenity during the construction period in particular associated with the temporary structures and storage of materials near the site entrance. The applicant has requested that the site compound is close

to the site entrance for security reasons. There are clear uninterrupted views into the site at the access point but the adverse effects are not considered to be sufficient to justify refusal.

7.18 Overall it is concluded that the proposed development is in accordance with NLP Policies ENV 1 and ENV 3.

Impact on Residential Amenity

7.19 NLP Policy STP 5 requires development proposals to demonstrate that they will prevent negative impacts on amenity and do not have a negative impact on air and noise pollution.

7.20 There are few residential properties close to the former haul road, the nearest residential properties being approximately 800 metres to the north-east. The village of Tritlington is approximately 800 metres to the west and Ulgham is approximately 1.3 kilometres north east of the proposed access point from the public highway.

7.21 The Public Protection team were consulted on the application but had no comments to make. In view of the nature of the proposed operations and the distance from residential properties it is considered that there will be minimal adverse effects in terms of noise or dust. The potential impact of transport operations on residential amenity is considered below. The proposed development therefore is in accordance with NLP Policy STP 5.

Transport Considerations

7.22 NLP Policy TRA 2 requires development proposals to provide effective and safe access and egress to the existing transport network and include appropriate measures to avoid, mitigate and manage any significant impacts on highway safety.

7.20 The former haul road does not form part of the adopted highway but the proposed access and egress is an existing access point on the C129 road. This access has already been widened. There will be a maximum of 12 loaded wagons entering and leaving the site each day (24 movements in total). It is proposed that the operations will take three years and if the works were to be undertaken at a constant rate there would be 3 vehicles entering and leaving the site each day (6 movements in total). However, it is envisaged that working will not be consistent throughout the three years. The proposed level of use is not therefore significant.

7.21 County Highways have reviewed the proposals and have raised no objections subject to the imposition of conditions. One comment from a member of the public refers to heavy goods vehicles travelling through Ulgham to access the site. A condition is recommend to limit the number of HGVs entering and leaving the site.

7.22 It is concluded that the proposed development is in accordance with NLP Policy TRA 2.

Impact on Ecology

7.23 NLP Policy ENV 2 states that development proposals affecting biodiversity will minimise their impact avoiding significant harm through location and / or design and secure a net gain for biodiversity.

7.24 There are no statutory or non-statutory designated ecological sites within 1 kilometre of the application area. The nearest statutory site of nature conservation interest is Ulgham Meadow Local Nature Reserve (LNR) located 2 km east of the site. The LNR supports several habitats including woodland, wetland and scrub and a range of wildlife including otters, kingfishers and grey heron. There are no records of protected or priority species being present on the site within the past ten years. A field survey carried out by the applicant's ecologist recorded no signs of protected species being present. The hedgerows within the site would be considered to be Priority Habitat at both Local and National level. The River Lyne that passes under the Mabey Bridge on the former haul road is likely to be considered both a UK and LBAP Priority Habitat.

7.25 A Preliminary Ecological Appraisal was submitted with the application. The County Ecologist reviewed this document but found that it contained insufficient information and raised a holding objection pending the submission of further details on measures to avoid harm to protected species and habitats during construction and details for habitat creation or restoration where features are being lost. The County Ecologist and the applicant's ecologist subsequently carried out a site visit to obtain a full understanding of the proposed development.

7.26 A Construction Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP) were subsequently submitted. These were reviewed by the County ecologist who considered that they are appropriate to manage the construction phase to avoid harm to protected species and to restore the ecological value of the site after the proposed works are complete.

7.27 It is concluded therefore that subject to the imposition of conditions the proposed development is in accordance with NLP Policy ENV 2.

Water Management

7.28 Policy WAT 3 of the Northumberland Local Plan requires development proposals to demonstrate how they will minimise flood risk. Policy WAT 4 requires developments to incorporate water sensitive urban design features including Sustainable Drainage Systems (SuDS) wherever necessary, in order to separate, minimise and control surface water run-off.

7.29 A Flood Risk Assessment and Drainage Strategy prepared by Coast Consulting Engineers was submitted in support of the planning application. Environment Agency flood maps indicate that the development boundary is located largely within an area classified as a Flood Zone 1. Land located within a Flood Zone 1 is defined as having a less than 1 in 1000 annual probability of river or sea flooding in any year.

7.30 The flood maps show there are 4 identified low to high risk existing surface water flooding areas at the site which the Coast report states are likely to be due to a combination of flat existing gradients and poorly managed surface water run-off from the haul road. To mitigate this the proposal is to construct a v-ditch running parallel to the haul road which will convey any excess surface water flows from the restored haul road to the River Lyne and to the Longhirst Burn.

7.31 The report also assesses the risk of groundwater flooding to the development which can be considered as low.

7.32 The report has been reviewed by the Local lead Flood Authority who are raising no objections subject to the imposition of a condition on the disposal of surface water. It is concluded therefore that the proposed development is in accordance with NLP Policies WAT 3 and WAT 4.

Other Matters

Equality Duty

7.33 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

7.34 it is not considered that the proposals that are the subject of this planning application have any implications in relation to crime and disorder.

Human Rights Act Implications

7.35 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.36 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.37 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for

planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 The restoration of the former Stobswood Haul Road has been delayed for a variety of reasons. The new owners of the site have submitted this application to secure the restoration of the northern and western sections of the road. It is concluded that Northumberland Local Plan (NLP) minerals and waste policies support the principle of the proposed development and that the proposal accords with the spatial strategy for Northumberland set out in the NLP.

8.2 The implications of the proposals for the Green Belt, public rights of way, landscape and visual impact, residential amenity, transport considerations, ecology, water management and other relevant matters have been assessed and the proposal is considered to accord with relevant NLP policies and the NPPF.

9. Recommendation

9.1 That this application be GRANTED planning permission subject to the following.

i. The satisfactory conclusion of a Section 106 Planning Obligation for the submission of a planning application for the sections of former haul road in the ownership of the applicant and the creation of the orders for the bridleway.

ii. The following 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.

Informatives

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.

Date of Report: 20 March 2023

Background Papers: Planning Application file 22/02162/CCM

APPENDIX 3

TABLES

TABLE 1 - CHEMICAL ACCEPTANCE CRITERIA FOR IMPORTED SOILS

Site Name	Former Haul Road, Stobswood		
Project Number	3865		
Development Type	Public Open Space (park)	Soil Organic Matter %	2.5
Human Health			
Determinand	Assessment Level	Unit	Source
Inorganic Arsenic	170	mg/kg	S4ULs (LQM)
Beryllium	63	mg/kg	S4ULs (LQM)
Boron	46000	mg/kg	S4ULs (LQM)
Cadmium	560	mg/kg	S4ULs (LQM)
Chromium III	33000	mg/kg	S4ULs (LQM)
Chromium VI	220	mg/kg	S4ULs (LQM)
Copper	44000	mg/kg	S4ULs (LQM)
Elemental Mercury	30	mg/kg	S4ULs (LQM)
Inorganic Mercury	240	mg/kg	S4ULs (LQM)
Methylmercury	68	mg/kg	S4ULs (LQM)
Nickel	3400	mg/kg	S4ULs (LQM)
Selenium	1800	mg/kg	S4ULs (LQM)
Vanadium	5000	mg/kg	S4ULs (LQM)
Zinc	170000	mg/kg	S4ULs (LQM)
Lead	1300	mg/kg	C4SLS
Inorganic Cyanide	0	mg/kg	CLEA 1.06
Benzene	100	mg/kg	S4ULs (LQM)
Toluene	95000	mg/kg	S4ULs (LQM)
Ethylbenzene	22000	mg/kg	S4ULs (LQM)
o-Xylenes	24000	mg/kg	S4ULs (LQM)
m-Xylenes	24000	mg/kg	S4ULs (LQM)
p-Xylenes	23000	mg/kg	S4ULs (LQM)
Aliphatic EC 5-6	130000	mg/kg	S4ULs (LQM)
Aliphatic EC >6-8	220000	mg/kg	S4ULs (LQM)
Aliphatic EC >8-10	18000	mg/kg	S4ULs (LQM)
Aliphatic EC >10-12	23000	mg/kg	S4ULs (LQM)
Aliphatic EC >12-16	25000	mg/kg	S4ULs (LQM)
Aliphatic EC >16-35	480000	mg/kg	S4ULs (LQM)
Aliphatic EC >35-44	480000	mg/kg	S4ULs (LQM)
Aromatic EC 5-7 (benzene)	84000	mg/kg	S4ULs (LQM)
Aromatic EC >7-8 (toluene)	95000	mg/kg	S4ULs (LQM)
Aromatic EC >8-10	8500	mg/kg	S4ULs (LQM)
Aromatic EC >10-12	9700	mg/kg	S4ULs (LQM)
Aromatic EC >12-16	10000	mg/kg	S4ULs (LQM)
Aromatic EC >16-21	7700	mg/kg	S4ULs (LQM)
Aromatic EC >21-35	7800	mg/kg	S4ULs (LQM)
Aromatic EC >35-44	7800	mg/kg	S4ULs (LQM)
Aliphatic + Aromatic EC <44-70	7800	mg/kg	S4ULs (LQM)
Acenaphthene	30000	mg/kg	S4ULs (LQM)
Acenaphthylene	30000	mg/kg	S4ULs (LQM)
Anthracene	150000	mg/kg	S4ULs (LQM)
Benz(a)anthracene	56	mg/kg	S4ULs (LQM)
Benzo(a)pyrene	12	mg/kg	S4ULs (LQM)
Benzo(b)fluoranthene	15	mg/kg	S4ULs (LQM)
Benzo(ghi)perylene	1500	mg/kg	S4ULs (LQM)
Benzo(k)fluoranthene	410	mg/kg	S4ULs (LQM)
Chrysene	110	mg/kg	S4ULs (LQM)
Dibenz(ah)anthracene	1.3	mg/kg	S4ULs (LQM)
Fluoranthene	6300	mg/kg	S4ULs (LQM)
Fluorene	20000	mg/kg	S4ULs (LQM)
Indeno(123-cd)pyrene	170	mg/kg	S4ULs (LQM)
Naphthalene	190	mg/kg	S4ULs (LQM)
Phenanthrene	6200	mg/kg	S4ULs (LQM)
Pyrene	15000	mg/kg	S4ULs (LQM)
Phenol	690	mg/kg	S4ULs (LQM)
Plants			
Determinand	Assessment Level	Unit	Source
Copper	600	mg/kg	Dickinson et al
Nickel	250	mg/kg	Dickinson et al
Zinc	3000	mg/kg	Dickinson et al
Boron	30	mg/kg	Dickinson et al
Cadmium	15	mg/kg	Dickinson et al
Chromium VI	600	mg/kg	Dickinson et al
Total Chromium	1000	mg/kg	Dickinson et al
Mercury	20	mg/kg	Dickinson et al
Lead	2000	mg/kg	Dickinson et al
Arsenic	80	mg/kg	Dickinson et al
Cobalt	240	mg/kg	Dickinson et al
Molybdenum	200	mg/kg	Dickinson et al
Selenium	50	mg/kg	Dickinson et al
Buildings and Services			
Determinand	Assessment Level	Unit	Source
pH	<5		BRE SD1:2005
Sulphate 2:1 water/soil leachate	500	mg/l	BRE SD1:2005
Chloride	100	mg/kg	WRc Environment 1987 PRD 1452M/1

APPENDIX 4

NOTES ON LIMITATIONS

NOTES ON LIMITATIONS

- 1 FWS Consultants Ltd (“FWS”) has prepared this report solely for the use of the client and/or his agent (the “Client”) on the basis of exchange(s) of written proposals and instructions, and FWS accepts no responsibility or liability:-
 - a) for use of this report by any party other than the person for whom it was commissioned, or;
 - b) for the consequences of the report being used for any purpose other than that for which FWS was instructed to prepare it.

Should any third party wish to use or rely upon the contents of the report, written approval from FWS must be sought.

- 2 All information supplied by the Client, the Client’s staff and professional advisers, local authorities, other statutory bodies, investigation agencies and publicly accessible databases, shall be provided to FWS in writing, and is accepted as being correct unless otherwise specified in writing by the discloser of the information.
- 3 The conclusions and recommendations in this report represent the professional opinions of FWS derived from currently accepted industry practices, and through the exercising of reasonable skill and care to be expected of a professional geosciences and environmental consultancy of similar size and experience. The assessments and judgments given in this report are directed by and limited to both the finite data on which they are based and the proposed works to which they are addressed.
- 4 Environmental and geotechnical desk studies comprise a study of available information obtained from various identified sources, authorities and parties. The information reviewed cannot be exhaustive and has been accepted in good faith as providing representative and true data pertaining to site conditions. For clarity, no independent verification of this data is carried out by FWS and it is accepted at face value. Any identified risks in desk study reports are perceived risks based on the information available at the time. Actual risks can only be assessed after carrying out a thorough physical investigation of the site that serves to validate such identified risks.
- 5 Data acquisition during site investigations is subject to the limitations of the methods of investigation used, site conditions and access constraints. Exploratory holes undertaken during fieldwork, particularly boreholes and/or trial pits, investigate a small volume of ground in relation to the size of the site and thus can only provide an indication of site conditions. The opinions provided and recommendations given in this report are based on the desk study information and ground conditions apparent at the site of each of the exploratory holes. There may be ground conditions elsewhere onsite that have not been disclosed by the investigation and which therefore have not been taken into account in this report. FWS will take all due care and make commentary on the adequacy of data collection and therefore the ability to highlight the presence or otherwise of exceptional conditions.
- 6 Owing to the natural variation of the systems that are being investigated, and the anthropological impact similarly changing through time, the findings and opinions in this report are relevant to the dates of the site works and should not be relied upon to represent conditions after a reasonable passing of time. Site conditions will change over time due to natural variations and human activities. The comments made on groundwater, surface water and soil gas conditions are based on observations made at the time that the site work was carried out. It should be noted that these conditions will vary owing to seasonal, tidal and meteorological effects. Variation in the types and concentrations of contaminants and variations in their flow paths may occur due to seasonal water table fluctuations, past disposal practices, the passage of time, or subsequent developments or activities on the site or adjacent area.
- 7 The scope of the investigation, as agreed between FWS and the Client, was undertaken based on the specific development proposals of the Client and may be inappropriate to another form of development or scheme.
- 8 The opinions expressed in this report regarding contamination, geotechnical and/or waste assessments are based on simple statistical analysis and comparison with available guidance values. No liability can be accepted for the retrospective effects of any changes or amendments to these values.