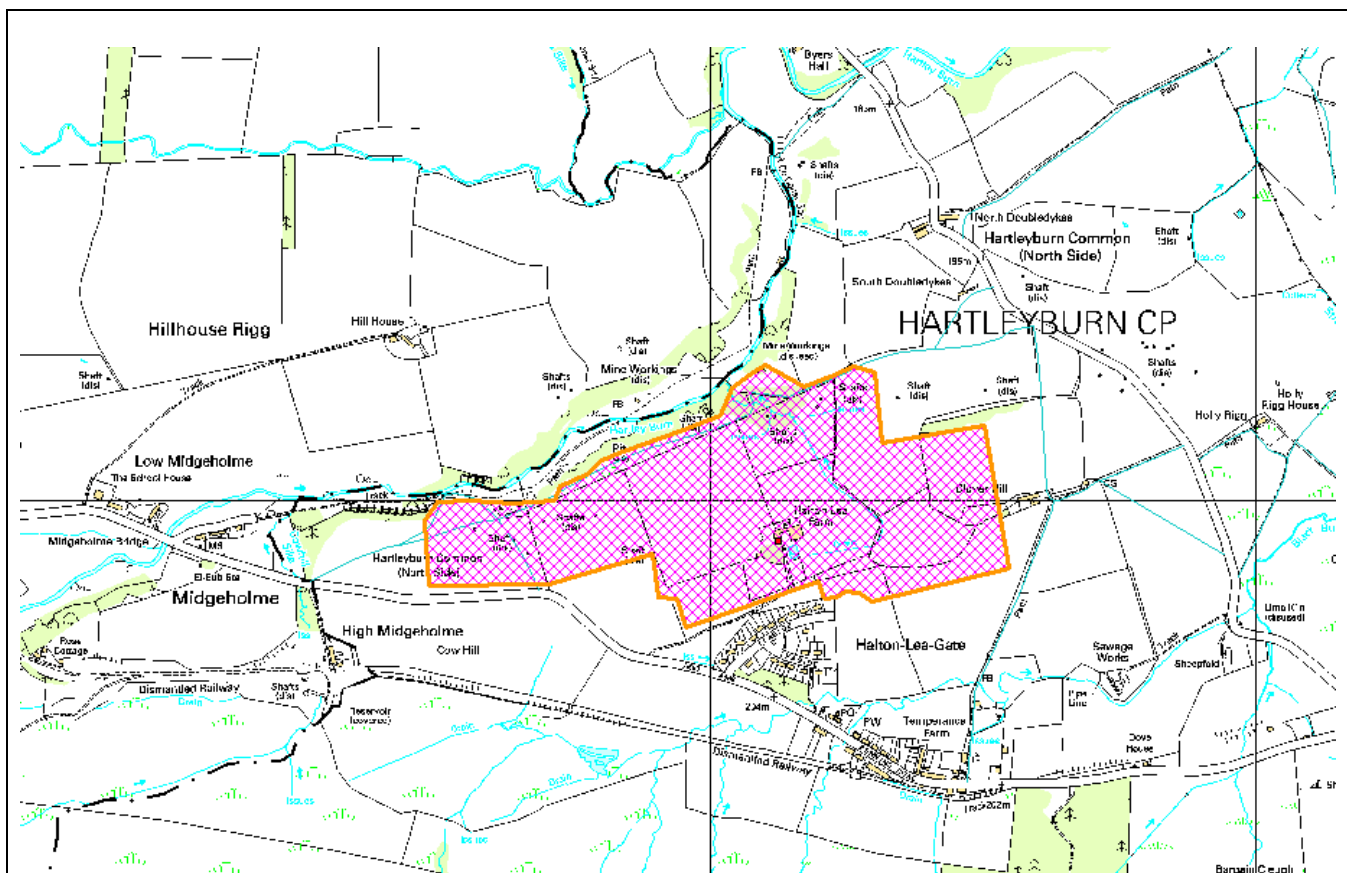




Northumberland County Council

Strategic Planning Committee, 7 September 2021

Application No:	19/03681/VARCCM		
Proposal:	Variation of condition 5 (restoration) of approved planning application 13/01492/VARCCM in order to allow for the restoration of the site to be completed as amended on 26 February 2021 and 16 June 2021		
Site Address	Halton Lea Farm, Brampton, Northumberland, CA8 7LS		
Applicant:	Mr David Booth c/o 21 Ben Nevis Drive, Leasham, Little Sutton, Cheshire CH66 4YZ	Agent:	Christine House House Associates
Ward	Haltwhistle	Parish	Hartleyburn
Valid Date:	29 August 2019	Expiry Date:	30 May 2021
Case Officer Details:	Name: Mr David Love Job Title: Senior Planning Officer Tel No: Email: David.Love@northumberland.gov.uk		



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Recommendation: That this application be GRANTED permission subject to conditions and the completion of a S106 agreement to secure the following obligations:

- Community contribution in lieu of the original Community Fund to comprise of any monies remaining from the Project Account on the date of completion of the restoration
- S39 agreement for the extended aftercare of the site for biodiversity management of the site
- Remove obligations from the original S106 which are no longer relevant or required

1.1 1. Introduction

1.1 This application was previously approved by the SPC on the 7th September 2021. At that time it was granted on the recommendation of a S106A towards a community fund. This has now been signed, but given the determination was made under the saved policies of the Minerals Local Plan it is incumbent on Members to hear the application again but based on the updated policies of Northumberland Local Plan.

1.2 The Northumberland Local Plan (NLP) (2018-2038) was adopted in March 2022 as such this plan now forms the main development plan to which applications will be assessed. This report was written prior to adoption of the NLP whilst the S106A was being secured. The appraisal has not been updated to reflect the policies of the NLP, however the development has been re-assessed and it is considered to accord with the NLP in all respects.

1.3 As a result the recommendation remains the same, but the conditions have been updated to reflect the up-to-date Local Plan. The purpose of this report is to update Members on the policy position but not to seek to review the original decision. The original officer report can be found in Appendix 1. It is recommended that Members take note of this report and endorse its recommendations.

2. **Planning Policy**

2.1 Development Plan Policy

Northumberland Local Plan 2018 – 2036 (adopted March 2022)
Policy ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment
Policy ENV 2 Biodiversity and geodiversity
Policy ENV 3 Landscape
Policy ENV 6 North Pennines Area of Outstanding Natural Beauty
POL 3 Agricultural Land Quality
MIN3 Mineral and Landfill site restoration, aftercare and after-use

2.2 National Planning Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Policy Guidance (NPPG) (2014, as updated)

3. **Conclusion**

3.1 The main planning considerations in determining this application have previously been considered by Members on the 7th September 2021. At that time Members endorsed the positive officer recommendation of approval subject to conditions and a S106A legal agreement. This report advises that the adoption of the Northumberland Local Plan does not materially alter the policy position under which the application was determined. As such the recommendation remains the same.

3.2 It is therefore considered that the proposal remains in accordance with the National Planning Policy Framework and policies of the Northumberland Local Plan

4. Recommendation

That this application be GRANTED permission subject to conditions and the completion of a S106 agreement to secure the following obligations:

- Community contribution in lieu of the original Community Fund to comprise of any monies remaining from the Project Account on the date of completion of the restoration
- S39 agreement for the extended aftercare of the site for biodiversity management of the site
- Remove obligations from the original S106 which are no longer relevant or required

Conditions/Reason

01. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Location Plan: NT10659 Figure 1.1 (from 13/01492/VARCCM)
Planning Application Boundary: NT10659-002A (from 13/01492/VARCCM)
Barrel Wash Restoration Methodology (Washery Discard Lagoons) – DAB Geotechnics – dated 16 October 2020
Removal of Water Treatment Area Method Statement Drawings V01
Water Treatment Area Method Statement V02 Dated 9 February 2021
Proposed Contours HLG-20-41 dated 14/12/20
Revised Restoration Plan HA21-02-LA-02 Rev: P4 dated 29/07/21
Site Access Layout HA21-02-LA-03 Rev: P1 11/06/21
Landscape and Ecological Management Plan - House Associates - dated August 2021

Reason: To ensure that the site is correctly restored (Policy SM1 of the Northumberland Minerals Local Plan)

02. The Aftercare Period for the site shall extend for a period of 5 years effective management from the date of final top soil restoration of the land. The aftercare period for areas of grassland, ecological areas and scrapes/ponds shall be extended to 30 years from the commencement of the Aftercare Period.

Reason: In the interests of the satisfactory restoration and aftercare of the site (Policy SM1 and EP19 of the Northumberland Minerals Local Plan)

03. Before 30 September of every year during the Aftercare Period, and not less than four weeks prior to the Annual Review Meeting, a report in accordance

with current national and local planning framework and guidelines shall be submitted by the developer to the Mineral Planning Authority and other interested parties, recording the operations carried out on the land since the date of restoration, or previous aftercare meeting, and setting out the intended operations for the next 12 months.

Reason: In the interests of the satisfactory restoration and aftercare of the site (Policy SM1 and EP19 of the Northumberland Minerals Local Plan)

04. Before 30 November of every year during the Aftercare Period, the land owner shall arrange to attend a site meeting with the Mineral Planning Authority on a mutually agreed date to discuss the report prepared in accordance with Condition 03, and to which the following parties shall also be invited:
- (a) All owners and occupiers of land within the site.
 - (b) Representatives of other statutory bodies as appropriate.
- The developer shall arrange additional aftercare meetings as required by the Mineral Planning Authority.

Reason: In the interests of the satisfactory restoration and aftercare of the site (Policy SM1 and EP19 of the Northumberland Minerals Local Plan)

05. During the Aftercare Period the following shall be carried out:
- (a) The soil to be tested annually with fertiliser and lime applied in accordance with good agricultural practice, and at a rate targeted either:
 - To achieve the following nutrient levels under the Index System described in Defra Reference Book 209 "Fertiliser Recommendations:"
 - Potash - Index 2
 - Phosphate - Index 2
 - pH - 6.0
 - Or appropriate nutrient levels for the agreed vegetation establishment.
 - (b) Reseeding any areas where a grass sward fails to become well established, with approved species mixture.
 - (c) The grass sward to be reduced to 50-100mm in length, by cutting or grazing, before the end of October during each year of aftercare.
 - (d) The condition of the grass sward to be inspected annually, with appropriate measures taken to control weed infestation.
 - (e) No vehicles, (with the exception of low ground pressure types required for approved agricultural work), machinery or livestock shall be permitted on the land during the months of November - March inclusive, without the prior consent of the Mineral Planning Authority.

Reason: In the interests of the satisfactory restoration and aftercare of the site (Policy SM1 and EP19 of the Northumberland Minerals Local Plan)

06. The period of aftercare shall be deemed to have been successfully completed following compliance with Condition 02 as confirmed in writing by the Mineral Planning Authority.

Reason: In the interests of the satisfactory restoration and aftercare of the site (Policy SM1 and EP19 of the Northumberland Minerals Local Plan).

07. If the area marked as Community Land on the proposed restoration plan is not transferred to Hartleyburn Parish Council within 12 months of the date of this permission the land shall be incorporated into the overall site and managed in line with the approved Landscape and Ecological Management Plan

Reason: In the interests of the satisfactory restoration and aftercare of the site (Policy SM1 and EP19 of the Northumberland Minerals Local Plan).

08. Land within the application site which is not included in the section 106 agreement and extended management plan shall be fenced with a stock proof fence within 6 months of the date of this permission.

Reason: In the interests of the satisfactory restoration and aftercare of the site (Policy SM1 and EP19 of the Northumberland Minerals Local Plan).

Background Papers: Planning application file(s) 19/03681/VARCCM