

Agenda Item No 7a

Planning and Development Board

4 November 2024

**Report of the
Head of Development Control**

The Former Daw Mill Colliery

1 Summary

- 1.1 This late report has been tabled at this meeting with the agreement of the Chairman in light of the very exacting time periods set out in a Section 106 Agreement entered into by the County Council.
- 1.2 The report describes a proposed restoration scheme for the former Daw Mill Colliery site.

Recommendation to the Board

Whilst the Borough Council acknowledges that the Restoration Scheme does accord with the Parameters as set out in the Section 106 Agreement, it requires further discussion with the County Council in order to clarify matters in respect of the impacts arising from the consequential movement of HGV's and how the completed restoration scheme is to be managed and maintained in the longer term.

2 Background

- 2.1 Members will remember the closure of this colliery following a major underground fire just over ten years ago. In 2018, outline planning permission was refused by the Secretary of State following receipt of a Planning Inspector's report for the commercial redevelopment of the whole site for either B2 general industrial purposes, or a mix of B2 uses together with use as a rail distribution depot. There has been no further planning application submitted since this decision.
- 2.2 Members will also recall that during the Public Inquiry leading to the dismissed appeal, there was much discussion about the status of a Restoration Scheme for the site which would be implemented on closure of the colliery. That Scheme was approved by the Warwickshire County Council as the Minerals Planning Authority in 1996. It was conditioned such that a comprehensive restoration scheme was to be submitted no later than six months prior to the complete cessation of mining operations. It was agreed that this condition was not complied with, due to the unplanned closure of the mine following the catastrophic fire.

- 2.3 In light of planning permission not being granted for the alternative use of the site as outlined above and there being no action by the owner to voluntarily progress the 1996 Scheme, the County Council served an Enforcement Notice on the owners - Harworth Estates Investments Ltd – alleging a breach of the condition. An appeal was lodged. However, the County Council withdrew its Notice because in the interim, the County Council and the owner had agreed fresh parameters for a detailed restoration scheme and that a Section 106 Agreement would be entered into, which obligated the owner to submit a detailed restoration scheme to the County Council by 31 October 2024. That Agreement was completed and is dated March 2024.
- 2.4 The Detailed Restoration Scheme has now formally been submitted to the County Council so meeting the end of October deadline. The 106 Agreement obligates the County Council to notify the owners in writing of its approval of the Scheme within four weeks. If the County Council considers that the Scheme is not consistent with the already agreed Parameters, as set out in the Section 106, and that it cannot be approved, it has to notify the owner within two weeks. The 106 thereafter outlines in effect, an agreed “disputes” procedure.

3 The Parameters for Restoration

3.1 The key restoration matters are:

- The whole site is included in the scheme.
- The restoration is for a “green” site including comprehensive tree planting.
- The River Bourne and Ballard’s Brook are to be re-aligned in un-culverted channels.
- The re-instatement of former public footpaths that crossed the site and the provision of additional permissive paths, including a circular public access route.

3.2 The key operational matters are:

- All buildings are to be removed.
- All underground structures are to be removed.
- The mine shafts are to be treated in full accordance with Coal Authority guidance.
- To include a defined route for Network Rail to maintain its assets.
- To remove all materials from the surface of the site that are unsuitable for use in achieving the detailed scheme.
- The need to set out phasing and an overall timeframe.
- To include an aftercare scheme which shall continue for five years from the date of completion.

4 The Detailed Restoration Scheme

- 4.1 This has now been submitted to the County Council and it will therefore assess whether it accords with the Parameters set out above. The County has

forwarded the submitted Scheme to the Borough Council and Members too are now invited to make the same assessment.

... 4.2 The Scheme Plan is at Appendix A and some cross-sections are at Appendix B.

4.3 As can be seen the proposal is for a complete “green” restoration scheme focussed on the de-culverting of the water courses that cross the site, their re-wilding and restoring earlier contour levels, together with increased public footpath access.

4.4 There are to be six phases to the restoration. Broadly speaking, the phases commence on the western parts of the site and progress eastwards. This enables restored ground not to be accessed again; the more complicated ground conditions associated with the former colliery shafts being dealt with in those later phases and to retain access to the railway sidings for potential import and export of materials. The total time taken is expected to be six years.

5 **Observations**

5.1 The Board is reminded that this Scheme is not being set out through a planning application, and thus consideration against the Development Plan is not part of the Board’s assessment and neither are the likely impacts part of this assessment. Its remit here is solely to assess whether the submitted Scheme accords with the Parameters as set out in the Section 106 and summarised in Section 3 above. The covering Statement provides more detail on how the scheme does so, and in overall terms, it is considered that the submitted Scheme does so. However, it remains silent on two main concerns.

5.2 The first is about potential HGV movements removing material from the site and the importation of other more appropriate materials. As indicated above the requirement is to remove all materials from the surface of the site that are unsuitable – particularly the extensive concrete hard standings and asphalt roads. It is proposed to excavate these surfaces, crush the material on site and re-use it where appropriate. The crushing and screening of these materials will be done by mobile plant with no fixed equipment and the deposition of recycled aggregates on the land will require a bespoke Environmental Permit. Imported material will be needed – particularly all clay and topsoil will have to be brought to the site. The Statement gives estimated volumes to be removed and imported. These are evenly spread throughout the life-time of the scheme. There however is no indication of the number of consequential HGV movements; whether these would require off-site highway measures and the matter of whether the potential for use of the rail link is not explored any further.

5.3 The second concern is around the maintenance of the site during and after restoration. The Parameters Plan as indicated above only requires a scheme of five years maintenance following completion of each phase. The Statement expands on this through identifying a number of measures which will be undertaken to ensure that the restoration has “taken”. However, there is no

indication of how the site is to be maintained and managed after the expiry of the last five years for the final phase.

- 5.4 Officers have taken up these matters with the County Council but at the time of preparing this report there had been no response. Officers will provide a verbal update at the meeting.
- 5.5 As a consequence, it is considered that whilst the Scheme does accord with the Parameters as set out in the 106 Agreement, the Council does need further dialogue with the County Council in order to clarify matters related to the issues raised above and how they can be appropriately dealt with.

The Contact Officer for this report is Jeff Brown (719310).

Agricultural grassland - to be seeded with suitable grass mixture such as Germinal A15 Reclamation Landfill. Species mix:

- 35.0% Maxima 1 Strong Creeping Red Fescue (*Festuca rubra rubra*)
- 30.0% Aberbann prg (*Lolium perenne*)
- 9.0% Markus Smooth Stlk Meadowgrass (*Poa pratensis*)
- 8.5% Crested Dogstail (*Cynosurus cristatus*)
- 10.0% Sword Hard Fescue (*Festuca longifolia*)
- 5.0% Highland Browntop Bentgrass (*agrostis castellana*)
- 2.5% Aberace (small) W Clover (*Trifolium repens*)

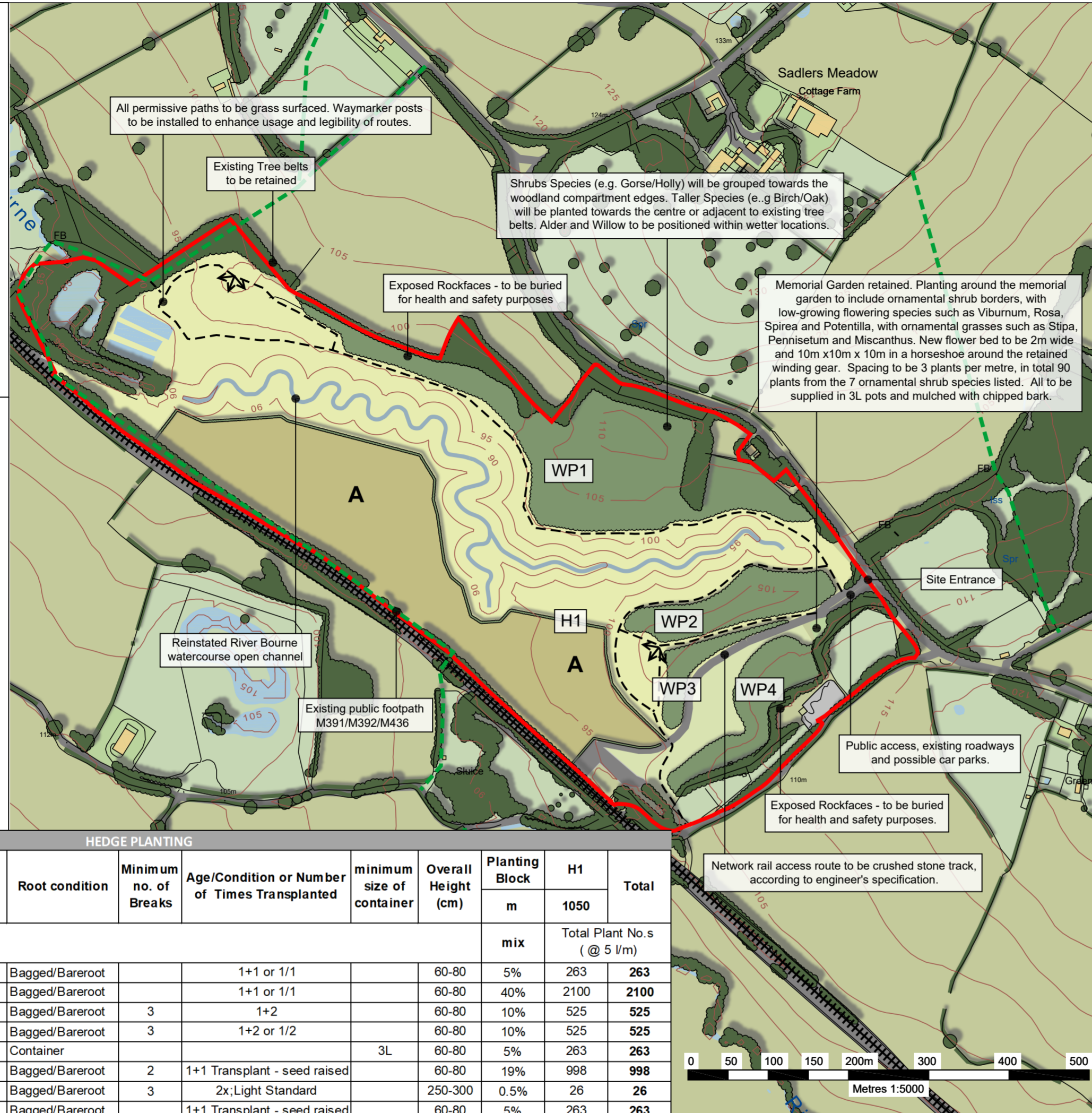
Sowing Rate to be 25 g/m², carried out March - October during suitable conditions to a depth 10 mm.

Water course Channels & Embankment - to be seeded with suitable grass mixture such as Germinal A18 Road Verge and Embankments. Species mix:

- 40.0% Corail Strong Creeping Red Fescue (*Festuca rubra rubra*)
- 20.0% Markus Smooth Stalked Meadow Grass (*Poa pratensis*)
- 12.5% Agreement Perennial Ryegrass (*Lolium perenne*)
- 10.0% Joanna Chewings Fescue (*Festuca rubra commutata*)
- 10.0% Zurich Perennial Ryegrass (*Lolium perenne*)
- 5.0% Highland Browntop Bentgrass (*Agrostis castellana*)
- 2.5% Aberlasting (small) W Clover (*Trifolium repens*)

Sowing Rate to be 35 g/m², carried out March - October during suitable conditions to a depth 10 mm.

Other marginal and aquatic vegetation within and along the channel to establish via natural regeneration.



Woodland planting areas - to be seeded with suitable grass mixture that will bind soil surface and reduce erosion, whilst ensuring an open matrix for future wildflower colonisation. Species mix:

- 25.0% Common Bent (*Agrostis capillaris*)
- 25.0% Creeping Red Fescue (*Festuca rubra rubra*)
- 25.0% Sheeps Fescue (*Festuca ovina*)
- 25.0% Wavy Hair Grass (*Deschampsia flexuosa*)

Sowing Rate to be 3 g/m², carried out March - October during suitable conditions to a depth 10 mm.

Amenity/Meadow Land - to be seeded with suitable grass and wildflower mixture that will tolerate a range of soil types and reclamation areas, such as Germinal RE10 (Marginal Land - U20 Grassland). Species mix:

- 2.4% Yarrow (*Achillea millefolium*)
- 1.1% Bluebell (*Hyacinthoides non scripta*)
- 2.3% Lady's Bedstraw (*Galium verum*)
- 2.5% Birdsfoot Trefoil (*Lotus corniculatus*)
- 5.0% Ribwort plantain (*Plantago lanceolata*)
- 3.0% Self Heal (*Prunella vulgaris*)
- 1.0% Greater Knapweed (*Centaurea scabiosa*)
- 0.5% Heath Bedstraw (*Galium saxatile*)
- 0.1% Tormentil (*Potentilla erecta*)
- 2.0% White Clover (*Trifolium repens*)
- 0.1% Speedwell (*Veronica chamaedrys*)
- 50.0% Sheeps Fescue (*Festuca ovina*)
- 10.0% Yorkshire Fog (*Holcus lanatus*)
- 7.0% Smooth Stalked Meadow Grass (*Poa pratensis*)
- 5.0% Browntop Bent (*Agrostis capillaris*)
- 1.0% Creeping Bent (*Agrostis stolonifera*)
- 5.0% Chewings Fescue (*Festuca rubra commutata*)
- 2.0% Wavy Hair Grass (*Deschampsia flexuosa*)

Sowing Rate to be 5 g/m², carried out March - October during suitable conditions to a depth 10 mm

LEGEND

- Site Boundary
- Existing Footpath
- Permissive Public Access Paths (2.2km in total)
- Proposed Viewing Point
- Contours (5m Intervals)
- Railway
- Existing Vegetation
- Existing Hedge
- Existing Residential
- Existing Agricultural and Pastoral Farmland
- Existing Waterways and Ponds
- Proposed Mixed Woodland Planting / Hedge
- Maintenance Access for Railway
- Proposed Waterway
- Proposed Meadow /Amenity Grassland
- Proposed Agricultural Grassland

| HEDGE PLANTING | | | | | | | | | | |
|---------------------------|-----------------|--------------------------|-----------------------|---|---------------------------|---------------------|----------------|----------------------------|-------------|------|
| Tree/Shrub species | Form/habit | Root condition | Minimum no. of Breaks | Age/Condition or Number of Times Transplanted | minimum size of container | Overall Height (cm) | Planting Block | H1 | Total | |
| | | | | | | | | m | | 1050 |
| | | | | | | | mix | Total Plant No.s (@ 5 l/m) | | |
| <i>Acer campestre</i> | Field Maple | Transplant - seed raised | Bagged/Bareroot | 1+1 or 1/1 | | 60-80 | 5% | 263 | 263 | |
| <i>Crataegus monogyna</i> | Hawthorn | Transplant - seed raised | Bagged/Bareroot | 1+1 or 1/1 | | 60-80 | 40% | 2100 | 2100 | |
| <i>Cornus sanguinea</i> | Dogwood | Branched | Bagged/Bareroot | 1+2 | | 60-80 | 10% | 525 | 525 | |
| <i>Corylus avellana</i> | Hazel | Branched | Bagged/Bareroot | 1+2 or 1/2 | | 60-80 | 10% | 525 | 525 | |
| <i>Ilex aquifolium</i> | Holly | Leaders and Laterals | Container | | 3L | 60-80 | 5% | 263 | 263 | |
| <i>Prunus spinosa</i> | Blackthorn | Branched, upright | Bagged/Bareroot | 1+1 Transplant - seed raised | | 60-80 | 19% | 998 | 998 | |
| <i>Quercus robur</i> | Pedunculate oak | Clear stem 150-175cm | Bagged/Bareroot | 2x;Light Standard | | 250-300 | 0.5% | 26 | 26 | |
| <i>Sambucus nigra</i> | Elder | Upright | Bagged/Bareroot | 1+1 Transplant - seed raised | | 60-80 | 5% | 263 | 263 | |
| <i>Sorbus aucuparia</i> | Rowan | Clear stem 150-175cm | Bagged/Bareroot | 2x;Light Standard | | 250-300 | 0.5% | 26 | 26 | |
| <i>Viburnum opulus</i> | Guelder rose | Branched | Bagged/Bareroot | 1+2 or 1/2 | | 60-80 | 5% | 263 | 263 | |
| Total | | | | | | | 100% | 5250 | 5250 | |

| WOODLAND PLANTING | | | | | | | | | | | | |
|---------------------------|-----------------|--------------------------|-----------------------|---|---------------------------|---------------------|----------------|---------------------------------|-------------|-------------|-------------|--------------|
| Tree/Shrub species | Form/habit | Root condition | Minimum no. of Breaks | Age/Condition or Number of Times Transplanted | minimum size of container | Overall Height (cm) | Planting Block | WP1 | WP2 | WP3 | WP4 | Total |
| | | | | | | | | m ² | 43480 | 11940 | 4335 | |
| | | | | | | | mix | Total Plant No.s (@ 2m centres) | | | | |
| <i>Alnus glutinosa</i> | Alder | Transplant - seed raised | Bagged/Bareroot | 1+1 or 1/1 | | 60-80 | 5% | 545 | 150 | 55 | 135 | 885 |
| <i>Betula pendula</i> | Silver birch | Clear stem 150-175cm | Bagged/Bareroot | 2x;Light Standard | | 250-300 | 1% | 110 | 30 | 10 | 25 | 175 |
| <i>Betula pendula</i> | Silver birch | Transplant - seed raised | Bagged/Bareroot | 1+1 or 1/1 | | 60-80 | 29% | 3150 | 865 | 315 | 795 | 5125 |
| <i>Betula pubescens</i> | Downy birch | Transplant - seed raised | Bagged/Bareroot | 1+1 or 1/1 | | 60-80 | 10% | 1085 | 300 | 110 | 275 | 1770 |
| <i>Crataegus monogyna</i> | Hawthorn | Transplant - seed raised | Bagged/Bareroot | 1+1 or 1/1 | | 60-80 | 2% | 215 | 60 | 20 | 55 | 350 |
| <i>Ilex aquifolium</i> | Holly | Leaders and Laterals | Container | | 3L | 60-80 | 2% | 215 | 60 | 20 | 55 | 350 |
| <i>Ulex europaeus</i> | Gorse | Bushy | Container | 1+0 or 1/0 | 3L | 60-80 | 2% | 215 | 60 | 20 | 55 | 350 |
| <i>Quercus robur</i> | Pedunculate oak | Transplant - seed raised | Bagged/Bareroot | 1+1 or 1/1 | | 60-80 | 20% | 2175 | 595 | 215 | 550 | 3535 |
| <i>Populus tremula</i> | Aspen | Transplant - seed raised | Bagged/Bareroot | 1+1 or 1/1 | | 60-80 | 5% | 545 | 150 | 55 | 135 | 885 |
| <i>Prunus spinosa</i> | Blackthorn | Branched, upright | Bagged/Bareroot | 1+1 Transplant - seed raised | | 60-80 | 2% | 215 | 60 | 20 | 55 | 350 |
| <i>Salix fragilis</i> | Crack Willow | Cutting | Bagged/Bareroot | 0/1 | | 60-80 | 2% | 215 | 60 | 20 | 55 | 350 |
| <i>Sorbus aucuparia</i> | Rowan | Clear stem 150-175cm | Bagged/Bareroot | 2x;Light Standard | | 250-300 | 1% | 110 | 30 | 10 | 25 | 175 |
| <i>Sorbus aucuparia</i> | Rowan | Transplant - seed raised | Bagged/Bareroot | 1+1 or 1/1 | | 60-80 | 19% | 2065 | 565 | 205 | 520 | 3355 |
| Total | | | | | | | 100% | 10860 | 2985 | 1075 | 2735 | 17655 |

Base of the Water course Channels - may be seeded with a suitable wetland mix, such as Germinal WFG9 (Wetland and Pond Areas). Species mix:

- 6.0% Salad Burnet (*Sanguisorba minor*)
- 0.3% Common Fleabane (*Pulicaria dysenterica*)
- 0.5% Meadow Sweet (*Filipendula ulmaria*)
- 1.5% Loosetrife (*Lythrum salicaria*)
- 0.3% Yellow Flag (*Iris Pseudacorus*)
- 0.5% Greater Burnet (*Sanguisorba officinalis*)
- 0.1% Water Avens (*Geum rivale*)
- 3.0% Soft-Rush (*Juncus effusus*)
- 0.5% Pendulous Sedge (*Carex pendula*)
- 2.7% Leo (Birdsfoot Trefoil) (*Lotus corniculatus*)
- 1.1% Borage (*Borago officinalis*)
- 2.0% Meadow Buttercup (*Ranunculus acris*)
- 2.0% White Clover (*Trifolium repens*)
- 25.0% Slender Creeping Red Fescue (*Festuca rubra litoralis*)
- 22.5% Crested Dogstail (*Cynosurus cristatus*)
- 10.0% Smooth Stalked Meadow Grass (*Poa pratensis*)
- 10.0% Tall Fescue (*Festuca arundinacea*)
- 7.5% Chewings Fescue (*Festuca rubra commutata*)
- 5.0% Tufted Hair Grass (*Deschampsia cespitosa*)

Sowing Rate to be 35 g/m², carried out March - October during suitable conditions to a depth 10 mm.



SITE
Daw Mill Colliery

PROJECT
Revised Restoration Concept

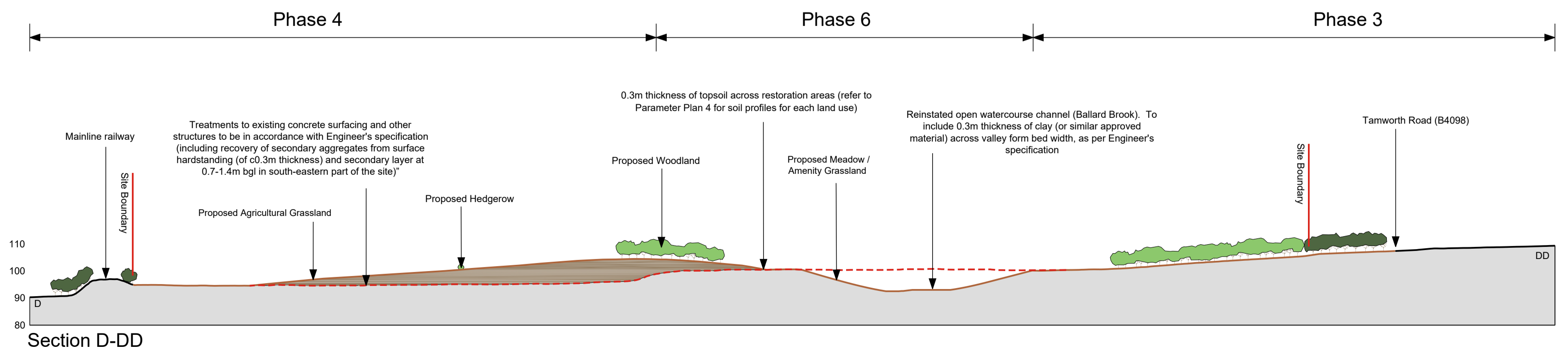
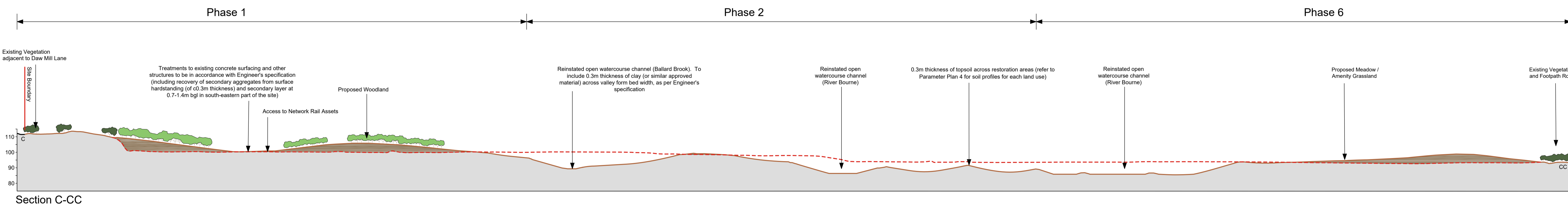
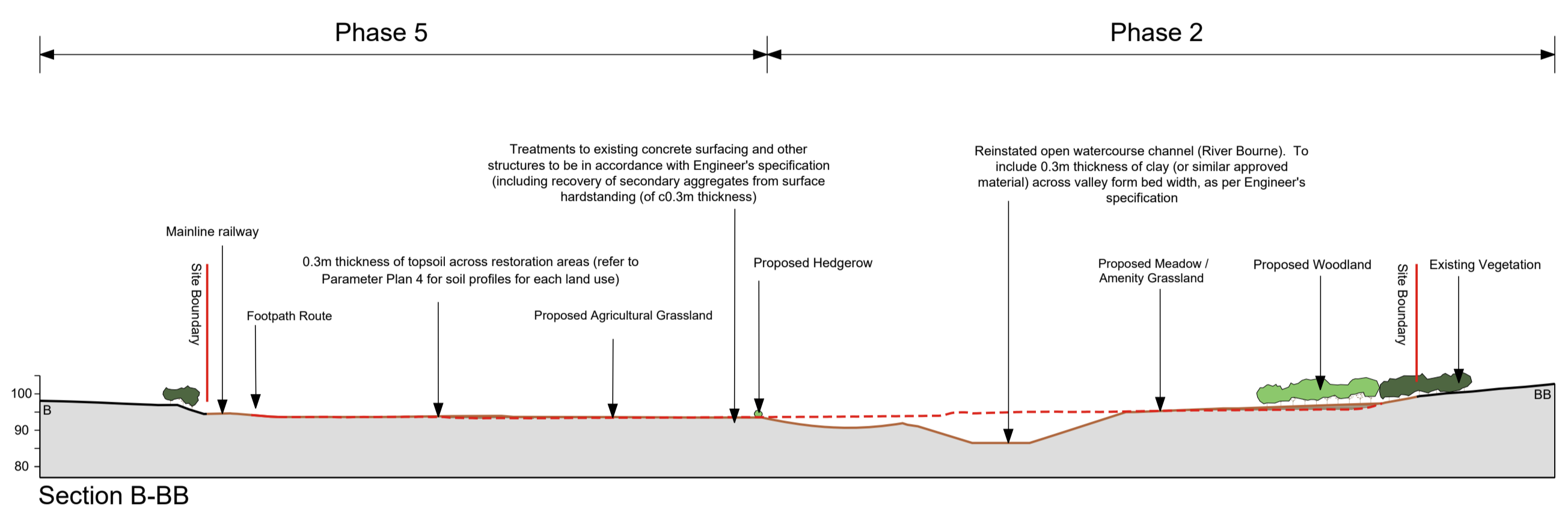
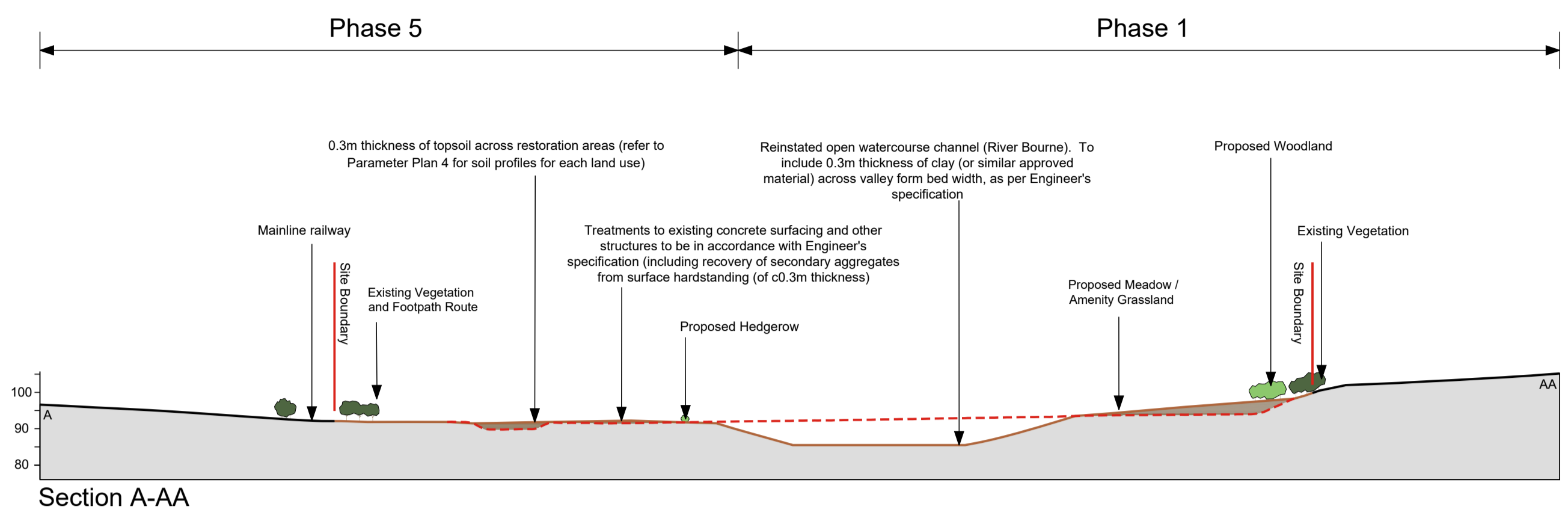
DRAWING TITLE
Parameter 8 - Comprehensive Planting Scheme

DATE
Oct 2024

REFERENCE
CPS

SCALE
1:5,000 @ A2

STATUS
FINAL



- Plan Legend**
- Site Boundary
 - Section Line location
 - Phasing Boundary and Phase Number
 - Existing Footpath
 - Permissive Public Access Paths (2.2km in total)
 - Proposed Viewing Point
 - Contours (5m Intervals)
 - 1:15
 - Railway
 - Existing Vegetation
 - Existing Hedge
 - Existing Residential
 - Existing Agricultural and Pastoral Farmland
 - Existing Waterways and Ponds
 - Proposed Mixed Woodland Planting / Hedge
 - Maintenance Access for Railway
 - Proposed Waterway
 - Proposed Meadow /Amenity Grassland
 - Proposed Agricultural Grassland
- Section Legend**
- Existing Landform
 - Proposed Landform
 - Existing Vegetation
 - Proposed Woodland Planting / Hedgerow
 - Approximate Extent of Fill Material / Soil cover

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SITE
Daw Mill Colliery

PROJECT
Revised Restoration Concept

DRAWING TITLE
Proposed Sections

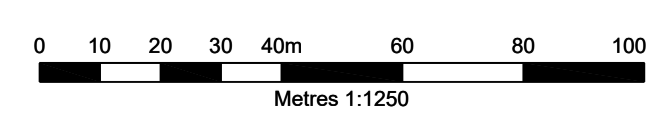
DATE
Oct 2024

REFERENCE
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SCALE
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STATUS
FINAL

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