

**From:** Mark Hill  
**Sent:** 16 March 2017 14:16  
**To:** Planning  
**Subject:** FW: Discharge of Planning Conditions - NYM17/0033/CVC

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**From:** Adam Key  
**Sent:** 16 March 2017 12:17  
**To:** Mark Hill  
**Subject:** Discharge of Planning Conditions - NYM17/0033/CVC



Dear Mark

I have now had the opportunity to review the submitted information and the statutory consultee comments which are published to date. I have set out my thoughts below.

**Overarching Comments**

For the purposes of this exercise, I have assumed that this conditional discharge will be pursuant to the original planning permission rather than any subsequent application / permission which may come forward under S73.

Overall, this is a comprehensive submission addressing a lot of detail.

On any decision notice issued, it needs to be clear either by way of the description or by way of an informative / notification or both, that this application relates only to the Phase 2 Works at Dove's Nest Farm / Woodsmith Mine as defined by the definition and table contained in the NLP letter of the 31<sup>st</sup> January 2017. It is a partial discharge of conditions 18, 34, 46, 47, 57, 68, 70, 92, 93 and 94 pursuant to planning permission NYM/2014/0676/MEIA. It is also a full discharge of condition 73.

**Condition Specific Comments**

**Condition 18 – Noise and Vibration Management Plan**

Any decision notice issued should make it clear that it relates to Phase 2 works only at Woodsmith Mine.

I note that the comments from the EHO have not yet been received. All comments made are therefore in this context and subject to receipt of these comments.

I understand that it has been agreed that no vibration monitoring will take place for Phase 2 works.

I note the request of the ecologist to build Nightjar survey results into the noise triggers.

The comments from the EHO are key and will largely determine the acceptability of the submitted information and I note that additional information has been requested.

The response from Natural England requires addition verification information.

**Condition 34 – Construction Traffic Management Plan**

Any decision notice issued should make it clear that it relates to Phase 2 works only at Woodsmith Mine.

I note the comments 27<sup>th</sup> from NYCC dated February 2017 stating that the submitted information is satisfactory with regard to Phase 2 works.

This condition can be partially discharged.

### **Condition 46 – Hydrological Risk Assessment (Ground and Surface Water Monitoring Scheme and Remedial Action Plan)**

Any decision notice issued should make it clear that it relates to Phase 2 works only at Woodsmith Mine.

I note the position of the EA at the moment and the request for additional information in their letter of the 24<sup>th</sup> February.

I note the comments in the NE letter of the 9<sup>th</sup> March which deal with conditions 46 and 47. The comments appear to accept the approach and assumptions made, but make some suggestions regarding monitoring periods and the clarification of terminology. I would suggest that we request amended versions of the documents to take on board these clarifications.

### **Condition 47 – Ground Water Management Scheme**

As per 46 above.

### **Condition 57 – Landscape and Ecological Management Plan**

Any decision notice issued should make it clear that it relates to Phase 2 works only at Woodsmith Mine.

I have not seen any comments from the Council's landscape officer.

My principal comment in relation to this condition and the submitted information is that there does not seem to be much emphasis on ecology. It is largely a technical submission which deals with earth works, but is light on the ecological aspects of this.

### **Condition 68 – Details of Temporary Structures**

Any decision notice issued should make it clear that it relates to Phase 2 works only at Woodsmith Mine.

My main comment on this condition is that we could do with more detail. The submitted details are really buried in the back of the CEMP (Page 23 /24 of Appendix 2) and are limited in nature. I would suggest that we ask the applicant for a stand alone pack of information which includes –

- 1) The specification of the various structures required.
- 2) A plan showing where they will be (I note that a plan is referenced, but I can't seem to locate it).
- 3) Colour Elevations.
- 4) Material Samples, albeit I seem to recall that it might have been verbally agreed they did not need to do this.
- 5) It would also be useful to have an indication as to how long each element would remain in place.

I suspect they already have most of this information, it would benefit from being pulled together in one place and expanded. It would also make the audit trail easier as this is something that members of public could easily ask about.

### **Condition 70 – Vegetation Management Plan**

Any decision notice issued should make it clear that it relates to Phase 2 works only at Woodsmith Mine.

I note the NE comments about the Arboricultural document being light on Tree Protection

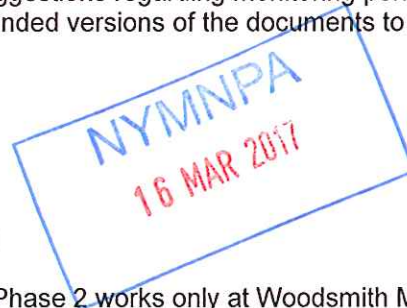
Otherwise this would seem to be in order.

### **Condition 92 – Construction Vehicle and Plant Management Plan**

Any decision notice issued should make it clear that it relates to Phase 2 works only at Woodsmith Mine.

I note the NYCC highways comments, although I think the numbering in the response is slightly out of kilter in terms of the response eg. The response states that condition 93 relates to the Construction Vehicle and Plant Management Plan when in fact this should be condition 92. Equally the Construction Environmental Management Plan should be condition 93 not 94. In any event, I note the NYCC position that the submitted information is satisfactory.

Otherwise this would seem to be in order.





**Condition 93 – Construction Environmental Management Plan**

Any decision notice issued should make it clear that it relates to Phase 2 works only at Woodsmith Mine.

I note that NYCC are satisfied with the information submitted (see above).

A lot of information has been submitted and I note the EA's comments and requests for further information.

I would restate my comments under condition 68 above which would also benefit the first bullet point of this condition.

The acceptability of the submitted information will be determined by the EA's additional comments.

**Condition 94 – Construction Method Statement**

Any decision notice issued should make it clear that it relates to Phase 2 works only at Woodsmith Mine.

We should seek clarification from NYCC Highways as to what their position is on the condition given the numbering issue identified in Condition 92 above.

The condition requires a lot of detailed information not all of which is required for Phase 2. Any decision notice should probably reference table 1.1 of the CMP for completeness.

As with 93 above, the acceptability of the submitted information will be determined by the EA's additional comments.

**Condition 73 – Woodland Management Scheme**

This is an application for full discharge at Woodsmith Mine.

I have not seen any comments by the Council's Trees Officer. I note the comments by NE regarding root protection areas, but they do not seem to have commented on this condition and the submitted Management Scheme in any detail. It would be useful to have their clarification on this and whether with the exception of the comments made they are otherwise satisfied.

Otherwise, this would seem in order.

Please give me a call if you want to talk any aspect through.

Kind regards.

Adam

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