

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

10 November 2014

Report of the Strategic Director – Economy, Transport and Environment

**3 PROPOSED ECOLOGICAL ENHANCEMENT SCHEME FOR
THE FORMER CAMPBELL LANDFILL SITE AND
TROUGHBROOK ROAD FORMER OPENCAST COAL SITE,
STAVELEY
APPLICANT: TAWNYWOOD LTD
CODE NO: CM2/0213/144**

2.9.17

Introductory Summary This application proposes the creation of ecological enhancement at the former Campbell Landfill site and the former Troughbrook Road Opencast Coal Site to compensate for the loss of habitat at the Hartington Reclamation site as considered by the Regulatory - Planning Committee under planning application code number CM2/0911/81 (Agenda item no.2).

I have considered the potential environmental effects of the development and have concluded that these are acceptable or can be made acceptable by means of conditions or legal obligations. I have assessed the proposals in terms of the County and local policy framework, national planning guidance and other material considerations. Having regard to all relevant considerations I recommend that planning permission be granted subject to the conditions, and obligations set out in the Officer's Recommendation.

(1) **Purpose of the Report** To enable the Committee to determine the applications.

(2) **Information and Analysis** This report relates to the creation of ecological enhancement at the former Campbell landfill site and the former Troughbrook Road Opencast Coal Site to compensate for a loss of habitat at Hartington reclamation site that will occur if approximately 872,250 tonnes of foundry tip material are recovered as a secondary aggregate and approximately 87,119 tonnes of coal is extracted by surface mining methods, as is proposed under a related planning application which I am bringing to this Committee under another report (see Agenda item no.2).

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Site and Surroundings

The former Campbell Landfill site is to the north-west of Barrow Hill and has a surface area of 10.3ha. It is a restored landfill site, which slopes in a north to south direction and is characterised by grassland. A flare station and three manifold control units, for monitoring and managing landfill gas emissions, are situated at separate locations around the site. Vehicular access to and from the site would be via Staveley Lane. There are no public rights of way on the site, although Staveley Footpath No 15 runs immediately adjacent to the eastern boundary. The site is located entirely within the Green Belt as identified in the Chesterfield Borough Local Plan: Core Strategy (CBCS).

The Troughbrook Road site occupies 1.94ha of land immediately to the south of the Chesterfield Canal. The site, which comprises a narrow field, is currently used as grassland pasture. It was formerly part of an opencast coal mine and is located around 1.5km to the south-west of the Hartington site. Vehicular access would be via an adjacent plant yard which is also in the ownership of the applicant.

A Local Wildlife Site (LWS) at Breck Lane Watermeadows, some 14.83 ha in area, lies to the north of the Hartington site. It forms part of the River Rother floodplain and is designated for its aquatic invertebrate and ornithological interest.

The Proposal

The proposal involves the translocation of grassland material to these sites for the creation of habitats at these sites to emulate or compensate for those that will be lost from the Hartington reclamation site if the foundry tip and coal recovery proposal referred to above proceeds.

With regard to the Campbell site, the ecological enhancement works would provide for the establishment of invertebrate habitat by the translocation of 1.9ha of '*Dactylis glomerata*' grassland, 1.0ha of open mosaic habitat and 2.9ha of *Festuca rubra* grassland. The development would also include the creation of 2.1ha of species rich grassland and 0.9ha of 'natural' landforms using spoil/waste derived from the Hartington site.

The works as originally proposed for the Troughbrook Road site would have involved improving habitat suitability for invertebrates (including the dingy skipper butterfly). This would have involved the translocation of 0.2ha of *Holcus lanatus* - *Agrostis stolonifera* grassland and the creation of 'scrapes' and a 'sinuously' shaped low mound to create a suitable micro-climate. However, following discussion and negotiation with my officers responsible for advising regarding landscape and ecological issues, and Derbyshire Wildlife Trust, the applicant has amended the proposal by removing the scrapes and mounds and replacing these features with strategy to create species rich

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grassland in-keeping with the local landscape. Invertebrate focussed habitat is now proposed to be created on the Hartington Tip site instead.

The planning application and Environmental Statement documentation also refers to details of a third site, Breck Farm Watermeadows LWS, which occupies land with a surface area of 8.99ha adjacent to the River Rother approximately 1km to the north of the Hartington site. Whilst no development is proposed on this land, the applicant intends to implement a management plan for the site which would include the enhancement of the existing grasslands to increase their value to wading birds, the management of the hedgerows within the site and the management of ox-bow lakes by selective scrub removal to reduce the adverse impacts of dense shading.

The applicant estimates that, approximately, 26,636 tonnes of material comprising spoil mounds, *Dactylis glomerata* grassland, open mosaic habitat and *Festuca rubra* grassland would need to be moved to the Campbell Tip site from Hartington reclamation. This would equate to a maximum of 1,332 Heavy Goods Vehicles (HGVs) loads. The HGVs would have a payload of 20 tonnes and material would be moved at a rate of 1,800 tonnes per day which equates to 90 HGV movements (45 in/45 out) per day over a 15 day period. The proposed vehicular route between the two sites would be via Farndale Road, Eckington Road, Hall Lane and Staveley Lane. Access to the site would be via the former Phoenix Brickworks Clay access road

The works as originally proposed at Troughbrook Road would require the transport of an estimated 783 tonnes of *Holcus lanatus* – *Agrostis stolonifera* grassland and aggregate for the access track which would equate to a total of 40 HGV loads over a two day period. There would be 54 movements (27 in/27 out) on day one and 26 movements (13 in/13 out) on day two. The proposed vehicular route between the two sites would be via Farndale Road, Eckington Road, and the A619 to Troughbrook Road. Access to the site would be via the Fitzwise Ltd plant yard. The revised proposal has not been analysed in the same way but would clearly involve the transportation of far less material and, consequently, much fewer vehicle movements than set out above.

Consultations

Local Member

Councillor Collins has been notified.

Chesterfield Borough Council

The Council provided comments endorsed by its Planning Committee that covered both this proposal and the Hartington Tip application. The Committee resolved that:

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- *“The Borough Council should bring the attention of the County Council to the content of the Planning Committee report and also to the Borough Council’s opinion that if Natural England and Derbyshire Wildlife Trust are satisfied that the impact of the development on biodiversity in the locality would be neutral in the short term and positive in the long term, then an appropriate balance between achieving national and local economic and social objectives and the impact of the development on biodiversity, would be achieved.*
- *The applicant is encouraged by the County Council to further increase the extent of restoration given that the Troughbrook site appears to have dis-benefits in respect of the proposed schemes impact on landscape character, adversely affecting the setting of the Chesterfield Canal.*
- *If Derbyshire County Council is minded to approve the proposal, that it should consider adding a clause (within any Section 106 agreement/obligation) supporting Chesterfield Borough Councils drive to promote the use of local employment – in all stages of the development process (excepting the planning permission phase) through to site restoration.*
- *If Derbyshire County Council is minded to approve the proposal, that it should consider adding a clause (within any Section 106 agreement/obligation) which requires the setting up of a liaison group with local community representation and a compensation fund for the local community in respect of negative impacts on the minerals extraction phase.”*

Environment Agency

The Agency initially objected to the application on the basis that it considered that there was insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. Following the provision of further information in this regard by the applicant, the Environment Agency would consider the proposal to be acceptable, subject to the imposition of a condition requiring the submission of a scheme providing for:

- A preliminary risk assessment.
- A site investigation scheme.
- A remediation strategy based on the above.
- A verification plan providing details of how the data will be collected in order to demonstrate that the works set out in the remediation strategy are complete.

Natural England

Natural England (NE) requested that measures to enhance the biodiversity of the site be secured and referred the Authority to the comments of Derbyshire Wildlife Trust with regard to local sites, landscape character and local or national biodiversity habitats and species, as these remain material

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considerations in the determination of the application. Due to the links with planning application CM2/0911/81, NE recommended further liaison between the Authority and the Trust to ensure that the ecological enhancement schemes proposed would be sufficient compensation for the habitat lost through the Hartington Reclamation proposals (CM2/0911/81), thereby ensuring that the Local Planning Authority has sufficient information to fully understand the potential impacts of the proposal.

Derbyshire Wildlife Trust

The Wildlife Trust supports the implementation of favourable management of the habitats on both the Hartington Tip and receptor sites, subject to and in accordance with a detailed management plan, which it considers should be a condition of any permission. The Wildlife Trust considered that it is important that details are provided with regard to how the management will be funded and implemented, together with a commitment to the long term management of the habitats thorough a Section 106 obligation.

It is understood from correspondence from the Wildlife Trust, relating to the Hartington Tip application, that the Wildlife Trust is content for the development to proceed as amended by the March 2014 letter from the applicant.

Note: The response by the Derbyshire Wildlife Trust appears to include comments which relate to both this proposal and the Hartington Tip application.

Chesterfield Canal Trust

The Canal Trust commented that the restoration on all sites included seems to give high priority to restoration after the mineral recovery that would enhance the landscape quality, visual amenity and biodiversity of the river and canal environments in the area so the Canal Trust would generally support the application.

The Canal Trust did have some concerns about the Troughbrook Road site, which it pointed out is the only site of those included to have a direct impact on the Chesterfield Canal stating that *"We are concerned about water pollution to the canal during the mineral recovery phase of the works and we share the concerns of Chesterfield Borough Council that the landforms proposed as part of the restoration could have a detrimental effect on the landscape of the canal in this location."*

The Canal Trust stated that it would be able to support the application if:

- Provisions for the restoration to the Troughbrook Road site were increased following the mineral extraction phase to enhance the landscape character of the site adjacent to the Chesterfield Canal.

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- The strategy recommended by the Environment Agency is implemented to prevent contaminants from any of the sites included in the application polluting existing water courses in the area including the Chesterfield Canal.

Note: The response by the Canal Trust appears to include comments which relate to both this proposal and the Hartington Tip application.

The Coal Authority

No objections but did request that an advisory note on potential hazards arising from former coal mining activity be appended to any permission.

Highways

The Highways Officer stated that, in view of the temporary, short term nature of the traffic movements indicated, i.e. maximum 15 working days, it is unlikely that a highway objection would be sustainable.

The Officer requested that a condition be appended for a Traffic Management Plan to be submitted and approved prior to commencement of on-site operations, detailing the routeing of vehicles, hours of operation, methods to prevent convoys and the requirement for wheelwash facilities and measures for keeping the surrounding highways clear of mud.

Rights of Way

No objections.

National Grid, Staveley Town Council and the Canal and River Trust

Have all been consulted.

Publicity

The application has been advertised by press notice (Derbyshire Times) and site notice with a request for observations by 14 March 2013. Four representations from a single individual have been received in support of the proposal.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In relation to these applications, the relevant policies of the development plan are contained in the adopted Derbyshire Minerals Local Plan (DDMLP) and the Chesterfield Borough Local Plan: Core Strategy (CBCS). The National Planning Policy Framework (NPPF) is also a material consideration.

National Planning Policy Framework

The NPPF reiterates the established legal requirement for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF generally downplays the significance of saved policies, such as those from the DDMLP as are referred to below, due to their age and having been adopted under provisions which have subsequently been replaced by new legislation enacted in 2004. The saved policies nevertheless continue to require consideration in accordance with Section 38, and continue to have weight as material planning considerations.

The NPPF provides guidance on material considerations. It states that the purpose of the planning system is to help deliver sustainable development and adds that there should be a presumption in favour of sustainable development. The term 'sustainable development' is not defined as such but the NPPF states that, in essence, it means that ensuring better lives for ourselves now does not mean worsening the lives of future generations. It states that sustainability has economic, social and environmental aspects.

The economic aspect, for the planning system, is stated as contributing to the economy by providing sufficient land of the right type, in the right place and at the right time. The social role is to support strong and vibrant communities by providing for the needs of the community whilst fulfilling the environmental role of protecting and enhancing the natural, built and historic environment.

Local Development Plan

This application is required in order to provide off-site ecological enhancements to mitigate for the loss of in-situ habitat at the Hartington Reclamation site. The proposals seek to achieve ecological enhancements via habitat recreation and the translocation of habitats from the Hartington site in order to render the development proposed under planning application CM2/0911/81 environmentally acceptable. In this case, the most pertinent policies are contained within the CBCS. The most relevant policies are:

- CS1: Spatial Strategy.
- CS2: Principles for Location of Development.
- CS3: Presumption in Favour of Sustainable Development.
- CS7: Management of the Water Cycle.
- CS8: Environmental Quality.
- CS9: Green Infrastructure and Biodiversity.
- CS13: Economic Growth.
- PS5: Staveley and Rother Valley Corridor.

Whilst the development proposal under consideration is not mineral development in itself, the development does relate to mitigations of the

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impacts of a mineral site. Policies of the DDMLP are therefore also considered relevant. In particular:

MP1: The Environmental Impact of Mineral Development.

MP2: The Need for Mineral Development.

MP3: Measures to Reduce Environmental Impact.

MP4: Interests of Acknowledged Environmental Importance.

MP5: Transport.

MP6: Nature Conservation – Mitigation Measures.

Detailed Considerations

Whilst the proposals are brought about entirely as a result of the need for off-site mitigation of the ecological impacts of the development of the Hartington Tip site, they must be acceptable in planning policy terms as a stand-alone development package in its own right. The proposals are unusual in that they do not involve built development in the usual sense, being, effectively, a package of 'landscaping an ecological enhancement' measures. Therefore, I consider the most appropriate policy context in which to consider the proposals is CS9: Green Infrastructure and Biodiversity.

Policy CS9 sets out that development proposals are required to meet the following criteria where appropriate and should:

- a) *“not harm the character or function of the Green Belt, Green Wedges and Strategic Gaps, and Local Green Spaces*
- b) *enhance connectivity between, and public access to, green infrastructure*
- c) *increase the opportunities for cycling, walking and horse riding*
- d) *enhance the multi-functionality of the borough's formal and informal parks and open spaces*
- e) *conserve or enhance the local distinctiveness and character of the landscape*
- f) *enhance the borough's biodiversity and where possible link habitats*
- g) *Protect existing ancient and non-ancient woodland and increase tree cover in suitable locations in the borough*
- h) *in cases where loss of a green infrastructure asset is unavoidable, include provision of alternative green infrastructure, on site where possible, to ensure a net gain in quantity, quality or function”*

I consider that the proposals meet the criteria of clauses a, e, f and h and do not conflict with the criteria of the remaining clauses, and overall constitute an environmental gain, making a significant contribution to the mitigation of the ecological and landscape impacts associated with the Hartington Tip development.

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Whilst the construction and establishment works would result in a number of impacts relating to noise, dust and landscape and visual amenity, these would be for a short period only and are not considered to be so severe as to be detrimental to the amenity of the surrounding area. Given relevant policy and environmental criteria, I consider the development is acceptable. From a full assessment of the proposals, I am satisfied that the development would provide adequate compensation for the loss of biodiversity at the Hartington Reclamation site and would be acceptable as a development of the Campbell and Troughbrook sites.

For the reasons set out above, I consider that the proposed development is acceptable and, consequently, the application is recommended for approval, subject to the recommended conditions set out below.

(3) **Financial Considerations** The correct fee of £1,690 has been received.

(4) **Legal Considerations** This is an application submitted under Part III of the Town and Country Planning Act 1990 which falls to this Authority to determine as the Mineral Planning Authority.

I do not consider that there would be any disproportionate impact on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

(5) **Environmental and Health Considerations** As indicated in the report.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property and transport considerations.

(6) **Background Papers** File No.2.9.17
Application documents received from Tawnywood Ltd dated 7 February 2013, as amended by the letter from Tawnywood Ltd dated 14 April 2014. Memorandum from the Footpaths Officer dated 19 February 2013. Letters from Chesterfield Borough Council dated 6 March and 3 June 2013. Letters from the Environment Agency dated 15 March and 12 July 2013. Memorandum from the Highways Area Management Division dated 15 March 2013. Letter from Natural England dated 22 March 2013. Letter from Derbyshire Wildlife Trust dated 23 May 2013. Memoranda from the Conservation and Design Group dated 24 April and 20 December 2013, and 24 October 2014. Letter from the Chesterfield Canal Trust dated 8 April 2014. Letter from the Coal Authority dated 23 April 2014.

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(7) **OFFICER'S RECOMMENDATION** That, in the event that planning application CM2/0911/81 (the subject of Agenda item no.2) is approved, the Committee resolves that planning permission is **granted** subject to a set of conditions substantially based on the following:

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

Reason: The Condition is imposed in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.

- 2) The development shall take place in accordance with the details contained in the application documents received from Tawnywood Ltd dated 7 February 2013, as amended by the letter from Tawnywood Ltd dated 14 April 2014, or as otherwise required by the terms of the conditions below. For the avoidance of doubt, the development shall be undertaken in accordance with the following drawings and documents:

- i) Drawing HR301 entitled 'Potential Biodiversity Management Sites'
- ii) Drawing HR302 entitled 'Campbell Landfill Application Boundary'
- iii) Drawing HR303 entitled 'Troughbrook Road Application Boundary'
- iv) Drawing HR305 entitled 'Campbell Landfill Proposed Site Layout'
- v) Drawing HR306 entitled 'Proposed mounding to South-Eastern Quadrant'
- vi) Drawing HR307 entitled 'Troughbrook Road Proposed Site Layout'
- vii) Drawing HR308 entitled 'Troughbrook Road Site Proposed Mounding'
- viii) 'Campbell Landfill Ecology report' produced by BSG Ecology dated January 2013
- ix) 'Campbell Landfill Method Statement' produced by BSG Ecology dated January 2013;
- x) 'Troughbrook Road Ecology report' produced by BSG Ecology dated January 2013;
- xi) 'Troughbrook Road Method Statement' produced by BSG Ecology dated January 2013;
- xii) 'Former Campbell landfill Restoration Proposals, Barrow Hill' produced by Penta-b limited dated 25 September 2012; and
- xiii) 'Western Power Distribution requirements'.

Reason: To define the scope of the development in order to enable the Mineral Planning Authority to monitor its operation in the interests of the amenity of the area.

Availability of Approved Documents

- 3) From the date any operations under this permission are commenced, a copy of the permission, including all the documents referred to within it,

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and any further submissions to, and approved by the Mineral Planning Authority under the approved conditions, shall be displayed at the Hartington Reclamation site office during working hours, and the terms and conditions of the permission shall be known to any person(s) given responsibility for the management and control of operations.

Reason: To ensure that the site operators are fully aware of the requirements of these conditions throughout the period of the development.

- 4) The following dates shall be notified in writing to the Mineral Planning Authority no later than seven days before each date:
- i) the commencement of the operations to import foundry tip material to Campbell Tip;
 - ii) the commencement of habitat translocation and creation operations at Troughbrook Road; and
 - iii) the completion of operations on each site.

Reason: To enable the Mineral Planning Authority to effectively monitor the progress of the development.

Access, Traffic and Protection of the Public Highway

- 5) Sole vehicular access to the Campbell Tip site shall be via the access on Staveley Lane.

Reason: In the interests of highway safety.

- 6) No mud or other dirt shall be carried from the site onto the public highway.

Reason: In the interests of highway safety.

- 7) The development shall not be begun until a Traffic Management Plan has been submitted to and received the prior written approval of the Mineral Planning Authority. The plan, which shall then be implemented as approved, shall include details of the following:
- i) hours of operation;
 - ii) methods to prevent convoys;
 - iii) requirement for wheelwash facilities and keeping the surrounding highways clear of mud; and
 - iv) a programme of implementation.

Reason: In the interests of highway safety.

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Hours of Operation

- 8) No operations shall take place except between the following times unless otherwise approved in writing by the Mineral Planning Authority:

Mondays to Saturdays 0700 hours – 1900 hours.

No working shall take place on Sundays, Public or Bank Holidays.

Operations may take place outside the above times and days in cases of emergency when life, limb or property are in danger. Such instances shall be notified in writing to the Mineral Planning Authority within 48 hours of their occurrence.

Reason: To clarify the hours of operation in the interests of local amenity.

Noise

- 9) Noise from the development shall not exceed 55dB(A) LAeq 1 hour free field at any point on the site boundary.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of this impact in the interests of local amenity.

- 10) Efficient silencers shall be fitted, used and maintained in accordance with manufacturers' instructions, on all vehicles, plant and machinery used on the site. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.

Reason: To control the impact of noise associated with the development.

- 11) Reversing warning devices shall be non-audible, ambient related or low tone devices.

Reason: To control the impact of noise generated by the development in the interests of local and visual amenity.

Dust

- 12) At all times during the carrying out of operations authorised or required by this permission, water bowsers, sprayers, whether mobile or fixed, or similar equipment, shall be used to minimise the emission of dust from the site. No vehicles used for the movement of materials on site shall be equipped with downward pointing exhaust pipes. At such times as the prevention of dust nuisance by these means is not possible, movements

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of soils and foundry tip material shall temporarily cease until such time as weather conditions improve.

Reason: To control the impact of dust generated by the development on the surrounding area.

Ground Contamination

- 13) The development shall not be begun until a scheme to deal with the risks associated with contamination of the former Campbell Tip site has been submitted to and approved in writing by the Mineral Planning Authority. The scheme, which shall be implemented as approved, shall include the following:
- (i) A preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site.
 - (ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (iii) The results of the site investigation and detailed risk assessment referred to in (ii) above and, based on these, an Options Appraisal and Remediation Strategy giving full details of the remediation measures required and how they are to be undertaken.
 - (iv) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in the Remediation Strategy in (iii) above are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
 - (v) A programme of implementation.

Reason: In the interests of the prevention of pollution to the water environment and in accordance with Paragraph 109 of the NPPF which requires the planning system to contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at an unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

- 14) If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the developer has submitted a Remediation Strategy to the Mineral Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Mineral Planning Authority. The approved Remediation Strategy shall then be implemented as approved.

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Reason: In the interests of the prevention of pollution to the water environment and in accordance with Paragraph 109 of the NPPF which requires the planning system to contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at an unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

Soil stripping/handling

- 15) No topsoil and no subsoil shall be stripped unless they are in a dry and friable condition. No soils shall be moved:
- (i) during the months of November to March inclusive, unless otherwise approved in writing by the Mineral Planning Authority (this shall be only be considered on the basis of a soil assessment carried out by a qualified person);
 - (ii) when the soil to be moved or trafficked upon has a moisture content that is equal to, or greater than that at which the soils become plastic (tested in accordance with the 'worm test' as set out in BS1377: 1975 'British Standards Methods Test for Soils for Civil Engineering Purposes');
 - (iii) when there are pools of water on the surface.

Reason: To prevent damage to soils by avoiding movement when soils are wet or excessively moist.

Soil Cultivation

- 16) The areas to be seeded, subject to habitat translocation works, shall be cultivated to a depth of 50mm using disc and rotary cultivators to produce a reasonable tilth to the full cultivation depth in which no soil particle exceeds 50mm in any one dimension. Any hard packed layers found within the cultivation depth shall be further cultivated until satisfactory.

Reason: To ensure soils are in a suitable condition to receive translocated materials.

Note: The cultivation works are intended to break up the existing vegetation to ensure the translocated material bonds with the existing substrates/soils and relieve surface compaction; therefore, a minimum of efficient passes of equipment is sought. The cultivation surface shall be left free of marked mounds, depressions or rills. During seedbed preparation all stones having any dimension in excess of 50mm shall be collected and removed offsite to an approved tip.

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Ecology

- 17) The development shall not be begun until the role and responsibilities and operations, to be overseen by an appropriately competent person (e.g. an ecological clerk of works or on-site ecologist), have been submitted to and approved in writing by the Mineral Planning Authority. The appointed person shall supervise all activities and works shall be carried out in accordance with the details approved under conditions 18, 19, and 20 below.

Reason: To ensure that the ecological enhancement works are undertaken to the highest standards.

- 18) No removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared, and provided written confirmation that no birds will be harmed, and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Mineral Planning Authority within one week of the operations taking place.

Reason: In accordance with Section 1 of the Wildlife and Countryside Act 1981, as amended, and to ensure that the ecological enhancement works are undertaken to the highest standards.

- 19) The habitat creation groundworks at the former Campbell Tip site shall be timed to be undertaken during the hibernation period for Great Crested Newt.

Reason: To ensure that the ecological enhancement works are undertaken to the highest standards.

- 20) The habitat creation and translocation works at the former Campbell Tip site shall be undertaken in accordance with the BSG Ecology Campbell Landfill Method Statement reference: 5004.06_MS_CL_APPR_170113 dated January 2013 unless otherwise approved in writing by the Mineral Planning Authority. These works shall be carried out under the guidance of a suitably qualified entomologist.

Reason: To ensure that the ecological enhancement works are undertaken to the highest standards.

- 21) The development shall not be begun until such time as a revised method statement for the habitat creation and management works at the Troughbrook Road site has been submitted to and approved in

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writing by the Mineral Planning Authority. The statement, which shall then be implemented as approved, shall include the following details:

- i) retention of field margins;
- ii) retention of grassland banks to canal;
- iii) provision of a 5m standoff from the adjacent stretch of the Chesterfield Canal;
- iv) creation of additional hedgerows to the southern and eastern edges of the site;
- v) the translocation of 0.2ha of *Holcus lanatus-Agrostis stolonifera* grassland habitat from the Hartington Reclamation site to the eastern end of the Troughbrook site;
- vi) provision for the testing of the existing soil resource for pH and nutrient levels in order to inform the soil preparation and cultivation techniques to be used;
- vii) the creation of 1.74ha of species rich grassland, with details provided of a locally appropriate native species mix;
- viii) details of any preparatory groundworks required in respect of the above;
- ix) details of the proposed management and maintenance regimes (including the proposed timing and frequency of such operations) to be used at the site;
- x) provision for monitoring of the translocated/new habitats; and
- xi) a programme of implementation.

Reason: To ensure that the ecological enhancement works are undertaken to the highest standards.

Landscape and Ecological Management Plan (LEMP)

- 22) Within six months of the commencement of the development, a Landscape and Ecological Management Plan (LEMP) for the development sites shall be submitted by the applicant or operator for the approval in writing of the Mineral Planning Authority.

The content of the LEMP shall include the following:

- i) description and evaluation of features to be managed;
- ii) ecological trends and constraints on site that might influence management;
- iii) aims and objectives of management;
- iv) appropriate management options for achieving aims and objectives;
- v) prescriptions for management actions;
- vi) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period);

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- vii) details of the body or organisation responsible for implementation of the plan;
- viii) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the original scheme. The LEMP will be implemented as approved.

Reason: To ensure that the landscaping and ecological enhancement works are undertaken to the highest standards.

Aftercare

- 23) Within six months of the date of this permission, the applicant or operator shall submit an aftercare scheme for the approval in writing of the Mineral Planning Authority. The scheme shall provide details of such steps as necessary to bring the restored land to an acceptable standard for the proposed after-use of amenity delivered primarily through nature conservation measures. The scheme shall provide for a five year programme of the details of the measures to be undertaken and the maintenance of appropriate records for the following information:

- i) date of commencement of the aftercare period for each separate area of the development;
- ii) location plans;
- iii) details of planting/seeding requirements;
- iv) details of the aftercare and maintenance, including cutting, trimming, watering, protection from pest damage, weed control and replacement planting;
- v) annual review meeting details; and
- vi) details of further action required following each review meeting.

Reason: To comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990 and to ensure that the restored land in the site is correctly husbanded to bring the land to the standard required for nature conservation purposes.

Policies

The principal planning policies relevant to this grant of planning permission are:

National Planning Policy Framework

Derby and Derbyshire Minerals Local plan (DDMLP)

The most relevant policies in the DDMLP are:

MP1: The Environmental Impact of Mineral Development.
MP2: The Need for Mineral Development.
MP3: Measures to Reduce Environmental Impact.
MP4: Interests of Acknowledged Environmental Importance.
MP5: Transport.
MP6: Nature Conservation – Mitigation Measures.
MP10: Reclamation and After-use.
MP17: Safeguarding Resources.

Chesterfield Borough Local Plan: Core Strategy

The most relevant policies in the CBCS are:

CS1: Spatial Strategy.
CS2: Principles for Location of Development.
CS3: Presumption in Favour of Sustainable Development.
CS7: Management of the Water Cycle.
CS8: Environmental Quality.
CS9: Green Infrastructure and Biodiversity.
CS13: Economic Growth.
PS5: Staveley and Rother Valley Corridor.

Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

The Authority worked with the applicant in a positive and pro-active manner on seeking solutions to problems arising the processing of the planning application in full accordance with this Article.

Footnote

- 1) Where development is proposed over areas of coal and past coal workings at shallow depth, The Coal Authority is of the opinion that applicants should consider, wherever possible, removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method, rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset. Prior extraction of surface coal requires an Incidental Coal Agreement from The Coal Authority. Further information can be found at: http://coal.decc.gov.uk/en/coal/cms/services/licensing/license_apps/license_apps.aspx

Public

Under the Coal Industry Act 1994, any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <http://coal.decc.gov.uk/en/coal/cms/services/permits/permits.aspx>

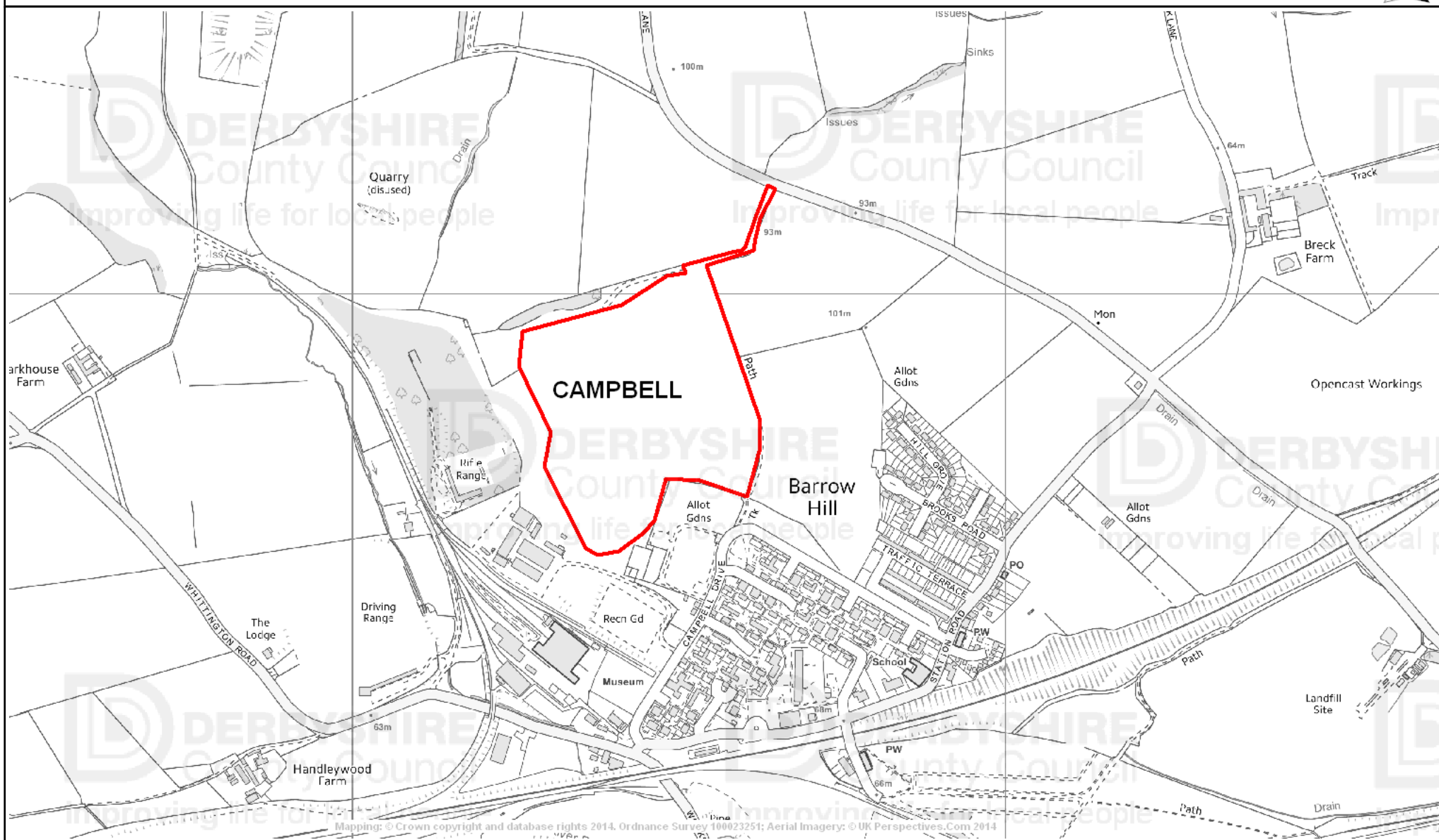
Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries: <http://coal.decc.gov.uk/assets/coal/whatwedo/4265-policy-for-buildingover-or-within-the-influencing.pdf>

Signed.....Date.....

Mike Ashworth
Strategic Director – Economy, Transport and Environment

Title

CM2_0213_144 Campbell Tip



Title

CM2/0213/144 Troughbrook

