

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (ENGLAND) ORDER 2015**

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)  
REGULATIONS 2017**

**APPLICATION REF. NO.:** 7/2018/0159NCC

**APPLICANT:** IBSTOCK BRICK LIMITED

**DEVELOPMENT:** PROPOSED SOUTHERLY EXTENSION OF THE CLAY WORKINGS AND EXTRACTION OF CLAY AND ASSOCIATED MINERALS, WITH SUBSEQUENT RESTORATION BY INFILLING WITH IMPORTED INERT WASTE MATERIALS TO INCLUDE LANDSCAPING AND DIVERSION OF PUBLIC RIGHTS OF WAY.

**LOCATION:** DORKET HEAD QUARRY, WOODBOROUGH LANE,  
ARNOLD, NOTTINGHAM, NG5 8PZ

Following consideration of an application for the above development as shown on the submitted plans, NOTTINGHAMSHIRE COUNTY COUNCIL, in pursuance of their powers under the above Act, hereby

### **GRANT PLANNING PERMISSION**

for the development in accordance with the application, subject to compliance with the attached conditions and for the following reasons.

**Failure to comply with the terms of this permission may render the development unlawful.**

Date of decision 5 June 2018

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Authorised to sign on behalf of the County Council

**Appeals to the Secretary of State**

If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against the local planning authority's decision then you must do so within six months of the date of this notice

Appeals can be made online at:

<https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State 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.

**NOTE:** THIS PERMISSION REFERS ONLY TO THAT REQUIRED UNDER THE TOWN AND COUNTRY PLANNING ACTS AND DOES NOT INCLUDE ANY CONSENT OR APPROVAL UNDER ANY OTHER ENACTMENT, BYLAW, ORDER OR REGULATION.

## **STATEMENT OF POSITIVE AND PROACTIVE ENGAGEMENT**

In determining this application the Mineral/Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; encouraging pre-application community engagement which the applicant acceded to and the scoping of the application. The proposals and the content of the Environmental Statement have been assessed against relevant Development Plan policies, the National Planning Policy Framework, including the accompanying technical guidance. The Mineral/Waste Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; liaised with consultees to resolve issues and progressed towards a timely determination of the application. Issues of concern have been raised with the applicant, such as impacts to ecology and the landscape and have been addressed through negotiation and acceptable amendments to the proposals requested through a Regulation 25 submission. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **STATEMENT OF THE MAIN REASONS AND CONSIDERATIONS ON WHICH THE DECISION IS BASED**

1. The planning application has come forward at this time as a result of a proposed housing allocation being promoted in Gedling Local Plan (Part 2) which seeks to allocate land immediately to the south of the existing quarry for residential development. The development of this housing allocation would almost certainly result in the sterilisation of the clay resources within the application site. The extraction of the mineral at this time, in advance of the housing construction, would ensure the mineral can be extracted whilst maintaining acceptable environmental standards. An agreement has been reached as part of the Gedling Local Plan examination process to undertake the housing development within two phases, thus deferring the construction of the second phase of the housing development (nearest to the southern extension) until 2022/23. This allows time for mineral extraction from the southern quarry extension to be completed. This approach is supported by Gedling Borough Council and provides a satisfactory balance between ensuring that minerals do not become sterilised and unworkable whilst ensuring that housing development identified in the draft Gedling Local Plan comes forward in an appropriate timeframe.
2. The NPPF requires that weight should be given to the benefits derived from minerals developments including the economy whilst ensuring there are no unacceptable adverse impacts upon the environment and securing appropriate restoration and aftercare of mineral workings.
3. The recovery of 690,000t of clay from the southern extension would secure a further three years brick production at the brickworks, maintaining the existing economic and employment benefits which the quarry and factory provides including the direct employment of 73 people and its wider contribution to the local and regional

economy in terms of producing 94 million bricks per year, equating to around 6% of the UK brick market.

4. The socio-economic effects of the scheme are beneficial and these are material in the determination of this planning application. The application site is incorporated within the wider consented quarry area, albeit currently in use as a landscaped area with no permission currently in place for extraction. An extension of the mineral extraction area at Dorket Head would provide operational benefits by ensuring minerals do not become sterilised, thus MLP Policy M11.2 is supportive subject to their being no unacceptable environmental constraints.
5. In the context of Green Belt policy, the minerals extraction scheme within the Southern Extension and subsequent restoration of the wider site utilising inert waste has been assessed as being appropriate development. However, the longer term retention of a stockpiling area (a storage use) has been assessed as inappropriate development and consideration needs to be given to whether 'very special circumstances exist to allow the development. In this instance, there is a strong argument in favour of allowing the new stockpiling facility and associated conveyor route on the grounds of need, economic benefit, a reduction in terms of visual impact/effects to openness and a lack of alternative provision capable of being provided outside the Green Belt. These factors represent very special circumstances to justify inappropriate development within the Green Belt.
6. The technical assessments, mitigation proposals and established management controls employed by the operator and examined in this report demonstrates that the operation of the site would not give rise to significant adverse environmental effects. It is acknowledged that there would be some visual impacts from the development, most noticeably as a result of vegetation clearance associated with the development, however the magnitude of impact is comparatively minor, would occur in the short to medium term and would be mitigated through the restoration scheme proposed for the site. The development would also result in some changes to landscape character and footpath routeing during the operational phase of the development.
7. Restoration of the site and the wider quarry is planned using inert fill materials. This removes the scope for the resumption of the non-hazardous (biodegradable) waste tipping on the existing site, and activity which historically generated significant levels of odour complaint. This change is welcomed.
8. A series of planning conditions have been identified within appendix 1 and 2 of this report to regulate the operation of the site to an acceptable and appropriate standard.
9. Overall, it is concluded that the development is supported by the development plan and where there is a departure to Green Belt policy, material considerations argue in favour of granting the development planning permission. There would not be any significant adverse environmental impacts as a result of the development and any less than significant environmental impacts would be outweighed by the benefits derived from the development. It is therefore recommended that planning permission be granted for the two planning applications, subject to the recommended planning conditions.

**SCHEDULE OF CONDITIONS AND REASONS**

1. The development hereby permitted shall begin no later than three years from the date of this decision.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by section 51 of the Planning and Compulsory Purchase Act.*

**Notification of Commencement**

2. The Mineral Planning Authority (MPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

*Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.*

**Approved Plans**

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:
  - a. Planning application and supporting Environmental Statement received by the MPA on 5<sup>th</sup> February 2018, subject to amendments incorporated in Regulation 25 response.
  - b. Regulation 25 submission incorporating revised non-technical summary (Vol 3), revised chapter 8 (Ecology), supplementary landscape and visual assessment information and revisions to restoration drawings dated 27<sup>th</sup> April 2018 and received by the MPA on 30<sup>th</sup> April 2018.
  - c. Drawing No. DHS 2/1: Site Location Plan dated October 2017 and received by the MPA on 5<sup>th</sup> February 2018.
  - d. Drawing No. DHS 2/2: Application Site dated October 2017 and received by the MPA on 5<sup>th</sup> February 2018.
  - e. Drawing No. DHS 2/3: Site Context Plan dated October 2017 and received by the MPA on 5<sup>th</sup> February 2018.
  - f. Drawing No. DHS 3/1: Site Masterplan dated December 2017 and received by the MPA on 5<sup>th</sup> February 2018.
  - g. Drawing No.'s DHS 3/2 – 3/4 Extraction Phases 1-3 dated 15/06/17 and received by the MPA on 5<sup>th</sup> February 2018.
  - h. Drawing No.'s DHS 3/5 – 3/8 Infill Phases 1-4 dated 15/06/17 and received by the MPA on 5<sup>th</sup> February 2018.

- i. Drawing No. DHS 3/9 - Rev A: Indicative Landscape Restoration dated April 2017 and received by the MPA on 30<sup>th</sup> April 2018.
- j. Drawing No. DHS 3/10 – Rev A: Restoration Masterplan dated April 2018 and received by the MPA on 30<sup>th</sup> April 2018.

*Reason: For the avoidance of doubt.*

### **Scope of Planning Permission**

4. All brickmaking material extracted from the application site shall be taken for processing at the applicants' existing brickworks on the west side of Calverton Road using the existing conveyor system and tunnel beneath Calverton Road. In the event of conveyor breakdown which result in the need for alternative clay movement arrangements, the written consent of the MPA shall be obtained for the duration of any such temporary arrangements prior to them commencing.

*Reason: To ensure that minerals are used in a sustainable manner locally to their extraction origin and to minimise additional traffic on the public highway in compliance with Nottinghamshire Minerals Local Plan Policy M3.13: Vehicular Movements.*

5. All extraction of clay from the southern extraction area identified in red on Drawing No. DHS 2/2: Application Site shall be completed/cease on or before 31<sup>st</sup> December 2021. Waste importation within infill phases 1, 2 and 3 shall be completed/cease on or before 31<sup>st</sup> December 2023, waste importation within phase 4 shall be completed/cease on or before 31<sup>st</sup> December 2026.

*Reason: To ensure that minerals are extracted, and subsequent restoration works progress within an appropriate timescale and therefore do not unreasonably delay the commencement of house building proposed in allocation H8 of the Emerging Gedling Local Plan.*

### **General**

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no buildings, fixed plant/machinery shall be erected or placed on the site without the prior written approval of the MPA.

*Reason To enable the MPA to control the development and to minimise its impact on the amenity of the local area, in accordance with Policy M3.3 of the Nottinghamshire Minerals Local Plan.*

7. From the commencement of the development to its completion a copy of this permission, and plans and documents approved in accordance with these conditions shall always be available for inspection by the MPA at the applicants' offices during normal working hours.

*Reason To enable the MPA to control the development and to minimise its impact on the amenity of the local area, in accordance with Policy M3.3 of the Nottinghamshire Minerals Local Plan.*

### **Phasing**

8. Soil and overburden stripping/storage/replacement, mineral extraction and restoration/landfill operations shall progress sequentially in accordance with the details shown on Drawing No.'s DHS 3/2 – 3/4 Extraction Phases 1-3 and Drawing No.'s DHS 3/5 – 3/8 Infill Phases 1-4.

*Reason: To ensure the development is carried out in a phased manner in accordance with Nottinghamshire Minerals Local Plan Policy M4.1: Phasing.*

### **Footpaths**

9. No soils shall be stripped from the line of Arnold Footpaths 6 and 7 or within 20m of the line of the footpaths until such time that the diversion route for the footpaths has been installed. The diversion route shall be provided in compliance with indicative route identified on Drawing DHS 3/1. The construction and surfacing specification for the diverted footpath shall be agreed in writing prior to its construction. The footpaths shall be diverted in compliance with diversion/closure orders which have been formally agreed with Nottinghamshire County Council's Rights of Way Team.

*Reason: To ensure that public access is maintained across the site in accordance with the requirement of Nottinghamshire Minerals Local Plan Policy M3.26: Public Access.*

### **Archaeology**

10. No stripping of soil shall take place on the site until a detailed phased scheme of archaeological investigation, treatment and reporting covering all of the application site has been submitted to and been approved in writing by the MPA. The scheme shall be implemented as approved.

*Reason To ensure that that adequate archaeological investigation and recording is undertaken prior to the development taking place, in accordance with Policy M3.25 of the Nottinghamshire Minerals Local Plan.*

### **Screening of site during its operational life**

11. The existing hedge on the southern boundary of the application site shall be retained and interplanted in accordance with a scheme which shall be submitted to the MPA

for its approval in writing prior to the commencement of the development. The approved scheme shall be implemented throughout the period of the development and subsequent aftercare.

*Reason The scheme is required prior to the commencement of the development to ensure that that satisfactory visual screening is retained on the boundaries of the site prior to the development taking place, in accordance with Policy M3.25 of the Nottinghamshire Minerals Local Plan.*

12. Prior to the extraction of any mineral from Phase 2 (as identified on Drawing No. 3/3: Extraction Phase 2) the soil screen bund specified to be constructed along the south and west and east perimeter of the extraction area (identified by brown shading on Drawing No. 3/1: Site Masterplan) shall be engineered to a 3m height. The bund shall be grass seeded in the first available season following the construction of the earth bund. Any seeding which fails to establish during the operational life and aftercare periods of the southern extension shall be reseeded in the first available season.

*Reason: To ensure satisfactory screening and landscaping of the perimeters of the site are maintained in accordance with the requirements of Nottinghamshire Minerals Local Plan Policy M3.4:*

**Hours of Working**

13. Except in emergencies to maintain safety at the site (which shall be notified to the MPA as soon as practicable), the extraction of clay and the stripping, replacement and ripping of soil, overburden or other restoration materials and landfill operations shall take place only within the time periods specified below:

Operation	Monday to Friday	Saturdays	Sundays and Bank Holidays.
Mineral Extraction	07:00 – 19:00 hours	07:00 – 13:00 hours	Not at all
Soil and Overburden stripping/replacement	08:00 – 19:00 hours	08:00 – 13:00 hours	Not at all
Landfill operations	07:30 – 17:30 hours	07:30 – 13:00 hours	Not at all



*Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise.*

14. Mobile plant shall be serviced, maintained, repaired and tested within the normally permitted operating hours for mineral extraction within the quarry (07:00 – 19:00 hours Monday to Friday and 07:00 – 13:00 hours on Saturdays), except where an alteration to these hours for this purpose is agreed in writing beforehand by the MPA.

*Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise.*

## **Noise**

15. Except for temporary operations, the free-field Equivalent Continuous Noise Level LAeq, 1 hour, at the noise sensitive premises adjoining the site, due to operations on the site, shall not exceed the criterion noise levels set out in the Schedule below at any of the noise sensitive properties listed. Measurements taken to check the compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

1) Dorket Head Farm	55dB
2) Arnold Lodge	50dB
3) Mellish Rugby Club/Howbeck Close	55dB
4) 15 Strathmore Road	49dB
5) 220 Surgeys Lane	50dB
6) 48 Jenned Road	55dB

*Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise.*

16. Noise monitoring shall be undertaken twice a year in accordance with the scheme incorporated in the letter from Bowman Planton Limited (Ref: D10/p2/04/JBH/JB) dated 4th June 2004, throughout the operational life of the development site.

*Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise.*

17. All plant and machinery shall be regularly maintained in accordance with the manufacturers' recommendations and shall be appropriately silenced.

*Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise.*

18. Where fitted, reversing alarms on any mobile plant operating on the site are to be white noise broadband type.

*Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise.*

19. In the event of a noise complaint which the MPA considers to be justified, the applicant must undertake and submit to the MPA a noise survey within 14 days of a request by the MPA. The survey, which will test compliance with the noise threshold limits specified in Condition 15 shall be undertaken at times and positions agreed in advance with the MPA. Where a breach is identified, the submitted report must include a scheme of proposed noise mitigation for approval by the MPA.

*Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise.*

### **Dust**

20. Dust emissions from the application site shall be controlled to ensure that fugitive dust is prevented from leaving the site. The controls shall include taking all or any of the following steps as appropriate:

- The use of water bowsers and/or spray systems to dampen stockpiles and internal haul roads;
- The temporary seeding of any exposed areas; and
- Upon the request of the MPA the temporary cessation of soil stripping and quarrying operations during periods of dry and windy weather.

In the event that the above measures prove inadequate to control dust arising from the operation of the development hereby approved, then within 14 days of a written request from the MPA, the applicant shall submit a scheme to mitigate the dust impact of the development. The dust mitigation scheme shall thereafter be implemented in full within the timetable agreed in writing by the MPA.

*Reason To minimise dust disturbance at the site and to ensure compliance with Nottinghamshire Minerals Local Plan Policy M3.7: Dust.*

### **Pollution Controls**

21. Only inert waste, soils and soil making materials which are fit for purpose for restoring the mineral workings shall be imported into the site. Any non-confirming wastes shall be rejected and not tipped within the site.

*Reason: To ensure there is no unacceptable risk of pollution to groundwater or surface water and to avoid potential risks of odour release from tipping operations in accordance with Policies W3.5 and W3.7 of the Nottinghamshire Waste Local Plan.*

22. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of the aggregate storage capacity of all storage containers.

All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or wall.

*Reason: To protect ground and surface water from pollution in accordance with the requirement of the Nottinghamshire Minerals Local Plan Policy M3.8: Water Environment.*

23. If during the development, contamination not previously identified is found to be present at the application site then no further development (unless otherwise agreed in writing with the MPA) shall be carried out until the operator has submitted a remediation strategy to the MPA detailing how the unsuspected contamination shall be dealt with and obtained written approval for the MPA that the strategy is acceptable. The remediation strategy shall be implemented as approved.

*Reason: To ensure compliance with National Planning Policy Framework policy which requires new development contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.*

### **Controls relating to vehicle movements**

24. There shall be a maximum of 330 inert waste delivery loads (660 two way movements) to the site within any one week period. Written records shall be maintained of all HGV movements into and out of the site. Copies of the HGV vehicle movements shall be made available to the WPA within 7 days of a written request being made to the WPA

*Reason: To limit vehicle movements on the surrounding highway network to an appropriate level in accordance with W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Protected Species**

25. Site clearance operations that involve the destruction and removal of vegetation, including felling, clearing or removal of trees, shrubs or hedgerows on site shall not be undertaken during the months of March to August inclusive, except when approved in writing by the MPA to ensure that breeding birds and herptofauna are adversely affected. Contractors shall be made aware of the potential for the habitat to incorporate reptiles and amphibians and targeted hand searches shall be carried out to dismantle any habitat piles/features. Any animals found would be re-located to a safe receptor site.

*Reason: In the interest of protecting species and their habitats and to comply with Nottinghamshire Minerals Local Plan Policy M3.22.*

26. In the 14 days prior to the felling of the 'veteran' ash tree, a further survey of the tree shall be undertaken to identify the potential presence of roosting bats within the tree. The survey results shall be submitted in writing to the MPA. Felling works shall only proceed following the MPA's approval in writing. In the event that the survey

identifies the presence of bat roosts within the tree, the written report shall incorporate a scheme to mitigate/compensate for any negative impacts. The wood arising from the felling of the 'veteran' ash tree shall be utilised to provide deadwood habitat within the Hobbucks LNR, or other suitable location.

*Reason: In the interest of protecting species and their habitats and to comply with Nottinghamshire Minerals Local Plan Policy M3.22.*

27. Prior to the commencement of development in each new phase of the development, an ecological survey shall be undertaken to determine the presence of any protected species on site (notably badgers, bats, amphibians and reptiles) and the results of the survey shall be submitted to, and approved in writing by the MPA. If protected species are present, a working design, method and timetable to mitigate any undue adverse effects on the species involved shall be submitted as part of the report and approved in writing by the MPA. The approved mitigation measure shall be implemented as approved.

*Reason: In the interest of protecting species and their habitats and to comply with Nottinghamshire Minerals Local Plan Policy M3.22.*

### **Soil Handling**

28. All soils shall only be stripped, handled, stored and replaced in accordance with methodology set out within the soil handling scheme incorporated within the 'Movement of Soils' paragraphs incorporated within Section 5.1 of the Environmental Statement submitted in support of Planning Permission 7/2013/0760NCC. Specifically:

- a. Soil stripping shall not commence until any vegetation has been cut and removed.
- b. Topsoil, subsoil (where relevant) and soil making material shall only be stripped when they are in a dry and friable condition and movements of soils shall only occur:
  - during the months of April to October inclusive, unless otherwise approved in writing by the MPA; and
  - when all soil above a depth of 300mm is in a suitable condition that it is not subject to smearing; and
  - when topsoil is sufficiently dry that it can be separated from subsoil without difficulty.
- c. Topsoil and subsoil shall be stripped to their full depth.
- d. All stripped topsoil and subsoils shall be permanently retained on site for subsequent use in restoration, as specified in the planning application.
- e. No plant or vehicles shall cross any area of unstripped topsoil or subsoil except where such trafficking is essential and unavoidable for purposes of undertaking permitted operations. Essential trafficking routes shall be marked in such a manner as to give effect to this condition. No part of the site shall be excavated or traversed or used for a road, or storage of subsoil or overburden or waste or

mineral deposits, unless all available topsoil and subsoil to a minimum depth of 1000mm, has been stripped from that part.

- f. Stocks of topsoil shall not exceed 3m in height and stocks of subsoil shall not exceed 5m in height.
- g. All storage mounds that will remain in situ for more than six months or over winter shall be seeded with grass within three months of their construction and thereafter maintained free from weeds.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservations and use of Soil Making Materials.*

- 29. At least 7 days' notice in writing shall be given to the MPA prior to the commencement of topsoil stripping in any phase.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservations and use of Soil Making Materials.*

- 30. No turf, topsoil, subsoil or overburden shall be removed from the site.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservations and use of Soil Making Materials.*

## **Restoration**

- 31. The site shall be fully restored in accordance with the proposals shown on the Indicative Landscape Restoration Plan (Drawing DNS 3.9 – Rev. A). Finished ground contours shall comply with the levels shown on this plan. All restoration operations shall be completed within 12 months of the completion of landfill importation within the corresponding phase, or an alternative date agreed in writing by the MPA.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

- 32. The MPA shall be notified in writing at least 5 working days before each of the following:

- overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out, and

- when subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out, and
- on completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operation.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

33. Where subsoils are replaced, it shall only be undertaken when they and the ground on which they are to be placed are in a dry and friable condition. No movements, re-spreading, levelling, ripping or loosening of subsoil or topsoil shall occur:

- during the months November to March (inclusive), unless otherwise agreed in writing with the MPA;
- when it is raining;
- when there are pools of water on the surface of the storage mound or receiving area.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

34. Plant and vehicles shall not cross any area of replaced and loosened ground, replaced subsoil, or topsoil except where essential and unavoidable for purposes of carrying out ripping and stone picking or beneficially treating such areas. Only low ground pressure machines shall work on prepared ground. Soils shall be lifted into position and levelled by equipment that is not standing on re-laid topsoil or subsoil.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

35. Each subsoil layer placed (where relevant) shall be cross-ripped:

- to provide loosening to a minimum depth of 450mm with tine spacings no wider than 1.5m, and
- any rock, boulder or larger stone greater than 200mm in any dimension shall be removed from the loosened surface before further soil is laid. Materials that are removed shall be disposed off-site or buried at a depth not less than 2 metres below the final pre-settlement contours.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

36. Only low ground pressure machines shall work on re-laid topsoil or subsoil to replace and level topsoil. Topsoil shall be lifted onto subsoil by equipment that is not standing on either re-laid topsoil or subsoil.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

37. The re-spread topsoil shall be rendered suitable for agricultural cultivation by loosening and ripping:

- to provide loosening equivalent to a single pass at a tine spacing of 1.5 metres or closer;
- to full depth of the topsoil plus 100mm;
- and any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth not less than 2 metres below the final settled contours.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.*

### **Aftercare and Landscape Planting.**

38. Restoration planting shall be undertaken during the first seeding and planting seasons following the placement of topsoils. The seeding and planting shall be carried out in accordance with a Landscaping and Aftercare Management Scheme which shall be submitted to and agreed in writing with the MPA prior to the commencement of restoration operations. The Landscaping and Aftercare Management Scheme shall incorporate details of species mixes, planting densities, establishment measures and maintenance regimes which shall incorporate tree, shrub and hedgerow planting utilising native species appropriate to the local area selected with reference to the Mid Notts Farmlands species list for the Nottinghamshire Landscape Character Assessment. Opportunities to incorporate additional bat roosting habitats/bat boxes within the restored site shall be explored.

*Reason To ensure satisfactory aftercare management of the site in accordance with Nottinghamshire Minerals Local Plan Policy M4.9: Aftercare.*

39. Any seeding and planting that dies or becomes diseased, damaged or removed within 5 years shall be replaced during the first planting season thereafter with others of similar size and species.

*Reason To ensure satisfactory aftercare management of the site in accordance with Nottinghamshire Minerals Local Plan Policy M4.9: Aftercare.*

40. Site management meetings shall be held with the MPA on an annual basis to assess and review the aftercare operations, to check progress and to ensure that the programme of aftercare arrangements approved under Condition 35 is carried out. The meeting shall provide an opportunity for the MPA to agree alterations to the aftercare works for the following 12 months and these shall thereafter be implemented. The annual aftercare meeting should particularly focus on the progress of the ecologically restored areas and through the preparation of a habitat management plan the operators should identify the steps to be taken to maximise the ecological potential of the restored site.

*Reason To ensure satisfactory aftercare management of the site in accordance with Nottinghamshire Minerals Local Plan Policy M4.9: Aftercare.*

### **Alternative Restoration**

41. Should, for any reason, mineral extraction or infilling with inert waste at the application site cease for a period in excess of two years, then within six months of the receipt of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted to the MPA. Such a scheme shall include a schedule of timings, final contours, provision of soiling, sowing of grass, planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these conditions. The revised restoration scheme shall be implemented within 12 months of its approval by the MPA, and shall be subject to the aftercare provisions in accordance with the details set out above.

*Reason To achieve a satisfactory restoration of the site in the event of premature closure of the site.*

### **NOTES TO APPLICANT**

- 1. The development hereby permitted must be carried out in accordance with the conditions attached to this planning permission and any approved plans and details. Failure to implement the permission in accordance with the planning conditions and approved details may render the development unlawful and could lead to enforcement action and prosecution.**
- 2. If, at any stage, it becomes necessary to vary any of the approved plans or details you should contact the County Planning Authority in advance of implementing any changes to ascertain whether the proposed changes require any further planning approval.**



- 3. Where appropriate there is a fee payable currently £116 where a written request is made for the discharge of one or more conditions on the same permission or for confirmation that condition(s) on a permission have been complied with. The fee is payable for each request and not for each condition. When submitting a fee, please provide the planning application reference number making cheques payable to Nottinghamshire County Council and send them to the Planning Support Officer in Planning Services at Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford Nottingham NG2 7QP.**
- 4. Your attention is drawn to the attached email and plan from Western Power which identifies the location of the assets within the vicinity of the planning application site.**
- 5. Where pre-commencement conditions may be specified in this decision notice, the justification as to why such conditions are imposed and need to be discharged prior to the commencement of development is stated in accordance with Article 35 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.**
- 6. Your attention is drawn to the Standing Advice from The Coal Authority dated 1 January 2017, set out below.**

DN6-25.

**IMPORTANT NOTICE: STANDING ADVICE**  
**Planning Application Consultations with the Coal Authority**

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.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any 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.

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

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/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

*This Informative Note is valid from 1<sup>st</sup> January 2017 until 31<sup>st</sup> December 2018*