



**21 January 2014**

**Agenda Item:5**

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND  
CORPORATE SERVICES**

**BASSETLAW DISTRICT REF. NO.: 1/13/00717/CDM**

**PROPOSAL: DEVELOPMENT AND USE OF LAND FOR TWO ANGLING LAKES,  
WITH ACCESS AND LANDSCAPING WITH ASSOCIATED  
EXCAVATION AND EXPORTATION OF MINERAL AND SURPLUS  
SOILS DURING CONSTRUCTION**

**LOCATION: LODGE FARM, GREAT NORTH ROAD, SCROOBY TOP**

**APPLICANT: LODGE FARM FISHERIES**

**Purpose of Report**

1. To consider a planning application for the extraction of sand, gravel and Sherwood Sandstone at Lodge Farm Fisheries, Scrooby Top. The key issues relate to planning policy and need for the minerals extraction and fishing lakes; landscape and visual effects; noise; hydrology and hydrogeology; transportation and traffic; airport safeguarding; ecology; and heritage. The recommendation is to grant planning permission subject to conditions.

**The Site and Surroundings**

2. The planning application site is located in the district of Bassetlaw, off the A638 (Great North Road). It is approximately 1.3km north of the village of Ranskill and 1.3km south of the village of Scrooby (see Plan 1).
3. The site is in a countryside location with the surrounding area dominated by open rural, agricultural land. In the wider area there are also various blocks of woodland planting and a number of water-bodies, often formed from restored mineral working sites.
4. To the west of the application site is the A638 which runs in a north-south direction. Beyond the A638 is an existing quarry operated by Rotherham Sand and Gravel. To the north of the application site are agricultural fields with an agricultural land classification of 3a (good) and 3b (moderate). To the south of the main part of the application site is agricultural land and Lodge Farm, which comprises a number of farm buildings and associated residences. It should be

noted that the planning application boundary includes an access route passing through the farm. Beyond the farm to the south is further agricultural land. To the east of the application site is a small area of woodland known as Hollins Holt, and a series of fishing lakes associated with Lodge Farm Fisheries. Beyond the fishing lakes, approximately 150m east of the application site, is the East Coast Main Line, a rail line that runs in a north-south orientation.

5. Lodge Farm Fisheries comprises five fishing lakes to the east and south-east of the planning application site. Four of the lakes are rectilinear and engineered in shape and adjacent to the East Coast Mainline. The fifth lake is adjacent to the south-east of the planning application site and is roughly square, but of a more natural appearance. The fishing lakes are restored former sand and gravel mineral workings. Access to Lodge Farm Fisheries is off the A638 and runs through Lodge Farm to a small car park approximately 200m east of the road.
6. The planning application site boundary is roughly rectangular in shape, interrupted in the south-east corner by Hollins Holt, a small wood, and an existing lake. The planning application measures 4.9ha in total. The application boundary includes two access points, one to the north which runs along an existing track and was until recently used to access the Scrooby North quarry, and one to the south which incorporates the existing access through Lodge Farm to the existing fisheries lakes.
7. The site has a predominantly flat topography, sloping gently from approximately 13.5m Above Ordnance Datum (AOD) at its western side to 8m AOD at its eastern boundary. Towards the south of the site there is a ridge where the land drops between 1.5-2m AOD, to an area of lower land which appears to have had some shallow mineral extraction, but has subsequently been restored to agricultural use. In terms of habitat, the site consists predominantly of poor quality semi-improved grassland. The southern planning application boundary passes through a small pond, surrounded by tall ruderal vegetation, although the pond was dried out at the time of the site visit. Also, running along the ridge to the south of the application site is a row of trees predominantly comprising stunted oak.
8. The nearest nationally designated site is Scrooby Top Quarry which is a Geological Site of Special Scientific Interest (SSSI) located approximately 40m to the west of the proposed development, at the Rotherham Sand and Gravel site. There are a number of Local Wildlife Sites in proximity to the proposed development, the nearest of which is Scrooby Sand Pit (Mosaic of swamp, marsh, grassland, scrub and developing fen communities of considerable botanical and zoological interest) which is approximately 400m north of the application site. The next nearest is Mattersey North Sand Pit (Mixed damp woodland with a notable flora) which is approximately 660m east of the application site.
9. The nearest heritage assets are the Scrooby Top Farmhouse Restaurant and Scrooby Top Cottages and attached buildings, which are located on the A638 approximately 150m south-west of the main application area, and directly opposite the proposed Lodge Farm access. These buildings are Grade II

listed. The nearest Scheduled Ancient Monument (SAM) is Manor Farm Moat located in Scrooby, approximately 1.4km north of the application site. There is also a Conservation Area within Scrooby, approximately 1.4km north of the site.

10. The nearest sensitive receptors are residential properties associated with Lodge Farm, which includes Lodge Court and Beech Croft. These properties are between 120-160m south of the main application area, although they are located either side of the access road which passes through Lodge Farm. After the Lodge Farm properties, the next nearest sensitive receptors are Scrooby Top House and Cottages which are approximately 150m south-west of the application site.
11. There are no rights of way that pass through or adjacent to the site, the nearest is a bridleway 490m to the north of the application site. The application site is not within an area of flood risk. It is also of note that the site is approximately 7.25km south of Robin Hood Airport, Doncaster.

## **Proposed Development**

### Background

12. Planning permission (Ref: 1/42/98/7) was granted for the extraction of alluvial sand and gravel and Sherwood Sandstone from an area of land at Scrooby Top in June 1999. The permission was actually a consolidation of four different planning permissions/applications: one for the extraction of sand and gravel, and sandstone; two for the consolidation of existing planning permissions for sand and gravel; and the fourth was to create a new access to the existing Rotherham Sand and Gravel processing plant.
13. Permission Ref: 1/42/98/7 includes the area that this planning application relates to; an area to the north; and the existing fishing lakes at Lodge Farm. The boundary of this permission is shown on **Plan 2**. Other than the fishing lakes, much of the area covered by this planning permission has not been subject to mineral extraction. The planning permission expires on 31<sup>st</sup> December 2015.
14. Condition 1 of the extant planning permission defines the permission as set out below:  
  
*"This permission is for the extraction of alluvial sand and gravel and sandstone from the area edged red and unhatched on the attached plan, Ref 1/42/98/7A dated 18 May 1999 and its subsequent restoration. Mineral extraction shall cease on or before 31<sup>st</sup> December 2015."*
15. It is important to note that the area that this current planning application relates to is the area that is excluded from mineral extraction as shown by the 'hatching' on Plan Ref: 1/42/98/7A referenced in the extant planning permission. It is unknown why extraction was prevented in this area, yet was still included within the planning boundary. Within historic planning files there is a plan indicating that the area has been historically worked and restored which

may account for its exclusion, however, borehole samples submitted with this application demonstrate that there are minerals reserves available.

#### Proposed Development

16. The proposed development can be split into two distinct sections; the mineral extraction phase, and the restoration of the site to fishing lakes. These two elements are described separately below.

#### *Minerals Extraction*

17. The proposed development involves the extraction of approximately 277,000 tonnes of alluvial sand and gravels, and Sherwood Sandstone. It is estimated that proportionally this would be 241,555 tonnes (87%) of Sherwood Sandstone and 35,672 tonnes (13%) of sand and gravel.
18. The depth of extraction would vary from approximately 5m at the east of the site, to 10m in the west. Extraction would be undertaken using a long arm excavator which would load dump trucks for onwards transportation. There would be one long armed excavator and three dump trucks.
19. The development is estimated to take three years to complete with the first half of the excavation taking place in the first year and the second half within years two and three.
20. The water table at the site sits at 5.2m AOD. Minerals would be extracted dry until the water table is reached, thereafter dewatering would take place with the water being pumped to the adjoining lake to the east where the water would recharge the water table.
21. No processing of minerals would take place on site, with all the material that is not being used in landscaping or shaping of the lakes being transported to the Rotherham Sand and Gravel site for processing, which is immediately to the west of the application site, on the other side of the A638. The minerals would travel by dump truck along the existing access track to the north of the excavation area, which was used for the transport of minerals from the now restored Scrooby North site.
22. Before the sand and gravel is accessed, soil stripping would have to occur, and it is estimated that a total of 9,000 tonnes of top-soil and 7,000 tonnes of overburden/sub-soils would be stripped in the course of the extraction. The majority of stripped soils would be reused within the site although it is stated that there would be a surplus of approximately 2,000 tonnes which would be taken off site. The stripped soil would be excavated using a straight edged bucket attached to an excavator.
23. The stripped soils would be placed within a storage area comprising two parallel bunds running along the west of the excavation area. The eastern bund would have a maximum height of 4m and the western of 3m.
24. The soil bunds would be grass seeded until required for the landscaping and treatment works. The soils would be used to provide lake and bank profiling.

Sub-soils would be used to provide battering within the west of the construction site and top-soils would be spread to a thickness of 0.15-0.3m on the areas of banking and the lake bottom. When all soils have been removed from the soil storage area the field would be re-graded to original levels and seeded with agricultural seed mix.

25. It is estimated that there would be 24-25 HGV trips (48-50 movements) per day associated with the excavation of the site.
26. The hours of working proposed are 07:30 to 18:00 Monday to Friday, 07:30-13:00 on Saturdays, and no working on Sundays or Bank Holidays.

### *Fishing Lakes*

27. The site is proposed for restoration to fishing lakes, which would form an extension to the existing fisheries enterprise at Lodge Farm. Two fishing lakes are proposed.
28. The larger of the two fishing lakes would be located relatively centrally within the planning application site. It would be of a rectangular shape measuring 140m in length and 60m in width. The total water surface area would measure approximately 1.4ha and provide for 38 pegs. The lake would have a water depth of 2.5m with stepped batters at the edge with a gradient between 1:1 and 1:2.
29. The smaller fishing lake would be located towards the east of the application site. It would be of a square shaped appearance with the south-east corner cut off, measuring approximately 70m by 70m (max). The total water surface area would measure approximately 0.5ha and provide for 26 pegs. The smaller lake would also have a water depth of 2.5m with stepped batters at the edge with a gradient between 1:1 and 1:2.
30. The water's edge on both lakes would be planted with marginal / reed planting. Surrounding both of the lakes would be a grassed embankment with a 1:5 slope to the water's edge. The embankment would be approximately 10m wide. There would be individual tree and shrub planting in the embankment surrounding the lakes. Beyond the embankment, surrounding both of the lakes would be an access track to provide vehicular access to all sides of the lakes. Beyond the access track to the north would be woodland planting running the length of the two fishing lakes. To the west of the fishing lakes would be an area used for soil storage which would then be restored to original levels and seeded.
31. The two lakes proposed would be stocked with tench, carp and silver fish and used for match fishing. This would allow the existing more naturally shaped lake to the south-east to be used for stock and specimen fishing.
32. Vehicular access to the fishing lakes would be off the A638, using the existing Lodge Farm Fisheries access. Approximately 250m east of the A638 a new track would be created heading in a northerly direction towards the proposed

fishing lakes. This track would pass along the western side of the westernmost existing lake.

33. The fishing lakes would be used all year round, with the exception of Christmas and Boxing Day. The proposed hours of use are between 07:00 and 21:00, or dusk, whichever is sooner, seven days a week.
34. It is estimated that the proposed lakes would generate an additional 30-40 visitors per month. The applicant states that there is an average 1.5 visitors per vehicle, which would result in an additional 25 vehicles per month, six per week or one per day.

## **Consultations**

35. **Bassetlaw District Council** – *The District Council has considered the application and does not wish to make any observations.*
36. **Scrooby Parish Council** – *The Parish Council has no objections to the mineral extraction application, nor have they received any objections from Parishioners. The Parish Council are happy to support this application.*
37. **Environment Agency (EA)** – *There are no objections to the proposed development. However, the EA states that opportunities should be provided for wildlife enhancements through enlargement and/or appropriate management of existing habitats.*
38. **NCC (Planning Policy)** – *The proposed development is presented as primarily a leisure development with mineral extraction as an incidental element of this. The application states that the development should be assessed against Policy 14.1 (Incidental Mineral Extraction) of the Nottinghamshire Minerals Local Plan (MLP). NCC Planning Policy consider that the mineral extraction element of the development should not be considered as incidental and should instead be considered as a standard quarry application, whereby the fishing lakes would be the form of restoration.*
39. *MLP Policies M6.2 and M6.3 provide support for sand and gravel extraction outside of allocated land (as this site is) where existing permitted reserves and remaining allocations cannot sustain a 7 year landbank of reserves and an annual production of 2.65 million tonnes (as per Nottinghamshire's local apportionment). Policies M7.1 and M7.2 reflect the situation for Sherwood Sandstone, seeking to maintain a 7 year landbank and 700,000 tonnes annual output.*
40. *Production of sand and gravel in 2011 was 1.71 million tonnes and at the end of the year the landbank stood at 7.3 years. Production of Sherwood Sandstone in 2011 was 345,990 tonnes and at the end of the year the landbank stood at 9.7 years. Generally, development contributing to the sand and gravel landbank could be supported as this will soon reach its minimum level. There is less support for additional Sherwood Sandstone extraction which is well above its required level, although it is acknowledged that extraction is approximately half annual output levels.*

41. *Provided that the expected output would be in line with the landbank and reserve requirements, and having regard to the usual environmental protection requirements, the proximity to the existing Rotherham Sand and Gravel processing facilities and the contribution to the sand and gravel landbank would present favourably for this development.*
42. **Natural England** – *The application is in close proximity to the Scrooby Quarry Site of Special Scientific Interest (SSSI). However, given the nature and scale of the proposal, Natural England is satisfied there is not likely to be an adverse effect on the site as a result of the proposal being carried out.*
43. **NCC (Nature Conservation)** – *Scrooby Top Quarry SSSI, notified for its geological interest, lies immediately to the west of the A638. Comments should be sought from Natural England.*
44. *The nearest locally designated site is Scrooby Sand Pits SINC 5/116, approximately 440m to the north. A Hydrological Risk Assessment has been produced which concluded that the development will not affect groundwater levels. On this basis, no impacts appear likely.*
45. *A Phase 1 Ecological Survey was carried out in November 2011 and, as such, is considered to be up-to-date. The field subject to this application was found to support poor semi-improved grassland used as pasture, of low ecological value.*
46. *The proposal is unlikely to have any significant effect on amphibian populations.*
47. *It is requested that the pond in the south-west corner of the site is enhanced (i.e. deepened in an effort to make it permanently or more frequently wet), especially as the local hydrology is likely to change. The details of such enhancements could be secured through a condition. Alternatively, the suggestion by Nottinghamshire Wildlife Trust that a small cluster of ponds be created on the soil storage area is supported. In addition, measures to protect this feature during construction are required and this can be secured through a suitable condition.*
48. *An inspection of trees in relation to roosting bats has been carried out and no suitable features were located.*
49. *Although no evidence of badgers was found at the site, the survey recommends that a repeat survey for badgers is carried out if mineral extraction does not commence within a year of the survey date. On this basis, a prior to commencement condition should be used to require an updated badger survey to take place.*
50. *The breeding bird survey did not identify any notable species within the application site which are likely to be significantly impacted upon by the proposals. The wintering bird survey, although covering land to the north of the application site, suggests that the presence of any notable wintering bird species on the application site is unlikely.*

51. *The lakes are angular and artificial looking and uniform in profile. The rationale for this in relation to match fishing is understood, which underlines the need to make the terrestrial elements of the site restoration/landscaping as high as possible from a biodiversity value perspective.*
52. *With regard to the grass seed mix, a fine leaved agricultural grass mix is proposed. It is recommended that a low-cost wildflower seed mix is used, at the very least along the western, southern and south-eastern boundaries.*
53. *There remains concern that the track along the northern edge of the site appears unnecessarily wide, and up to twice as wide as other tracks. It is suggested that woodland planting could be extended in this area.*
54. *There are some brief details of how planted areas will be maintained during the establishment period, no such details appear to be provided for the grassland areas. A condition should be used to require the submission of these details.*
55. *A standard condition should be used to control vegetation clearance during the bird breeding season.*
56. *In relation to the airport safeguarding report, NCC Ecology state that it is for Robin Hood Airport to confirm that they are happy with the strategy. However, there are a number of comments. Firstly, the report primarily relates to feral geese, which have no nature conservation significance. The management measures propose non-lethal, and are a combination of behaviour modification and habitat manipulation. It is queried whether thresholds need to be set in relation to waterfowl other than geese which may utilise the site in small numbers (e.g. coot, moorhen, tufted duck etc). Identifying when such species would become a 'problem' as activities carried out to displace such species would detract from the biodiversity value of the site.*
57. **Nottinghamshire Wildlife Trust (NWT) – Objection to the proposed development as submitted.**
58. *Sufficient information has been provided to demonstrate that the development would not have an unacceptable impact on Great Crested Newts. However, it should be noted that some of the woodland is suitable for frogs and toads as foraging habitat, and some of it would be lost as a result of the scheme.*
59. *There are grass snake records in the area and suitable habitat for this species and common lizards on and immediately adjacent to the site. The woodland, grassland and wetland habitat around some of the ponds is particularly suitable for grass snakes. The applicant has proposed vegetation management to deter reptiles from using the site, which should prevent harm to these animals, but would not mitigate the loss of habitat.*
60. *There would not be any direct impacts to breeding and overwintering birds. However, there would still be issues relating to the effects of noise and disturbance on these species, but this would lessen by virtue of distance.*
61. *There is concern about the loss of semi-improved grassland which would be replaced with intensively managed species-poor agricultural grassland and*



*extensive hard surfaced tracks. The loss of the small pond to the south-west and potential amphibian terrestrial habitat around the pond to the south-east , and its replacement with commercial fishponds, intensively managed, heavily stocked and lacking in marginal vegetation. The loss of several mature and semi-mature trees and section of hedge that would be replaced by a narrow belt of trees and shrubs that would take years to achieve any meaningful ecological function.*

62. *The Phase 1 survey recommends that the site be restored to suitable biodiversity habitats that would complement the SINC, it also makes several references to Biodiversity Action Plan (BAP) habitats. NWT state that the uniform shaped, intensively managed, commercial fishing lakes with no marginal vegetation, an unnatural fish population and no provision for native pond wildlife are not a BAP priority habitat, nor is it a habitat which would be encouraged in the Idle Valley Living Landscape area, as the applicant has suggested.*
63. *There is space on the site to create amphibian ponds, for example on the area of the site near the A638 which is being proposed for soil storage. Soils could be seeded with a native MG5-based wildflower mix and managed with an annual hay cut to provide suitable terrestrial habitat for amphibians and grass snake, valuable habitat for ground nesting farmland birds, and an attractive backdrop to the proposed fishing lakes. Without such measures the scheme appears to only have biodiversity losses and dis-benefits, and no gains.*
64. *With regard to the appraisal and strategy for the management of waterbird populations it is noted that the applicant is undertaking to minimise the interest of the site for wildfowl and to deter birds from foraging, breeding or overwintering at the site through the use of a range of habitat measures and behavioural modification techniques. The bird scaring mechanisms proposed would dissuade a wide range of species from using the site, including passerine birds that are of no risk to aircraft and might well reduce the use of the adjacent arable land by farmland birds. This reinforces the view that the scheme offers no habitat or species benefits to the area and would result in a net loss of biodiversity over what is there at the current time.*
65. **NCC (Landscape)** – *The site lies within Policy Zone 10 (Ranskill) of the Idle Lowlands Character Area of the Greater Nottinghamshire Landscape Character Assessment, an area in ‘good condition’ and with ‘moderate sensitivity’. Overall the recommendation is to create and conserve (i.e. to reinforce and conserve hedgerows, reinforce woodland, roadside planting and the original field pattern, and conserve ecological diversity). Views tend to be limited to the policy zone as the ground is relatively flat.*
66. *It is accepted that there is a commercial rationale behind the engineered landform, however, it is still considered that the overall impact on the landscape character will be moderate adverse. This is because the landscape action for this parcel of land is ‘conserve and create’ and the development would replace the existing field landscape with a very engineered landscape of uniform slopes, rectangular waterbodies with little associated planting.*

67. *It is accepted that the visual impact of the proposal is neutral as the ponds would be screened from the road by the proposed mixed species hedgerow.*
68. *Although alterations to the landscaping have been made, the NCC Landscape team still does not support the proposal on the grounds that the geometric and engineered layout does not support or comply with the landscape policy for the area.*
69. **NCC (Archaeology)** – *If planning permission is granted the conclusions and proposed mitigation should form a condition in the form of a scheme of archaeological work. It is further recommended that the scheme of archaeological work involves a mix of archaeological watching brief and a strip, map and sample exercise. The latter involves the removal of top-soils and possibly some sub-soils under the close supervision of a suitable experienced archaeologist, and should concentrate on the western boundary of the site, closest to the likely focus of the Roman settlement. Unless the strip, map and sampling produce unexpectedly significant results, it is suggested that the watching brief over the remainder of the site can be intermittent, concentrating on the field system and aiming at retrieving, dating and palaeo-environmental evidence. A standard two part condition is appropriate in this sense.*
70. **NCC (Built Heritage)** – *The proposals are accompanied by an ‘Archaeological and Cultural Heritage’ report. The report correctly identifies the presence of nearby designated listed buildings and concludes that the proposals will have little effect on the setting of the listed building.*
71. *Any impact on the setting of the listed building resulting from the change in character of the farmland to a less agrarian form of land use are quite minor and, at most, would constitute less than substantial harm. In accordance with Section 129 of the NPPF the proposals have been reviewed and the conclusions of the archaeological and cultural heritage report are agreed with.*
72. **NCC (Highways) Bassetlaw** – *The proposed lorry route for the extraction involves a private road/track that already has a restriction placed on it of 20 vehicle per hour, and limited in use to 07:00-17:00 hours Monday to Friday and 07:00-12:00 hours Saturday. The proposed extraction is expected to generate 50 two way HGV trips per day, with a constant flow of 5 trips per hours (significantly less than the 20 per hour restriction).*
73. *The southern access is to be used by anglers, as currently occurs. The existing 185 fishing pegs would, as a result of the proposed development, be augmented by an additional 64 pegs – an increase of 35%.*
74. *Whilst the transport assessment bases the assumption on estimated average trips per day, a more robust assessment would calculate a figure that would represent usage during peak periods. Given the number of pegs would increase by 35% it is considered that vehicular trips could increase by the same proportion (i.e. an additional 11 cars, or 22 movements per day). Thus, at peak times of the year the lake would generate a total of 43 cars or 86 movements per day. Despite the higher estimation, highway capacity is not considered to be compromised.*

75. *The application raises no highway objections subject to restrictions on the number of vehicles and hours of usage for the northern access road used by HGVs during extraction, and pruning to ensure suitable visibility at the access road that passes through Lodge Farm.*
76. **Network Rail** – *The boundary of the planning application is some 140m west of the railway fence and the extraction depth is around 7 metres. It is considered the proposed works are unlikely to impact on Network Rail infrastructure.*
77. **NCC (Noise Engineer)** – *The noise assessment indicates that there may be an exceedance of NCC permitted noise levels of 10dB above background at Lodge Farm and Beech Croft. However, the report argues that these particular locations should be considered less sensitive given the properties are owned and occupied by the applicant and his family. As such, consideration should be given to a noise limiting condition that excludes properties in the applicant's ownership. However, the applicant also owns other properties adjacent to Scrooby Top House which are tenanted and it is possible that either Lodge Farm or Beech Croft may become tenanted property during the development time period, if there is a change in family/tenancy/ownership circumstances. Tenants should be afforded the same protection as home owners in respect of noise from development, therefore, it is recommended that instead an 'in the event of a complaint' condition is used. Therefore, whilst the condition will apply to all properties (including Lodge Farm and Beech Croft), it will only be triggered in the event of a complaint.*
78. *Additional conditions to protect residential amenity are recommended in relation to earth bunds, hours of working, the machinery and plant used, reversing alarms and the speed of vehicles.*
79. **NCC (Reclamation)** – *The planning statement indicates that no off-site external sources of soil are to be used and the construction process is reliant upon soils won on site. In the event that soil materials have to be imported, these materials should be analysed to verify that they are suitable for use and free from contaminants.*
80. **Doncaster Robin Hood Airport Limited** – *The habitat modification measures set out in the appraisal and strategy for the management of waterbird populations should be the subject of conditions. It is also requested that the following is added as conditions or taken into consideration should planning permission be granted:*
- a) *Any planting of additional vegetation should discourage birds from visiting, roosting or resting as far as reasonably practicable;*
  - b) *Confirmation that water baliffs are competent in clearing and detaching wildlife with the necessary training to ensure the site is kept clear of water birds;*
  - c) *Any buildings on site currently, or in the future, are protected as to prevent birds from roosting;*

- d) *The airport reserves the right (if possible) to visit the site at any point to assess the wildlife and ensure the 13km bird survey information is up to date and that the conditions relating to flight safety are being met.*

81. **Anglian Water Services Limited** – No objection.
82. **Severn Trent Water Limited** – No objection.
83. **Western Power Distribution** – No objection.
84. **National Grid (Gas)** – No objection.
85. **NCC (Forestry and Arboriculture)** and **NCC (Countryside Access)** have not responded. Any response received will be reported orally.

## Publicity

86. The application has been publicised by means of site notice, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement. No letters of representation have been received.
87. Councillor Sheila Place has been notified of the application and has no observations to make.

## Observations

### Introduction

88. The proposed development is the creation of two fishing lakes at the existing Lodge Farm Fisheries, Scrooby Top. The creation of the fishing lakes would involve the extraction of approximately 277,000 tonnes of alluvial sand and gravel, 16,000 tonnes of soils and overburden, and would take three years to complete.
89. Lodge Farm Fisheries is an existing enterprise with five lakes, which has operated for approximately 12 years, and is open on a year round basis. The applicant states that the primary driver for the creation of additional fishing lakes is to enable further match and specimen fishing, to help consolidate Lodge Farm as a popular fishing destination.
90. The creation of the lakes would require the extraction of minerals which would be transported to the nearby processing facility immediately to the west of the application site, operated by Rotherham Sand and Gravel.

### Policy and Need Assessment

#### *National Policy*

91. Chapter 13 of the National Planning Policy Framework (NPPF) relates to the sustainable use of minerals. Paragraph 144 states that when determining

planning applications great weight should be given to the benefits of the mineral extraction, including to the economy. In addition, in granting planning permission, there should be no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and account should be had of the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality.

92. The NPPF also encourages Mineral Planning Authorities (MPAs) to plan for a steady and adequate supply of aggregates. One of the methods for doing this is by using landbanks of aggregate mineral reserves as an indicator of security of aggregate minerals supply. Provision should be made for the maintenance of at least 7 years for sand and gravel; longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites.
93. Chapter 3 of the NPPF provides support for economic growth in rural areas in order to create jobs and prosperity. This should be done through supporting sustainable growth and expansion of all types of business and enterprise in rural areas; promoting the development and diversification of agriculture and other land based rural business; and supporting sustainable tourism and leisure developments that benefit businesses in rural areas, which respect the character of the countryside.

#### *Nottinghamshire Minerals Local Plan*

94. Policy M6.2 of the Nottinghamshire Minerals Local Plan (MLP) states that the County Council will endeavour to maintain a landbank of permitted reserves of sand and gravel sufficient for at least 7 years extraction and also an adequate production capacity so that Nottinghamshire meets its reasonable share of regional provision of aggregates. Policy M6.3 of the MLP states that proposals for sand and gravel outside allocated areas will not be permitted unless it is evident that adequate landbanks cannot be sustained.
95. Policy M7.1 of the MLP relates to Sherwood Sandstone and seeks to ensure that there is sufficient landbank to maintain at least 7 years production capacity. Policy M7.2 of the MLP relates to proposals outside of allocated areas and states that they will not be permitted unless it is evident that the remaining allocations cannot sustain an adequate landbank.
96. Policy M7.4 of the MLP allocates 9.2 hectares of land at Scrooby Top for sand extraction. The application site is outside of the allocated area, however, it is identified as having planning permission for sand and gravel extraction on the Proposals Map.
97. Policy M14.1 of the MLP relates to incidental mineral extraction stating that proposals for the extraction of minerals as an incidental element of other development proposals will be granted provided that there are no unacceptable environmental impacts resulting from the mineral extraction; there are adequate interim reclamation measures to allow for possible delays

or the non-implementation of the primary development; and the mineral extraction would be of a limited nature and short duration.

*Bassetlaw District Local Development Framework – Core Strategy & Development Management Policies DPD*

98. Policy DM1 of the Bassetlaw Core Strategy & Development Management Policies DPD (BSC) relates to economic development in the countryside. The policy supports economic development (tourist attractions; equine enterprises; rural businesses) in the countryside where the following relevant criteria can be demonstrated:
- a) The development requires the specific location proposed and there are no other suitable sites in, or close to, settlements covered by Policies CS2-CS8 or on brownfield land;
  - b) It is viable as a long term business;
  - c) The scale, design and form of the proposal will be appropriate for its location and setting and be compatible with surrounding land uses;
  - d) It will not create or exacerbate existing environmental or highway safety problems.
99. Policy DM1 also states that policies to diversify the range of activities on a farm will be supported where it can be demonstrated that they meet the above criteria and that the diversification proposal is required to support the continued viability of the existing farming enterprise.

*Minerals Local Plan Consultation Document – Preferred Approach (23 October – 4 December 2013)*

100. The purpose of the Preferred Approach consultation exercise is to set out the draft Vision, Strategic Objectives, Strategic Policies, Minerals Provision Policies (including land allocations) and Development Management Policies that will guide the future development of minerals in the County.
101. Policy MP1 of the Minerals Preferred Approach Document (MPAD) highlights the demand for aggregate minerals over the plan period (2012-2030) as 49.02 million tonnes of sand and gravel and 8.74 million tonnes of Sherwood Sandstone, and states that the County Council will make provision for the maintenance of landbanks of at least 7 years. It also states that proposals for aggregate extraction outside of the areas identified in the MPAD will be supported where there is a demonstrable shortfall in the landbank.
102. Policy MP2 relates specifically to the provision of sand and gravel identifying, in connection with proposals maps in the appendix, sites with existing reserves, potential extensions to existing sites, and new sand and gravel sites. The proposed development sits within an area identified as an existing reserve, and there are potential allocations located nearby to the north, north-west and the south.

*Nottinghamshire Minerals Local Plan - Local Aggregates Assessment (July 2013)*

103. The production of Local Aggregate Assessments is a requirement set out in the NPPF, and the first one was adopted in July 2013. The assessment covers Nottinghamshire and sets out apportionment figures for aggregate minerals for inclusion in the future Nottinghamshire Minerals Local Plan (MLP).
104. The document identifies that as of December 2011 the sand and gravel landbank stood at 7.3 years equal to 19.3 million tonnes, and the Sherwood Sandstone landbank stood at 9.8 years equating to 6.8 million tonnes.

*Policy Considerations*

105. The applicant considers Policy M14.1 (incidental mineral extraction) is the primary policy against which the application should be assessed. This policy applies where the extraction of minerals is a necessary element of other development. Clearly, the construction of the proposed fishing lakes could not occur without the extraction of minerals and for this reason, it is important to assess the development against this policy. Policy M14.1 then goes on to provide criteria against which development would be considered acceptable including: no unacceptable environmental impacts; adequate interim reclamation measures; and extraction is of a limited nature and short duration.
106. The environmental impacts of the proposed development are assessed later in this section, and conditions could suitably deal with interim reclamation measures. However, it is questioned whether the proposal is actually of a limited nature or short duration. The policy is not precisely defined in terms of quantity of mineral worked or duration, however, the supporting text to the policy states that if mineral extraction is a significant reason for justifying or proposing the development, the proposal will need to be assessed against the relevant policies applicable to the mineral being worked.
107. The applicant is very clear that the driver for the development is the fishing lakes, nevertheless, it is considered that without the opportunity to source minerals from the site, and the proximity of the existing Rotherham Sand and Gravel processing plant, this application would be unlikely to come forward. As a result it is necessary to consider the proposed levels of mineral extraction relative to Nottinghamshire's apportionment and historic extraction levels.
108. The proposed development involves the extraction of approximately 277,000 tonnes of alluvial sand and gravels, and Sherwood Sandstone. It is estimated that proportionally this would amount to 241,555 (87%) tonnes of Sherwood Sandstone and 35,672 (13%) tonnes of sand and gravel. In terms of phasing the applicant states that half the excavation would take place in the first year and extraction to the remaining depth would take place over years two and three. Estimated annual extraction rates are set out for sand and gravel and Sherwood Sandstone in Tables 1 and 2 below, compared with average Nottinghamshire extraction and apportionment:

**Table 1: Sherwood Sandstone Estimated Annual Extraction and Apportionment**

	Sherwood	Annual	Percentage	of	Average	Percentage	of
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	Sandstone	Allocation	annual allocation	production over last 10 years	average production over last 10 years
Year 1	120,777.5	700,000	17.25%	460,000	26.26%
Year 2	60,388.75	700,000	8.63%	460,000	13.13%
Year 3	60,388.75	700,000	8.63%	460,000	13.13%

**Table 2: Sand and Gravel Estimated Annual Extraction and Apportionment**

	Sand and gravel	Annual Allocation	Percentage of annual allocation	Average production over last 10 years	Percentage of average production over last 10 years
Year 1	17,836	2,650,000	0.67%	2,580,000	0.69%
Year 2	8,918	2,650,000	0.34%	2,580,000	0.35%
Year 3	8,918	2,650,000	0.34%	2,580,000	0.35%

109. In light of the above, the sand and gravel aspect of the minerals extraction is of a limited nature. However, the Sherwood Sandstone extraction would, in its first year, account for over 17% of Nottinghamshire's allocation and over 26% of its average production for the past 10 years. In fact, if just the last three years of available data is considered (0.32, 0.32 and 0.35 million tonnes in 2009, 2010 and 2011 respectively) then the proposal would account for between 35% and 38% of Nottinghamshire's entire production. Whilst it is accepted that the levels of Sherwood Sandstone extracted are relatively low compared to other minerals, the proposal would form a very significant percentage of overall production in Nottinghamshire. In addition, three years duration for extraction is a relatively short period in terms of mineral extraction, but when considered against the timescales of other development, it is a significant period. Overall, the development cannot realistically be considered as incidental and should be fully assessed against the relevant policies applicable to the mineral being worked.
110. As highlighted above, Sherwood Sandstone forms an estimated 87% of the mineral to be extracted and, as such, Policies M7.1 and M7.2 of the MLP are of primary importance in assessing this development. Given that the proposal falls outside of any site allocations in the MLP, permission should only be granted where there is a landbank of less than 7 years, in line with Policy M7.2. The most recent figures state that there was a landbank of 9.8 years as of December 2011. Unfortunately more recent data is not available, but even if apportionment rates of 0.7 million tonnes per annum were met in the last two years (which is very unlikely as this figure has not been met in any year since 2002) then the landbank would still stand above 7 years. Therefore, on this basis, the development is contrary to Policy M7.2.
111. Sand and gravel form a smaller proportion of minerals to be extracted, nevertheless, Policies M6.2 and M6.3 are still important in the determination of this application. Again, given that the proposal falls outside of any site allocations in the MLP, permission should only be granted where there is a landbank of less than 7 years, in line with Policy M6.3. The most recent figures state that there was a landbank of 7.3 years as of December 2011. Given that two years have elapsed since, taking into account the slowing of production



rates (1.27, 1.56 and 1.71 million tonnes in 2009, 2010 and 2011 respectively), using an average of the last three years (1,513,333 tonnes per annum) the landbank would now be approximately 6.1 years. It is of note that the only significant sand and gravel resources to have come on-line since December 2011 is an extension to East Leake Quarry, granted in 2013. This permission comprises an additional 390,000 tonnes which adds approximately 7.5 weeks to the landbank, taking it up to 6.25 years.

112. Based on the above, the development is acceptable from a sand and gravel policy perspective, but not from a Sherwood Sandstone policy perspective. Given that the majority of the mineral (87%) is Sherwood Sandstone it would appear that overall the development is unacceptable. However, the applicant states that through their experience of creating the existing fishing lakes the sand won in the extraction had to be washed to provide a marketable product. The washed sands perform as alluvial sand which is very different to the Scrooby Grey sands which are worked and sold dry a short distance away within the Scrooby Top Quarry on the other side of the A638.
113. Based on the claim that the Sherwood Sandstone extracted from this area would actually perform as a sand and gravel, the development would be in accordance with Policy M7.2 of the MLP in maintaining a 7 year landbank. In this case, the development would also have support from the NPPF and Policy MP1 of the MPAD.
114. It is also of note that the application site, and sites to the north and south, are shown within both the Nottinghamshire MLP and the MPAD site allocations proposals map as having planning permission for sand and gravel extraction.
115. Policy DM1 of the BCS provides support for economic development (tourist attractions, equine enterprises, rural businesses) in the countryside, provided certain criteria can be demonstrated. As the site would be restored to fishing lakes, expanding the existing Lodge Farm Fisheries adjacent to the application site, it is considered that the development provides in principle support for this application. In addition, Chapter 3 of the NPPF provides in principle support, encouraging the sustainable growth and expansion of all types of business and enterprise in rural areas and supporting sustainable tourism and leisure developments that benefit businesses in rural areas, which respect the character of the countryside.
116. Whilst the NPPF and Policy DM1 of the BCS provides in principle support, it is necessary to assess the development against the specific criteria. The development clearly requires the specific location proposed, otherwise it would not be the expansion of an existing fisheries business. The operation of the fisheries for 12 years demonstrates that the proposal is viable as a long term business. The applicant has submitted a transport assessment and, whilst discussed in more detail later, it is deemed to be acceptable. The development meets these relevant aspects of Policy DM1
117. Policy DM1 also requires the scale, design and form of the proposal to be appropriate for its location and setting and be compatible with surrounding land uses. In addition, the NPPF states that development needs to respect the

character of the countryside. Whilst this is discussed in more detail later, the development is considered out of character with the wider area and is not in accordance with this aspect of Policy DM1 of the NPPF. However, it is noteworthy that Policy DM1 is contained within the Bassetlaw Core Strategy, and Bassetlaw District Council have not objected to the proposed development.

### Ecology

118. There are no statutory ecological designations within, or covering the site. The application is in close proximity to the Scrooby Top Site of Special Scientific Interest (SSSI), which is located within the Rotherham Sand and Gravel site to the west of the application site, on the other side of the A638. The SSSI is designated due to its geological interest and the proposed development would have no material effect on it. This position is reflected by Natural England and NCC Ecology.
119. The nearest locally designated site is the Scrooby Sand Pits Site of Importance for Nature Conservation (SINC) 5/116, which lies approximately 400m to the north of the application site. NCC Ecology is satisfied that there will not be any direct or indirect impacts on the SINC.
120. The applicant has undertaken a Phase 1 Habitat Survey which identifies the site as principally comprising poor, semi-improved grassland. The southern planning application boundary passes through a small pond, surrounded by tall ruderal vegetation. Also, running along a ridge towards the south of the application site is a row of trees predominantly comprising stunted oak. All the plant species recorded within the study area were common and widespread and no protected or otherwise notable species were recorded.
121. A Habitat Suitability Index (HSI) of the site has been carried out for Great Crested Newts (GCN). The HSI assessed all water bodies on the site, and the adjacent fishing lakes. The survey concluded that all of the ponds within the locality of the development have either poor suitability for GCN or are very unlikely to support GCN. NCC Ecology and NWT are satisfied that GCN have been suitably addressed, although NWT do note that the lake immediately to the south-east of the application site may be suitable for other frogs and toads, and the surrounding woodland provides potential foraging habitat, some of which would be lost as a result of this application.
122. There are grass snake records in the area and suitable habitat for this species, and common lizards. Vegetation management is proposed to deter these species during stripping and working of the site, and this would be subject to a condition should permission be granted. However, NWT highlight that there is no mitigation for the loss of potential habitat for these species.
123. A protected species survey was undertaken for the site and no evidence was found. It is recommended that a repeat survey is conducted if mineral extraction does not commence within a year of the survey date. On this basis NCC Ecology recommend a condition requiring a pre-commencement protected species survey.

124. A roosting bat survey was carried out, which found that none of the trees within the site contained suitable features to support roosting bats. NCC Ecology is satisfied with the findings of the report.
125. The water bodies within and adjacent to the site show no evidence of use by water vole. The ponds are heavily disturbed by human activity and the regular presence of fishermen along the banks makes the habitat unsuitable. NCC Ecology and NWT raise no objection to these findings.
126. A breeding bird has been undertaken which did not identify any notable species within the application site likely to be impacted upon by the proposals. A wintering bird survey has also been undertaken which covers land to the north of the application site, although this also suggests that the presence of notable species on the application site is unlikely. NCC Ecology is satisfied with these findings. NWT considers that there would be no direct impact, although there could be indirect impacts arising from noise and disturbance.
127. Both NCC Ecology and NWT have raised concerns regarding the shape and design of the proposed fishing lakes, describing them as angular, artificial looking, uniform in profile and unimaginative. Indeed, the shape and design of the lakes was raised as a concern during pre-application discussions and no changes were made as a result of comments. Nevertheless, the applicant has sought to explain that the rectilinear shape is driven by the proposed use for match fishing. This is because a regular shape creates more consistent angling conditions making it fairer for match anglers irrespective of which peg the angler is fishing from. The introduction of spits and bays in the lake margins is in contrast to the purpose of these fishing lakes. This is evidenced in the existing fishing lakes, with the applicant stating that the oldest lake, with the most naturalistic profile, is the least popular for competitive match fishing due to its irregular shape and variability in fishing conditions. NCC Ecology accept the rationale for the design and, as a result, highlights the need to make the surrounding terrestrial habitats as high-value as possible from a biodiversity perspective.
128. NCC Ecology remains concerned that the access track along the northern boundary of the fishing lakes is unnecessarily wide. The applicant has sought to justify the width of the track stating that anglers prefer to park their cars near to the point of fishing, particularly when they have a significant quantity of kit to transport to the point of angling. This arrangement is also beneficial to disabled anglers. Whilst this is accepted, it is considered the northern access track is wider than the track around other parts of the lake, and it could suitably be narrowed to allow for increased woodland belt planting to the north. As such, a condition is recommended requiring the submission of an alternative landscaping scheme for this area.
129. Post submission amendments to the restoration scheme have enabled a position whereby NCC Ecology is satisfied with the scheme, subject to conditions relating to seed mixes, maintenance details and vegetation clearance. Attention is also drawn to Paragraph 118 of the NPPF which states that, when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles,

the most relevant in this case is encouraging the opportunity to incorporate biodiversity in and around development.

130. Despite amendments to the restoration landscaping, NWT remain heavily critical of the proposals stating that uniform-shaped, intensively managed, commercial fishing lakes with no marginal vegetation, an unnatural fish population and no provision for native pond wildlife such as amphibians and water voles are not BAP priority habitat, nor is it a habitat which would be encouraged in the Idle Valley Living Landscape area. NWT suggest that the area adjacent to the A638 which is being proposed for soil storage could be restored to an area incorporating small ponds suitable for amphibians and seeded to provide suitable habitat for amphibians, grass snakes and ground-nesting farmland birds. NWT is of the view that without such measures the scheme appears to only have biodiversity losses.
131. Policy M3.17 of the MLP relates to biodiversity and states that development which would affect the integrity or continuity of habitats or features identified as priorities in the UK and/or Nottinghamshire BAP will not be granted planning permission, unless there is an overriding need for the development which outweighs the nature conservation importance of the feature. The application site comprises predominantly poor, semi-improved grassland which is not a BAP priority habitat. There are hedgerows surrounding the site which may qualify as UK/Nottinghamshire local BAP habitat, however, the creation of the fishing lakes would not result in the removal of these, other than a small section of the hedgerow that runs along the northern boundary of the site, to allow HGVs to transport extracted mineral along the existing northern access road. This hedgerow is considered defunct and the indirect impacts (e.g. by dust) would be minimised during construction through conditions designed to provided mitigation. The southern boundary of the application also passes through a small, seasonal pond, which could qualify as BAP habitat. However, this pond falls outside of the area of extraction and a condition would be attached to provide biodiversity enhancement to this area. Overall, with suitable conditions in place the development is not considered to materially affect the integrity or continuity of UK and/or Nottinghamshire BAP habitats and is in accordance with Policy M3.17.
132. NWT state that the scheme offers no habitat or species benefit to this area and would result in a net loss of biodiversity over what currently exists. In considering this objection it is fundamental to acknowledge that this scheme is for the creation of match fishing lakes to expand an existing fishery business, and is not a biodiversity habitat creation scheme. In addition, the existing habitat that would be lost is not a UK or Nottinghamshire BAP priority habitat and, as such, the development is in line with Policy M3.17. Furthermore, the applicant has made amendments to the fishing lake landscaping during the planning application process to improve the proposed habitat by enhancing hedgerows on the western boundary with the A638; increasing individual tree planting around the waterbodies; and marginal aquatic planting at the water's edge. By virtue of this, it is considered that the applicant has sought some opportunities to incorporate biodiversity around the development in line with Paragraph 118 of the NPPF. However, biodiversity opportunities have not been maximised as the applicant has failed to incorporate any of the habitat

enhancement to the soil storage area as suggested by NWT, and the reason for this is not known. In conclusion, the landscaping scheme is in accordance with the relevant ecological planning policies, but it could be made better comparatively easily. It is for this reason a condition is suggested requiring the enhancement of the small water body to the south of the application site, and an amendment to the seeding mix from amenity grassland to a wildflower mix.

#### Landscape and Visual Impact

133. The planning application site lies within Policy Zone 10 (Ranskill) of the Idle Lowlands Character Area of the Greater Nottinghamshire Landscape Character Assessment. This character area is described as being in '*good condition*' and with '*moderate sensitivity*'. Overall the recommendation is to *Conserve and Create* (i.e. to reinforce and conserve hedgerows, reinforce woodland, roadside planting and the original field pattern, and conserve ecological diversity).
134. The applicant has undertaken a landscape and visual effects assessment for the proposed development. With regards to landscape character, the minerals extraction aspect of the development is assessed as having moderate adverse significance reducing to minor adverse with increasing distance from the development with the landscape parcel (IL35) in which the development is located. Within adjoining landscape parcels (IL18 and IL33) to the north-east and south-east there would be minor adverse significance reducing to neutral with distance. The NCC Landscape Team considers the overall impact of the proposed development during construction as being **moderate adverse**.
135. The visual impact of the proposed development has been assessed from a number of viewpoints. During the construction phase there would be an impact of **moderate adverse** significance upon viewpoints 1 and 2 (A638 and Lodge Farm Fisheries car park). Viewpoints 3 (East Coast Mainline) and 5 (A638 to the north) would experience **minor adverse** significance of effect. Viewpoint 4 (Ranskill Road to the south-east) would experience **neutral** significance of effect. NCC Landscape agrees with the construction phase predicted visual impact.
136. With regard to the final construction of fishing lakes, the landscape and visual effects assessment notes that there would be a permanent change to a small parcel of land, but overall judges the impact of the development as being neutral in both landscape and visual terms. NCC Landscape accepts that with the hedgerow planting along the western boundary of the site adjacent to the A638, the visual impact of the fishing lakes would be **neutral**. NCC Landscape acknowledge the commercial rational behind the engineered form of the fishing lakes, however, they remain of the view that the overall impact on the landscape character would be **moderate adverse** in an area where the landscape action is to conserve and create. As such, the NCC Landscape Team does not support the proposed development.
137. Policy M3.3 of the MLP states that permission will only be granted where adverse visual impact can be kept to an acceptable level, and Policy M3.4 of the MLP states that where permission is granted conditions should be attached

to require screening and landscaping to reduce visual impact. Policy DM1 of the MPAD seeks to protect local amenity through mitigating visual intrusion to an acceptable level. There would be a degree of visual impact during minerals extraction, although it is considered moderate adverse at its most significant, in the car park of Lodge Farm Fisheries and the transient views along the A638. Other than this the visual impact would be minor adverse or neutral. It should also be recognised that these visual impacts would be temporary, lasting at most three years. The visual impact of the fishing lakes is considered to be neutral. Overall, the visual impact is considered temporary and to be kept to an acceptable level and would, therefore, be in accordance with Policy W3.3 of the MLP. A number of conditions would be attached to any planning permission to assist in screening the site during construction and maintaining the landscaping to help reduce visual impact, in line with Policy W3.4 of the MLP.

138. Policy M3.22 of the MLP relates to landscape character stating that operators must demonstrate that landscape character and local distinctiveness are fully taken into consideration within development proposals. Planning permission will not be granted for minerals development which is likely to adversely impact upon the character and distinctiveness of the landscape unless there are reasons of overriding public interest or where ameliorative measures can reduce the impact to an acceptable level. The landscape character and distinctiveness have been considered and assessed by the applicant, however, their conclusions are not consistent with those of the NCC Landscape Team. Overall, the development is considered as having a moderate adverse impact on the landscape character and therefore planning permission should only be granted where there are reasons of overriding public interest. There has been very little public interest in this application, with no representations having been made by members of the public either in support or objecting to the development. The proposal is considered to conflict with Policy M3.22 of the MLP.
139. Where permission is granted for the reclamation of minerals working, Policy M4.4 of the MLP outlines what will be required in the landscaping proposals. This includes an overall landscape concept; details of the final landform; the location, form, numbers, species, size and methods of planting; and establishment, maintenance and longer term management details. The planning application contains much of the necessary details, although conditions would be required to finalise some minor planting details and aftercare arrangements.

#### Airport Safeguarding and Bird-Strike Potential

140. Sites of mineral extraction which are restored to open water often attract birds, which can increase the risk of potential bird strike events if they are near to airports. Airport safeguarding zones are designated as a 13km radius around airports. The risk of bird-strike is an important consideration given this proposed development, which involves the creation of new water bodies, is located approximately 7km south of Robin Hood Airport, Doncaster.

141. There are no policies within the existing MLP which relate to bird-strike, however, Chapter 13 of the NPPF, which relates to the sustainable use of minerals, requires that in granting planning permission no unacceptable adverse impacts are had on aviation safety. In addition, Policy DM12 of the MPAD requires the applicant to demonstrate that proposed extraction and restoration will not be hazardous to air traffic in order for proposals to be supported.
142. The applicant has undertaken an appraisal and strategy for the management of waterbird populations. The production of the report was in response to an initial objection from Robin Hood Airport. Using the data collected from the breeding and wintering bird surveys already undertaken, the appraisal identified that the area currently supports low numbers of water birds both during the breeding and non-breeding seasons, which is likely to be a reflection of the current disturbance associated with the existing fishing lakes. The report identifies Graylag Geese as the one species which may be further encouraged by the creation of additional managed and regularly disturbed water bodies.
143. The surveys conclude that small numbers of geese inhabit the proposal site, neighbouring land and surrounding areas and these are the greatest risk to aviation safety. Therefore, the management options focus on deterring geese from wintering and breeding at the proposal site through habitat and behaviour modification.
144. With regard to habitat modification, the proposals include for marginal reed planting between the angling pegs. This acts as a barrier which prevents geese from easily entering or exiting the water. The applicant states that the reeds will be managed throughout the year to ensure growth is continuous and that gaps do not appear. Areas which do not successfully colonise will receive additional planting.
145. The proposals also include tree planting around the periphery of the lakes, and an area of woodland planting to the north. As this planting matures, it provides interruption to the flight path of birds to and from the lakes, making the direct access as restricted as possible. In addition, the area to the west of the lakes, where the temporary soil stockpile would be located, is proposed to be restored and vegetation would be kept at a height which would dissuade geese and other waterbirds from foraging.
146. The applicant states that there is an existing strategy in place to deter geese and other large waterfowl from the existing lakes, and this would be extended to the proposed fishing lakes. The strategy includes the employment of water bailiffs who use a combination of bird scaring tactics including human presence, loud reports using shot guns, flag waving and driving techniques. In addition, the presence of anglers provides a constant human presence during daylight hours. The applicant states that the existing strategy is successful.
147. It is noteworthy that, in addition to aviation safety, it is in the interests of the fishery from a commercial perspective to minimise waterfowl on the lakes as

they can disturb anglers and the fish, and potentially cause damage to anglers' equipment.

148. Based on the appraisal and strategy for the management of waterbird populations, Robin Hood Airport are satisfied that the development is acceptable provided that habitat modification measures are subject to conditions. Robin Hood Airport also provide some suggest conditions and points to be taken into consideration should planning permission be granted, including:
- a) Planting of additional vegetation to discourage birds from visiting, roosting or resting at the site as far as possible;
  - b) Confirmation may be sought that the water bailiffs are competent in clearing and detracting wildlife with the necessary training to ensure the site is kept clear of water birds;
  - c) It is requested that any buildings currently onsite, or in the future, are protected as to prevent birds from roosting;
  - d) The airport reserves the right, if possible, to assess the wildlife at the site to ensure that the 13km bird survey information is up to date and that they are satisfied that the conditions are still being met in the interests of flight safety.
149. Considering the above points made by Robin Hood Airport, the planting proposals have already been demonstrated as acceptable through the management of waterbird populations strategy, however, it is considered necessary to ensure that a condition is in place to ensure that planting is managed in a way so that the lakes remain unattractive to the relevant water birds, particularly geese. It is recommended that this is included within an aftercare scheme. In addition, it is recommended that a condition is attached to require the submission of a water bird management training programme which would be rolled out to all water bailiffs employed at the site. With regard to point c), there are no buildings proposed as part of this application, as such, it is recommended that an 'informative' is attached to any permission granted reminding the applicant that if buildings are developed within the site in the future it would be desirable for them to be protected as to prevent birds from roosting. Finally, in relation to point d), it would not be possible to require through conditions the fishery to allow staff or representatives from Robin Hood Airport to review the site, however, the applicant has indicated in an e-mail that they would be willing to allow this and, as such, it is recommended that it is placed as an informative on the planning permission.
150. Based on the above, and suitable conditions being placed on any planning permission relating to behaviour and habitat modification, it is considered that the site would not be detrimental to aviation safety and is in accordance with the NPPF and Policy DM12 of the MPAD.
151. The appraisal strategy for the management of waterbird populations has also been assessed by NCC Ecology and NWT. NWT are of the view that making



the site unattractive to wildfowl and deterring birds from foraging only serves to reinforce their view that the proposal offers no habitat or species benefits and would result in a net loss of biodiversity. NCC Ecology has no significant issue with minimising the feral geese at the site, as these have no nature conservation significance, although, it is queried whether thresholds could be set in relation to waterfowl other than geese which may use the site in small numbers (e.g. coot, moorhen, tufted duck, mallard, mute swan etc), and it is commented that it would be undesirable to further detract from the biodiversity value of the site by displacing all species.

152. Given that the bird assessment states that of the species recorded in the surrounding area, Graylag Geese is the one species which may be further encouraged by the creation of additional managed, regularly disturbed water bodies, it is considered that the proposed bird scaring techniques should not prove unduly detrimental to other species, particularly given that such techniques are already used at the existing fishery lakes. With regard to suggested thresholds for other species of waterfowl, it is considered that this would be impossible to monitor and enforce.
153. The comments from the ecologists are noted, and clearly there is a conflict between ecological and biodiversity creation and managing the site to prevent any increase in risk to aviation safety. However, it must be recognised that the site is being created for the purposes of match fishing, and not for biodiversity purposes, and many of the behaviour modification techniques (human presence, loud reports using shot guns, flag waving and driving) are already carried out by water bailiffs at the existing fishing lakes. Overall, the purpose of the development is for fishing lakes and not habitat creation, and the requirement for aviation safety holds more weight than creating new habitat for waterfowl, which would likely be to the detriment of the angling business in any case.

#### Traffic and Transportation

154. Policy M3.13 of the MLP states that development will only be granted planning permission where the highway network can satisfactorily accommodate the vehicle movements likely to be generated, and would not cause unacceptable impact upon the environment and disturbance to local amenity. The NPPF appears to be less restrictive where traffic movement is concerned, stating at Paragraph 32 that development should only be prevented or refused on traffic grounds where the residual cumulative impacts of development are severe. In addition, Policy DM9 of the MPAD looks to ensure that vehicle movements can be accommodated on the highway, and would not cause unacceptable impact on the environment or disturbance to amenity.
155. The applicant has undertaken a transport assessment for the proposed development taking into account vehicle movements associated with the mineral extraction and the operation of the fishing lakes.
156. Using the Trip Rate Information Computer System (TRICS) database, the applicant has calculated the maximum two way HGV movements across a daily period as 47. There would also be up to 20 light vehicle movements

associated with staff, although it is assumed that this would be to the Rotherham Sand and Gravel site, rather than the proposed fishing lake site itself. To verify the TRICS data, trip generation calculation has been undertaken using the estimated annual mineral extraction. With a total of 277,000 tonnes of sand and gravel being extracted over a three year period this would equate to 92,333 tonnes per year. Assuming 250 working days in a year this would amount to 369 tonnes extracted per day. With each HGV taking 15 tonnes, this would amount to 24.6 HGV trips per day (between 48 and 50 movements), thus reflecting the TRICS data.

157. The Transport Statement assesses the contribution to traffic on the A638. Over the course of a 10 hour day (07:00 – 17:00) the operations would increase the baseline traffic flows by 2.1% and HGV traffic by 8.8%.
158. However, it appears that there is an error in the HGV calculation used to verify the TRICS data. The Transport Assessment appears to have evenly distributed the extraction rate over three years, however, the Planning Statement (paragraph 3.6.1) states that half the material would be extracted in the first year. Based on this extraction rate the HGV movements used to verify the TRICS data are inaccurate, and it is estimated that they could be closer to 75 movements per day in the first year, rather than the 48-50 predicted in the Transport Statement.
159. Notwithstanding the inaccuracies of the Transport Statement, distributed over a 10 hour working day, HGV movements would average 7.5 per hour, which is still significantly below the 20 movements per hour recommended in the condition from NCC Highways. As such, it is considered that the highway has the capacity to accommodate the HGV movements associated with the development.
160. HGVs transporting material out of the site would leave from the existing access road to the north of the proposed fishing lakes, turning left and making the very short journey along the A638, before turning right into the Rotherham Sand and Gravel site for processing (see Plan 3).
161. The applicant has calculated the annual visitor levels to amount to approximately 13,000, with an average 1.5 visitors per vehicle. This results in 1,083 visitors per month using 722 vehicles. On a weekly basis this is 250 visitors in 167 vehicles, and on a daily basis this is 36 visitors in 24 cars.
162. The applicant expects the proposed additional lakes to generate an additional 30-40 visitors per month, resulting in 6 cars per week or 1 car per day. The impact of this on the A638 would be an increase in traffic of 0.2-0.3%.
163. NCC Highways Team have been consulted and note that the proposed HGV movements are significantly below the movements previously allowed along the access track (20 per hour), and the northern site access has adequate visibility and satisfactory standard of design.
164. NCC Highways Team criticise the method of calculating vehicle movements associated with the proposed fishing lakes, and have adopted a more robust

‘worst case’ scenario, looking at usage during peak periods, with usage being 30% high than average trips (32 cars per day rather than 24). Given that there would be a 35% increase in pegs at the fisheries, this could lead to an additional 11 cars per day, with a total of 43 cars (86 movements) at peak times. NCC Highways Team concludes that even with a more robust vehicle movements calculation, the development does not represent a concern in highways capacity terms.

165. Overall, NCC Highways Team recommend a number of conditions relating to vehicle movements and operational hours of the minerals extraction element of the proposed development, and suitable visibility splays being in place on the fisheries access road before the lakes are brought into use. With these conditions in place, the proposed development is considered to be in accordance with the NPPF, Policy M3.13 of the MLP and DM1 of the MPAD.

### Noise

166. Policy M3.5 of the MLP states that planning permission for minerals development will only be granted where noise emissions outside the boundaries of minerals workings would not exceed acceptable levels. The technical guidance to the NPPF states that authorities should aim to establish a noise limit that does not exceed background noise levels by more than 10dB(A), with a maximum of 55dB(A)LAeq, 1h (free field).
167. The nearest noise sensitive receptors are residential properties associated with Lodge Farm, which includes Lodge Court and Beech Croft. These properties are between 120-160m south of the main application area, although they are located either side of the access road which passes through Lodge Farm. After the Lodge Farm properties, the next nearest sensitive receptors are Scrooby Top House and Cottages which are approximately 150m south-west of the application site.
168. The applicant has undertaken a noise impact assessment which identifies the background noise level as being between 41.7-42.8L<sub>A90,T</sub>dB. The predicted L<sub>Aeq,1hour</sub>dB is set for each of the nearest sensitive receptors in Table 3 below:

**Table 3: Summary of Predicted Noise Levels**

Location	Predicted L <sub>Aeq,1hour</sub> dB	BS 4142 Correction	Predicted Rating Level	Limiting Level L <sub>Aeq,1hour</sub> dB
Lodge Farm	51	+5 dB	56	52
Lodge Court	40		45	
Scrooby Top House	47		52	

169. BS 4142:1997 sets out a method for rating noise sources introduced into residential areas, with background level compared to the anticipated noise source introduced into an area, with the greater the difference, the greater the likelihood for complaints. If the rating is 10dB(A) above background then complaints are likely, 5dB(A) above the background is considered of marginal significance. If the rating is 10dB(A) or more below background level this is a positive indication that complaints are unlikely. Based on the above, the predicted rating level at Scrooby Top House would be 10dB(A) above

background and at Lodge Farm would be 14dB(A) above background, indicating that complaints would be likely.

170. Table 3 above shows that the greatest noise impact would be occur at Lodge Farm, with the predicted level 14dB(A) above background, significantly exceeding BS4142 guidance and NCC daytime noise limit of +10dB(A). The noise assessment recognises that there would be an exceedance, however, draws attention to the fact that it is the applicant and his family that reside in Lodge Court and Beech Croft, who have been made aware of the potential noise levels and have raised no concerns.
171. It is also identified that the predicted noise level at Scrooby Top House would be 52dB(A), which is 10dB(A) above background levels. However, this is considered a 'worst case' scenario for a number of reasons. Firstly, the background noise monitoring position was located to the rear of Beech Croft, which is 150m east of the A638, whereas the background noise at Scrooby Top House is anticipated as being higher. This was confirmed by the NCC Noise Engineer who took noise measurements which indicated that background noise at this location is closer to 47dB(A) over a 1 hour period, the implication being that the predicted rating noise at this location would change to 5dB(A) above background, which is considered of marginal significance. Furthermore, additional information from the applicant confirmed that the predictive modelling assumed no screening, and it is therefore reasonable to assume that actual noise levels would be lower once the stripping has taken place and the soil bunds are constructed, and when extraction occurs plant and machinery would be working below ground level, with the quarry edges providing a degree of additional screening.
172. There is no adverse noise impacted anticipated from the proposed end use, angling.
173. The NCC Noise Engineer is satisfied with the findings of the noise assessment, and accepts that where there is an exceedance of background noise by more than 10dB(A) at Lodge Farm and Beech Croft, these properties are owned and occupied by the applicant and his family. Nevertheless, it is noted that the applicant owns other tenanted properties adjacent to Scrooby Top House and if Lodge Farm or Beech Croft become tenanted due to a change in circumstances, any new occupier should be afforded a suitable level of protection from unacceptable noise levels. As such, it is recommended that a condition is placed covering all properties ensuring noise does not exceed 10dB(A) above the existing background noise levels, but it will only be triggered in the event of a complaint, which is highly unlikely to arise from the occupiers of Lodge Farm and Beechcroft given the occupants include the applicant and his family.
174. The proposed development is not in accordance with the NPPF or Policy M3.5 of the MLP due to predicted noise rating levels of more than 10dB(A) at the nearest sensitive receptors. However, it is acknowledged that the noise sensitive receptors in question are owned and occupied by the applicant and his family. This is considered to be a material consideration which allows the

development to be considered acceptable from a noise perspective in spite of its apparent conflict with policy.

#### Heritage and Archaeology

175. Policy M3.25 of the MLP prevents planning permission from being granted for minerals development which would cause unacceptable harm to the character, appearance, condition or setting of listed buildings. Policy M3.24 states that permission will not be granted for minerals development which would degrade or destroy nationally important archaeological remains and their settings, whether scheduled or not. Where there are archaeological remains of less than national importance, it should be demonstrated that the importance of the development outweighs the significance of the remains and appropriate provision should be made for excavation and recording of the remains.
176. Paragraph 134 of the NPPF states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
177. The closest designated heritage assets are Scrooby Top Farmhouse Restaurant and Scrooby Top Cottages and attached buildings, which are Grade II listed. The applicant has undertaken a desk based heritage assessment and concludes that the development would have no effect on any listed building or its setting. There will be no direct impact to the listed building and the NCC Historic Buildings Officer is of the view that any impact on the setting of the listed buildings resulting from the change in character of the farmland to a less agrarian form of land use are quite minor and, at most, would constitute less than substantial harm. As such, the development is in accordance with the relevant section of the NPPF and Policy M3.25.
178. The desk based heritage assessment also identifies the potential for archaeology at the site. There is considerable evidence for Roman activity in the wider area, and cropmark evidence indicates the proposed development area is likely to have formed part of the field system surrounding the farmstead at Scrooby Top. The report concludes that there is no evidence of the proposed development containing below ground remains of national importance, or of sufficient importance to warrant preservation *in situ*, although there is considerable evidence of Roman agricultural activity within and around the proposed development area. It is, therefore, recommended that a programme of archaeological fieldwork is enacted prior to the development of the site.
179. NCC Archaeology is in agreement with conclusions of the heritage assessment and recommends that if planning permission is granted, it should be conditional upon the implementation of a scheme of archaeological work to include a mix of archaeological watching brief and a strip, map and sample exercise. This would involve the removal of top-soils and possibly some sub-soils under the close supervision of a suitably experienced archaeologist and should concentrate on the western boundary of the site, closest to the likely focus of the Roman settlement. This approach is considered to be fully in accordance with Policy M3.24 of the MLP, and would be subject to condition.

### Flood Risk, Groundwater and Contamination

180. The excavation would take place in two phases. Phase 1 would comprise the extraction of minerals to the water table at approximately 5.2m AOD. Phase 2 would be below the water table and require dewatering to allow extraction to 2.7m AOD.
181. The site is located in Flood Risk Zone 1, which is land having less than a 1 in 1,000 year probability of flooding. In addition, the Bassetlaw Strategic Flood Risk Assessment considers angling lakes to be water-compatible development. The construction of the two angling lakes would have a net lowering of the ground at the site, which would result in a net increase in flood plain storage capacity during operation and following completion of construction due to the volume of excavated material removed above the water table. The development is not at risk of flooding and would not lead to flooding elsewhere, therefore, it is in accordance with Policy W3.9 of the MLP.
182. The site is underlain by the Sherwood Sandstone bedrock aquifer, a principal aquifer. The site is also within a groundwater protection zone. The method of working involves the stripping and stockpiling of soils, and removal of sand and gravel. Extraction would take place using a 360° excavator. There would be no fuel or oils stored on site and site vehicles would maintain a spill response kit in case of spillages. Overall the excavation works do not increase the risk of pollution to the principal aquifer, provided that suitable conditions are attached to any permission relating to the storage of fuel and oils, and to require plant and machinery to carry spill kits.
183. With regard to groundwater levels, the excavation of sand and gravel would require dewatering. A mobile water pump would be used to dewater the working area, which would be discharged into the angling lake nearest the development to the east, where the water would recharge the water table. As pumped groundwater will remain within the localised area it is considered that there will be no significant effects of dewatering on the wider groundwater regime.
184. The Environment Agency has no objection to the development and has not raised any concerns with flood risk, contamination or impact to groundwater levels. In addition, the NCC Reclamation Team has no objection. The development would not affect groundwater levels and there are no risks of polluting ground or surface water. As such, the development is in accordance with the relevant aspects of Policy M3.8.

### Restoration and Aftercare

185. The NPPF requires authorities, when determining minerals planning applications, to provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary.
186. The proposed after-use for the site is fishing lakes, indeed, the applicant has sought to make clear that the creation of fishing lakes is the main driver for the

application. Notwithstanding the clear intention for the fishing lakes, in exceptional circumstances reclamation to the planned after use can be subject to unavoidable delay. Where this is the case it may be appropriate for interim restoration measures to be required, and the requirement for this is covered in Policy M4.7 of the MLP. As such, should planning permission be granted a condition will be attached requiring the submission of interim, or alternative, restoration scheme to be submitted on request from the MPA.

187. Policy M4.9 of the MLP states that the County Council will attach aftercare conditions to all planning permissions where reclamation is to agriculture, forestry or amenity. The purpose of aftercare is to help to ensure that newly restored land is properly cultivated, planted and managed during the first few crucial years. Whilst the primary purpose of the restored site is to create fishing lakes, the proposals include landscaping comprising tree planting, grassland, hedgerow and marginal planting. In light of the biodiversity concerns raised by ecological bodies it is particularly important that any planting does have the best chance to establish through suitable and appropriate aftercare. As such, a condition is recommended to require the submission of an aftercare scheme covering the statutory 5 year aftercare period.

#### Cumulative Impact

188. Policy M3.27 of the MLP states that planning permission for minerals development will not be granted where it would result cumulatively in a significant adverse impact on the environment and/or the amenity of local communities.
189. Given that minerals extraction has, and continues to, take place in close vicinity to the proposed development it would be reasonable to assume that there would be a degree of cumulative impact associated with proposed development. However, it is important to recognise that the Scrooby North Quarry to the north of the application site has recently ceased extraction. This quarry used the same haul road and access onto the A638 that the proposed development would use for the mineral extraction phase. Also, the rate at which mineral would be extracted would be comparable. As such, because the proposed development could be seen as a continuation of the Scrooby North Quarry extraction, and would not be occurring at the same time, there would not be cumulative impacts arising from noise, traffic and dust.
190. The proposed development would result in a permanent change to the character of the area, and has been assessed by the NCC Landscape Team as being an impact of moderate adverse significance. This is less than the significant adverse impact identified in Policy M3.27.
191. It is considered that there would be a degree of cumulative impact associated with the proposed development, particularly in relation to impact on the character of the surroundings. However, it is not considered to be a significant adverse impact, and for this reason, the development would not be contrary to Policy M3.27.

#### Other Matters

192. The application has been submitted with a tree survey and arboricultural implications assessment. The survey identifies approximately 14 trees towards the south of the application which would need to be removed in order to facilitate the development. These trees are predominantly categorised as B (moderate quality), C (low quality) and U (cannot be realistically retained as living trees). Landscaping around the proposed development involves the planting of significantly more trees than would be lost through the development, and is therefore considered acceptable.
193. The arboriculture assessment also contains details of tree protection fencing for the small wooded area, Hollins Holt, to the south and west of the application area. It is recommended that the tree protection fencing is secured by condition.
194. The area proposed for mineral extraction is categorised as Grade 3b agricultural land. This falls outside of agricultural land classified as best and most versatile and is, therefore, not protected by Policy M3.16 of the MLP.
195. The proposed development does not affect any rights of way, the nearest being a Bridleway 490m to the north.
196. Mineral extraction has the potential to generate dust. In line with Policy M3.7 of the MLP, conditions could be attached to any planning permission to minimise the potential for dust impact. Conditions would relate to the use of measures such as regular use of water bowser and damping down, internal roadways being kept free of mud and debris, mobile plant not having downwards facing exhausts and the seeding of temporary soil storage mounds.

### Conclusions

197. The planning application site is not within an area allocated for mineral extraction. It is within an area which has existing planning permission for minerals extraction, although the extant permission specifically excludes the area to which this application is subject from extraction. The reason for the land's exclusion is unknown, although the land may have been excluded due to previous extraction having taken place on part of the site.
198. The applicant has demonstrated that 277,000 tonnes of sand and gravel, and Sherwood Sandstone mineral reserves are available at the site. The applicant indicates that the majority of this would be Sherwood Sandstone (87%). However, the applicant has argued that, due to its nature and composition, the sandstone would be processed and sold as a sand and gravel. This argument is accepted, and is reinforced by the fact that the existing and Minerals Local Plan and the Minerals Local Plan Preferred Approach Consultation identify the site, and areas to the north and south as having planning permission for sand and gravel extraction.
199. The most recent figures show that the County's landbank for sand and gravel was 7.3 years in December 2011. Whilst production has slowed, and new sand and gravel resources have been permitted since this time, the landbank is still considered to be below 7 years. Policy M6.3 (sand and gravel extraction in



unallocated areas) states that permission in unallocated areas should only be granted where there it is evident that existing permitted reserves and remaining allocations cannot sustain an adequate landbank. The development is in accordance with this policy.

200. The applicant states that the driver for this application is the creation of fishing lakes. This type of development is acceptable in the countryside, as a tourist attraction/rural business, in accordance with Policy DM1 of the Bassetlaw Core Strategy. In addition, the sustainable growth and expansion of existing businesses in the countryside is given support in the NPPF.
201. Notwithstanding the above, it is important to note that Policy DM1 requires the scale, design and form of a proposal to be appropriate for its location and setting, and the NPPF states that development needs to respect the character of the countryside. It is considered that the rectangular, engineered nature of the proposed fishing lakes is not in character with the surroundings, and this is echoed by the consultation from the NCC Landscape Team which assessed the development as having a moderate adverse impact on the character of the area. As such, the development is considered to be contrary to these aspects of Policy DM1 and the NPPF. The development is also contrary to Policy M3.22 of the MLP, which states that planning permission should not be granted for minerals development which would have an adverse impact on character and distinctiveness of the landscape.
202. A less engineered design for the fishing lakes has been explored with the applicant; however, the design has been justified as being necessary to ensure that proposed lakes are suitable for competitive match fishing, which requires consistent angling conditions irrespective of peg position.
203. The development has been assessed in terms of its contribution to biodiversity and the landscaping scheme includes woodland planting, individual tree and shrub planting, hedgerow planting, and marginal and aquatic grassland. It is considered that the landscaping scheme could better serve the local biodiversity needs. Notwithstanding this, the existing site is poor, semi-improved grassland with a low biodiversity value, and no significant level of BAP habitat would be affected by the development, as such, the development is considered not to be contrary to Policy M3.17 of the Minerals Local Plan.
204. The proposed development has been assessed against, and subject to conditions, found to be in accordance with the relevant environmental policies including M3.3 (visual intrusion), M3.4 (screening), M3.7 (dust), M3.8 (water environment), M3.9 (flooding), M3.13 (vehicular movements), M3.16 (protection of best and most versatile agricultural land), M3.24 archaeology), M3.25 (listed buildings, conservation areas, historic battlefields, and historic parks and gardens), and M3.27 (cumulative impact).
205. The development is technically contrary to Policy M3.5 which states that planning permission will not be granted for development where noise emissions outside of the boundary of the mineral working would exceed acceptable level. However, it is a material consideration that the nearest

sensitive receptors where noise would exceed acceptable levels are owned and occupied by the applicant and his family.

206. It is also noteworthy that this application has not received a single objection from the public.
207. Due to a moderate adverse impact on the character of the landscape, the proposed development is contrary to Policy M3.22 of the MLP, and part of Policy DM1 and the NPPF. In addition, whilst the development is not contrary to Policy M3.17 (Biodiversity), a better landscaping scheme with BAP habitat incorporated could have been submitted. However, the development brings forward a sand and gravel resource which will assist in meeting the requirement to maintain a 7 year landbank, which the County is currently below, in line with Policy M6.3. In addition, the proposal would serve to provide growth and expansion of existing businesses in the countryside, which is given support in the NPPF. On balance, the need to maintain a 7 year landbank and the rural economic benefits of the proposal are considered sufficient to recommend that planning permission is granted.

### **Other Options Considered**

208. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

### **Statutory and Policy Implications**

209. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Implications for Service Users, Financial Implications, Equalities, Safeguarding of Children, and Human Resources**

210. No implications.

### **Crime and Disorder Implications**

211. The minerals extraction element of the proposal is unlikely to attract any level of crime and disorder. The proposed fishing lakes would be patrolled by water bailiffs, as is the case with the existing fishing lakes.

## **Human Rights Implications**

212. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected. The proposals have the potential to introduce impacts of noise, dust and increased HGV traffic upon the local environment. However, these considerations need to be balanced against the wider benefits the proposals would provide in maintaining the County's mineral resources and expanding an existing business in the countryside. Members will need to consider whether these benefits would outweigh the potential impacts.

## **Implications for Sustainability and the Environment**

213. The extraction of minerals from this location is beneficial in sustainability terms as it minimises the distance that the minerals would have to travel to be processed. There would be a minimal impact on the environment as the existing site has low biodiversity value, although, there would be a moderate adverse impact on the landscape character of the area.

## **Statement of Positive and Proactive Engagement**

214. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework. The Minerals Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; and liaising with consultees to resolve issues. Issues of concern have been raised with the applicant, such as impacts of noise, landscape and visual impact, and ecology and biodiversity, and birdstrike and airport safeguarding and have been addressed through negotiation and amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

215. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

**JAYNE FRANCIS-WARD**

**Corporate Director Policy, Planning and Corporate Services**

## **Constitutional Comments**

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[Initials and date here in square brackets]

## **Comments of the Service Director - Finance (SEM 06/01/14)**

There are no specific financial implications arising directly from this report.

## **Background Papers Available for Inspection**

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

## **Electoral Division(s) and Member(s) Affected**

Blyth and Harworth – Councillor Sheila Place

Report Author / Case Officer

Oliver Meek

0115 9696516

For any enquiries about this report, please contact the report author.

W001211 – DLGS REFERENCE

PSP.JS/RH/ep5185 – COMMITTEE REPORT FOLDER REFERENCE

22 June 2013 – Date Report Completed by WP Operators



## APPENDIX 1

### RECOMMENDED PLANNING CONDITIONS

#### Extent of Planning Permission

1. The development hereby permitted shall be begun within three years from the date of this permission.

*Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.*

2. The Minerals Planning Authority (MPA) shall be notified in writing of the date of commencement at least seven days, but not more than 14 days, prior to the commencement of development.

*Reason: To enable the MPA to monitor compliance with the conditions of the planning permission.*

3. The minerals element of the development hereby permitted shall be for a temporary period only, with mineral extraction ceasing no more than three years after the commencement of development as notified under Condition 2 above.

*Reason: To secure the proper restoration of the site within an acceptable timescale.*

#### Approved Details and Plans

4. The development hereby permitted shall only be carried out in accordance with the following documents, unless amendments are made pursuant to other Conditions:
  - a) Figure No. 001 titled 'Site Location Plan' – received by the MPA on 25 February 2013;
  - b) Figure No. 002 titled 'Planning Application Boundary' – received by the MPA on 25 February 2013;
  - c) Figure No. 003 titled 'Method of Working Plan' – received by the MPA on 25 February 2013;
  - d) Figure No. 004 titled 'Site Sections' – received by the MPA on 25 February 2013;

- e) Figure No. 005 B titled 'angling lake configuration and planting' – received by the MPA on 10<sup>th</sup> July 2013;
- f) Figure No. 006 titled 'Ground Conditions' – received by the MPA on 25 February 2013;
- g) Planning Application Forms – received by the MPA on 25 February 2013;
- h) 'Lodge Farm Fisheries, Scrooby. Development of Two Angling Lakes - Planning Statement' and associated appendices 1 to 9 – received by the MPA on 25 February 2013;
- i) Letter dated 15<sup>th</sup> April 2013 relating to 'consideration of landscape and ecology issues arising from consultation' – (received by the MPA on 15 April 2013);
- j) Letter dated 15<sup>th</sup> April 2013 relating to 'consideration of noise issues arising from consultation' – (received by the MPA on 15 April 2013);
- k) Letter dated 7<sup>th</sup> June 2013 relating to 'consideration of policy issues arising from consultation' – (received by the MPA on 7 June 2013);
- l) Letter dated 7<sup>th</sup> June 2013 relating to 'consideration of ecology and landscape issues arising from consultation' – (received by the MPA on 7 June 2013);
- m) Letter dated 10<sup>th</sup> July 2013 relating to 'consideration of ecology and landscape issues arising from consultation' – (received by the MPA on 10 July 2013);
- n) Appraisal and strategy for the management of waterbird populations – received by the MPA on 9 September 2013.

*Reason: For the avoidance of doubt.*

### **Hours of Working**

5. Except in the case of emergency when life, limb or property are in danger (such instances which are to be notified in writing to the MPA within 48 hours of their occurrence, or with the prior agreement of the MPA) the development hereby permitted shall only take place within the following hours:

<b>Activity</b>	<b>Day</b>	<b>Hours</b>
Mineral Extraction, fishing lake construction and associated activities.	Monday to Friday	07:30 – 18:00
	Saturday	07:30-13:00
	Sundays, Public or Bank Holidays	These activities shall not occur
Angling	Monday to Friday	07:00 – 21:00
	Saturday	07:00 – 21:00
	Sundays, Public or Bank Holidays	07:00 – 21:00

*Reason: In the Interest of amenity and in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan (MLP).*

### **Dust**

6. Measures shall be taken to minimise the generation of dust from operations during construction at the site. These shall include, but not necessarily be limited to, any or all of the following steps as appropriate:
- a) The use of water bowzers to dampen haul roads, material stockpiles, and other operational areas of the site;
  - b) Internal roadways, storage areas and hard surfaces shall be regularly swept to keep them free of mud and debris likely to give rise to dust;
  - c) The regular re-grading of internal haul roads;
  - d) Bulk loads arriving at or leaving the site shall be carried in enclosed or sheeted containers;
  - e) The fitting of all mobile plant with exhaust systems which cannot be emitted in a downward direction;
  - f) Soil storage mounds which are not to be used within 3 months shall be graded and seeded;
  - g) The minimisation of exposed surfaces on the soil mounds;
  - h) Upon the request of the MPA, the temporary suspension of mineral extraction and associated activities in periods of unfavourably dry or windy weather conditions.

*Reason: In the interests of the amenity of nearby occupiers and to accord with Policy M3.7 of the MLP.*

### **Noise**

7. Measures shall be taken to minimise noise levels by implementing best practice techniques. These shall include, but not necessarily be limited to, any or all of the following steps as appropriate:
- a) Maintenance of site access and haul roads to ensure good surface conditions and with as low a gradient as possible;
  - b) Enforcement of speed limits for vehicles associated with mineral extraction travelling within the site of 12 mph (20 kph);
  - c) Regular maintenance of site plant in accordance with manufacturers' specifications;
  - d) Sequential, rather than simultaneous, start- up of plant;
  - e) Avoiding unnecessary revving of engines;



f) Switching off plant when not in use.

*Reason: In the interest of amenity and in accordance with Policy M3.5 of the MLP.*

8. The earth bund on the western boundary shall be constructed in accordance with Figure 003 titled 'Method of Working Plan' received by the MPA on 25 February 2013. An increased temporary daytime noise limit of up to 70dB(A) LAeq 1hr (free field) is permitted at the nearest noise sensitive property during the soil stripping and bund construction/removal phases of the works for a maximum of 8 weeks in a calendar year only.

*Reason: In the interest of amenity and in accordance with Policy M3.5 of the MLP.*

9. The machinery and plant to be used on site shall be limited to that identified within the noise assessment, as set out in the table below:

Plant	Max Sound Power Level
1 No. Tracked Excavator	Lw = 115dB
1 No. Dozer	Lw = 115dB
1 No. Generator	Lw = 108dB
3 No. Dump Trucks	Lw = 115dB

*Reason: In the interest of amenity and in accordance with Policy M3.5 of the MLP.*

11. All mobile plant on site shall be fitted with effective silencers in accordance with the manufacturers' recommendations and maintained in accordance with the manufacturers' specifications.

*Reason: To mitigate noise impact in accordance with Policy M3.5 of the MLP.*

12. In the event that a complaint is received regarding noise from the operation which the MPA considers may be justified the operator shall, within 1 month of a request from the MPA, undertake and submit to the MPA for its written approval a BS4142:1997 noise survey to assess whether noise from the development exceeds the daytime criterion of 10dB(A) above the existing background noise level after the addition of the 5dB(A) penalty to reflect tonal, discrete or impact noise as advised in BS4142:1997. In the event of the daytime criterion being exceeded, the report shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criterion and a timetable for their implementation. The noise assessment shall be undertaken as agreed with the MPA. Any additional mitigation measures which the report identifies as necessary shall be implemented in accordance with the details and timetable approved by the MPA.

*Reason: In the interest of amenity and in accordance with Policy M3.5 of the MLP.*

## **Contamination**

13. 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 a multiple tankage the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents gages and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessel overflow pipe outlets shall be detailed to discharge downwards into the bund.

*Reason: To prevent contamination to ground and surface water in line with Policy M3.8 of the MLP.*

14. All vehicles used on the site shall carry spill kits to deal with any oil or fuel spillages.

*Reason: To prevent contamination to ground and surface water in line with Policy M3.8 of the MLP.*

### **Ecology**

15. Any site clearance operations that involve the destruction or removal of vegetation, including felling, clearing or removal of trees, shrubs or hedgerows on site, shall not be undertaken during the months of March to August inclusive unless otherwise agreed in writing by the MPA.

*Reason: To avoid disturbance to breeding birds.*

16. Prior to the commencement of development a method statement detailing vegetation management to deter reptiles from using the application site shall be submitted to, and approved in writing by, the MPA. Thereafter, the vegetation management during the excavation phase of the development shall be in accordance with the method statement hereby approved.

*Reason: To safeguard protected species in the interests of nature conservation.*

17. Prior to the commencement of the development hereby permitted a survey shall be undertaken by a suitably qualified ecologist to identify the presence of any protected species within the application site. The methodology for carrying out the survey and the results of the survey shall be submitted to the MPA for formal approval in writing. In the event that protected species are identified, the survey report shall include a scheme of mitigation measures to protect such species affected by the development. The scheme of mitigation shall thereafter be implemented in full accordance with the approved details prior to commencement on site.

*Reason: To safeguard protected species in the interests of nature conservation.*

18. Prior to the commencement of development details of protection measures for the small pond, labelled 'existing wet feature to be retained' on plan 005 Ref B, shall be submitted to, and approved in writing by, the MPA. Development shall be carried out in accordance with the approved details.

*Reason: In the interests of maximising biodiversity and in accordance with Policy M3.17 of the MLP and Paragraph 118 of the NPPF.*

### **Archaeology**

19. Prior to the commencement of development details of a scheme for archaeological mitigation shall be submitted to, and be approved in writing by, the MPA. The scheme shall include an archaeological watching brief and a 'strip, map and sample' programme including timings and frequency. The scheme shall be implemented in accordance with the approved details and findings shall be promptly reported to the MPA.

*Reason: To ensure that that adequate archaeological investigation and recording is undertaken prior to the development taking place, in accordance with Policy M3.24 of the MLP.*

### **Bird Management**

20. The behaviour modification and habitat modification measures set out in paragraphs 4.4 – 4.15 of the 'appraisal and strategy for the management of waterbird populations', received by the MPA on 9 September 2013, shall be implemented and maintained for the life of the development.

*Reason: In the interests of aviation safety in line with Paragraph 144 of the National Planning Policy Framework (NPPF).*

21. Prior to the commencement of development a bird deterrent training document shall be submitted to, and approved in writing by, the MPA. Thereafter, all water bailiffs employed at the site shall be trained in bird deterrence in line with the approved training document.

*Reason: In the interests of aviation safety in line with Paragraph 144 of the NPPF.*

### **Landscaping**

22. Prior to the commencement of development a revised final landscaping scheme shall be submitted to, and approved in writing by, the MPA. The revised landscaping scheme shall include the following revisions:

a) A widened tree belt along the northern boundary of the application site;

- b) Enhancement of the existing 'wet feature' as shown on Figure 005 Rev B. The enhancement of the feature is to include deepening to allow the feature to become more permanent;
- c) Alternative seeding mix to include a simple wildflower mix.

*Reason: In the interests of maximising biodiversity and in accordance with Policy M3.17 of the MLP and Paragraph 118 of the NPPF.*

### **Traffic and Transportation**

- 23. The number of Heavy Goods Vehicle (HGV) movements associated with the permitted construction works shall not exceed 20 vehicle movements (10 in and 10 out) per hour.

*Reason: To minimise traffic impact on the surrounding areas in accordance with Policies M3.13 and M3.14 of the MLP.*

- 24. The fishing lakes hereby approved shall not be brought into use until the junction visibility relating to the northern side of the southern access has been maximised by the pruning back of the trees and vegetation at the rear of the highway boundary to the satisfaction of the MPA. Suitable visibility shall be maintained thereafter for the life of the development.

*Reason: In the interests of highway safety and accord with Policies M3.13 and M3.14 of the MLP.*

- 25. Measures shall be employed to prevent the deposit of mud, clay and other deleterious materials on the surrounding public highway during construction. Such measures may include regular sweeping and cleaning of the access, vehicular circulation routes and the adjacent public highway. In the event that such measures prove inadequate, then within 2 weeks of a written request from the MPA a scheme including revised and additional steps or measures to be taken in order to prevent the deposit of materials upon the public highway shall be submitted to the MPA for its approval in writing. The approved steps for the protection of the surrounding roads shall be implemented within one month of approval and thereafter maintained at all times.

*Reason: In the interests of highway safety and accord with Policies M3.13 and M3.14 of the MLP.*

### **Soil Placement**

- 26. The MPA shall be notified in writing at least 5 working days before each of the following, where applicable:
  - a) Overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out;
  - b) When subsoil has been prepared ready for topsoil replacement to allow an inspection of the area before further restoration of this part is carried out; and

- c) On completion of topsoil placement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operations.

*Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the MLP.*

27. Soils and overburden shall only be placed when they and the ground on which they are to be placed are in a dry and friable condition.

*Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the MLP.*

28. Plant and vehicles shall not cross any area of placed and loosened ground or replaced soils except where essential and unavoidable for purposes of carrying out soil placement, ripping and stone picking or beneficially treating such areas. Only low ground pressure machines shall work on prepared ground.

*Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the MLP.*

29. Prior to the placement of soils and any overburden, the final profile of the area to the west of the fishing lakes, used during the construction phase for soil stockpiling, shall be ripped using overlapping parallel passes:

- a) To provide loosening to a minimum depth of 450mm with tine spacing no wider than 0.6m; and
- b) Any rock, boulder or larger stone greater than 100mm in any dimension shall be removed from the loosened surface before further soil is laid. Materials that are removed shall be disposed of off-site or buried at a depth of not less than 2 metres below the final contours.

Decompaction shall be carried out in accordance with the MAFF Good Practice Guide for Handling Soils Sheet 19: Soil Decompaction by Bulldozer Drawn Tines.

*Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the MLP.*

30. Only low ground pressure machinery shall work on re-laid soils to place and level soils.

*Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the MLP.*

### **Aftercare**

31. Following completion of the fishing lakes the site shall undergo aftercare management for a 5 year period.

*Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 of the MLP.*

32. Prior to any area being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the MPA. The 5 year aftercare period shall run from the agreed date.

*Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 of the MLP.*

33. Within six months of the date of commencement of the development hereby permitted, as notified under Condition 2 above, an aftercare scheme and strategy including management responsibilities and maintenance schedules shall be submitted to the MPA for its approval in writing. The strategy shall include the following details:

- a) Cultivations;
- b) Weed control;
- c) Sowing of seed mixtures;
- d) Soil analysis;
- e) Keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the MPA between 31 March and 31 May each year;
- f) Management practices such as cutting vegetation, to include measures to deter waterbirds that are a potential threat to aviation safety;
- g) Tree protection;
- h) Remedial treatments;
- i) Irrigation; and
- j) Fencing.

*Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 of the MLP.*

34. Whilst the site is in aftercare, site management meetings shall be held with the MPA each year to assess and review the detailed annual programmes of aftercare operations referred in Condition 33(e) above, having regard to the conditions of the land; progress in its rehabilitation and necessary maintenance.

*Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 of the MLP.*

#### **Alternative Restoration**

35. Should for any reason mineral extraction cease for a period in excess of 6 months, then, within 3 months of the receipt of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted to the MPA for its approval in writing. Such a scheme shall include details of the final contours, waterbody or bodies, provision of soiling, sowing of grass, planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these Conditions and also provide details of the aftercare proposals in a similar manner to Condition 33 above. The revised restoration proposals shall be implemented within 12 months of their approval by the MPA and thereafter managed for a period of 5 years in accordance with the approved aftercare details.

*Reason: To secure the proper restoration of the site within an acceptable timescale.*

## INFORMATIVES

1. With reference to Condition 19, the archaeological 'strip, map and sample' exercise should involve the removal of topsoils and possibly some subsoils under the close supervision of a suitably experienced archaeologist, and should concentrate on the western boundary of the site, closest to the likely focus of Roman settlement. Unless the strip, map and sample produces unexpectedly significant archaeology, then the watching brief over the remainder of the site can be intermittent, concentrating on the field system and aiming at retrieving, dating and palaeoenvironmental evidence. The work will not be considered complete, and the condition fully discharged, until it has been reported on and approved by the NCC Archaeologist.
2. With reference to Condition 22(c), it is suggested that an appropriate wildflower seed mix would be Naturescape's NLM Landscape Meadow Mixture, Emorsgate Seed's EM1 Basic General Purpose Meadow Mixture or something similar.
3. Robin Hood Airport, Doncaster request the right to visit the site at any point to assess wildlife to ensure that their 13km bird survey information is up to date and that the attached conditions are being maintained in the interests of flight safety. In addition, the airport requests that any buildings on site, or erected in the future are protected so as to prevent birds from roosting.
4. The Applicant's attention is drawn to the attached letter from the Environment Agency dated 28<sup>th</sup> March 2013, relating to abstraction, dewatering and the requirement for consent from the EA under the Salmon and freshwater fisheries act 1975 prior to stocking lakes with fish.