

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

6 October 2014

Report of the Strategic Director – Economy, Transport and Environment

**PROPOSAL FOR THE RETENTION AND RESTORATION
OF THE GROVE FARM LANDFILL SITE, OFF SOWBROOK
LANE, ILKESTON**
APPLICANT: SAINT GOBAIN PAM
CODE NO: CW8/1112/94

8.574.7

Introductory Summary This application proposes to retain and restore a Landfill site to enable agricultural and amenity after-use. I consider that the proposal accords with local and national planning policies, and it would not have an adverse effect on the local amenity. The application is therefore recommended for approval.

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

(2) **Information and Analysis**

Planning Background

Part of the site of the application was granted planning permission, in 1947 by Shardlow Rural District Council, for disposal of foundry wastes arising from the then adjoining steel works. The permission was limited by two conditions and an approved "*Dirt Disposal Scheme*" that required tree planting around the tip, including the translocation of trees within Stanton Grove.

Tipping also took place, without permission, on the remainder of the application site. Therefore, the tipped site area was extended into adjoining land, to the south by approximately 0.76 hectare and to the north by approximately 6.55 hectares.

Since the grant of permission in 1947, the site only accepted waste from the Stanton Works foundry. It is reported to have been in constant use from the late 1800s until the works closed in 2007. No further waste has since been deposited at the landfill and no more waste would be imported or exported.

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Site and Surroundings

Grove Farm Landfill is located to the west of the Stanton works on the outskirts of Ilkeston. It is situated 1 kilometre to the south of Kirk Hallam, and 1.1 kilometres to the north-east of Stanton by Dale. The nearest private properties are 90 metres to the south of the landfill boundary at Grove Court which includes a complex of barns that have been renovated for use as offices within the curtilage of a grade II listed farm building. Other small groups of residential properties are located 320m to the west of the landfill on Dale Road, and Basset Farm which is approximately 450m to the north-west. A small number of properties and farms are located on Sowbrook Lane 450m from the application site to the north-east. Land adjoining the landfill site is predominantly in agricultural use; the former Stanton works to the east covers a significant area of derelict industrial land which is the subject of an application for redevelopment currently being considered by Erewash Borough Council under Policy 20 of the adopted Erewash Core Strategy.

There are two means of access to the application site. The first is via a private road, leading from the eastern side of the landfill, which follows an eastward direction that joins Littlewell Lane close to its junction with Low's Lane. The second runs from the same point on the landfill and then heads in a north-eastern direction to join Sowbrook Lane. This access is currently closed. A public Right of Way runs along the eastern boundary of the landfill which is separated from it by a 2 metres high chain-link fence.

Land infilling operations have been completed to the western and northern parts of the site, and a grass cover with occasional scrub has established on a flat area of land which forms the northern part of the landfill. Similarly, rough grass cover has established over much of the western part of the landfill and this has been supplemented by tree planting that has taken place over the steep northern, western and southern slopes of the main landfill area. The eastern part of the landfill site is the area where the most recent landfill activity took place; it includes regular bunded tipping cells and a large prominent mound of material that are largely un-vegetated.

The Proposals

The proposals include re-grading and re-contouring the existing tip and the adjoining land, the installation of a capping system and the importation of restoration soils, together with the formation of surface water lagoons and a reed bed. Although some areas of the proposal are within an approved development under the 1947 planning permission, a new planning permission is required since some of the development will take place outside the 1947 planning permission boundary.

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This planning application proposes:

- to cap, import soils for restoration purposes, recontour and restore the area of infilling that has taken place outside the 1947 permission site to an ecological and agricultural based after-use;
- landscaping to include a reed bed to receive surface water including leachate to improve its quality prior to discharge to the surface water system
- two lagoons to manage surface water run-off from the restored (capped) landfill.

Approximately 10% of the landfill would be left uncapped, since the vegetation in this area is well developed and this part of the landfill is closest to Grove Farm.

The re-contouring exercise would take place within the footprint of the existing landfill and would involve movement of an estimated 90,000 cubic metres of material.

The application proposes capping comprising a 1mm geo-membrane, blinding layer, and geotextile which would be overlain with 1 metre thick selected soils or soil forming materials. Although some in-situ materials would be recovered from beneath the existing areas of grassland and scrub, and the construction of lagoons, the majority of the final restoration profile would be based on imported soil and soil forming materials (up to 130,000 cubic metres).

Following the re-profiling of the landfill site, the final restoration scheme would comprise a gently domed landform, divided by hedgerows to form a patchwork of species-rich grassland and small areas of woodland planting.

Access to the landfill site would be from the two existing means of access to the Grove Farm Landfill, adjacent to Littlewell Lane and Sowbrook Lane. A one way system would be implemented, with vehicles entering the site from the access on Sowbrook Lane and leaving the site by the access onto Littlewell Lane. No vehicles would utilise the length of Littlewell Lane between the site entrance and Stanton-by-Dale.

Consultations

Local Member

Councillor Major (Sandiacre) and Councillor Booth (Kirk Hallam) have been consulted.

Erewash Borough Council

Having initially objected based on a perceived conflict with emerging Core Strategy Policy 20 Erewash Borough Council no longer objects to the

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proposal, since this policy no longer applies to the site area. However, it remains concerned that:

"Details of the long-term management and maintenance responsibilities of the proposed restored landscape included with the submissions are scant."

Stanton by Dale Parish Council

Stanton by Dale Parish Council objects to the above planning application and makes the following comments:

- *"Residents are aware of toxic material in the landfill and are concerned that toxic material will be disturbed and become airborne or enter the water course."*
- *"The area had become a haven for wildlife including great crested newts and concerns are that the wildlife will be disturbed and lost."*
- *"How safe will the site be once capped and what provision has been made for on-going maintenance?"*

Dale Abbey Parish Council

The Parish Council does not wish to raise any comments.

Environment Agency

No objections subject to the imposition of a planning condition relating to surface water.

Derbyshire Wildlife Trust

The Wildlife Trust raises no objections but makes the following recommendations:

- *"Detailed mitigation plan for great crested newts based on up to date survey data to be submitted to the planning authority for approval prior to the final determination of the application."*
- *"A detailed mitigation plan for impacts on reptiles to be submitted to the planning authority for approval prior to the commencement of the development."*
- *"Clarification on the reasoning behind creating only 0.8ha of open mosaic habitat (in compensation for losses of around 5 – 6ha) and to explore the potential to increase this amount with the applicant."*
- *"An updated restoration plan (map) for the site prior to determination."*
- *"Attach a condition to any future planning permission requesting a detailed restoration and management plan that sets out details of restoration methods, site aftercare and monitoring to be submitted for approval prior to development commencement or as appropriate to the phasing of the development."*
- *"Attach a condition to any future planning consent ensuring that vegetation clearance is undertaken outside of the bird breeding season (March - August inclusive). If any vegetation clearance is undertaken during the"*

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breeding season, checks for nesting birds should be undertaken by a professional ecologist prior to work starting."

Publicity

The application has been advertised by site notice and in the Ilkeston Advertiser Newspaper with a request for observations by 7 December 2012. As a result of the publicity, one letter in support of the application and one letter of objection have been received raising the following points:

Support

- *"I support the reclamation of the site."*

Objection

- *"Our company has worked for the landowners for many years. We are familiar with the site and the historic tipping that has been carried out on the tip. We held the site service contract for many years that involved removing materials from the operational steelworks and tipping on the tip itself. We also had the responsibility at that time of ensuring the materials were tipped in the correct location and maintaining the tip for the licence conditions held by Saint Gobain and for Environment Agency inspections. I am therefore surprised that the applicant proposes to cap the entire tip site as in our opinion the tipped areas have valuable resources (mainly in the form of metal content) which could be easily extracted, recovered and re-used. Simply capping the tip would, in our opinion, sterilise these valuable interests forever. Conversely, removal of the mineral would leave a lesser mound which could then be capped resulting in a less intrusive element within the landscape.*
- *You may also be aware that, to our knowledge, there are at least two coal seams running beneath the tip. Whilst we are aware that planning permission for their extraction would be a necessary pre-requirement, it would seem sensible to also remove this valuable resource and within the resultant void to place the reclaimed materials of the former tip. This may in fact result in the complete elimination of any mound on the landscape.*
- *The current scheme would appear to be a simple cosmetic exercise and, in our opinion, if the tip is capped as per the application, then any trees or landscaping planted, once the roots have penetrated the capping material, would not survive."*

Comment: The points raised are considered in the 'Planning Considerations' section below.

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 this application, the relevant policies of the development plan are contained in the Erewash Adopted Core Strategy (2014). Other material considerations for the determination of this application include such statements of Government policy in the National Planning Policy Framework (March 2012).

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

The National Planning Policy Framework

Paragraph 63: Requiring Good Design.

Paragraph 74: Protect and Enhance Public Rights of Way.

Paragraph 109: Enhancing the Natural and Local Environment.

Paragraph 118: Conserving and Enhancing Biodiversity.

Paragraph 120: Appropriate for its Location.

Planning Policy Statement (March 2011)

PPS 10: Planning for Sustainable Waste Management.

The Derby and Derbyshire Waste Local Plan

W1b: Need for the Development.

W2: Transport Principles.

W5: Identified Interests of Environmental Importance.

W6: Pollution and Related Nuisances.

W7: Landscape and Other Visual Impacts.

W8: Impact of Transport of Waste.

W9: Protection of Other Interests.

W10: Cumulative Impact.

W12: Reclamation and Restoration.

Erewash Core Strategy June 2012:

Policy A: Presumption in Favour of Sustainable Development.

Policy 1: Climate Change.

Policy 7: Regeneration.

Policy 16: Green Infrastructure, Parks and Open Space.

Policy 17: Biodiversity.

Policy 20: Stanton Regeneration Site.

The key planning considerations for this application are:

- Need for the development.
- Landscape and other visual impacts.
- Pollution.
- Flooding.

- Ecology.
- Highways.

Need for the Development

The application states that the development is required to cap, recontour and restore the existing tip to ecological and agricultural after-use.

I note the objection regarding the possibility of contaminated materials contained within the landfill and that any restoration of the tip would restrict the possibility of reclaiming any of the scrap metal that has previously been landfilled at the site, as well as restricting the possibility of mining the mineral resource below the Grove Farm Tip. The proposal can only be determined in accordance with the application as submitted. As Paragraph 120 of the National Planning Policy Framework states, where a site is affected by contamination, responsibility for securing a safe development rests with the developer / or landowner. Subject to a condition being imposed to require submission approval and implementation a scheme for dealing with any unexpected contaminated material which is encountered during the development, I am satisfied that the development will not result in any harm from contaminated material on the land. The proposal also accords with Planning Policy Statement PPS10 because the capping of an existing dormant waste site would achieve the protection of local water resources, as well as the Derby and Derbyshire Waste Local Plan Policy W12 and the Erewash Core Strategy Policy A.

This application has been submitted in response to the Environment Agency's request to make sure contaminated sites like Grove Farm are restored and improved to meet modern environmental standards. This is a historic waste landfill site that was controlled only by limited conditions, so I am satisfied the application proposes a scheme that would enhance the existing tip and would ensure that it would meet new stringent environmental standards.

I therefore consider there is a need for the proposed development.

Landscape and Other Visual Impacts

The restoration, mitigation, implementation and monitoring proposals in sections 4 and 5 of the 2014 Baseline Ecological Surveys and Mitigation Strategy revise the restoration proposals relating to open mosaic habitat creation/mitigation for flora, including turf translocation, monitoring and remedial action to ensure establishment of appropriate plant communities. I note the application does not provide details of the types and quality of soils required for the final capping of the site. Different soils would be required for the creation of grasslands and woodland habitats, although for species rich grasslands, nutrient poor soils would be required. I note that the various submissions use different terms and different points of reference are used to explain what soil and soil forming materials would be used in different locations. I have therefore recommended an appropriate planning condition

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requiring the submission of criteria which will be used to assess the suitability of substrates and soils for the restoration of different parts of the site, differentiating between those materials to be used for the creation of open mosaic habitats, species rich grassland, woodland planting, and other habitat types as appropriate. This condition would facilitate clarity for the restoration of the site.

I note the comments from Derbyshire Wildlife Trust regarding the open mosaic habitat. However, I am satisfied that the restoration of the landfill site, which includes additional hedgerows to create smaller field parcels, fully compensates for the area as well as the onsite wildlife. Furthermore, I consider that the commitment to hedgerow, fencing, woodland and scrub would significantly improve the existing landscaping of the redundant landfill site, which would also accord with providing a destination wild space and informal recreation area in accordance with Policy 20 of the Erewash Core Strategy, and Policy W7 of Derby Derbyshire Waste Local Plan.

I note that there appear to be no plans in the application to seed the bottom of the attenuation areas which consist of different habitat types, whilst the surrounding fields are proposed for restoration to grasslands which include permanent small open water bodies and their immediate margins. I consider that by virtue, these habitats would be inextricably linked in terms of ecological niches, therefore, all areas should be grass seeded with some kind of wet meadow/seasonal inundation mix to ensure an appropriate reclamation of the attenuation lagoons, as well as details of how the areas of open mosaic will be created and managed. I have therefore recommended an appropriate planning condition for the attenuation lagoons and grassland areas.

I note the objections above from Stanton by Dale Parish Council, based on on-going landscape maintenance, and comments that are reiterated by Derbyshire Wildlife Trust. I have therefore recommended appropriate planning conditions to further consider seed mixes, hedgerow tree and shrub species mixes, planting details, soil restoration and a 5 year after-care plan for all the different habitat types.

Pollution

I note the distance between the landfill site and residential properties, however, I consider that to ensure that noise during the development does not adversely affect local amenity, appropriate planning conditions are required to restrict any working outside normal working hours.

I also consider that heavy plant / machinery on the site, as well as heavy goods vehicles visiting the site, could increase dust and contaminate sensitive ecological receptors. I have therefore recommended appropriate planning conditions for environmental protection.

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I note the concerns of the Stanton by Dale Parish Council regarding residents being aware of toxic materials in the landfill, concerns relating to the possibility of toxic material being disturbed either by airborne means or of the possibility of entering water courses, as well as issues relating to safety. I am satisfied that there are no concerns from the Environment Agency and the Erewash Borough Council's Environmental Health Officer.

Flooding

I note the recommendation from the Environment Agency above and have recommended an appropriate planning condition which requires the submission of an assessment of the hydrological and hydrogeological context of the development based sustainable drainage principles.

Ecology

Stanton by Dale Parish Council has objected because of its concerns that the proposal would impact on the existing ecology of the site, particularly the great crested newts. I note that Derbyshire Wildlife Trust has recommended the submission of further mitigation plans for the protected species. The applicant has since submitted supplementary reports, including an Ecological Survey and Appraisal report ('Baseline Ecological Surveys and Mitigation Strategy'), to ensure protection for great crested newts, which are based on recent survey data, as well as a detailed mitigation plan for the impact upon reptiles and invertebrates covering the ponds on site and in the surrounding area, as well as changes to the restoration and landscape proposals, whilst ensuring protection for badgers, water vole, breeding birds and bats.

The primary component of the great crested newt Mitigation Strategy is to avoid impacts on the core breeding pond, whilst other mitigation measures include the use of temporary amphibian fencing to protect newts and to exclude them from the working areas. The principal impacts therefore arise as a result of the temporary loss of rough grassland, dense scrub and woodland habitats, which could support this species, although in the longer term, the restoration of the site to a mosaic of species rich grassland, woodland, wetland and hedgerow, coupled with open mosaic habitats, should result in an equivalent or greater amount of habitat, of equivalent or greater potential value to the species, such that there should be no net loss or residual impact on this species. The enhancement of existing ponds, creation of new ponds and hibernacula, creation of log piles, enhancement of connectivity and maintenance of ponds for the 10 years of the proposed management period would provide a net gain for great crested newts. Nevertheless, in order to implement the proposals, a Natural England Great Crested Newts Licence would be required. I have reviewed the proposals in light of Natural England's standing advice on protected species and I am satisfied that the proposals are acceptable. In considering the licencing issue, I have considered the tests which need to be met and I am satisfied that there is no reason why Natural England would not issue a licence to enable the

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works to be undertaken. I am also content that in considering the above, I have had due regard to the requirements of the Habitats Directive, as required under Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations). I am satisfied that the presence of great crested newts is not a barrier to this application and that the proposals would not prove detrimental to this species, since the development will not be implemented without an appropriate Great Crested Newt Licence.

I am satisfied that the amendments to the application cover all of the ecological concerns raised above by Derbyshire Wildlife Trust. However, I have nevertheless recommended appropriate planning conditions to further protect ecology on the landfill site during the duration of the proposed works.

Highways

I note that Stanton by Dale Public Footpath No18 crosses the proposed site exit and I also note that a one way system has been proposed but no details of the proposed signing or public safety measures in relation to the footpath have been submitted with the application. I therefore consider that an appropriate planning condition is required to restrict on site traffic movements so that a scheme identifying the signing and guarding for vehicles and pedestrians along the proposed one way system, which has been submitted to and approved by the Waste Planning Authority in advance, is complied with.

Conclusion

I consider that with the imposition of the recommended planning conditions, the proposal would accord with National and Local Plan policies, and consequently, the application is recommended for approval.

(3) **Financial Considerations** The correct fee of £12,410 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 Waste Planning Authority.

I do not consider that there would be any disproportionate impacts 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.

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(6) **Background Papers** File No 8.574.7

Application documents received from Saint Gobain PAM, including Additional Information Covering Letter dated 4 April 2013, Application Form dated 6 November 2012, Covering Letter form SLR Consulting dated 6 November 2012, Locally Designated Wildlife Sites Drawing 2 dated August 2012, Site Location Plan GFR 2/1 dated November 2012, Development Areas drawing No GFR 2/2 dated November 2012, Planning Application Drawing GFR 2/3 dated November 2012, Capping and Earthworks GFR 3/1 dated November 2012, Lagoons and Reed bed GFR 3/2 dated November 2012, Access Routes GFR 3/3, Final Restoration Plan GFR 3/4 REV C dated July 2014, Phase 1 Habitat Plan dated November 2012, Phase One Habitat Plan GFR 8/1 dated July 2013, Update of Ecological Survey Appraisal and Restoration Plan SLF Ref: 403-0031-00030 dated July 2013, Flood Risk Assessment SLR Ref: 403.00331.00030 dated January 2013, Supporting Statement SLR Ref: 403-0331-00030 dated November 2012, Invertebrate Sample Points Drawing No GFR 8/3 dated July 2014, Pond Contextual Survey v3 drawing no GFR 8/2 dated July 2014, Reptile Survey Drawing No GFR 8/4 dated July 2014, Grove Farm Tip Ecological Baseline and Mitigation Ref 403.00331.0031 dated July 2014, North Western Attenuation Lagoon drawing no GFR 3/7 – Rev A dated July 2014, South East Attenuation Lagoons GFR 3/8 dated March 2013, Restoration Planning Application Illustrative Sections E-F and G-H Drawing No GFR 3/6-REV A dated July 2014, Restoration Planning Application Illustrative Sections A-B and C-D Drawing No GFR 3/5-REV A dated July 2014.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves to authorise the Strategic Director – Economy, Transport and Environment to grant planning permission for the above application subject to a set of conditions based on the following draft conditions:

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

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2) Except as required by other conditions of this permission, the development shall take place in accordance with the details contained in the application dated 6 November 2012, and supporting information and plans, including the supporting statement, as modified by the 'Update of Ecological Survey and Appraisal' report (SLR, July 2013) and the 'Baseline Ecological Surveys and Mitigation Strategy' (SLR, July 2014) unless otherwise modified or amended by conditions of this permission.

Reason: To clarify the details approved.

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- 3) No work on site shall be begun, including ground works, restoration or vegetation and tree removal, until a Great Crested Newt Licence has been from the relevant Authority (currently Natural England).

Reason: To ensure that the development does not disturb great crested newts, or, if this is likely to happen, appropriate mitigation measures are in place in the interests of nature conservation.

- 4) No operations shall be carried out except between the hours of 0800 to 1800 hours Monday to Saturday. There shall be no working Sundays, Bank Holidays or other Public Holidays.

Reason: To protect the interests of local amenity.

- 5) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

- 6) All plant and machinery shall be operated and maintained in accordance with the manufacturers' specifications at all times. Efficient silencers shall be fitted to, used and maintained on all vehicles, plant and machinery employed on the site. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.

Reason: To protect local amenity.

- 7) The rating level of noise emitted from the site, to which this application relates, which includes any appropriate acoustic feature correction, shall not exceed the background noise level by more than 5dB at any time, determined by measurement (and/or calculation where agreed with the Waste Planning Authority) to occur at the nearest noise sensitive premises, over a comparable period. The measurements and assessment shall be made in accordance with BS4142:1997 (or as subsequently amended).

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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.

- 8) No development shall take place until a scheme of best practice measures for minimising emissions of dust in connection with the development has submitted to, and approved in writing by, the Waste Planning Authority. The approved scheme shall be adhered to for the duration of the development. The scheme shall include measures to control the emission of dust in relation to:
- i) importation and uploading of materials
 - ii) storage of materials to be used in the development
 - iii) the re-contouring and re-grading to be carried out under the development
 - iv) capping system installation including overlaying of soils / soil materials.

Reason: To protect local amenity.

- 9) No mud from the site shall be deposited on the public highway.

Reason: In the interest of highway safety and local amenity.

- 10) No development shall commence until a scheme identifying a system for one way vehicle movement throughout the site has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include:

- Signage details throughout the route.
- Pedestrian safety notices near the exit to the site adjacent to Public Footpath No18.
- Maintenance details throughout the period of development.

The scheme shall then be implemented as approved throughout the period of the restoration works.

Reason: In the interest of highway safety and local amenity.

- 11) No development shall commence until a scheme for surface water drainage for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be designed to ensure that surface water run-off, generated up to and including the 100 year plus climate change critical storm, will not exceed the run-off from the site following the corresponding rainfall event. The scheme shall

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subsequently be implemented in accordance with the approved details. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding and ensure future maintenance of the drainage system.

- 12) Arrangements as necessary shall be taken throughout the periods of restoration and aftercare to ensure that drainage from the site, and from areas immediately adjoining it, is not interrupted either partially or fully by the operations hereby approved, except as may otherwise be approved in writing by the Waste Planning Authority in consultation with the Environment Agency.

Reason: In the interests of land drainage.

- 13) If unexpected contamination is found on site, the development shall cease in that area until a remediation strategy has been submitted to and approved in writing by the Waste Planning Authority.

Reason: In the interests of the ecology, landscaping and visual amenity.

- 14) No development shall be commenced until a scheme identifying the criteria to be used to assess the suitability of substrates and soils for the restoration of different parts of the site has been submitted to an approved in writing by the Waste Planning Authority. The scheme shall differentiate between the materials to be used for the purpose of creating following habitat type:

- I. open mosaic habitats;
- II. species rich grassland;
- III. water attenuation lagoons;
- IV. woodland planting; and
- V. any other habitats types as appropriate.

No materials shall be imported to the site except for those materials which conform to types of material which have been identified as suitable for the restoration under the scheme approved under this condition.

Reason: In the interests of creating the intended habitat type.

- 15) No development shall be commenced until a scheme for the landscaping of the water attenuation lagoons has been submitted to and

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approved in writing by the Waste Planning Authority. The details shall include:

- I. grass seeding and seed mixes to the bottom of the attenuation areas; and
- II. grass seeding and seed mixes to create seasonally inundated grassland.

The approved landscape scheme shall then be implemented as approved following the completed phase of the development.

Reason: In the interests of local visual amenity and improved green infrastructure.

- 16) No development shall be commenced until a scheme of enhancements for landscaping has been submitted to and approved in writing by the Waste Planning Authority, which shall include:

- i. grass seed mixes and seeding details for different grasslands and habitats
- ii. hedgerow/woodland tree and shrub species mixes
- iii. planting mix details
- iv. soil placement and preparation/cultivation
- v. translocation of turfs of vegetation for open mosaic habitats
- vi. remedial seeding of open mosaic areas
- vii. details of how the areas of open mosaic will be created
- viii. measures to control Japanese knotweed
- ix. implementation dates.

The scheme shall be implemented as approved.

Reason: In the interests of local visual amenity and improved green infrastructure.

- 17) Within six months of the date of this permission, a scheme of aftercare of the restored site shall be submitted to the Waste Planning Authority. The scheme shall include:

- i) weed control around each planted tree and shrub, and along hedgerows;
- ii) control of noxious weeds (docks, thistles, ragwort) in planted areas and along hedge-lines;
- iii) fertilising as necessary;
- iv) replacement of dead, dying or missing stock to make up a 100% complement of planted stock;
- iv) removal of tree guards when no longer required;

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- v) management of wet woodland and water attenuation lagoons; and

The scheme shall be implemented as approved for a period of not less than five years from completion of the restoration.

Reasons: To ensure the successful establishment of the landscaping of the site.

- 18) No large areas of subsoil shall be left without topsoil and crop cover over winter. Subsoil shall only be replaced when it and the ground are in a dry and friable condition. No movement, re-spreading, levelling, ripping or loosening of topsoil or subsoil shall occur:
 - i) during the months November to March inclusive, unless otherwise approved in writing by the Mineral Planning Authority;
 - ii) when rain affects soil conditions; and
 - iii) when there are pools of water on the surface of the storage mound or receiving area.

Reason: To ensure that soil handling is carried out in a manner that will achieve the best possible agricultural restoration.

- 19) No plant or vehicles shall cross any area of replaced and loosened ground, replaced subsoil, or topsoil except where essential and unavoidable for the purposes of carrying out ripping and stone-picking, or otherwise 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 that soil handling is carried out in a manner that will achieve the best possible agricultural restoration.

- 20) No work on site shall be begun, including ground works, restoration or vegetation and tree removal during the bird nesting season (March – August inclusive), unless a bird's nest check has been undertaken immediately prior to the works commencing, by a qualified and experienced ecologist. Any nests found during such a check shall be protected from disturbance until all young birds have fledged.

Reason: To ensure that the development does not disturb breeding birds, or, if this is likely to happen, appropriate mitigation measures are in place in the interests of nature conservation.

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

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The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant did not engage in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required during the application to overcome the objections and proceed with the application.

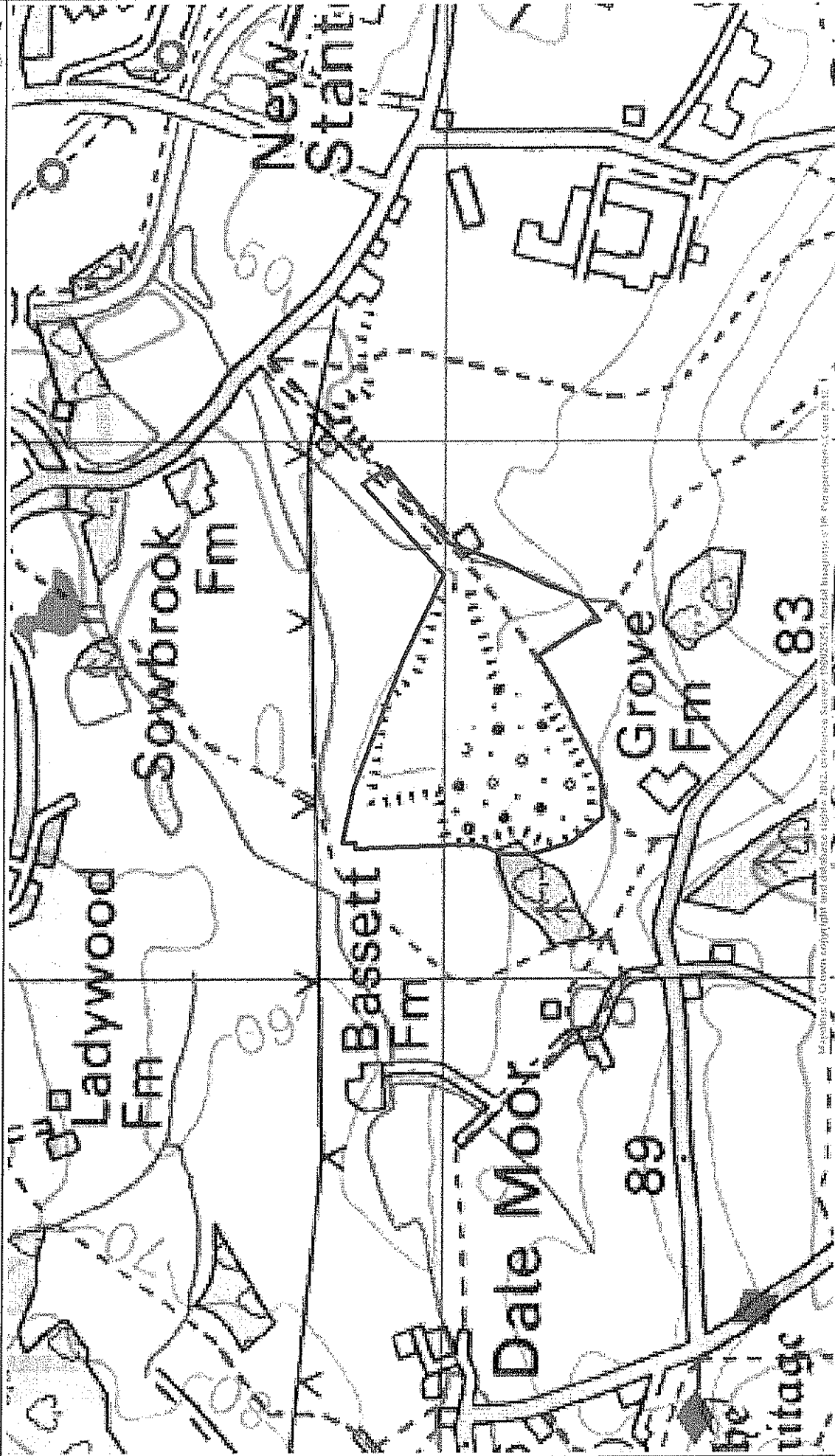
Footnote

- 1) The application site is affected by Public Rights of Way (Stanton by Dale Footpath Nos 11, 15 and 18 on the Derbyshire Definitive Map). These routes must remain unobstructed and on their legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer.
- Please note that the granting of planning permission is not consent to divert or obstruct a Public Right of Way.
 - If it is necessary to temporarily obstruct a Public Right of Way to undertake development works, then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
 - If a Right of Way is required to be permanently diverted, then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a Diversion Order.
 - Any development insofar as it will permanently affect a Public Right of Way must not commence until a Diversion Order (obtainable from the Planning Authority) has been confirmed. A temporary closure of the Public Right of Way to facilitate public safety during the works may then be granted by the County Council.
 - To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a Public Right of Way can be considered concurrently with the application for the proposed development rather than await the granting of permission.

Mike Ashworth
Strategic Director – Economy, Transport and Environment

Title

Grove Farm Landfill CW8/1112/94



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Date 13/1/2012

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