

## **Planning and Rights of Way Committee**

**Tuesday, 01 November 2022 at 10:30**

**County Hall, West Bridgford, Nottingham, NG2 7QP**

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### **AGENDA**

- |   |  |           |
|---|--|-----------|
| 1 | Apologies for Absence  |           |
| 2 | Minutes of the Last Meeting, held on 27 September 2022                                   | 3 - 14    |
| 3 | Declarations of Interests by Members and Officers (see notes below)                      |           |
|   | a) Disclosable Pecuniary Interests   |           |
|   | b) Private Interests (Pecuniary and Non-Pecuniary)                                       |           |
| 4 | Declarations of Lobbying   |           |
| 5 | Registration of a Town or Village Green in South Scarle                                  | 15 - 56   |
| 6 | Amendment to Planning Permission for Staple Quarry, Grange Lane, Cotham, Newark-on-Trent | 57 - 100  |
| 7 | Variation of Scheme for Bestwood 2 Quarry, Mansfield Road, Papplewick, Nottingham        | 101 - 130 |
| 8 | Development Management Progress Report   | 131 - 140 |

### **Notes**

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.

- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

- (3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Adrian Mann (Tel. 0115 804 4609) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.
- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>

Meeting    PLANNING AND RIGHTS OF WAY COMMITTEE

Date        Tuesday 27 September (commencing at 10.30am)

Castle House, Newark

**Membership****COUNCILLORS**

Richard Butler (Chairman)  
Jim Creamer (Vice-Chairman)

Mike Adams	Nigel Moxon - Apologies
Andre Camilleri	Philip Owen
Robert Corden	Francis Purdue-Horan
Sybil Fielding - Apologies	Sam Smith
Paul Henshaw - Apologies	Daniel Williamson
Andy Meakin	

**SUSTITUTE MEMBERS**

Tom Smith substituted for Nigel Moxon

**OFFICERS IN ATTENDANCE**

Pete Barker – Chief Executive's Department  
Steven Eastwood Snr – Chief Executive's Department  
Sally Gill – Place Department  
Jaspreet Lyall – Chief Executive's Department  
Joel Marshall – Place Department  
Jonathan Smith – Place Department

**1. MINUTES OF THE MEETING HELD ON 26 JULY 2022**

The minutes of the meeting held on 26 July, having been circulated to all members, were taken as read and were confirmed, and were signed by the Chairman.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Fielding (medical/illness), Councillor Henshaw (other reasons) and Councillor Moxon (other reasons).

### **3. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS**

There were no declarations of interest.

### **4. DECLARATIONS OF LOBBYING**

There were no declarations of lobbying.

### **PROCEDURE**

As several of the reports on the agenda dealt with related road improvements the Chairman informed members that the meeting would follow a slightly different procedure to normal.

The Chairman explained that he would move all of the recommendations for the relevant reports together and that there would just be one presentation to cover all of the road improvement reports.

Following the presentation, the speeches relating to all of the reports would be delivered then the individual reports would be debated and voted on separately.

### **5. RECONFIGURATION AND ENLARGEMENT OF OLLERTON ROUNDABOUT**

### **6. CONSTRUCTION OF TWO ROUNDABOUT JUNCTIONS AND LINK ROAD, MICKLEDALE LANE, BILSTHORPE**

### **7. IMPROVEMENTS TO WHITE POST ROUNDABOUT, FARNSFIELD**

### **8. IMPROVEMENTS AND ALTERATIONS TO WARREN HILL JUNCTION, FARNSFIELD**

### **9. ENLARGEMENT AND IMPROVEMENT OF LOWDHAM ROUNDABOUT**

### **10. ENLARGEMENT AND IMPROVEMENT OF KIRK HILL JUNCTION, EAST BRIDGFORD**

Joel Marshall delivered a presentation detailing the proposals of each of the above applications and highlighted the key issues involved.

Mr Marshall informed members that Natural England had withdrawn its objection to the Ollerton Roundabout proposals and that a late objection to the same scheme had been received from the Nottinghamshire Wildlife Trust. The Trust were concerned at the precedent set by the removal of part of the SSSI and the extent of the compensation measures. Mr Marshall stated that both NCC and Natural England were satisfied with the compensation measures proposed.



Following Mr Marshall's introduction, Mr Steve White was given the opportunity to speak and a **summary** of that speech is set out below:

- I was born in Ollerton but have lived in Wellow for more than 36 years
- Over many years the area has become blighted by speeding drivers and HGV limit breeches
- VIA EM and in particular Ms Jo Horton have been very supportive and have visited the village and implemented further notifications to help reduce speeding. We have also had the support of mobile speed cameras but their availability is severely limited.
- I have also had very good service from Nottinghamshire County Council when HGV drivers have broken the 7.5 T weight limit
- The issue around Ollerton roundabout and in general is that the A614 alterations will add further traffic to what has now been established as a short cut between Ollerton and its surrounding villages and Bilsthorpe with its link to the A614.
- I have met the Nottinghamshire Police & Crime Commissioner (PCC), Caroline Henry, to see what other measures can be put in place to ameliorate the effects of these proposals.
- The massive increase in the number of new homes and the industrial developments at Boughton and Bilsthorpe have also increased the volume and speeds on a daily basis as people travel to and from work and other suppliers.
- Wellow cannot cope any more and the restricted safety factors of Eakring Road in particular are not being addressed fully. For those not aware this road has:
  - 30 mph speed limit
  - 7.5 T weight restriction
  - 2 blind bends
  - One severe narrowing of the road, which happens to be at the point of one of the blind bends
  - A circular pedestrian route through Wellow village
  - The rear entrance to the Wellow House School for both deliveries and school children's walkabouts and church activities
  - A recognised rambler's route
  - Regular horse riders from Wellow Riding School
  - A single narrow pedestrian footpath on one side of the road

- Mobility scooters have increased in dimensions and as such many elderly residents are using the road rather than negotiate narrowing sections of the pedestrian footpath
  - Any accident on the A1 near Tuxford or Newark means diverted traffic blocking Eakring Road
- For years I have also been monitoring the police attendances and deployments when speeding drivers become intolerable. Unfortunately, the current head of Nottinghamshire police has repeatedly refused to visit the village to see for himself what is ruining the lives of residents and visitors to Wellow. They have refused relatedly to comply with FOI requests for deployment figures and records of speeding drivers. The PCC has confirmed they cannot cope with any more traffic related FOI requests as they are so far behind.
  - We have proven historically that any hold ups for whatever reason on the A614, drivers are immediately alerted on their mobile phones / navigation systems that the alternative and often quicker route is to divert through Eakring and Wellow or the reverse, to minimise their journey disturbance. This will continue even after the alterations are made.
  - The following is required prior to the commencement of the works:
    - A request for Joel Marshall to walk round the village and review the proposals
    - The installation of highway cable monitoring of volume and speed installations on Eakring Road, Wellow with a report produced one month prior to the works commencing
    - The above monitoring to be replicated on a quarterly/six monthly basis for the duration of the works
    - Continued monitoring following completion of the works for a period of one year
    - The regular deployment of mobile speed cameras during works, the locations of which to be agreed and which must be in areas highly visible to speeding drivers
    - A regular review and personal response from the newly promoted head of Nottinghamshire Police into the deployment activities and their findings
    - Additional visual notifications to alert drivers gaining access through Eakring and Wellow that speed restrictions must be adhered to at all times and will be in place for the safety of residents
    - The additional involvement of VIA EM and the installation of a permanent speed alert sign near the Red Lion public house (there is a temporary one in place at the moment)
    - Additional signage is required to alert drivers of the restrictions en-route along Eakring Road

- Reduction of the speed limit to 20mph at the point of the road narrowing on Eakring which encompasses a blind bend and limited visual exit from the rear entrance to Wellow House School

The following points of clarification were then responded to:

- Condition 13 requires the establishment of a study area and pre and post traffic counts, the methodology of which requires approval prior to the development commencing
- A lorry watch scheme operates in the Wellow area

Mr R Wagstaff was then given the opportunity to speak and **a summary** of his speech was read out by the clerk and is set out below:

- I have noticed that drivers regularly turning left out of the car park only glance towards the roundabout and if nothing is coming, they pull straight out to the left. We could be crossing the path or road, so our fear is it's just not safe for Costa customers let alone our grandchildren and us.
- Customers using the proposed new entrance adjacent to our property would in my view be dangerous and the old entrance should be left as it is.
- At the moment when vehicles turn off of the main road into the car park would it not be a safer option, because commercial delivery vehicles and waste collection vehicles would have difficulty in manoeuvring while in the car park when it is full. If the proposed development is passed it would be safer to have a stop line not a give way sign with signs on the exit.
- The main problem is the crossover points because they are too close together and it's an accident waiting to happen.

The following points of clarification were then responded to:

- The details of the schemes are not fully decided – more design work is needed.
- The requirements of Condition 11 should guarantee road safety.

Ms Jo Davies, the applicant, was then given the opportunity to speak and **a summary** of the speech is set out below:

- The A614/A6097 is a key route in the County stretching 18 miles from Ollerton in the north to East Bridgford in the south. It is a single carriageway road carrying 20,000 vehicles a day.

- There are key visitor attractions on the route including Clumber Park and Sherwood Forest.
- The proposed schemes are designed to deal with specific capacity and/or safety issues.
- The schemes represent a £28m investment in the County's highway network, scheduled to be completed in 2026/27, and will join recent improvements completed at Rose Cottage and Lockwell Hill junctions.
- People will be familiar queueing traffic and local rat runs and without these improvements modelling suggests that queueing times will increase by 5 to 7 minutes.
- These schemes will unlock housing and employment sites
- Work on the schemes commenced before the pandemic, many consultations have taken place and suggestions adopted where possible. New pedestrian crossings have been incorporated at Ollerton and Lowdham and a new equestrian crossing is proposed at Kirk Hill as a result.
- The development of the schemes is an ongoing process and further consultation will take place with Parish Councils and local residents.
- I can assure Mr White that traffic monitoring will be undertaken in Wellow
- I can assure Mr Wagstaff that further safety audits are due to be carried out at Ollerton
- These improvements will boost the economy, acting as a catalyst across the whole of the county, and I ask members to look favourably on the proposals.

Following Jo Davies's speech it was confirmed that the construction works would be staggered.

The meeting was adjourned at 11.40am and reconvened at 11.46am.

Following the presentation, speeches and questions for clarification, the individual applications were then debated and voted on separately.

## **5. RECONFIGURATION AND ENLARGEMENT OF OLLERTON ROUNDABOUT**

Comments were made and questions responded to as follows:

- Members expressed their satisfaction that this scheme was finally being implemented after years of waiting and recalled former Councillor Stella Smedley campaigning for the scheme.
- There has been very little opposition and much support for the proposals.

- Members are aware of residents' concerns but speeding issues are not planning issues.
- Members were pleased that residents' concerns were being listened to.
- Officers will agree new wording with the Chairman and Vice Chairman regarding the references to traffic counting in Conditions 11 and 13.
- Members can only decide on the proposals as contained in the report. It is not possible to alter the designs of the junctions at this stage.
- The access to McDonalds is outside of the scope of the proposed works but all local businesses have been consulted and have not objected.
- All hedges and trees removed as part of the proposals will be replaced by native species. Given the number of applications the applicant has been given 5 years, rather than the statutory 3 years, to commence each development.
- The road should be duelled but the junction improvements will make this easier if that happens in the future.
- It is unusual for a SSSI to be removed but compensation measures have been put in place.

On a motion by the Chairman, duly seconded, it was:

**RESOLVED 2022/042**

That subject to the rewording of Conditions 11 and 13, to be agreed with the Chairman and Vice Chairman, planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1.

**6. CONSTRUCTION OF TWO ROUNDABOUT JUNCTIONS AND LINK ROAD, MICKLEDALE LANE, BILSTHORPE**

On a motion by the Chairman, duly seconded, it was:

**RESOLVED 2022/043**

That planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1.

**7. IMPROVEMENTS TO WHITE POST ROUNDABOUT, FARNSFIELD**

On a motion by the Chairman, duly seconded, it was:

**RESOLVED 2022/044**

That planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1.

**8. IMPROVEMENTS AND ALTERATIONS TO WARREN HILL JUNCTION, FARNSFIELD**

On a motion by the Chairman, duly seconded, it was:

**RESOLVED 2022/045**

That planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1.

**9. ENLARGEMENT AND IMPROVEMENT OF LOWDHAM ROUNDABOUT**

Members debated the item and the following comments were made and questions responded to as follows:

- Members stated that residents of Newark will be pleased with the proposals in the report.
- Any trees removed as part of the scheme will be replaced and overall there will be a net environmental benefit once the scheme has been completed.
- Officers did not have details of the amount by which journey times would be reduced but the improvements will improve the traffic flow.
- The elliptical design of the roundabout means that the cricket ground and the listed war memorial are unaffected by the scheme. The changes to the scheme were made following concerns expressed by the public.
- How and where the removed top soil will be used is a matter for the applicant and contractor - Condition 9, however, includes a soil management and reuse strategy.
- The access road will be adopted.

On a motion by the Chairman, duly seconded, it was:

**RESOLVED 2022/046**

That planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1.

**10. ENLARGEMENT AND IMPROVEMENT OF KIRK HILL JUNCTION, EAST BRIDGFORD**

Members debated the item and the following comments were made and questions responded to as follows:

- The scheme will help to reduce the tailbacks currently being experienced.
- It is disappointing to lose hedgerow and while it will take time for the replacements to establish themselves, overall the scheme will result in a net environmental benefit.
- The application was debated by the East Bridgford Parish Council and it is pleasing to note that the Council's comments have been taken into consideration, especially regarding the proposed installation of the pedestrian and equestrian crossings.
- The pedestrian crossing is 100m from the junction and it may take some time before pedestrians become accustomed to it. The ability to cross the road at the junction will be improved, with the installation of dropped kerbs for example.

On a motion by the Chairman, duly seconded, it was:

**RESOLVED 2022/047**

That planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1.

**11. CREATION OF FISH FARMING POND, LAND OFF NORTH SCARLE ROAD, WIGSLEY**

Jonathan Smith introduced the report which considered a planning application to make modifications to the depth of a fish rearing pond previously approved as part of a wider fish farm development.

Mr Smith informed members that the HGV movement figures had been omitted from Condition 19 in error.

Councillor Tom Smith asked if he should take part in the debate and vote as he is also a member of Newark & Sherwood District Council's Planning Committee. Councillor Smith was advised that it was decision for himself to make and it would depend on whether he considered himself able to approach this matter with an open mind. Councillor Smith confirmed he had not come to any predetermined decision and took part in the debate and vote.

Following Mr Smith's introduction Members debated the item and the following comments were made and questions responded to as follows:

- It was asked whether this was a back door attempt to gain approval for mineral extraction. Officers confirmed the application would have had to have come to this Committee first had the original application included extraction of minerals.
- Councillor Owen considered the level of lorry movements excessive and disagreed with officers, who had been in receipt of specialist advice, that the application would not result in an adverse environmental effect.
- Officers stated that the two affected highways authorities had been consulted, Nottinghamshire and Lincolnshire, and neither authority had objected to the application.

On a motion by the Chairman, duly seconded, it was:

**RESOLVED 2022/048**

That planning permission be granted subject to the conditions set out in Appendix 1 including the rewording of Condition 19 to include reference to HGV movements.

**12. PROPOSED RELOCATION OF MINERAL PROCESSING PLANT, CROMWELL QUARRY**

Jonathan Smith introduced the report which considered a planning application to relocate the existing mineral processing plant onto an adjacent parcel of land.

Mr Smith informed members that the key issues related to the protection of the environment, specifically the ecological effects of the development, having regard to the fact that the development site forms part of a Local Wildlife Site ecological designation.

On a motion by the Chairman, duly seconded, it was:

**RESOLVED 2022/049**

1. That the Corporate Director – Place be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act to secure a lorry routeing agreement to regulate heavy goods vehicles servicing the new quarry plant site.
2. That subject to the completion of the legal agreement before the 13<sup>th</sup> December 2022 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the



Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed before the 13<sup>th</sup> December 2022, or within any subsequent extension of decision time agreed with the

Minerals Planning Authority, the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

### **13. DEVELOPMENT MANAGEMENT PROGRESS REPORT**

Sally Gill introduced the report and confirmed that this was the usual report brought regularly to committee detailing the applications received, determined and scheduled.

Councillor Adams asked if the application referred to on Page 400 of the agenda pack, an application regarding a waste transfer station on land off Private Road No. 3 on Colwick Industrial Estate, would definitely be coming to Committee for approval.

Officers stated that at this stage it just meant that the application had been received, there is no indication at the moment to which Committee it will go to or even if it will go to Committee.

Councillor Adams was informed that the local member could request that any application be determined by Committee and Councillor Adams, as the local member in this case, requested that the application be determined by Committee.

On a motion by the Chairman, duly seconded, it was:

#### **RESOLVED 2022/050**

**That the contents of the report be noted.**

Before closing the meeting, the Chairman informed members that it would be the last Committee meeting to be attended by Pete Barker and Sally Gill as they were both retiring. On behalf of the Committee, the Chairman thanked them both for their hard work over the years.

The meeting closed at 12.59pm.

**CHAIRMAN**



**1 November 2022**

**Agenda Item: 5**

## **REPORT OF SERVICE DIRECTOR (PLACE & COMMUNITIES)**

**APPLICATION REF: 366NVG**

**PROPOSAL: TO REGISTER A TOWN OR VILLAGE GREEN**

**LOCATION: LAND AT THE CORNER OF MAIN STREET AND SWINDERBY ROAD,  
SOUTH SCARLE**

**APPLICANT: THE SOUTH SCARLE PARISH MEETING**

### **Purpose of Report**

1. To consider an application made under Section 15, Commons Act 2006 seeking to register land as a town or village green. The Nottinghamshire County Council is the Registration Authority for Common Land and Town or Village Greens, and in order to come to a decision on this matter, the Authority must consider:
  - The contents of the application and any material accompanying it
  - Any objections
  - The applicant's representations in light of any objections
  - The findings made at any site Inspection (if one occurs)
2. Accordingly, the recommendation is to reject the application for the reasons set out in the report below.
3. The Registration Authority is required to either accept or reject the application solely on the facts. Any other issues, including those of desirability or community needs are not legally relevant and cannot be taken into consideration. Acceptance of the application means that the land will be formally registered as a Town or Village Green; such registration giving it the legal status of a Town or Village Green with the corresponding restrictions and protections.

### **The Site and Surroundings**

4. The land which is the subject of the application is located at the junction of Main Street and Swinderby Road, South Scarle. It consists of an elongated grass verge which abuts Greenfield Cottage and Willow Tree Paddock to the West, and alongside an access track/public footpath to the East. A plan showing the application land and other points of interest is shown at Appendix A.

## Site Visits

5. Officers undertook ad hoc site visits on 12<sup>th</sup> August 2021 and 4<sup>th</sup> November 2021. On each occasion walkers were observed using the adjacent public footpath. On the second visit, cars were observed accessing properties using the adjacent access track. While these are only two brief snapshots, no sporting activities or pastimes were witnessed being undertaken on the application land during either of the visits.

## The Law

6. Section 15, Commons Act 2006, provides, insofar as is relevant, that:
  - (1) Any person may apply to the commons registration authority to register land ... as a town or village green in a case where subsection (2) ... applies
  - (2) This subsection applies where:
    - (a) A significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and
    - (b) they continue to do so at the time of the application"
7. The above provisions have been the subject of much judicial comment. Accordingly, the key principles are as follows:
8. "Significant Number"

This requirement is closely linked to the "locality" or "neighbourhood" criterion. A "significant number" does not necessarily mean a large number and is a subjective matter for the decision maker i.e. a bigger locality or neighbourhood might lead one to expect a greater number of users, while a smaller locality or neighbourhood, could satisfy the criterion with fewer users. In any event, something more than occasional trespass is required.
9. "The inhabitants of any locality, or of any neighbourhood within a locality"

It is settled law that "locality" means a legally recognised administrative area (such as a ward, parish, or district). "Neighbourhood" is a less precise concept but in general terms means a self-contained area having some cohesive characteristics. The application shows that it is the locality of the parish of South Scarle that is being relied on.
10. "...have indulged as of right"

This means that use must not be by force, by stealth or by permission. 'Force' is not confined to physical force but could also include circumstances where use is contentious i.e. use in breach of prohibitive signage or repeated verbal requests to desist. Use must not be by stealth but must be 'in the open' and without any form of secrecy. Use cannot be by permission (either when expressly given or implied from the landowner's conduct).

11. "...in lawful sports and pastimes"

It is settled law that there is no specific requirement for organised games to have taken place, but lawful informal recreational activities such as general roaming, fruit picking, children playing, will suffice. Use that is strictly confined to defined routes will not satisfy the criteria, and in such circumstances the correct course of action would be to seek to register a right of way rather than a town or village green.

12. "...on the land"

It is not necessary for the land to look like a traditional village green or for all of the land to be in actual use. The Trap Grounds case, heard in the Court of Appeal, related to land which was approximately 25% accessible by the public (the remainder being covered by trees and scrub). The case was upheld on the basis that the whole of the land had been used for recreation.

13. "...for a period of at least 20 years"

The application must demonstrate use to have taken place, without interruption, for a full continuous period of twenty years.

14. "...and they continue to do so at the time of the application".

The application must demonstrate use up to the 2<sup>nd</sup> of November 2021 (this being the date the application was received by the Registration Authority).

## **The Application**

15. A copy of the application is shown at Appendix B. The grounds stated for the application are set out in parts 7 and 11 of the application and may be summarised as follows:

- (a) The land has no registered owner (i.e. title has not been registered with the Land Registry).
- (b) It has been referred to locally as 'common land' although it is not.
- (c) Unrestricted access to properties and fields exists on the land.
- (d) The Smithy [being adjacent] used the land for raising pigs up to 1956.
- (e) Footpath No.9 runs adjacent to and is used in conjunction with the land.
- (f) Sections of the land have previously been tended by the "South Scarle Nature Group" to plant indigenous flora. This has temporarily ceased.
- (g) The justification for the application is to maintain free access all over this area of land for recreation, environmental improvement, and unrestricted access to property.

- (h) The owner of the Blacksmith's Forge/Willow Tree Paddock asserts that the application land is in his ownership. He has objected to the nature group tending a small patch of this land (consisting of trees/bramble/wildflowers).
  - (i) The owner of the Blacksmith's Forge/Willow Tree Paddock has improved the application land including drainage works for his own benefit and without consultation with the Parish Meeting.
16. Nine letters from 12 local residents were submitted in support of the application. Aside from matters relating to private rights of access (which purely relate to private matters under other legislation), the following points were made:
- (a) The land has been used by walkers and horse riders.
  - (b) The South Scarle Nature Group used the land to plant flora (also referred to as a 'patch'), and to naturalise un-walked edges to provide a nature corridor.
  - (c) Private registration of title to the land at the Land Registry is opposed.
  - (d) Voicing a desire to implement future environmental initiatives on the land.
  - (e) Until 17 years ago (approximately) the land was 'rough' but has since been improved by a local resident.
  - (f) The need to protect the "pathway" by registering it as a village green.

### **Objections and Representations**

17. The application was publicised by means of notices on site, on the village notice board, in a press notice, and by notifications sent to the nearest occupiers and other interested parties. In total, three objections were received, all coming from the abutting properties.
18. The objection from the occupiers of The Blacksmith's Forge/Willow Tree Paddock is summarised below:
- (a) They have been resident at the property since May 2002. At that time, the land fronting Willow Tree Paddock was subject to flooding. Enquiries (including with the Parish Meeting) led them to believe that any works would be a private matter. Drainage works (including the construction of holding chambers/laying of pipes) duly commenced in 2002 and were completed in 2006. The works were prolonged due to difficulties in locating/tracing old land drains.
  - (b) During building works between 2003 and 2007, a large amount of fly-tipped material including rubble, scalpings and garden debris was removed from the application land. All rough vegetation was removed at that time. One local farmer is reported to have said that the rubble etc had been deposited to prevent travellers from camping on the lane.

- (c) In 2009 several loads of topsoil were laid and seeded with grass. Prior to renovating the area, it was impossible to use the land for lawful sports or pastimes.
- (d) It can be seen that the land has not had uninterrupted access for twenty years as stated in the application. The village nature group is a recent activity.
- (e) The letters in support of the application mainly refer to use of the public footpath for walking dogs. One letter refers to the area being 'rough' until it was mown.
- (f) When purchasing the old blacksmith's shop/forge in 2016 the vendors were unable to locate the title deeds for the property but stated that the application land formed part of the property when they purchased it in the 1960s. In April 2021 an application was submitted to H.M. Land Registry for the registration of the application land. That application is pending.
- (g) Two supporting statements were also attached to the objection being from workers associated with above-mentioned works, attesting to the nature of the works and timescales.

19. The objection from the occupier of Greenfield Cottage is summarised below:

- (a) They have been resident at Greenfield Cottage since November 1979 and therefore have observed the land over a significant period of time.
- (b) The application land comprises part of their paved driveway and the access to an agricultural field.
- (c) The land has not been used for 20 years by a significant number of inhabitants of the locality for lawful sports and pastimes (including dog walking).
- (d) The far [northern] end of the land was not accessible to anyone prior to 2009 other than by using the marked public footpath when my neighbour at Willow Tree Paddock, finished clearing the rubbish and overgrowth, and sowed grass to establish the current setting, which he maintains by regular mowing.
- (e) Drainage works were carried out on the land by the neighbour who also fills in craters in the track. All of this work has had a positive impact.
- (f) No confidence that South Scarle Village Meeting has the resources to carry out the level of maintenance as is currently maintained by my neighbour.
- (g) This maintenance has benefitted not only myself and the owners of Corner Field Cottage in terms of access to properties, but all the inhabitants of South Scarle who have had free access to it.

20. The objection from the occupiers of Corner Field Cottage is summarised below:

- (a) First resident in the village between 2000-2006, we recall the application land being blocked off with piles of rubble, overgrown and totally impassable. The nearby footpath petered out into nettles and brambles and was obviously not in regular use.
  - (b) On moving to Corner Field Cottage in 2011 a transformation had taken place. The lane had been made good and resurfaced, rubbish and piles of bricks removed, and garden waste disposed of. The footpath was open, and all were using the footpath for dog walking.
  - (c) During our time in the village no sporting activities have been played on the land as it was all blocked off in 2006.
  - (d) For the last four years we have assisted the neighbour at Willow Tree Paddock to maintain the lane, sharing the costs of the work to benefit all who use the lane and footpath. Our neighbour mows the grassed area every week since he cleared the rubbish. He also top-soiled and rotovated the area.
  - (e) The so-called wildflower experiment is a blot on the environment and may encourage fly-tipping.
  - (f) Dog walkers stick to Footpath No.9 as marked by the yellow arrow sign-post.
21. Two residents, having already submitted a letter of support, emailed the Authority stating “We would like to support the application made by South Scarle Parish Meeting regarding the piece of land at Blacksmith Lane, South Scarle. We feel strongly that it should be a village asset with free access for all and would envisage it being part of the existing South Scarle Village Nature Project”.

### **Applicant's Response to the objections**

22. As is required, the applicant was given the opportunity to respond to the points raised in the above objections. The applicant's response is summarised below:
- (a) The owner of The Old Smithy verbally claimed to the Parish Clerk that he owned the land attached to it and a dispute arose over the use of part of the land by the village nature group.
  - (b) The Land Registry plan shows that no land is attached to the Old Smithy.
  - (c) Improvements made to the land are acknowledged but this was not done in consultation with the Parish Meeting.
  - (d) Given that the land is not registered, it was felt that the land should be protected for the public. There is no intention to impinge on the rights of adjacent property.
  - (e) It was never claimed that the land was used for sports, but it is used for recreational activities/pastimes.



- (f) Overall, the justification for the application is to maintain free access to this area of land for recreation, environmental improvement, and unrestricted property access.
- (g) The village has a playground/sports field at the edge of the village and a grassed village green in the village centre for social gatherings etc. There is no desire or need to use the new application area for purposes other than stated [free access for recreation, environmental improvement, and unrestricted property access].

### **Further Submission from the Applicant**

- 23. South Scarle Parish Meeting produced in support of its application a document which was delivered just before the start of the Committee Meeting on 5<sup>th</sup> July 2022. To allow all parties to properly consider the document the matter was then deferred until the next available Committee. The document is attached as Appendix C.
- 24. The supporting document from the Parish Meeting contains responses to the issues considered in the deferred report, site photos from 2019 and 2022, and a statement from a long-term resident and farmer of the parish. It sums up and gives background and historical perspective to the case made for a village green in the application and response to objections. The submission is summarised below
  - (a) Regarding the Significant Number of Inhabitants, approximately 20 people per day use the space, and 6% (12 people) of inhabitants provided written support.
  - (b) Regarding the Locality, the criteria has been met.
  - (c) Regarding use As of Right, agricultural use of the land ceased in 1956 and since then no permission has been sought or given for use of the land, and no prohibitive notices have been seen
  - (d) Regarding Sports pastimes and recreational activities, the land acts as an informal village meeting space for dog walkers. It is also used for nature watching and blackberry picking. In the past when there were more children in the parish it was used for games such as hide and seek and den building.
  - (e) Regarding On the Land, most of the land is and has been accessible notwithstanding the vegetation.
  - (f) Regarding the period of at least 20 years, use has been for longer than this.
  - (g) Regarding continuing at the time of application, use continues except for the Nature Group.
  - (h) In summary the applicant believes that the criteria has been met, and that community needs should be taken into account.

- (i) Site photos show the site including the Nature Group and their work in 2019, and as it is in 2022.
  - (j) A written statement from Mr Clement of Beeches Farm (born in 1935 in South Scarle) details agricultural use and maintenance of the land for access and for taking hay, clipping sheep, keeping pigs, shoeing horses, and also for camping excursions by the Scouts.
25. South Scarle Parish Meeting have also subsequently submitted a collection of 88 signatures from South Scarle residents in support of the application.

## **Conclusion**

26. In order to satisfy the grounds for registration, the application must meet each one of the tests as set out in paragraphs 8 to 14 in this report.
27. Accordingly, consideration is given to whether use has been by a significant number of inhabitants. It is noted that South Scarle is rural in nature and is remote to some degree. Although the current population of the parish amounts to approximately 195, only twelve residents submitted letters in support of the application. This amounts to approximately 6% of the locality. If the land in question were used by residents of the locality i.e. the parish, it would be reasonable to expect a greater number of witnesses to have come forward. It is also worth noting that the testimony in the letters, while supportive of the application, provides little evidence of direct first-hand use. The Parish Meeting suggest that 20 people per day use the site, and it acts as a natural village meeting place. In addition, 88 residents have signed in support of the application, but this does not add to the evidence of use. In summary, use has only been demonstrated on an occasional basis by a limited number of persons and therefore does not meet the “significant number” criterion.
28. The locality from which the claimed users are drawn is identified as being the South Scarle Parish and as such meets the requirement of “any locality” for the purposes of the legislation.
29. Although the evidence submitted is limited (i.e. use by the Nature Group), there is nothing in the application, nor in any objection to suggest that this was not ‘as of right’ i.e. there is no evidence of any signs or notices prohibiting use, no evidence that use was undertaken in secret, and no evidence of any pre-existing right or permission to use the land. The application does contain reference to a possible verbal challenge stating that the owner of Willow Tree Paddock had previously objected to the nature group from tending a “small patch” on the application land. Further clarification on this point i.e. to establish whether use has been “as of right” would be necessary if Committee were minded to not reject the application.
30. The applicant readily states that no sporting activities have been carried out on the land, but instead is relying on lawful ‘pastimes’ having taken place. This is stated to be evidenced through the Nature Group’s planting of indigenous flora within a small thicket. A photo of the Nature Group has been supplied by the Parish Meeting as part of Appendix C. This appears to be the primary activity alleged to have taken place on the land. It is unclear whether this amounts to a

‘recreational activity’ within any meaning established by case law or instead relates to essentially private work only undertaken through membership of a voluntary group. Other activities which might usually be expected, such as picking berries, children playing, picnics etc are not described in the statements provided by users but, in the case of berry-picking and ‘children’s adventurous play’, referred to as having occurred other than ‘recently’. Accordingly, it is considered by officers, that on balance, the “lawful sports and pastimes” criterion is not met.

31. Whilst the applicant refers to part of the land being tended by the “South Scarle Nature Group”, the only visible evidence of this during the site visits was the small thicket which amounts to approximately 4% of the application land. While, per paragraph 12 above, use of a quarter of the land may be considered to fulfil this criterion, such a very limited area would not appear sufficient to satisfy the criterion for use “on the land” (as defined in the application plan).
32. It is noted that the applicant does not dispute the objector’s account of certain works on the land which appears to have been partly covered with brambles and piles of rubble during the early 2000’s; indeed, one of the statements submitted with the application corroborates this. Furthermore, the objector’s references to works between 2002 and 2009 suggests that the land has only subsisted in its present state for about 11 years prior to the application and that use by the Nature Group only commenced once the land had been cleared by the resident. According to the South Scarle Parish Meeting web site, the Nature Project was formally set up in 2017 (a point which is also made by one of the objectors). Accordingly, use on the land does not appear to have taken place “for a period of at least 20 years” and therefore the criterion is not met.
33. The application states that the work of the Nature Group had temporarily ceased prior to the lodging of the application. Given that no other evidence of continuing qualifying activities have been identified, it appears that use did not continue “at the time of the application” and therefore the relevant criterion is not met.

### **Other Options Considered**

34. Should Committee consider that the matters raised in the application require further investigation before a decision can be made, it may call for a local public inquiry to be held (chaired by an independent inspector). Following the Inquiry, the inspector would prepare a report for consideration by Committee. The costs of the inspector/inquiry would be borne by the Registration Authority.

### **Reason/s for Recommendation**

35. While limited reference is made to the kind of evidence that could be relevant to support registration of the land as a Town or Village, detailed analysis by Officers of all of the information presented in support of the Application does not present sufficient evidence to enable the land to be registered; nor does it, in Officers’ view, indicate a likelihood that sufficient evidence to warrant registration would be obtained following further investigation.

## **Statutory and Policy Implications**

36. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material, they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **Human Rights Implications**

37. Implementation of proposals within this report might be considered to have a minimal impact on human rights (such as the right to respect for private and family life, and the right to peaceful enjoyment of property, for example). The Authority is, however, entitled to affect these rights where it is in accordance with the law and is both necessary and proportionate to do so, including in order to protect the rights and freedoms of others. The proposals within this report are considered to be within the scope of such legitimate aims.

## **RECOMMENDATIONS**

38. It is RECOMMENDED that, as the application has not met all of the required criteria for registration of the land as a Town or Village Green, it is rejected for the reasons set out in the report.

**DEREK HIGTON**

**SERVICE DIRECTOR (PLACE & COMMUNITIES)**

**For any enquiries about this report please contact:**

Stephen Tipping, Commons, Greens & Definitive Map Officer  
(0115) 993 4381, [stephen.tipping@nottsc.gov.uk](mailto:stephen.tipping@nottsc.gov.uk)

## **Constitutional & Legal Comments (SJE – 07/10/2022)**

39. This decision is a quasi-judicial decision falling within the Terms of Reference of the Planning & Rights of Way Committee to whom responsibility for the exercise of the Authority's functions relating to common land and town or village greens has been delegated.

The law requires that Committee consider all relevant evidence to form a view as to the balance and strength of the evidence for and against registration of the land as a Town or Village Green, per the legal tests set out at paragraphs 6-14 above. As a quasi-judicial decision, the decision must be made based solely on the facts and the law applied to those facts. For the avoidance of doubt, other matters such as policy, social or other considerations are not legally relevant and must be disregarded.

Should Committee be minded not to accept the Officer's recommendation / wish for additional information before determining the application, they may resolve a) to defer consideration of the matter, requiring the bringing back of a further report; or b) the appointment of an independent inspector to report back to the Authority, per paragraph 34 above.

#### **Financial Comments (DJK 6/10/2022)**

40. There are no specific financial implications arising directly from the report.

#### **Background Papers Available for Inspection**

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

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

Collingham Division                      Councillor Debbie Darby





**Title**

APPENDIX A  
Application to Register a Town or Village Green  
at South Scarle

KEY:                      Existing Public  
Footpaths

Scale 1:1250 at A4



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database rights 2019

Ordnance Survey 100019713



Application land  
cross hatched

Thicket Area  
shown shaded

Willow Tree  
Paddock

Corner Field Cottage

Greenfield Cottage

Yew Tree Cottage

Corner Farmhouse

Dovecote

Fairhaven

Beeches

Swinderby Road

Main Street

Corner  
Farm  
Barn

The Old  
Threshing  
Barn

The Old  
Stackyard

The  
Granary

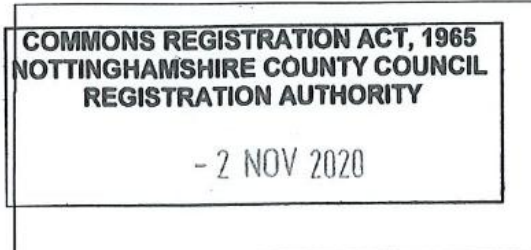
The Old  
Barn





**Commons Act 2006: Section 15****Application for the registration of land as a Town or Village Green**

Official stamp of registration authority  
indicating valid date of receipt:



Application number:

366 NVG

Register unit No(s):

VG number allocated at registration:

(CRA to complete only if application is successful)

Applicants are advised to read the 'Guidance Notes for the completion of an Application for the Registration of land as a Town or Village Green' and to note the following:

- All applicants should complete questions 1–6 and 10–11.
- Applicants applying for registration under section 15(1) of the 2006 Act should, in addition, complete questions 7–8. Section 15(1) enables any person to apply to register land as a green where the criteria for registration in section 15(2), (3) or (4) apply.
- Applicants applying for voluntary registration under section 15(8) should, in addition, complete question 9.

**1. Registration Authority**

To the

NOTTINGHAMSHIRE COUNTY COUNCIL

**Note 1**

Insert name of  
registration  
authority.

**Note 2**

If there is more than one applicant, list all names. Please use a separate sheet if necessary. State the full title of the organisation if a body corporate or unincorporate.

If question 3 is not completed all correspondence and notices will be sent to the first named applicant.

**Note 3**

This question should be completed if a solicitor is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or firm named here.

**2. Name and address of the applicant**Name: 

Full postal address:

Postcode Telephone number:  
(incl. national dialling code) Fax number:  
(incl. national dialling code) 

E-mail address:

**3. Name and address of solicitor, if any**Name: Firm: 

Full postal address:

Post code

Telephone number:  
(incl. national dialling code) Fax number:  
(incl. national dialling code) E-mail address:

**Note 4**

*For further advice on the criteria and qualifying dates for registration please see section 4 of the Guidance Notes.*

*\* Section 15(6) enables any period of statutory closure where access to the land is denied to be disregarded in determining the 20 year period.*

**4. Basis of application for registration and qualifying criteria**

If you are the landowner and are seeking voluntarily to register your land please tick this box and move to question 5.

Application made under **section 15(8)**: ☐

If the application is made under **section 15(1)** of the Act, please **tick one** of the following boxes to indicate which particular subsection and qualifying criterion applies to the case.

**Section 15(2)** applies: ☒

**Section 15(3)** applies: ☐

**Section 15(4)** applies: ☐

If **section 15(3) or (4)** applies please indicate the date on which you consider that use as of right ended.

If **section 15(6)\*** applies please indicate the period of statutory closure (if any) which needs to be disregarded.



**Note 5**

The accompanying map must be at a scale of at least 1:2,500 and show the land by distinctive colouring to enable it to be clearly identified.

\* Only complete if the land is already registered as common land.

**Note 6**

It may be possible to indicate the locality of the green by reference to an administrative area, such as a parish or electoral ward, or other area sufficiently defined by name (such as a village or street). If this is not possible a map should be provided on which a locality or neighbourhood is marked clearly.

**5. Description and particulars of the area of land in respect of which application for registration is made**

Name by which usually known:

UNPAVED EXTENSION OF MAIN STREET (N923 7JH)  
AT NORTH END. HISTORICALLY KNOWN AS  
BLACKSMITHS LANE

Location:

LAND EXTENDS FROM JUNCTION OF MAIN STREET + SWINDERBY  
ROAD IN A NORTHERLY DIRECTION TO THE WEST OF  
PUBLIC FOOTPATH N°9. COLOURED PINK ON MAPS  
ATTACHED

Shown in colour on the map which is marked and attached to the statutory declaration.

Common land register unit number (if relevant) \*

**6. Locality or neighbourhood within a locality in respect of which the application is made**

Please show the locality or neighbourhood within the locality to which the claimed green relates, either by writing the administrative area or geographical area by name below, or by attaching a map on which the area is clearly marked:

THE LAND IS WITHIN SOUTH SCARLE PARISH  
MEETING

Tick here if map attached: ☒

## 7. Justification for application to register the land as a town or village green

### Note 7

Applicants should provide a summary of the case for registration here and enclose a separate full statement and all other evidence including any witness statements in support of the application.

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

THIS SECTION OF LAND IS UNTITLED, SEE ATTACHED SIM 1 SIMR. IT HAS BEEN REFERRED TO LOCALLY AS "COMMON LAND" ALTHOUGH IT IS NOT. THERE HAS ALWAYS BEEN UNRESTRICTED ACCESS TO THE PROPERTIES ABUTTING THIS SECTION OF LAND AND FOR FARM VEHICLES TO ACCESS FIELDS AT THE NORTH END OF THIS LAND. THE SMITHY USED THE LAND TO RAISE PIGS UP TO 1956. THE FIELD (SEE NT 426720) HAS STABLES, HORSES AND A MONTAGE, IT ABUTS THIS LAND.

THE AREA HAS PUBLIC FOOTPATH NO 9 RUNNING ADJACENT ON THE EAST SIDE. IT IS USED IN CONJUNCTION WITH THE LAND (SHOWN IN PINK) AS A BRIDGEWAY, FOOTPATH FOR VILLAGERS, DOG WALKERS & RAMBLERS. IN ADDITION IT IS AN ACCESS FOR FARM MACHINERY TO FIELDS AT THE NORTH END.

SECTIONS OF THIS LAND HAS BEEN TENDED BY "SOUTH SCARLE NATURE GROUP" TO PLANT INDIGINOUS FLOWERS / FAUNA. THIS HAS TEMPORARILY CEASED. SEE SECTION 11.

OVERALL THE JUSTIFICATION IS TO MAINTAIN FREE ACCESS TO AND OVER THIS AREA OF LAND FOR RECREATION, ENVIRONMENTAL IMPROVEMENT AND UNRESTRICTED PROPERTY ACCESS.

**Note 8**

Please use a separate sheet if necessary.

Where relevant include reference to title numbers in the register of title held by the Land Registry.

If no one has been identified in this section you should write "none"

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

**8. Name and address of every person whom the applicant believes to be an owner, lessee, tenant or occupier of any part of the land claimed to be a town or village green**

NONE

**9. Voluntary registration – declarations of consent from 'relevant leaseholder', and of the proprietor of any 'relevant charge' over the land**

**Note 9**

List all such declarations that accompany the application. If none is required, write "none".

This information is not needed if an application is being made to register the land as a green under section 15(1).

**10. Supporting documentation**

**Note 10**

List all supporting documents and maps accompanying the application. If none, write "none"

Please use a separate sheet if necessary.

SSPM SIM RE UNTITLED LAND + SIMR RESPONSE 30.07.2020  
 REF 082/853YPMB.  
 LR TITLE N° NT516163 BLACKSMITHS FORGE  
 LR TITLE N° NT416524 GREENFIELD COTTAGE  
 LR TITLE N° NT319759 WILLOW TREE Paddock  
 LR TITLE N° NT426720 Paddock, STABLES, MONTAGE  
 LR TITLE N° NT485063 CORNER FIELD COTTAGE  
 LR TITLE N° NT486745 NORTHEND OF LAND NOMINATED  
 FOR REGISTRY AS VILLAGE GREEN  
 E-MAIL FROM VIA INCC HIGHWAYS CONFIRMING EXISTENCE  
 OF FOOTPATH N° 9  
 9x LETTERS FROM RESIDENTS



**Note 11**

If there are any other matters which should be brought to the attention of the registration authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.

**Note 12**

The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or unincorporate.

**11. Any other information relating to the application**

MR LEO SMALLEY OWNER OF THE BLACKSMITHS FORGE, SEE NT 516163 & OWNER OF WILLOW TREE Paddock, SEE NT 319759 BELIEVES THE LAND SHOWN ON MAPS IN PINK, TO BE "ATTACHED" TO THE BLACKSMITHS FORGE AND THEREFORE, HIS LAND. HE HAS SUGGESTED TO PEOPLE THAT HE MAY RESTRICT ACCESS ACROSS THIS LAND. HE HAS OBJECTED TO "SOUTH SCARLE NATURE GROUP" FROM TENDING A SMALL PATCH OF THIS LAND WITH TREES & BRAMBLE ETC, AND PLANTING INDIGENOUS WILD FLOWERS. HE HAS STATED THAT HE WISHES TO REMOVE TREES & CLEAR THIS WILD PATCH. IT IS NOTED THAT MR. SMALLEY HAS IMPROVED THIS AREA, INCLUDING DRAINAGE. THIS HOWEVER, IS IN SELF INTEREST AND NOT AT THE BEHEST OF ANY OFFICIAL BODY, NOR WAS THERE ANY PRIOR CONSULTATION WITH THE SS. PARISH MEETING.

Date:

27 OCTOBER 2020

Signatures:

SSPM - CLERK

**REMINDER TO APPLICANT**

You are advised to keep a copy of the application and all associated documentation. Applicants should be aware that signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence. The making of a false statement for the purposes of this application may render the maker liable to prosecution.

**Data Protection Act 1998**

The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the registration authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.

## Statutory Declaration In Support

*To be made by the applicant, or by one of the applicants, or by his or their solicitor, or, if the applicant is a body corporate or unincorporate, by its solicitor, or by the person who signed the application.*

<sup>1</sup> Insert full name  
(and address if not  
given in the  
application form).

I, DAVID ROBIN DUFFIELD,<sup>1</sup> solemnly and sincerely declare as follows:—

<sup>2</sup> Delete and adapt  
as necessary.

1.<sup>2</sup> I am ((the person (one of the persons) who (has) (have) signed the foregoing application)) ((the solicitor to (the applicant) (<sup>3</sup> one of the applicants))). on behalf of South Scarle as clerk to South Scarle Parish Meeting

<sup>3</sup> Insert name if  
Applicable

2. The facts set out in the application form are to the best of my knowledge and belief fully and truly stated and I am not aware of any other fact which should be brought to the attention of the registration authority as likely to affect its decision on this application, nor of any document relating to the matter other than those (if any) mentioned in parts 10 and 11 of the application.

3. The map<sup>s</sup> now produced as part of this declaration <sup>are</sup> ~~is~~ the map~~s~~ referred to in part 5 of the application.

<sup>4</sup> Complete only in  
the case of  
voluntary  
registration (strike  
through if this is not  
relevant)

4.<sup>4</sup> I hereby apply under section 15(8) of the Commons Act 2006 to register as a green the land indicated on the map and that is in my ownership. I have provided the following necessary declarations of consent:

- (i) a declaration of ownership of the land;
- (ii) a declaration that all necessary consents from the relevant leaseholder or proprietor of any relevant charge over the land have

Cont/



<sup>4</sup> Continued

been received and are exhibited with this declaration; or  
(iii) where no such consents are required, a declaration to that effect.

And I make this solemn declaration, conscientiously believing the  
same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said DAVID ROBIN DUFFIELD )  
TALLENTS )  
SOLICITORS )  
at 3 MIDDLEGATE )  
NEWARK, NOTTS )  
NG24 1AQ )  
this 27<sup>th</sup> day of October 2020 )

Signature of Declarant

Before me \* Hargit Saran

Signature

Address:

TALLENTS  
SOLICITORS  
3 MIDDLEGATE  
NEWARK, NOTTS  
NG24 1AQ

Qualification:

Solicitor (SRA 501877)

\* The statutory declaration must be made before a justice of the peace, practising solicitor, commissioner for oaths or notary public.

Signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence.

REMINDER TO OFFICER TAKING DECLARATION:

Please initial all alterations and mark any map as an exhibit

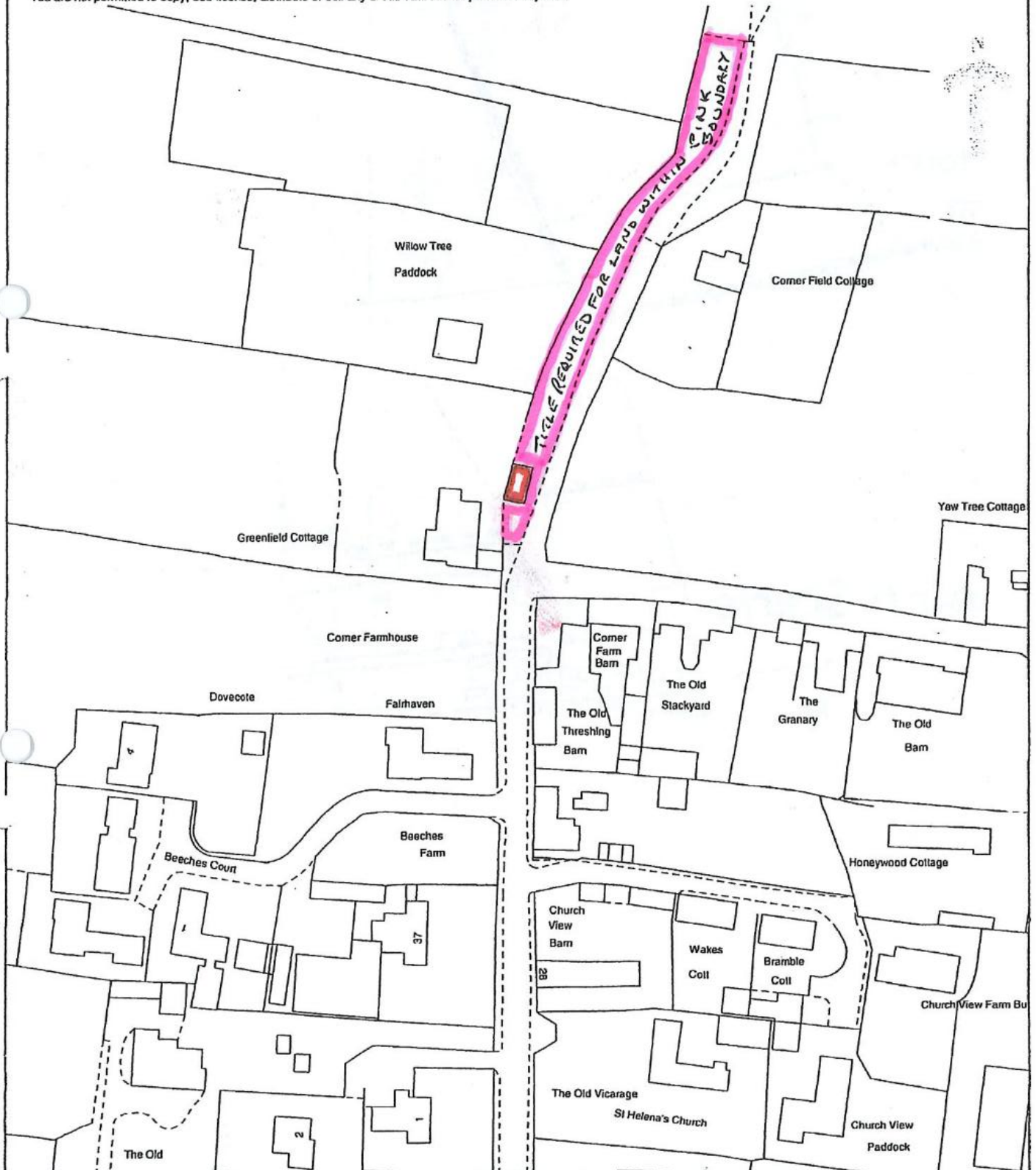
EXHIBIT TO THE STATUTORY DECLARATION IN SUPPORT  
OF THE APPLICATION

NEW 10 - 1

Land Registry  
Official copy of  
title plan

Title number NT516163  
Ordnance Survey map reference  
Scale 1:1250 enlarged from 1:2500  
Administrative area Nottinghamshire: Newark and  
Sherwood

© Crown copyright and database rights 2016 Ordnance Survey 100026316.  
You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.



This official copy issued on 23 March 2016 shows the state of this title plan on 23 March 2016 at 15:04:48. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by Land Registry, Nottingham Office.

**List of attachments;**

- 01)     Reply to report of Corporate Director. (SSPM Addendum 01)**
- 02)     Site Photos 2019**
- 03)     Statement on historical information on the application area, By P. Clements.  
Farmer and resident since 1935.**
- 04)     Site Photos 2022**

**APPLICATION REF: 366NVG**

**SSPM ADDENDUM 1**

**REPLY TO REPORT OF CORPORATE DIRECTOR**

Thank you for the detailed feedback, provided in sections 24-30 of the report regarding the initial application. We now acknowledge that the application was made more on the basis of emotion than facts, but now we are aware of the degree of detail required, we believe we can more comprehensively show that we meet the necessary criteria..

Therefore, the aim of this document is to follow the report's format to address each of the criteria (24-30) in a more informed manner, but also comment on the main themes put forward by objectors to the application.

**24 Significant number of inhabitants**

Approximately 20 people per day use the green space being the subject of the application. Section 27 details the manner of use.

6% of the village population provided written support of the application. This is 4 times greater than the written objections received (each from a NIMBY perspective). Many more than 6% of South Scarle's inhabitants gain recreation from the green space every day of the year. More will do so if this space is allowed to develop into a more nature-friendly, thereby interesting, environment.

**25 Locality Criteria has been met.**

**26 As of right**

According to various longstanding inhabitants of the community, the land ceased to be used for agricultural purposes in 1956 and throughout the last six decades villagers have accessed this green space without resort to force or stealth, or in anyway being secretive about their reasons. Permission has never been sought as it has not been deemed necessary. No prohibitive signs have been noted during this period.

**27 Sports, pastimes and recreational activities**

The green space has evolved into what is a de facto village green in that it has become a hub through which inhabitants walk on a daily basis. The plot may be entered from the village's main street on the south but also via well-used footpaths from the east and north. Consequently, rather than simply having a public footpath running through it, the space acts as a natural village meeting place. Friends regularly bump into each other and find themselves chatting for half-an-hour. Strangers stop to fuss each other's dogs and become friends. Dogs and toddlers charge around the green with each other. Humans often find themselves entangled in long-line leads! Good times are had by all! Of course, similar occurrences can happen on any lane or footpath, but the confluence of



three well frequented walking routes on the edge of a village ensure these recreational boosts to well-being are regular events.

The space, being outdoors and bounded on three sides by fields, two of which have ancient hedgerows, provides other forms of recreational activities. A wide range of birds, animals and insects are watched as are the yearly seasons of wildflowers, shrubs and trees. Blackberries are picked every year by certain baking enthusiasts. For years, the opportunity to engage with nature has been taken up by the local inhabitants. However, because a few years ago, a group of enthusiasts formed a group and began planting in this space was the reason that the Nature Group were given centre-stage in the initial application. It was felt, and still is, that a project of this type should be regarded as a positive step in encouraging more people to take up such beneficial pastimes.

The days of children kicking a ball around with their jumpers as goalposts are long-gone. Skateparks abound. Sport for all ages is now organized and coached. That said, younger children do, and always have played on this green space (including those visiting the 'objectors' properties). Going back 10 years and beyond, there were many more children than in recent times who used the space for informal games such as hide & seek and den building in the so called "rubbish and overgrowth". Fortunately, although South Scarle has gone through a period of having fewer young children, the village has seen a recent influx of young families who will find the green a stimulating place to not only play but experience the benefits of engaging with nature (see section 30).

## **28 On the land**

The majority of land at the centre of this application is currently accessible and is accessed for recreation by local inhabitants on a daily basis. This has been the case throughout the memory of South Scarle's older residents. The degree of accessibility has inevitably changed over the years. As the small number of objectors to the application make clear, the land has not always looked like a traditional village green. But "rough vegetation", "flooded areas", "nettles and brambles" are one man's "blot on the landscape", but are another man's (for instance Chris Packham, David Attenborough) planet saving, wildlife diverse environment.

That the area of the land tended by inhabitants of the village in a way that would make it a more interesting space is a consequence of one individual's insistence on regular mowing down to the roots of anything that grows. This difference of opinions regarding maintenance of this green space is what prompted this application and what will decide the future look and use of the land. It is the opinion of this application that a, albeit, managed natural environment would be more beneficial to the majority of local inhabitants as opposed to those very few individuals with properties bordering this small green space.

## **29. Period of at least 20 years**

As section 26, anecdotal evidence tells of the land in concern being both available and accessible to inhabitants of South Scarle for substantially longer than 20 years. The main farmers in the area confirm continued access to their own fields via this land for at least 80 years. Unsurprisingly, the appearance of the small green space has no doubt continually evolved over the decades. There would have been both 'wilder' and 'managed' periods but villagers have always conducted (in the language of the Commons Act) recreational activities on the green space discussed, for example wild berry picking; firewood gathering and childrens' adventurous play.

More recently, the state and appearance of the space has become neater, in the eyes of the three objectors, or boring in the eyes of young kids and the many environmentally minded locals keen to encourage wildlife. Regardless, this space has continued to provide outdoor recreation activities, be it the hectic play of children and dogs or mental well-being gained from simply standing watching wildlife.

## **30 Continuing at the time of application**

Recreational activities cited above have continued normally since the application was made. Young children and lively dogs have played excitedly. Quieter dogs have sat patiently whilst their humans have chatted, joked and debated in an easy manner only achieved in a peaceful outdoor environment. A large range of bird species have continued to have feed on seeds and fat balls. Walkers have remained cheered by snowdrops and primroses planted in previous years and gone on to admire butterflies attracted by those summer flowers (rough vegetation) that survived the weekly mower.

That the Nature Group ceased it's planting was a pragmatic decision to not waste further money and effort following the removal of their signs, and existing planting being buried under grass-clippings. However, the Group have continued to develop relationships with similar village groups and the Nottinghamshire Wildlife Trust. The latter are keen for the Group to encourage initiatives such as Wildlife Watch (8-12s) and Young Rangers (13-18s) in the local area.

Not just the Nature Group but a great many inhabitants of South Scarle, share the view of NWT's Chief Executive that "people should have a right to access nature on their doorstep". The land at the centre of this application is on our village's doorstep.

## **In summary**

We believe the village of South Scarle meets the criteria outlined in sections 8-14 of the report and have done so for many more than the last 20 years. Obviously, the manner of recreational usage of the green space has evolved and will continue to do so. The next 20 years will be very different to the previous 20, but outdoor leisure time will become increasingly important.

If our application is not granted, it will leave the green space open for any individual to claim for their own personal agenda, which would NOT be for the well-being and benefit of the many. The phrase in section 3 of the report "community needs are not legally relevant..." surely goes against the concept of a Village Green.

SUMMER 2015, 4 MEMBERS OF NATURE GROUP  
PLANTING INDIGENOUS FLORA IN WAY OF THICKET





2014 SEPTEMBER

Photo 01 General view, East and South aspect. AREA AROUND THICKET HAS BEEN STRIMMED



Photo 02 Strimmed area where foxgloves and other plants were placed



Photo 03 South side, displaced signage

SEE NEXT PAGE





2019 SEPTEMBER



LAURELS PLANTED BY MR SMALLY  
+ GRASS CUTTINGS PLACED OVER SOIL ONE SIGN  
DISCARDED.

Photo 04 3 Laurels to remove and grass cuttings.



RECEIVED 04-07-22  
FROM MR. P. L. CLEMENT  
HISTORIC MEMORIES OF APPLICATION AREA

Memories of South Scarle Occupation Lane (also known to me as Town End) by Philip Clements of Beeches Farm, Main Street, South Scarle, Newark, Notts.

I was born in South Scarle in 1935. The family farming business has been in South Scarle throughout several generations since the early 1900s up to and including the present day.

I own a field situated on the above lane. The farm keeps the access clear for use by tractors, trailers and other farm machinery by mowing the area near the gate whenever necessary.

Throughout the years we have farmed here, we have maintained the surface of the lane as necessary, at our own expense, in order to access our land, to prevent damage and to aid access to other property.

We maintain the hedges at the side of the above lane.

We have active water supply pipes to our land that are under the lane and the meter is situated in the lane.

We have drainage from Beeches Farm fields that runs under the lane and into the drainage dyke at the northern end.

In the past we have always cut a crop of hay from the grassed areas of the lane.

We have used the grassed area for clipping sheep.

The grassed area, along with my field, has been used in the past for various camping excursions by the Scouts.

At other times the blacksmiths shop on the lane stored machinery there and horses were kept on the lane and the grass while waiting to be shod.

The village Post Office used to be on the lane. The postmistress, Mrs Pacey, paid cash for rat tails taken in to the Post Office (to encourage vermin control). Mr Pacey used the area for keeping pigs.





From: [REDACTED]

Subject: Fwd: Access to F3

Date: 4 July 2022 at 11:31

To: [REDACTED]

Cc: [REDACTED]

David

You will be able to obtain Michael's email from this.

Regards

Pete

Begin forwarded message:

From: [REDACTED]

Subject: Access to F3

Date: 4 July 2022 at 08:56:24 BST

To: [REDACTED]

Cc: [REDACTED]

Dear all,

We have been made aware that a resident of Sth Scarle may be trying to claim possession of our access to F3 from the Sth Scarle direction and that of Clements adjoining field. Its important that we continue use it on a regular basis whenever we need to.

We acquired the right of way with the tenancy of Corner Farm when it was purchased by the Estate in 1968.

We have made our legal team aware and will continue to monitor the situation closely.

Many thanks,

*Michael*

**Michael Chennells**

Director



[michael@chennellsfarms.co.uk](mailto:michael@chennellsfarms.co.uk)

Eagle Hall Estates Ltd

The Estate Office, Eagle Hall, Swinderby, Lincoln LN6 9HZ

**Estate Office; 01522 868955**

**Farm Office; 01522 778675**

**Mobile; 07889 123067**

**CYBER CRIME ALERT:**

You will be aware from recent press coverage email scams and cybercrime are becoming more prevalent and despite security measures being in place, emails can be hacked and the contents altered.

**For payments to us:**

Before transferring any money to us electronically, please call the individual who has conduct of the

PHOTOS OF THE APPLICATION LAND JULY 2022



Blacksmiths shop and Lane entrance off Main Street.



View on East side of lane opposite Mr. Smalley's Property. The wild grassed footpath No 9 used to run here before hardcore was laid.







East side of the lane in front of Mr. Smalley's property showing where he has extended his boundary and set curb stones and set a grassed lawn.



Part of the referenced thicket.







Some remnants of the hedgerows. Note the close mown grass.

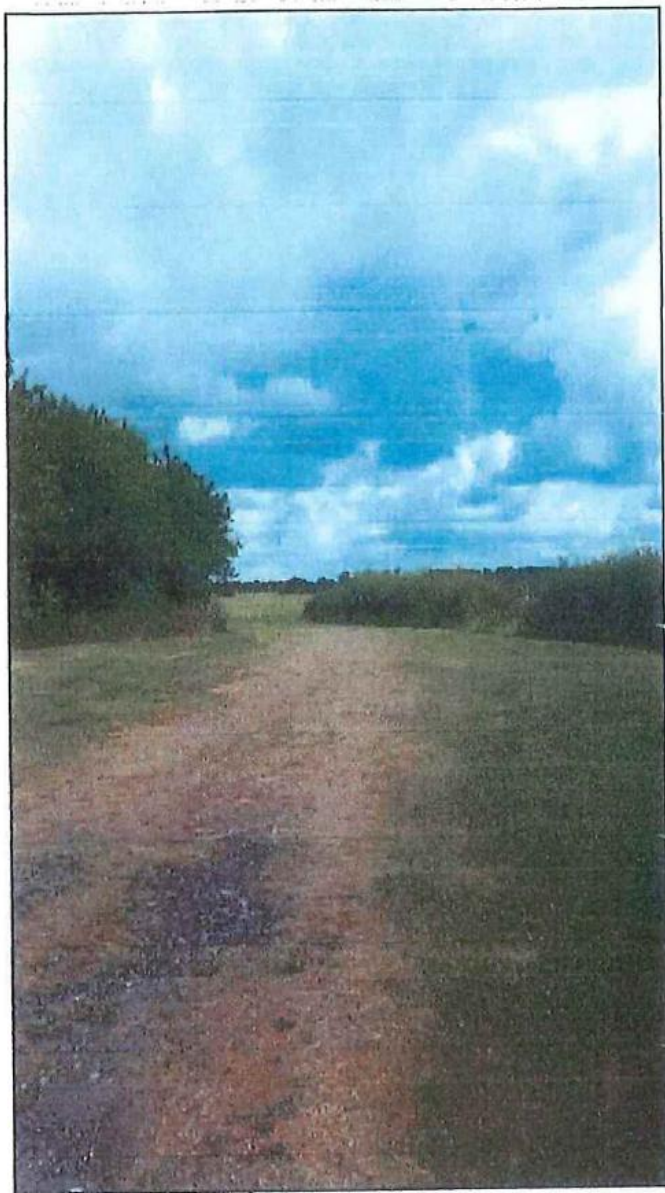


View of thicket. Note close mown grass.









Remnants of wild hedgerow opposite the thicket.



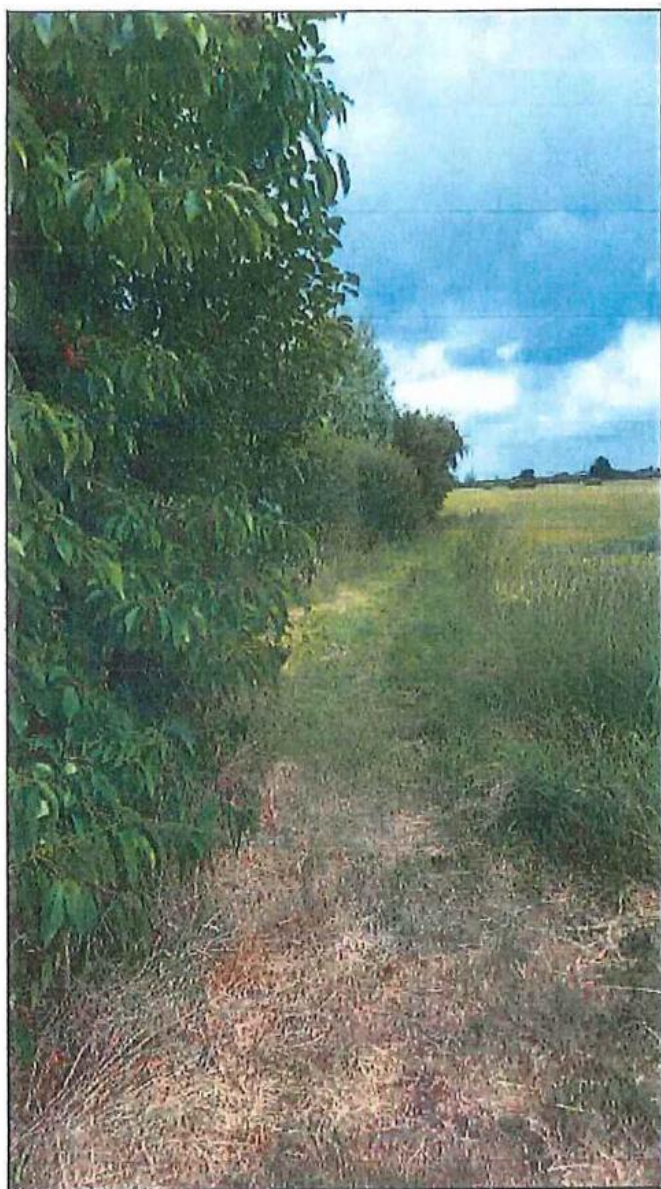


North end of application area , thicket to left and old hedges to right. The grass seen on the right is what should be growing where everywhere is mown. Field at North end can be seen with footpath No 9 running along the left side of it.

This lane is the farm vehicle access to the field seen here to the North and also to the fields to the East of the Lane.

The grass that used to be grown here was cropped as hay by villagers for their animals, Horses / sheep etc.





Footpath No9 on the left of the field. This is what the footpath should look like from Main Street!







**1 November 2022****Agenda Item: 6****REPORT OF SERVICE DIRECTOR – INVESTMENT AND GROWTH (PLACE)****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/22/00740/CMW**

**PROPOSAL:** AMENDMENT TO PLANNING PERMISSION 3/16/00693/CMW TO ALTER THE APPROVED RESTORATION AND AFTERUSE OF THE SITE FROM AGRICULTURE TO AN ECOLOGICAL / HABITAT BASED RESTORATION AND AFTERUSE (NATURE CONSERVATION), FACILITATED THROUGH THE IMPORTATION OF SOIL IMPROVEMENT MATERIALS TO MIX WITH THE SITE'S EXISTING SOILS - VARIATION OF CONDITIONS 1 (PERMISSION REFERENCE TO AGRICULTURE), 22 (RESTORATION AND AFTERCARE SCHEME), 26 (SOIL REPLACEMENT - REFERENCE TO AGRICULTURAL OPERATIONS) AND 27 (STONE REMOVAL - REFERENCE TO AGRICULTURAL OPERATIONS)

**LOCATION:** STAPLE QUARRY, GRANGE LANE, COTHAM, NEWARK-ON-TRENT

**APPLICANT:** FCC RECYCLING (UK) LTD

**Purpose of Report**

1. To consider a planning application to change the approved agricultural grazing restoration scheme at Staple Quarry to provide a more ecological emphasis to the restoration of the site incorporating open glade habitats of grassland woodland blocks, hedgerows, scattered trees and scrub utilising 'soil improver' materials sourced from by-products of the waste industry.
2. The key issues relate to the suitability of the 'soil improver' materials proposed to be utilised and the scope to maximise the level of ecological benefits resulting from the amendment to the restoration scheme. The planning assessment identifies that the development can proceed with no significant environmental effects.
3. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1 and the applicant entering into a Section 106 legal agreement to regulate the routeing of HGV vehicles into and out of the site.

## The Site and Surroundings

4. Staple Quarry Landfill Site is located on a former gypsum quarry owned by British Gypsum sited within an open countryside location around 4km south of Newark and 500m to the north-east of the village of Cotham (see Plan 1).
5. The former quarry is divided into two by a site access road which runs in an east-west direction across the site. This planning application relates to 18.5 hectares (ha) of land to the south of the access road which is leased to FCC Environmental and has been operated as a non-hazardous landfill site.
6. Non-hazardous waste imports into the landfill site have recently ceased with the landfill site being 'full'. Ground levels within the site have been re-instated to somewhere near the pre-quarry levels (see Plan 2).
7. The land to the north of the access road was operated by British Gypsum as a landfill for the receipt of waste gypsum and plaster/plasterboard manufacture. This landfill facility is also full, has been capped and the land restored/planted/seeded.
8. Vehicular access to the site is obtained from Grange Lane. The access road enables the movement of vehicles between the site's access and buildings / structures located within the site. These include a garage, gas compound, road sweeper bays, site office, weighbridge, and car parking area. The majority of these structures are to be removed as part of the closure/restoration of the site but there is a need to retain lagoons, the gas compound and leachate tanks in the medium to longer term.
9. The site's immediate setting is dominated by arable fields and pockets of established woodland, albeit planning permission has recently been granted for a southern extension to Bantymock Quarry which would extend these existing mineral workings onto the land on the opposite (eastern) side of Grange Lane. There are no neighbouring land uses featuring significant levels of built development. A disused railway line which is now in use as a cycle path is located adjoining the site to the west. Grange Lane forms the site's eastern boundary, with a vegetated corridor located between the site and the public highway. A substantial row of mature conifer trees along with areas of established native woodland form the site's southern boundary.
10. There are no dwellings within 350m of the Site. The nearest residential properties are sited to the west along Newark Road near Cotham and isolated dwellings north of the site along Grange Lane (see Plan 2).
11. The site is located wholly within Environment Agency Flood Zone 1 (representing land at lowest risk of fluvial flooding). The disused mineral railway line which runs adjacent to the site's western boundary is a designated Local Wildlife Site, noted for its scrub and base-rich grassland. There are no heritage designations within 500m of the site's boundaries.
12. The definitive rights of way map identifies the route of Cotham Footpath 7 running in an east to west direction across the site, crossing the operational

landfill site, however there is no physical evidence of this path on the site and there is no formal diversion of the route in place. The footpath was added to the definitive map in 2009 reflecting a historical route which existed prior to the site being quarried (see Plan 3).

## **Background**

13. Planning permission for landfill operations using imported non-hazardous waste to restore former gypsum mineral workings at Staple Quarry was originally granted planning permission in September 1992. Waste importation commenced around 2000 with the waste being used to infill a large void area and provide for the progressive restoration of the site, creating a gently domed landform, restored predominately as agricultural grassland (c. 12ha), divided into three field parcels by hedgerows with mixed native woodland planting blocks on the lower slopes to the east, south and western boundaries (c. 3ha) (see plan 4).
14. The extant planning permission for the site is Planning Permission 3/16/00693/CMW. The site also benefits from an Environmental Permit for the deposit of non-hazardous waste.
15. Following the completion of non-hazardous waste importation, the part of the landfill site subject of this application has been capped with a rubber membrane overlaid by a layer of soil to minimise water ingress into the waste mass and control leachate generation and odour release. The soils have not been laid to their full depth, but they have been grass seeded to provide temporary vegetation cover. However, further soil importation into the site is required to achieve the full depth of soil required for restoration purposes, with the existing planning permission providing consent for the importation of these soils until 31<sup>st</sup> October 2024.

## **Proposed Development**

16. Planning permission is sought under a Section 73 (variation of existing planning permission) submission to modify the approved restoration and aftercare scheme for Staple Quarry.
17. The planning application seeks to vary conditions 1, 22, 26 and 27 of planning permission 3/16/00693/CMW to enable the implementation of a revised restoration and aftercare scheme and change the main character of the restored site from agricultural to a more ecological/habitat focus. The relevant conditions are as follows:
  1. *This permission relates to the restoration to agriculture by landfill of the area edged red on Figure 3 contained within "Staple Opencast Mine Extension and Landfill Accompanying Statement" dated 11 November 1991.*
  22. *The restoration and landscaping of the site shall conform to the restoration and aftercare scheme dated July 2015 and received by the WPA on 15th April 2016, together with addendum dated 15/06/16 and*

received by the WPA on 5th July 2016; and Drawing No. KB-STA002a dated June 2016.

26. *At least 7 days' notice, but not more than 21 days' notice, shall be given in writing to the WPA prior to spreading of soil forming material and subsoil, on each restoration phase. The operator shall meet on site a representative of the WPA to agree that the replacement material conforms generally with the levels as set out in the agreed Contour plan and that the contours, after allowing for any settlement and the replacement of subsoil and topsoil, shall be satisfactory for agricultural operations. Any necessary regrading shall be carried out until agreement is reached.*
27. *During the placement of the soil forming material and subsoil it shall be subsoiled (rooted) with a heavy sub-soiler. Such treatment is to ensure that within a total depth of 1.0 metre below the surface of the topsoil there is:*
- (a) No fill material or other sterile material injurious to plant life;*
  - (b) No rock, stone, boulder or other materials capable of preventing or impeding normal agricultural or land drainage operations including mole ploughing or subsoiling;*
  - (c) A reasonable level surface suitable to receive subsoil.*
18. It is proposed that:
- Condition 1 be modified to reflect the proposed change in afteruse from 'agriculture' to 'nature conservation'.
  - Condition 22 be modified to refer to the revised restoration and aftercare scheme, replacing references to the currently consented 2015 scheme.
  - Condition 26 be modified to remove the reference to require the material to be 'satisfactory for agricultural operations'. and
  - Condition 27 be modified to remove the reference to requiring removal of items impeding 'normal agricultural' operations.
19. The applicant reports that the soils which are generally available to import into the site are of poor quality and not satisfactory for the approved agricultural restoration of the site. Modifications to the restoration scheme are therefore requested to reduce the amount of agricultural land created from the restoration of the site and instead provide extended areas of additional habitat which is generally less dependent on high quality soils.
20. The revised restoration scheme seeks to remove the requirement for agricultural grassland onsite and instead develop open glade habitats of grassland and scattered trees and scrub, set within the context of the existing and proposed woodland blocks on the lower slopes (See Plan 5). The scheme consists of mix species grassland and woodland.



21. The majority of the open area will comprise mixed species grassland to provide a diverse, naturalistic mix, with tall ruderal patches and wildflowers. Some areas will be allowed to achieve a succession of re-vegetation with shrubs and trees. The replanting scheme also includes hedgerows which will act as corridors for bats and birds. The existing areas of woodland that fringe the site will be extended by a complementary tree planting scheme with the aims of increasing the woodland cover percentage and buffer the existing strip of woodland with a diverse mix of tree species (Oak, Alder, Field Maple) as well as with shrubs such as Blackthorn and Hawthorn.
22. As part of the revised restoration scheme it is proposed to remove the belt of conifers along the southern boundary by cutting them down but retaining the stumps onsite to minimise the impact on surrounding woodland. The conifers will be removed once the soil infill along the perimeter valley is complete and the conifers are accessible from the landfill side. The internal access track would be retained throughout the aftercare period to facilitate safe access for site maintenance.
23. As part of the programme of soil importation it is proposed to also receive 'soil improver' materials and spread them within the top 40cm of soils. These 'soil improvement' materials generally originate from the waste management industry, specifically composts and an anaerobic digestate derived from the waste industry along with a filter cake derived from the capture of silt and other sediments in river water when abstracted for use in power station cooling. Chemical analyses of the components of the materials to be imported to the site have been provided as part of this planning application submission.
24. It is proposed to import around 1,800 tonnes of soil improver material which would equate to around 100 HGV loads. The applicant estimates that around 150,000 tonnes of soils are required to complete the restoration. All soil and soil improver imports would be complete by 31<sup>st</sup> December 2025.
25. During the processing of the planning application revisions have been made to the planning submission in response to requests made following the receipt of consultation responses. The revisions incorporate the following modifications to the development:
  - The applicant has confirmed that low rates of 'soil improver' material will be applied to the areas of low nutrient grassland establishment to ensure the soil conditions are suitable for the proposed habitat to be created.
  - Areas of humps and hollows will be incorporated within the surface of the site to create a micro-topography of varied habitat and support the development of habitat for Grizzled Skipper butterfly.
  - Areas of the existing low nutrient substrate will be retained and allowed to naturally regenerate.
  - A more diverse seed mix is proposed to be used.
  - The surface water lagoons in the north-western corner of the site have been re-shaped to a less engineered and more natural/varied shape.

These works will be undertaken in years two of three of the aftercare period.

- Cotham Public Footpath No. 7 will be reinstated following the restoration of the site.

## Consultations

26. **Newark and Sherwood District Council:** *Raise no objections, subject to NCC being satisfied that the proposed development complies with the relevant Development Plan policies.*
27. **Cotham Parish Council:** *No representation received.*
28. **Hawton Parish Council:** *No representation received.*
29. **Environment Agency:** *No objection.*
30. **NCC (Highways):** *No objection.*
31. *It is acknowledged that the revisions to the site's restoration would necessitate vehicle movements associated with the importation of organic-rich waste matter from off-site sources. These vehicle movements would replace equivalent volumes of soil that would otherwise have been imported to site and therefore the alterations to the site will not result in a material impact of the traffic volumes on the public highway.*
32. **NCC (Nature Conservation):** *Raise no objection.*
33. *Overall, the principle of the proposed restoration amendments at Staple Quarry, moving from an agricultural grassland restoration to a more naturalistic and ecologically led scheme is supported. A number of concerns/recommendations were raised about the scheme as originally submitted in respect of:*
  - *The use of soil amelioration to increase the nutrient levels is inappropriate for the establishment of botanically diverse grassland. It is recommended that lower levels of nutrients should be utilised in these areas.*
  - *Some of the areas of poor substrate should be retained in an un-ameliorated form to provide habitat for grizzled skipper butterfly.*
  - *Some micro-topographical variation (humps and hollows) would be desirable to create a varied restoration.*
  - *The proposed seed mix contains purely grass species, a more diverse mix should be utilised.*
  - *Further details relating to establishment and maintenance will be required.*
34. *The supplementary information and modifications to the restoration scheme have addressed the majority of the observations and concerns previously*

*identified which is welcomed, including amendments to waste application rates and modifications to the restoration scheme. The supplementary information however does not provide much information in terms of the establishment and maintenance regimes, but these details could be agreed through a planning condition submission as part of a wider aftercare submission.*

35. **Via (Landscape):** *Support the scheme.*
36. *The proposals will result in a limited physical landscape impact on the site. The only vegetation to be removed is a belt of conifers along the southern boundary, these will be cut down and the stumps will be retained on site to minimise the impact on surrounding woodland. This removal is more for aesthetic reasons rather than as a direct result of the scheme and these species are not characteristic of the surrounding area.*
37. *In terms of landscape impact, the scheme has been designed taking into account the characteristics of the South Nottinghamshire Farmlands Landscape Character Area, as well as those of Policy Zone S08 Cotham Meadowlands. This Policy Zone has a 'Create' Landscape action as a result of former mining activities in the area and these proposals will help to meet some of the landscape actions for the Policy Zone such as creating new hedgerows, planting small woodlands, and conserving the biodiversity of the area.*
38. *The site does not have any close visual receptors, the nearest properties are at approximately 400 metres to the south west on Newark Lane, and 580 metres to the north east on Grange Lane, the adjacent railway line is disused [with public access]. From surrounding roads the site is well screened by fringing boundary vegetation and a small woodland to the north of the proposed site. The restoration proposals create a domed landform of maximum height of 27 metres in a landscape of approximately 22 metres in the surrounding topography.*
39. *It is recommended that soil improvement material is not added to certain areas of the site which would cause nutrient enrichment and would conflict with the habitat recreation objectives and habitat for Grizzled Skipper butterfly colonization should be provided. It is also recommended that a more diverse grass mix should be utilised [which has been incorporated in the proposal presented for determination]. A management and maintenance plan will be required as a condition of the application.*
40. **Via (Reclamation):** *No objections.*
41. *It is acknowledged that the importation of soil improvement materials will be subject to the approval of the Environment Agency under the Environmental Permitting Regime.*
42. *It is recommended that a planning condition be imposed requiring the submission of an Environment Management Plan which shall include details of lorry routeing for construction traffic, segregation of pedestrian and vehicular movements on the site, measures for the control of noise, dust and vibration, the procedure to be followed in the event of a complaint, pollution control*

*measures to prevent mud or contaminated materials from being tracked, spilled or blown off-site, and the segregation of waste materials into different streams for recycling or disposal. This should include measures to handle potentially contaminated arisings and groundwater; and details on the testing strategy for potential contaminants in site-won and imported capping materials.*

43. **Via (Countryside Access):** *No objections.*
44. *Via Countryside Access originally raised objections on the basis that the restoration plans did not identify the location of Cotham Footpath No. 7 and how the route of this footpath would be accommodated within the restoration arrangements for the site.*
45. *The revised restoration submission which now indicates the route of Cotham Footpath No. 7 is welcomed but further information is requested through a planning condition submission to confirm how the Public Right of Way will be 're-instated' on its legal line, its width (ideally 2m), whether there will be a need for a diversion of the path at any time, a timescale for when the path will be re-instated and future management arrangements to ensure the route of the path does not become obstructed by vegetation growth.*
46. **Nottinghamshire Wildlife Trust, Severn Trent Water, Western Power Distribution, Cadent Gas:** *No representation received. Any responses received shall be orally reported.*

## **Publicity**

47. The application has been publicised as affecting a public right of way by displaying a site notice and the publication of a press notice in the Newark Advertiser in accordance with the County Council's adopted Statement of Community Involvement.
48. One letter of representation has been received from a resident of Alverton village (5.5km to the south of the application site on an approved lorry route from the A52 – Plan 6) who states that much of the traffic travelling to Staple quarry comes through the village. The resident acknowledges that these are historical arrangements which were put in place before the wider weight restriction in the village and improvements to the road network in the Newark area. It is asked whether there is now an opportunity to review these routeing arrangements and consider an alternative route which avoids Alverton.
49. Cllr Johno Lee and Cllr Mrs Sue Saddington have been notified of the application. Cllr Mrs Sue Saddington confirms that as the Parish Councils have been consulted and have no objections, then she would not have any reason to object to the planning application.
50. The issues raised are considered in the Observations Section of this report.

## **Observations**

### Need and benefits derived from development

51. Chapter 4 of the Nottinghamshire and Nottingham Waste Local Plan (WLP) incorporates planning policy in relation to the reclamation of waste disposal sites. Specifically, WLP Policy W4.8: Reclamation of existing disposal sites and paragraph 4.20 of the supporting text acknowledge that many waste disposal sites are controlled by old planning permissions where restoration controls may not reflect current conditions, identifying poor soil conservation and landscape treatment as common problems and identifying that alternative reclamation proposals have potential to assist in enhancing the reclamation arrangements of waste disposal sites. The policy is set out below:

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#### **POLICY W4.8**

**PLANNING PERMISSION WILL BE GRANTED FOR ALTERNATIVE RECLAMATION PROPOSALS WHICH WOULD RESULT IN THE SATISFACTORY RECLAMATION AND AFTER-USE OF WASTE DISPOSAL SITES, WHERE:**

- (a) THE CURRENT APPEARANCE IS UNSATISFACTORY; AND**
- (b) THE EXISTING PROVISIONS FOR RECLAMATION ARE UNSATISFACTORY, INAPPROPRIATE OR ABSENT.**
- 

52. Since the Staple Quarry planning permission provides for the restoration of a former minerals site, the development should also be assessed against the policies of the Nottinghamshire Minerals Local Plan (MLP). Specifically, MLP Strategic Objective 6 and MLP Policy SP2 are relevant and provide policy support for mineral restoration schemes which maximise biodiversity gain. MLP Policy MP2 is set out below:

#### **Policy SP2 – Biodiversity-Led Restoration**

1. Restoration schemes that seek to maximise biodiversity gains and achieve a net gain in biodiversity, in accordance with the targets and opportunities identified within the Nottinghamshire Local Biodiversity Action Plan, will be supported.
2. Where appropriate, schemes will be expected to demonstrate how restoration will contribute to the delivery of Water Framework Directive objectives.
3. Restoration schemes for allocated sites should be in line with the relevant Site Allocation Development Briefs contained within Appendix 2.

53. At the time the original restoration scheme for Staple Quarry was granted planning permission the emphasis of planning policy at both a national and local

level was to restore former mineral workings back to agricultural use. The approved scheme reflects this emphasis.

54. The emphasis to restore mineral working sites has now changed. There continues to be protection in place for the best and most versatile agricultural land but for land of lower agricultural potential the emphasis of minerals restoration is now to restore these sites to an ecological after-use as reflected in MLP Strategic Objective 6 and MLP Policy SP2.
55. The original top-soils at Staple Quarry have not been stockpiled for re-use and therefore the site is reliant on imported soils to facilitate its restoration. The soils which are available within the site have been utilised to cap over the landfill site but do not provide a deep soil profile across the site required for the site's agricultural re-use and have a low nutrient value. Whilst the soils have been grass seeded, the composition of the soils are not conducive to growing a dense sward of grass which would be required to make the site economically viable for agricultural after-uses.
56. Whilst the approved restoration scheme for the site does allow soil imports to make up for any shortfalls, the applicant reports that the typical soils available to landfill sites are characterised as being of a sub-soil and clay composition and therefore generally poor quality and not suitable for agricultural use. Specifically, the lack of organic material in the soils limits their potential to successfully support long-term vegetation growth, making them unsuitable for the approved agricultural after-use, justifying the applicant's re-appraisal of the proposed after-use of the site.
57. To address concerns regarding the suitability of the available soil resources to support the approved agricultural restoration of the site the applicant has revised their restoration arrangements for the site to provide a more biodiversity led focussed scheme which is less dependent on high quality soils, whilst also seeking to import 'soil improver' materials derived from by-products of the waste industry to improve the nutrient value and structure of the soils.
58. The revised restoration scheme seeks to deliver a self-sustaining mixed open grass and shrub habitat with hedgerows and woodland areas and providing a natural succession of plant life throughout the year. Although the scheme is more suitable for the soil characteristics of the site, it would still benefit from higher nutrient levels and the organic rich substrate provided within the 'soil improver' materials proposed to be imported to the site would help sustain a healthy canopy of plants, particularly through seasons of drought or other weather extremes. The deployment of the 'soil improvement' materials to a depth of 40cm will deliver sufficient organic matter to the rooting zone for the plant's utilisation long into the future, increasing the survival rate of plants. These modifications also help to minimise potential areas of exposed soil across the surface of the site which would minimise the loss of soil through wind and water erosion and the potential to expose the engineered cap of the landfill site.
59. The additional soil improvement materials will also:



- Provide root anchorage and reduce the risk of windthrow to tree and shrub species.
  - Create sufficient water storage and uptake to buffer against drought.
  - Aerate the soil to allow the movement of oxygen and gases within the root zone.
  - Enhance the ability of roots to exploit available nutrient reserves.
  - Maximise drainage and reduce the risk of waterlogging.
  - Improve establishment success and longer-term growth and productivity.
60. Modifications have been made to the revised restoration scheme to introduce areas of sparser vegetation retaining poorer quality soils to provide habitat suitable for grizzled skipper butterfly, reflecting the suggestions of NCC's Ecology officer and Via Landscape.
61. The importation of organic-rich waste to the site will ensure these waste streams are managed sustainably, putting the organic 'soil improvers' to a beneficial use within the restoration of Staple Quarry landfill site in accordance with the overall vision of the Nottinghamshire and Nottingham Waste Core Strategy (WCS) which encourages sustainable waste management through the re-use of waste and the recovery of the maximum value from any leftover waste.
62. It is therefore considered the revised restoration scheme is consistent with the strategic objectives of the MLP and specifically Policy SP2 which promotes a biodiversity-led emphasis to the restoration/after-use of former mineral sites, providing a significant improvement to the ecological value of the site in comparison to the approved agricultural grassland restoration. The use of imported 'soil improvers' will make a positive contribution to the establishment and longer term success of the restoration of the site whilst also ensuring the imported materials which are sourced from by-products of the waste industry are beneficially used in a sustainable way.

#### Assessment of Environmental Effects

63. WCS Policy WCS13: Protecting and Enhancing our Environment states that new or extended waste disposal facilities will be supported only where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby and where this would not result in an unacceptable cumulative impact. The policy encourages all waste proposals to maximise opportunities to enhance the local environment through the provision of landscape, habitat or community facilities. Specific environmental protection policies are incorporated within Chapter 3 of the WLP.
64. MLP Policy DM1: Protecting Local Amenity states that proposals for minerals development will be supported where it can be demonstrated that any adverse impacts on amenity are avoided or adequately mitigated to an acceptable level. The policy identifies that the types of impacts that need to be considered include

but are not restricted to landscape and visual impacts, noise, dust, mud and air emissions. Other policies within the MLP relevant to the assessment of environmental impacts are Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity, Policy DM5: Landscape Character, Policy DM7: Public Access and Policy DM9: Highways Safety and Vehicle Movements / Routeing.

65. The significance of environmental effects and compliance with the above policies is considered within the following section of the report.

Composition of 'Soil Improvement' materials and pollution control

66. The 'soil improver' materials proposed to be used within the site would originate from the waste industry including compost and digestate outputs of non-source segregated anaerobic digestion plants and filter cake derived from the removal of suspended particles from river water used within power station cooling systems. The use of these by-products of the waste industry has potential to introduce risks associated with physical contaminants and potentially toxic elements to the site if the activities are not appropriately controlled and regulated.
67. WLP Policies W3.5 and W3.6 seek to protect ground and surface water resources from pollution, stating that planning permission will not be granted for waste development where adverse impacts cannot be satisfactorily controlled. The policies acknowledge that pollution risks can be managed and controlled by restricting the character and composition of waste which waste management facilities receive.
68. Paragraph 188 of the National Planning Policy Framework (NPPF) sets out national planning policy in respect of pollution control and is set out below:

**188.** The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

69. Further guidance is incorporated within paragraph 7 of the National Planning Policy for Waste (NPPW) which states that when determining waste planning applications, waste planning authorities should:
- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced;

70. Both the NPPF and NPPW confirm that matters relating to the control and prevention of pollution are not the prime concern of the planning system and are most appropriately regulated by the Environment Agency as part of the Environmental Permit regime.
71. Correspondence with the Environment Agency has confirmed that their permitting team originally had some concerns in terms of the use of non-source segregated composts and digestates within the 'soil improver' materials and the use of this material which was proposed to be used for agricultural use because of the potential for any contaminants to enter the food chain.
72. However, the Environment Agency have confirmed that there has been a resubmission of the deployment application which they state is much improved in terms of its content and specifically its confirmation that the restored site would no longer be used for agricultural grazing purposes. The Environment Agency have therefore approved this revised deployment application on 14<sup>th</sup> April 2022.
73. The approval of the permit variation confirms that the Environment Agency is satisfied that the use of the 'soil improver' materials do not pose any unacceptable risks to the environment or public health, subject to the restored land not being used for agricultural purposes. The modifications currently sought planning permission remove the original intention to use the restored site for agricultural grazing and therefore would be consistent with the revised permit controls.
74. Since the Environment Agency's permit will regulate the composition of waste received by the site, a planning condition to regulate the composition of 'soil improver' materials imported to the site is not proposed in this instance, consistent with the policy set out within NPPF Paragraph 188 which confirms that that planning system should not duplicate Environment Permit controls.
75. It is therefore concluded that the use of the proposed 'soil improver' materials at Staple Landfill would not result in any unacceptable pollution risks to ground and surface waters and therefore the development is compliant with WLP Policies W3.5 and W3.6.

#### Ecological Effects

76. MLP Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity provides support for minerals development subject to appropriate ecological protection. The overall aim of the policy is to achieve biodiversity gains through mineral developments. The policy gives preference to minerals development on sites of low ecological value and sites which are not designated for their ecological value or incorporate priority species.
77. The existing site is assessed as having a low ecological value, predominantly comprising a recently capped former landfill site which has grass coverage but does not incorporate any ecologically important habitats. The approved restoration scheme for the site requires further soil importation across the site

and therefore much of the grassland cover is scheduled to be removed. The additional works proposed within this planning application including the application of 'soil improvement' materials as part of the soil placement across the site will therefore not result in any significant harmful effects to habitats or protected species.

78. The revised restoration scheme seeks to replace three agricultural grassland fields originally proposed to be provided on the approved restoration scheme with open glade habitats incorporating wildflower grassland and scattered trees and scrub set within the context of the existing and proposed woodland blocks and hedgerows. Natural colonisation will be encouraged across the site as the vegetation matures. The open glade, woodland and woodland edge habitats would support a range of wildlife including:
- 'generalist' birds for breeding and/or foraging in summer or winter;
  - mammals for shelter, breeding and feeding and various species of bats may forage over the areas;
  - terrestrial habitat for amphibians; and
  - plant-feeding invertebrates such as: grasshoppers and crickets; butterflies and moths; plant hoppers; plant bugs.
79. During the course of assessing the planning application the restoration arrangements have been modified to reflect the advice and recommendations of NCC's Ecological Officer to ensure there is a more targeted approach to the application of soil improver across the site and concentrate the use of these materials in the woodland/scrub areas with lower rates applied across the grassland to encourage a more botanically diverse scheme, the seeding of a more diverse grass mix, the incorporation of habitat suitable for grizzled skipper butterfly, and the reprofiling of the surface water lagoons to create a more irregular shape and shallow edges. Planning conditions are recommended to regulate these matters.
80. As noted by NCC's Ecological Officer, the restoration submission does not incorporate a detailed management and aftercare programme, however these matters can satisfactorily be controlled through a submission made under planning condition.
81. Overall it is concluded that existing site is of a low ecological value. The alternative restoration scheme would enhance the ecological value of the restored site in comparison to the currently approved restoration scheme and therefore the development is considered to be compliant with MLP Policy DM4.

### Transport

82. MLP Policy DM9: Highways Safety and Vehicle Movements/Routeing is supportive of minerals development where it is demonstrated that the highway network can satisfactorily and safely accommodate the associated vehicle movements and the vehicle movements do not cause unacceptable impact on the environment or disturbance to local amenity. The policy encourages the use

of vehicle routing controls where they assist with minimising amenity impacts on local communities. WLP Policies W3.14 and W3.15 are generally consistent with MLP Policy DM9.

83. The existing planning permission for Staple Quarry is regulated by a Section 106 legal agreement which controls lorry routing and requires all delivery vehicles to access the site from either the A52 at Elton to the south using the C3 road, or from the A1 to the north via Staple Lane/Grange Lane (see Plan 6). The routing controls ensure that delivery vehicles do not use potentially less suitable minor rural roads in the wider area, or travel through the wider residential areas of Newark town.
84. As part of the planning consultation responses, a resident of Alverton village has requested that the lorry routing arrangements for the site are reviewed with a view to prohibiting HGVs associated with the import of 'soil improver' travelling along the C3 through Alverton for access purposes.
85. Whilst it is acknowledged that the C3 road which provides access from the A52 at Elton to the south is rural in character, the route has been used for a longstanding period for waste imports into Staple Quarry and also the transport of mineral extracted from the nearby Bantymock gypsum mine. The accident records for the section of the C3 road between the A52 and Staple Quarry identify that this route has a low accident record with the most recent incident involving a HGV being in 2011 when there was a 'slight' collision where a van collided into a HGV on a corner. Overall, the accident record confirms that the use of this route for delivery vehicles accessing Staple Quarry has not resulted in any significant highway safety issues.
86. The Newark Southern Relief Road is expected to be completed over the next year or so with an approximate date of opening of mid-2023. This new road will create a new four-mile-long road, linking the A46 near Farndon with the A1 at Fernwood. The road would be engineered to a modern standard and function as part of the primary highway network. This new road will provide direct connectivity to the A46 and its use by HGVs to access Staple Quarry is considered appropriate, offering a potential alternative access route for some of the traffic which currently travels along the established C3 route to Staple Quarry. HGV access along this new relief road to Staple Quarry is therefore considered appropriate, and thus it is recommended that the schedule of permitted access routes set out within the Section 106 legal agreement is expanded to permit the use of this new road once it is opened.
87. In terms of vehicle movements associated with the completion of the restoration of Staple Quarry, the landfill void is now full and therefore all imports of non-hazardous waste are complete. The completion of the approved restoration scheme for the site requires further soil importation. The extant planning permission for the site does not limit the maximum number of delivery vehicles permitted to access the site. The revisions to the restoration scheme would mean that these soil imports would still continue, but some of the delivery vehicles would be replaced by vehicles carrying the organic-rich 'soil improver' materials. The planning submission does not quantify the exact vehicle

numbers and duration of vehicle movements other than to confirm the modified scheme will not change the volume or character of vehicle movements associated with the restoration of the site from the levels currently approved and will not extend the current 'end date' for completion of waste imports which is 31<sup>st</sup> October 2024.

88. The quantity of soils and 'soil improver' materials' proposed to be imported is limited in comparison to historical waste imports into the site and would be regulated by the restrictions over delivery hours and lorry routeing. The limited number of HGV movements required to transport these materials would not result in any greater harm to amenity along the existing transport corridors over and above the existing agreed scheme.
89. NPPF paragraph 111 specifically advises that "*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*" The applicant has not requested as part of this Section 73 planning submission any review to the longstanding access arrangements for the site. Since there are no significant highway safety or amenity impacts resulting from this development, it is concluded that it is appropriate for the existing controls to remain in place for the limited remaining duration of this site.
90. The existing drafting of the Section 106 legal agreement does not provide scope for it to 'roll forward' to provide regulatory control to any future planning permission issued under Section 73 and therefore a new Section 106 agreement would be required to serve this development. The recommendation to support a grant of planning permission therefore reflects this fact and if Members are minded to support a grant of planning permission it will be necessary for a new Section 106 legal agreement to be entered into between the operators and the planning authority with the new Section 106 legal agreement referencing the use of the new Southern Relief Road as a permissible access route.
91. The importation of the 'soil improvement' materials has potential to result in delivery vehicles tracking mud onto the public highway. Both MLP Policy DM9 and WLP Policy W3.11 acknowledge this potential, identifying that appropriate controls should be put in place to control mud entering the public highway. To provide these controls the applicant has confirmed that the existing wheelwash facility coupled with the continued use of the haul road to disperse mud before vehicles enter the public highway will continue to be utilised. These facilities have a successful track record of controlling mud.

#### Landscape and Visual Effects

92. MLP Policy DM1: Protecting Local Amenity states that proposals for minerals development will be supported where it can be demonstrated that any adverse landscape and visual impacts on amenity are avoided or adequately mitigated to an acceptable level.



93. MLP Policy DM5: Landscape Character states that proposals for minerals development will be supported where it can be demonstrated that they will not adversely impact on the character and distinctiveness of the landscape and that landscaping, planting and restoration proposals should take account of the relevant landscape character policy area as set out in the Landscape Character Assessments covering Nottinghamshire.
94. The WLP does not incorporate any specific landscape protection policies relevant to this planning application. WLP Policies W3.3 and W3.4 relate to the visual effects of waste developments, concerning themselves generally with the operational phase of waste developments.
95. The proposals will result in a limited physical landscape impact at the site. The only vegetation to be removed is recently seeded grass and a belt of conifers along the southern boundary with the removal of the conifers being more for aesthetic reasons to remove a species which is not characteristic of the surrounding area rather than as a direct result of the scheme.
96. In terms of landscape impact, the scheme has been designed taking into account the characteristics of the South Nottinghamshire Farmlands Landscape Character Area, as well as those of Policy Zone S08 Cotham Meadowlands. This Policy Zone has a 'Create' Landscape action as a result of former mining activities in the area and these proposals will help to meet some of the landscape actions for the Policy Zone such as creating new hedgerows, planting small woodlands, and conserving the biodiversity of the area.
97. The modifications to the restoration proposals would have a minimal visual impact and no harmful impacts are anticipated having regard to the context of the site which does not have any close visual receptors and is well screened from surrounding roads and the adjacent cycle route by fringing boundary vegetation and a small woodland to the north of the proposed site.
98. It is therefore concluded that the development is consistent with and supported by the landscape and visual protection policies of the development plan, specifically MLP Policies DM1 and DM5.

#### Public Footpath

99. MLP Policy DM7: Public Access states that proposals for minerals development will be supported where it can be demonstrated there are not any unacceptable impacts on the existing rights of way network and its users. Where possible, improvements and enhancements to the rights of way network will be sought and public access to restored minerals workings will be increased. WLP Policy W3.26 seeks to protect public access within waste developments.
100. The definitive rights of way map shows that Cotham Footpath No. 7 crosses Staple Landfill site in an east - west direction (see Plan 6). This footpath was legally entered onto the definitive map in 2009. The footpath has not been physically available for use over the last 30-40 years throughout the operational life of the quarry/landfill site, but the designation reflects a historical right of way

that existed prior to the quarry opening. Since the right of way is shown on the definitive map, the landowner has a legal obligation to ensure that public access is provided along the route.

101. In their planning consultation response, the Rights of Way team requested that the route of Cotham Footpath No. 7 should be re-instated as part of the restoration of the site. This matter was raised with the applicant and the restoration plan has been modified to accommodate the public footpath along its original route within the restored site.
102. A planning condition is recommended to ensure Cotham Footpath No. 7 is re-instated to a satisfactory standard with the condition regulating the timetable for re-instatement, specifications for surfacing, signposting, gates and future maintenance and potential need for a temporary diversion whilst restoration works progress.
103. The re-instatement of the footpath within the restoration of the site ensures that the right of way network is satisfactorily protected and thus the development is supported by MLP Policy DM7 and WLP Policy W3.26.

#### Odour Control

104. WLP Policy W3.7 incorporates planning policy in relation to odour control at waste processing sites, encouraging the use of planning conditions and operational controls to minimise odour emissions.
105. The 'soil improver' materials proposed to be imported to the Staple Quarry have some odour potential due to their organic rich composition with potential odour releases most likely during the receipt and application of the materials to the ground. The level of odour release from soil improver importation however is likely to be short term in duration and of a comparatively minor magnitude. Significant odour nuisance is not anticipated from these activities, particularly since Staple Quarry benefits from a comparatively isolated location which is remote from sensitive odour receptors therefore assisting with the dispersion of any localised odour releases. The historical context of the site which has successfully operated as a non-hazardous landfill site for over 20 years receiving large quantities of odorous putrescible waste with satisfactory odour management also indicates that any low-level odour release can be successfully managed without causing significant disturbance to amenity.
106. Pollution control in relation to odour emissions from landfill sites is primarily a function of the waste permit. The receipt and application of the 'soil improver' will be controlled by the site's Environmental Permit regulated by the Environment Agency. In accordance with policy set out within NPPF paragraph 188 and NPPW paragraph 7 it is not proposed to duplicate the odour controls regulated by the Environment Agency within this planning decision through planning conditions.
107. It is therefore concluded that the remote location of Staple landfill in relation to potentially odour sensitive uses, the comparatively minor odour risk from the

'soil improver' materials together with the regulatory controls imposed within the Environmental Permit mean that odour releases are unlikely to be significant, and thus the development is supported by WLP Policy W3.7.

#### Management of Construction Practices

108. The consultation response from VIA Reclamation recommends that planning permission should incorporate a planning condition requiring the submission and approval of a Construction and Environment Management Plan (CEMP) to manage the potential adverse impact from soil and 'soil improver' materials to the site.
109. Staple Quarry landfill retains its original site infrastructure. These facilities are purposely designed to manage potential adverse impacts from waste material importation to the site and therefore are entirely suitable for managing potential adverse environmental effects associated with the importation of restoration soils and 'soil improver' materials to the site. The facilities include dedicated haul roads, weighbridges, wheel washing facilities and segregated facilities for pedestrians and vehicular movements on the site.
110. The importation of soil and 'soil improver' materials will continue to be regulated under the terms of wider planning permission for the operation of Staple Landfill site which include controls relating to lorry routeing, noise and dust. The Environmental Permit for the site will regulate the category of materials imported to the site including any potential risks of contamination within these materials and management practices for controlling and segregating any unsuitable materials.
111. It is therefore concluded that a specific CEMP document is not required in this instance with satisfactory control being in place within the retained site infrastructure and the existing planning conditions.

#### Conclusion

112. The proposed development will enhance the ecological value of the restoration works at Staple Quarry landfill site, delivering significant ecological benefits over the existing approved restoration scheme which originally proposed the site to be used for agricultural grazing. The revised restoration scheme is considered to be consistent with the strategic objectives of the MLP and supported by MLP Policy SP2 which promotes a biodiversity-led emphasis to the restoration and after-use of former mineral sites.
113. The importation of the 'soil improver' material is necessary to provide appropriate organic-rich matter including sludges and compost-like materials to provide the necessary properties to produce a substrate capable of supporting the establishment of vegetation cover and provide the long-term nutrition and a suitable soil structure for the proposed restoration. The use of these materials also ensures that these imported by-products of the waste industry are beneficially used in a sustainable way.

114. Potential adverse environment effects will be controlled through both the planning permission including its planning conditions, S106 legal agreement and the Environmental Permit regulated by the Environment Agency. Specifically, the Environmental Permit will ensure that the 'soil improver' materials imported to the site are appropriate to the end use and within appropriate pollution control limits, thus ensuring the development is compliant with WLP Policies W3.5 and W3.6.
115. The modifications to the restoration proposals would change and enhance the character of the landscape offering greater visual interest and does not raise any significant planning issues. The development is therefore supported by the landscape and visual protection policies of the development plan, specifically MLP Policies DM1 and DM5.
116. Vehicular access to the site is considered satisfactory and controls are recommended through the proposed Section 106 legal agreement to regulate lorry routing.
117. The re-instatement of the footpath within the restoration of the site ensures that the right of way network is satisfactorily protected and thus the development is supported by MLP Policy DM7 and WLP Policy W3.26.
118. The recommended conditions to replace Conditions 1, 22, 26 and 27 are Conditions 1, 22, 23 and 24.

### **Other Options Considered**

119. The report relates to the determination of a planning application. During the course of processing the planning application the scheme has been modified at the request of the planning authority in respect of the quantity of use of the soil improver across the site and the formation of a more varied mix of habitat types resulting in a more ecologically diverse restoration scheme for the site.

### **Statutory and Policy Implications**

120. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

#### Crime and Disorder Implications

121. The development would be undertaken within the boundaries of a landfill site which benefits from perimeter security fencing, security lighting and CCTV coverage. The soils and 'soil improver' materials proposed to be imported to the

site have little/no monetary value and would not be desirable/attractive to criminal activity. The re-opening of the public right of way would open up access through the restored site.

#### Data Protection and Information Governance

122. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

#### Financial Implications

123. The applicant would be expected to cover all reasonable legal costs incurred by the County Council during the drafting and execution of the required legal agreement.

#### Human Resources Implications

124. None arising.

#### Human Rights Implications

125. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

#### Safeguarding of Children and Adults at Risk Implications

126. None arising.

#### Implications for Service Users

127. None arising.

#### Implications for Sustainability and the Environment

128. These have been considered in the Observations section above where it is identified that the development would enhance the ecological value of the restored site, beneficially utilising by-products of the waste industry to enhance site conditions to support this restoration objective.

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

129. In determining this application, the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions and the Waste Planning Authority has also engaged positively in the preparation of the draft s106 Agreement/Traffic Regulation Order. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

130. It is RECOMMENDED that the Corporate Director – Place be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act to secure appropriate lorry routeing arrangements in connection with the development.
131. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 1<sup>st</sup> February 2023 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed before the 1<sup>st</sup> February 2023, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time. Members need to consider the issues set out in the report and resolve accordingly.

**Matthew Neal**

**Service Director - Investment and Growth (Place)**

## **Constitutional Comments**

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

[JL 17.08.2022]

## **Financial Comments**

The financial implications are set out in the report.



The applicant would be expected to cover all reasonable legal costs incurred by the County Council during the drafting and execution of the required legal agreement.

[SES 09/08/2022]

### **Background Papers Available for Inspection**

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at: [www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4415](http://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4415)

### **Electoral Divisions and Members Affected**

Balderton	Cllr John Lee
Farndon & Trent	Cllr Mrs Sue Saddington

Report Author/Case Officer  
Mike Hankin  
0115 9932582

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

Application Ref: V/4415  
Report Ref: W002354.doc

## RECOMMENDED PLANNING CONDITIONS

### Scope of Planning Permission

1. This permission relates to the restoration of Staple Quarry Landfill Site to a nature conservation/habitat based after-use utilising the importation of soil improvement materials to mix with the site's existing soils.

*Reason: For the avoidance of doubt.*

### Commencement

2. The development hereby permitted shall be begun within 3 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.*

3. The Waste Planning Authority (WPA) shall be notified in writing of the date of commencement of this planning permission at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

*Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.*

4. From the commencement of their development until its completion, a copy of the permission, including all plans and documents referred to in the permission and any other plans and documents subsequently approved in accordance with this permission shall always be on display for inspection at the site during normal working hours.

*Reason: For the avoidance of doubt.*

### Scope of materials to be imported to the site

5. Only soils and 'soil improver' materials shall be imported into the site. Soil improver materials imported to the site shall comply with the specification set out within the Statement of Benefit dated June 2022, received by the Waste Planning Authority (WPA) on 23<sup>rd</sup> June 2022, unless otherwise agreed in writing with the WPA. All importation of soil and 'soil improver' materials shall cease on or before 31<sup>st</sup> October 2024. All restoration operations including the placement of stockpiled soils and 'soil improver' materials shall be completed by 31<sup>st</sup> December 2025.

*Reason: To define the duration of the planning permission.*

### Access to the Site

6. No waste materials or soils shall be imported into the site directly from the public highway on Grange Lane unless:
- a. the sight line areas of the approved site access shown on Plan 3057/C/10/E shall be kept clear of all obstructions to visibility above a height of 0.6 metres;
  - b. the wheels of all vehicles leaving the site have been cleaned in the approved wheelwash facility to prevent the deposit of detritus or mud on the highway.

*Reason: In the interests of highway safety and to safeguard the local environment in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.*

### Hours of Operation

7. No operations authorised by this permission including operation of machinery and work in connection with stripping, movement or replacement of soil, or overburden, movement of HGVs, or subsequent restoration shall be carried out except between the following times:
- 0700 -1900 Monday to Friday
  - 0700 -1300 Saturday
  - No operations or work shall be carried out on Sundays.
  - On Bank Holidays (not including 25th and 26th December and 1st January) operations shall only be carried out between the hours of 0800 to 1700.

*Reason: In the interests of residential amenity and to ensure the development is carried out in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

### Protection of Existing Vegetation

8. The area of willow trees and hedgerow on the western boundary of the site indicated on Plan No. A1148-A008 received by the WPA on 29th April 1992, shall be retained and managed as necessary to the satisfaction of the WPA.

*Reason: In the interests of residential amenity and to ensure the development is carried out in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

### Site Drainage and Pollution Control

9. There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site, and existing drainage

systems shall be managed in accordance with the Surface Water Drainage Scheme: E969-SQ-105, approved by the WPA on 10th March 2009.

*Reason: In the interest of groundwater protection, in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

10. All foul drainage must be contained within a sealed and watertight cesspit. In order to avoid overflow, this facility must be fitted with a level warning device.

*Reason: In the interest of groundwater protection, in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

11. For as long as operations take place on the site, any containers of fuel oil or liquid chemicals shall be located within a containment bund of sufficient capacity to accommodate the contents of the largest container plus an additional ten per cent. There must be no drain through the bund floor or walls and all filling points, vents and sight glasses must be located within the bund.

*Reason: In the interest of groundwater protection, in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

#### Soil Management

12. Topsoil and subsoil mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability. They shall be graded and sown with a grass seed mixture to the satisfaction of the WPA. The sward shall be suitably managed throughout the period of storage during the first sowing season following their construction in accordance with details to be agreed in writing by the WPA.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

13. No movement of soil shall take place except when the full depth of soil to be transported is in a suitably dry soil moisture condition. Conditions shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty so that it is not damaged by machinery passage over it.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

14. Mounds of topsoil, subsoil and soil making material shall not be traversed by heavy vehicles or machinery except during construction or removal of these mounds.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*



15. All areas of the site left undisturbed and all topsoil, subsoil, soil making material and overburden storage areas shall be kept free of weeds. All necessary steps shall be taken to destroy weeds at any early stage of growth to prevent seeding.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

#### Dust Management

16. Measures shall be taken to the satisfaction of the WPA to ensure the suppression of dust emissions from the site; in particular (but without prejudice to the generality of the foregoing) a water bowser shall be available and used on site at all times during dry weather so that all haul roads can be watered to lay dust where necessary.

*Reason: In the interest of amenity and to accord with Policies W3.8 and W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

#### Noise Control

17. Measures shall be employed as may be agreed by the WPA to minimise the emission of noise from operations within the boundary of the site. In particular (but without prejudice to the generality of the foregoing) all types and classes of plant, used on the site shall be equipped with efficient silencers or fitted with the best practical means of noise attenuation and maintained to the satisfaction of the WPA. All pumping machinery employed on the site shall have electric motors and baffle screens.

*Reason: In the interest of amenity and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

#### Control of buildings and structures on site

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revising, revoking or replacing that order, no landfill gas flare compound, machinery or buildings, shall be erected or placed upon the tipping area without the prior written permission of the WPA.

*Reason: In the interest of amenity and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

#### Closure of Site and Restoration

19. Within 1 month of the date of the commencement of the planning permission, as notified under the requirements of Condition 2 above, the operator shall submit to the WPA for its written approval a phasing plan to identify the sequence and

anticipated timetable to ensure the former landfill site is restored in a progressive manner as soon as reasonably practicable. Restoration works shall thereafter be carried out in accordance with the scheme approved in writing by the WPA.

*Reason: To ensure the satisfactory restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.*

20. Before the 31<sup>st</sup> October 2024 the operator shall submit to the WPA for its approval in writing a timetable for the removal of all buildings, structures, plant, machinery, weighbridges, fences and landfill gas & leachate management infrastructure from the site. The submission shall clearly identify whether any of these facilities are required to be retained beyond the final date for the completion of restoration (31<sup>st</sup> October 2026) including an explanation to justify why the features need to be retained beyond this date. The removal timetable shall thereafter be undertaken in accordance with the scheme approved in writing by the WPA.

*Reason: In the interest of amenity and to ensure that there are regulatory controls to ensure the removal of any facilities essentially required to be retained at the site beyond the period for the completion of the restoration/aftercare to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

21. The landfill gas and leachate control systems including flare stack pipework within 750mm of ground level shall be removed in accordance with the timetable approved under Condition 20, or at such time as the WPA consider landfill gas and leachate control is no longer required. Gas and leachate wells shall be backfilled, sealed and capped and restored by covering with soils and seeding.

*Reason: In the interest of amenity and to accord and to ensure that there are regulatory controls to ensure the removal of any facilities essentially required to be retained at the site beyond the period for the completion of the restoration/aftercare to accord with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.*

22. The restoration and landscaping of the site shall conform to Drawing No. FCC-012-W-001 REV A: Revised Final Restoration Plan dated June 2022 and received by the WPA on 23<sup>rd</sup> June 2022.

*Reason: To ensure satisfactory restoration and landscape treatment of the site, in accordance with Policy W4.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

23. At least 48 hours' notice, but not more than 21 days' notice, shall be given in writing to the WPA prior to spreading of soil forming material and subsoil, on each restoration phase. The operator shall meet on site a representative of the WPA to agree that the replacement material conforms generally with the levels as set out in the agreed restoration plan (Drawing No. FCC-012-W-001 REV A: Revised Final Restoration Plan dated June 2022 and received by the WPA on

23rd June 2022) and that the contours, after allowing for any settlement and the replacement of topsoil, shall be satisfactory for the proposed restoration of the site. Any necessary regrading shall not be carried out until agreement is reached in writing with the WPA.

*Reason: To ensure the satisfactory restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.*

24. Subsoils and materials to cover the landfill cell membranes shall conform to the following specification:

- (a) No fill material shall be utilised which is injurious to plant life;
- (b) No rock, stone, boulder or other materials capable of preventing or impeding the intended after-use of the site or land drainage operations shall be used;
- (c) Subsoils and any materials placed over the liner of the landfill site shall be re-spread evenly over the working area to create a level surface for the receipt of topsoils;
- (e) Stones or other unwanted material within 2 metres of the final surface contours which will not pass through a 150mm diameter ring in any dimension shall be removed from site or buried on site at a depth exceeding 2 metres below final surface contours.

*Reason: To ensure the satisfactory restoration of the site in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

25. After satisfactory replacement and treatment of cover materials over the liner to the landfill site and subsoil placement, top-soils incorporating 'soil improver' materials shall be re-spread to the following specification:

- a) In the area to be restored to mixed species open grassland with shrubs, hedgerows and tress, tops soils shall be replaced to provide a minimum depth of 400mm. Within the open grassland a variation of soil types should be used including areas where the phosphorous index is low (ideally not more than Index 1) to assist in creating a diverse grassland habitat.
- b) In the area of the site to be restored for Grizzled Skipper butterfly habitat, the ground shall be restored using the existing low-nutrient substrate only.
- c) Soils shall not be compacted and any stones greater than 100mm in any direction should be removed.

*Reason: To ensure the satisfactory restoration of the site in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

26. Plant and vehicles shall not cross areas of replaced subsoil and topsoil except for the express purpose of restoration. All operations involving soil replacement

and cultivation treatments shall only be carried out when the full volume of soil involved is in a suitably dry condition.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

27. All reasonable precautions shall be taken to prevent the mixing of topsoil, subsoil, overburden and fill material.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

28. Prior to cultivation an adequate number of samples of topsoil shall be analysed to assess phosphorous levels. The results of the analyses shall be supplied to the WPA for its written approval including any arrangements for the treatment of the soils. The soil shall thereafter be managed/treated in accordance with the details approved in writing by the WPA.

*Reason: To ensure the satisfactory restoration of the site in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

29. Appropriate measures shall be taken to remedy any settlement causing ponding during and after the restoration operations.

*Reason: To ensure the satisfactory restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.*

#### Aftercare

30. Following restoration, the land shall undergo aftercare management for a 5-year period. Prior to being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the WPA, and the aftercare period shall run from the agreed date.

*Reason: To provide for aftercare of the restored site, in accordance with Policy W4.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

31. An aftercare scheme and strategy shall be submitted for the written approval of the MPA no later than 31<sup>st</sup> March 2024. The aftercare strategy shall outline the steps to be taken, the period during which they are taken, and who will be responsible for taking those steps to ensure the land is managed and brought back to a satisfactory condition. The aftercare scheme shall include, but not be restricted to, details of the following:

- a) Drainage arrangements;



- b) Tree and hedgerow protection;
- c) Fencing arrangements;
- d) Cultivations which shall be generally consistent with the specifications detailed on Drawing No. FCC-012-W-001 REV A: Revised Final Restoration Plan dated June 2022 and received by the WPA on 23rd June 2022;
- e) Seed mixtures which shall be generally consistent with the specifications detailed on Drawing No. FCC-012-W-001 REV A: Revised Final Restoration Plan dated June 2022 and received by the WPA on 23rd June 2022;
- f) Specification for habitat creation works in the areas identified as poor soils for grizzled skipper butterfly;
- g) Specification and timetable for the reshaping of the settlement lagoons including arrangements for re-vegetation of the re-shaped lagoon;
- h) Arrangements for the re-instatement of Cotham Footpath No. 7 along the line of its original route including surfacing specification, width, signposting, gates, timetable for installation and future maintenance including any arrangements for any temporary diversions;
- i) Management arrangements and establishment methods which shall promote natural regeneration and shall set out clearly the works to be undertaken on an annual basis and a separate schedule showing when works would be undertaken within each year;
- j) Weed control;
- k) Keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the WPA between 31 March and 31 May each year;

*Reason: To provide for aftercare of the restored site, in accordance with Policy W4.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

32. Site management meetings shall be held with the WPA each year to assess and review the detailed annual programmes of aftercare operations referred to in Condition 31(k) above, having regard to the condition of the land; progress in its rehabilitation and necessary maintenance.

*Reason To provide for aftercare of the restored site in accordance with Policy W4.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

33. The aftercare programme shall be implemented in accordance with the details approved under Condition 31 above, as amended following the annual site meeting referred to in Condition 32 above.

*Reason To provide for aftercare of the restored site, in accordance with Policy DM4.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

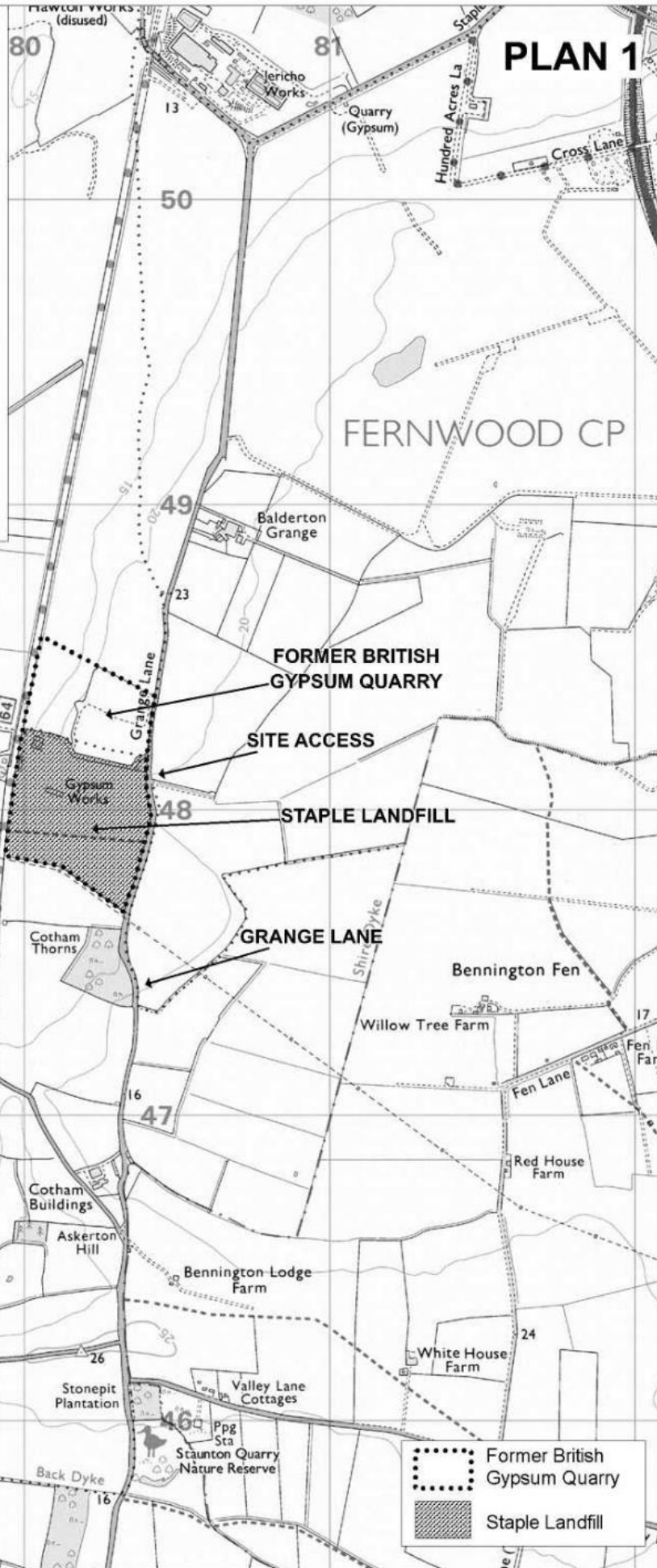
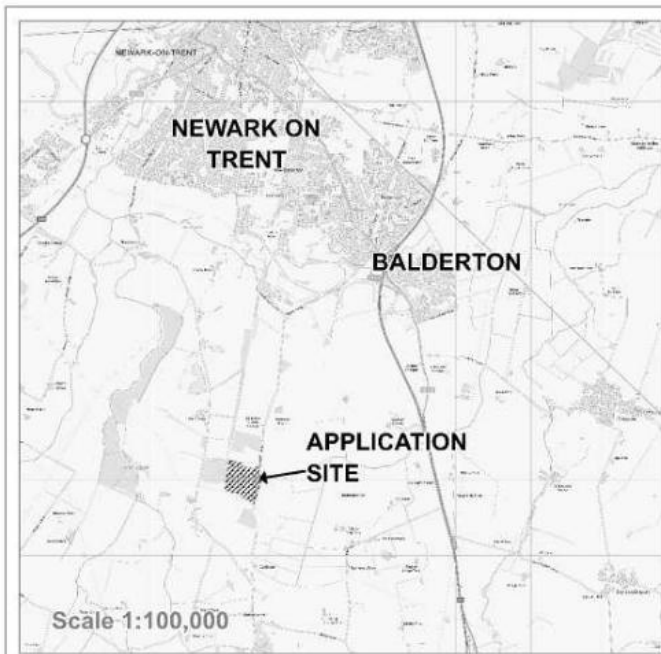
34. Should soil or 'soil improver' imports into the site cease for a period in excess of one year, the operators shall, on written request from the WPA:

- (a) submit to the WPA for approval an alternative scheme of restoration of the site and ancillary areas within 1 year of the date of the request;
- (b) carry out the restoration in accordance with the scheme approved under (a) above.

*Reason: To ensure the satisfactory restoration of the site in accordance with Policy W4.8 of the Nottinghamshire and Nottingham Waste Local Plan.*

#### **Informatives/notes to applicants**

none



**Nottinghamshire  
County Council**

Amendment to planning permission 3/16/00693/CMW to alter the approved restoration and afteruse of the site from agriculture to an ecological / habitat based restoration and afteruse (nature conservation), facilitated through the importation of soil improvement materials to mix with the site's existing soils - variation of conditions 1 (permission reference to agriculture), 22 (restoration and aftercare scheme), 26 (soil replacement - reference to agricultural operations), 27 (reference to agricultural operations) - reference to agricultural operations) Staple Landfill, Grange Lane, Cotham, Nottinghamshire.  
Planning Application No. 3/22/00740/CMW

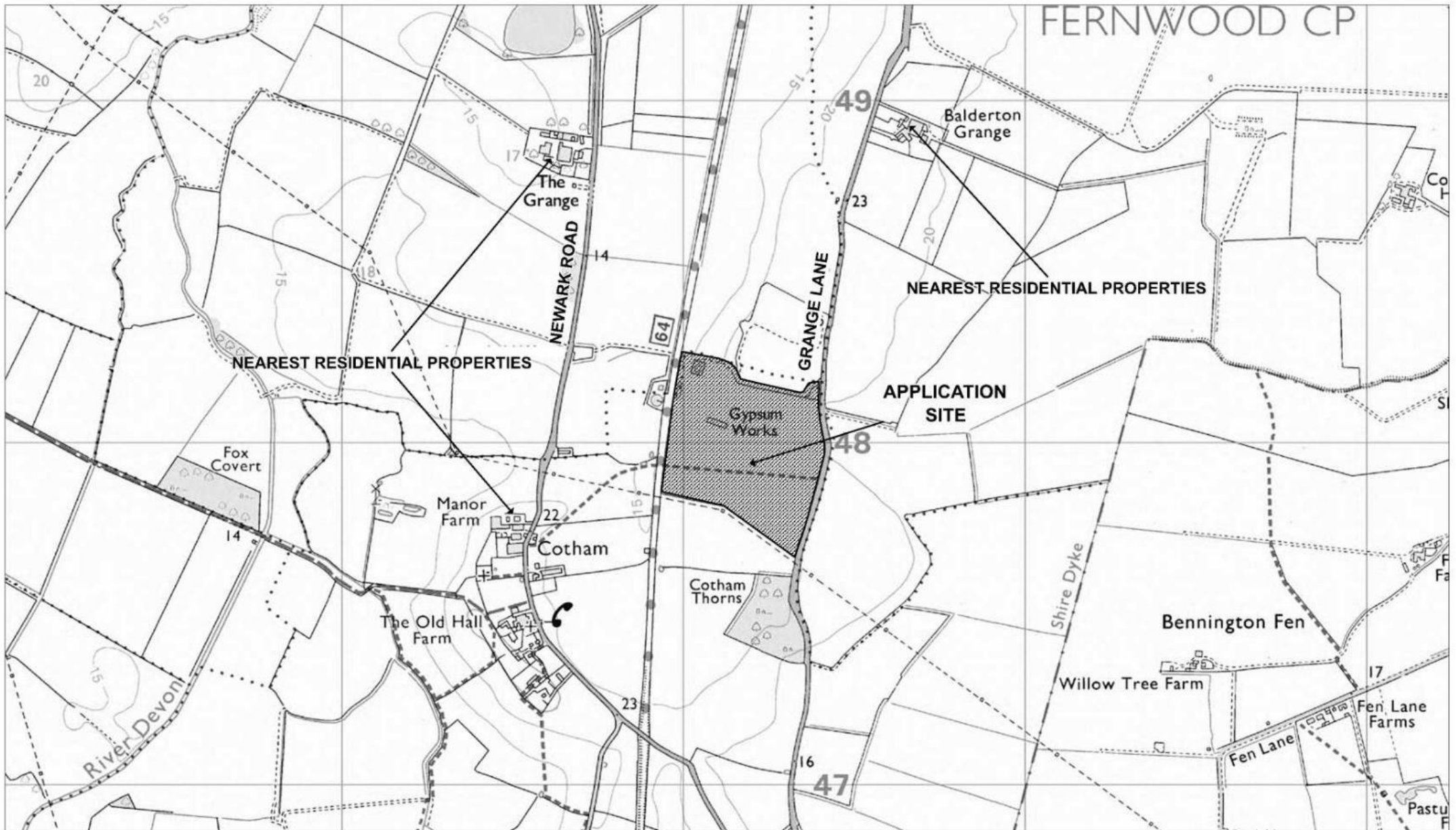
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**Nottinghamshire  
County Council**

Amendment to planning permission 3/16/00693/CMW to alter the approved restoration and afteruse of the site from agriculture to an ecological / habitat based restoration and afteruse (nature conservation), facilitated through the importation of soil improvement materials to mix with the site's existing soils - variation of conditions 1 (permission reference to agriculture), 22 (restoration and aftercare scheme), 26 (soil replacement - reference to agricultural operations) and 27 (stone removal - reference to agricultural operations)  
Staple Quarry, Grange Lane, Cotham, Newark-on-Trent, Nottinghamshire.

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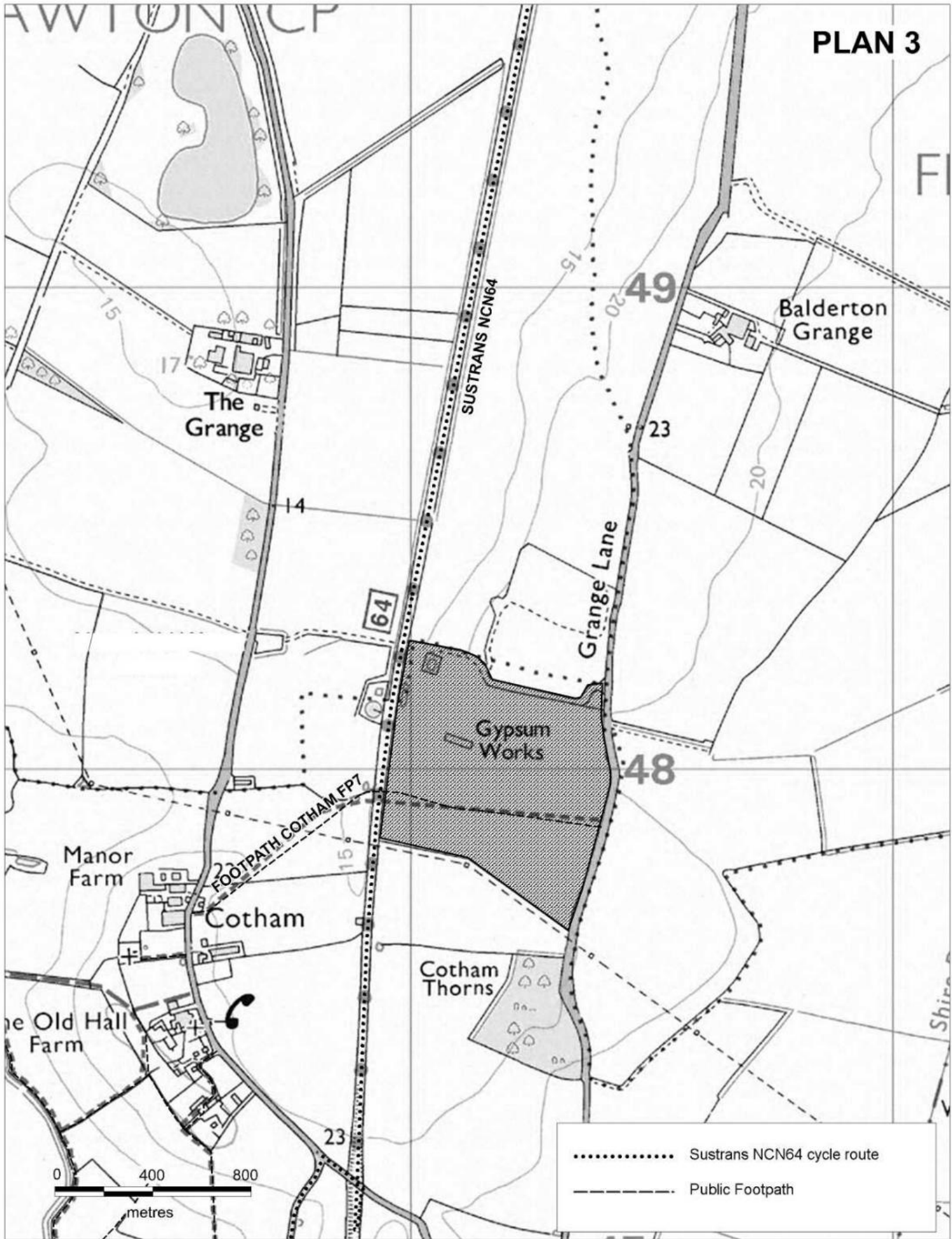


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**PLAN 2**







**Nottinghamshire  
County Council**

Amendment to planning permission 3/16/00693/CMW to alter the approved restoration and afteruse of the site from agriculture to an ecological / habitat based restoration and afteruse (nature conservation), facilitated through the importation of soil improvement materials to mix with the site's existing soils - variation of conditions 1 (permission reference to agriculture), 22 (restoration and aftercare scheme), 26 (soil replacement - reference to agricultural operations) and 27 (soil replacement - reference to agricultural operations) - reference to agricultural operations) Staple Landfill, Grange Lane, Cotham, Nottinghamshire.  
Planning Application No. 3/22/00740/CMW

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**Nottinghamshire  
County Council**

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Staple Quarry, Grange Lane, Colham, Newark-on-Trent, Nottinghamshire.

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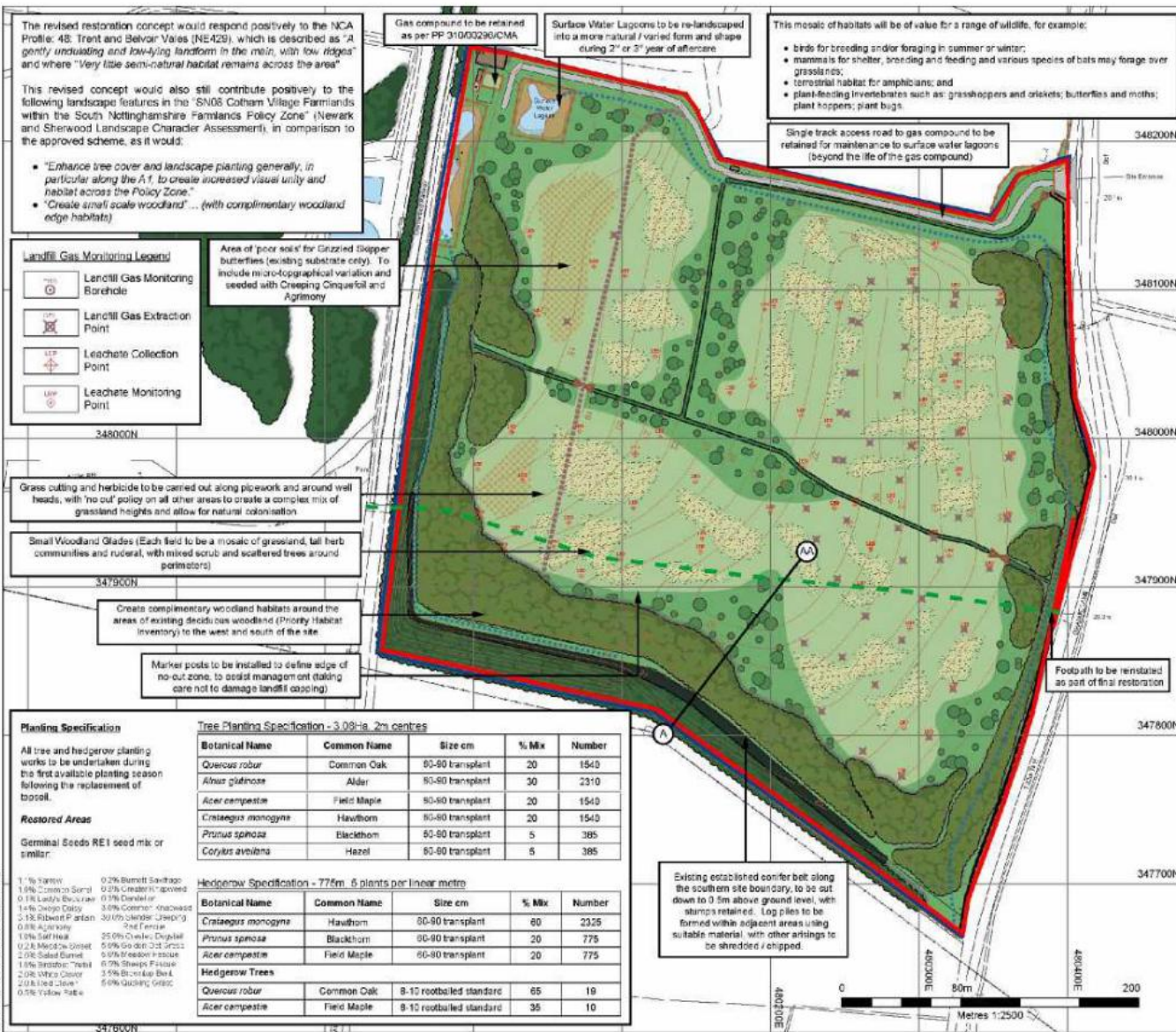


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**PLAN 4**

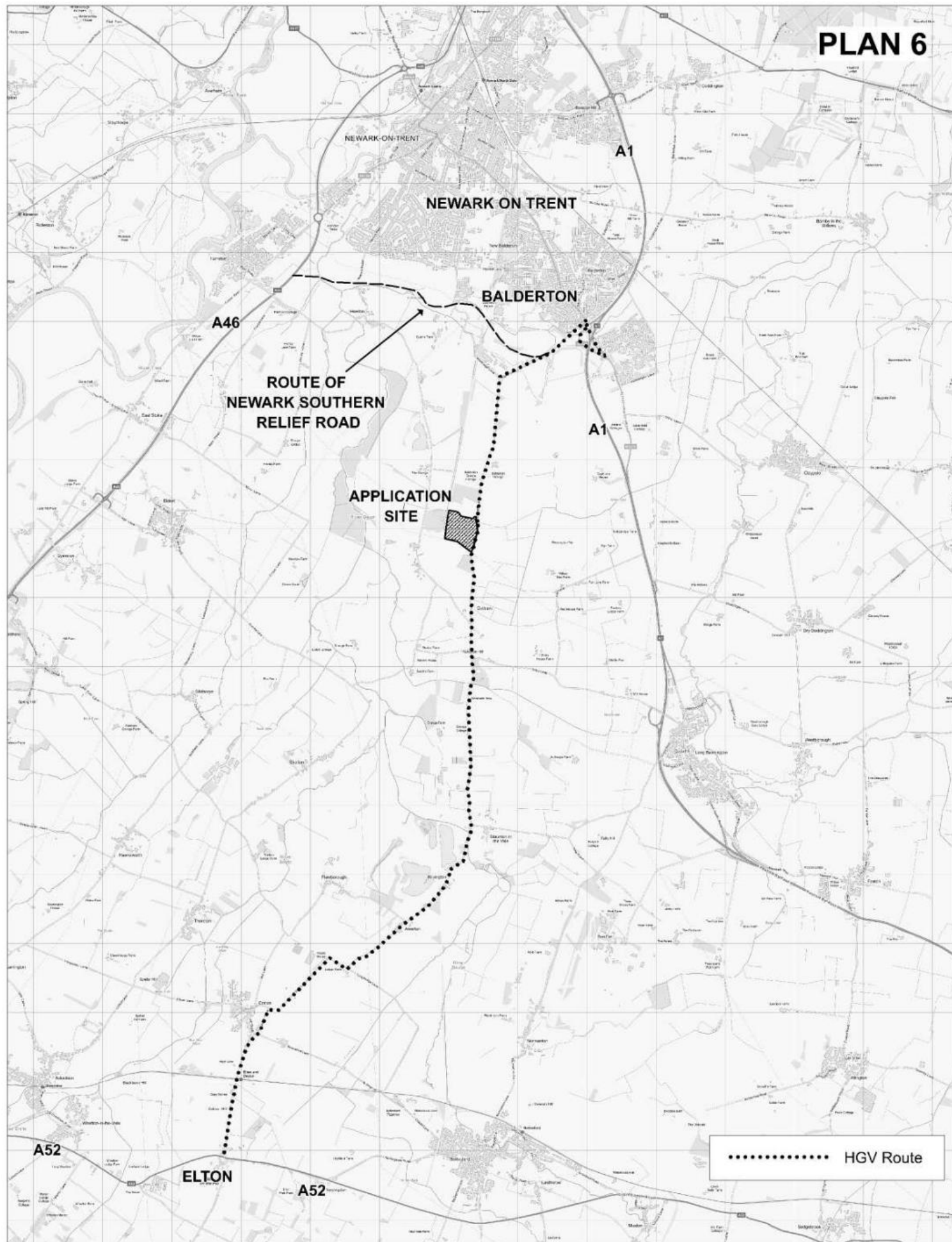












..... HGV Route



**Nottinghamshire  
County Council**

Amendment to planning permission 3/16/00693/CMW to alter the approved restoration and afteruse of the site from agriculture to an ecological / habitat based restoration and afteruse (nature conservation), facilitated through the importation of soil improvement materials to mix with the site's existing soils - variation of conditions 1 (permission reference to agriculture), 22 (restoration and aftercare scheme), 26 (soil replacement - reference to agricultural operations) - reference to agricultural operations - reference to agricultural operations  
Staple Landfill, Grange Lane, Cotham, Nottinghamshire.  
Planning Application No. 3/22/00740/CMW



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**1 November 2022****Agenda Item: 7****REPORT OF SERVICE DIRECTOR – INVESTMENT AND GROWTH (PLACE)****GEDLING DISTRICT REF. NO.: 7/2022/0425NCC****PROPOSAL: VARIATION OF SCHEME FOR THE CREATION AND SUBSEQUENT  
MANAGEMENT OF OFFSET/ MITIGATION HABITATS UNDER  
CONDITION 27 OF PLANNING CONSENT 7/2017/1491NCC****LOCATION: BESTWOOD 2 QUARRY, MANSFIELD ROAD, PAPPLEWICK,  
NOTTINGHAM, NG15 8FL****APPLICANT: TARMAC AGGREGATES LIMITED****Purpose of Report**

1. To consider a planning application to replace the scheme approved under Condition 27a) of extant planning permission 7/2017/1491NCC, for a revised scheme to compensate habitat losses to offset an area of woodland designated as a Local Wildlife Site which was removed as part of the previously approved mineral extraction development. The key issue relates to ensuring that there continues to be satisfactory compensation for the habitat losses. The assessment of the planning application demonstrates that the development would not result in any significant harmful environmental effects.
2. The recommendation is to grant conditional planning permission subject to the developer entering into a deed of variation or equivalent legal agreement under Section 106 of the Town and Country Planning Act to ensure the existing legal controls which require the creation and management of new heathland habitat in the nearby Calverton (Burntstump) Quarry, and the continued hosting of the quarry liaison meeting are carried forward into the new planning permission for the site.

**The Site and Surroundings**

3. Bestwood II Quarry is an active Sherwood Sandstone quarry located approximately 1.1 km to the south of Ravenshead, 3.5 km to the north-east of Hucknall and approximately 4.4 km to the north-west of Calverton, Nottinghamshire, as shown on Plan 1. Access to the site is via a purpose built haul road, leading from the A60/Mansfield Road, which forms the western boundary of the quarry.



4. The quarry has been operational for many years. The consented area extends to approximately 28 hectares and includes land being used for mineral extraction, land undergoing restoration operations and restored former mineral working areas. In addition there is a dedicated plant site and administration area and silt lagoons in the northern part of the quarry floor. Weighbridges and a wheelwash for outbound lorries are located on the access road. The worked out mineral voids have a maximum depth of 85m AOD (approximately 40m depth from original ground levels). The Sherwood Sandstone extracted within the quarry is used to produce high specification construction materials for local and regional needs.
5. Mineral extraction is currently progressing within the 4.5 hectare eastern extension under planning permission 7/2017/1491NCC granted in December 2018 as shown on Plan 2. This area formerly incorporated an oak-birch woodland forming part of the Longdale Plantation Local Wildlife Site. The site also falls within the Greenwood Community Forest area and the Green Belt. The eastern extension is surrounded on its northern and eastern boundaries by woodland, by agricultural (arable) land and a covered Severn Trent freshwater reservoir to the south.
6. The nearest residential properties to the Eastern Extension are located on Longdale Lane (no. 270 & 272) at a distance of about 200m. Isolated residential properties adjoin the existing quarry including Forest Farm Cottages on the A60 to the south and a group of properties on Grays Drive to the North of the quarry.

## **Background**

7. In December 2018 planning permission (7/2017/1491NCC) was granted for a 4.5 hectare eastern extension to the existing quarry. This planning permission has subsequently been implemented with mineral extraction ongoing. The consented reserve is anticipated to yield a total of 1.4 million tonnes of sand, providing for the continuation of mineral extraction at the quarry until January 2029.
8. The area prior to extraction incorporated part of a larger Local Wildlife Site designation (Longdale Plantation Local Wildlife Site (LWS)) noted for its oak-birch woodland habitat. In order to provide appropriate compensation and mitigation for the loss of LWS habitat, Condition 27 of Planning Permission 7/2017/1491NCC requires the submission of a scheme to provide for:
  - The methodology for creating a receptor site for 3.48ha of woodland soils stripped from the Eastern Extension development site including arrangements for direct placement of stripped woodland soils and translocated tree root plates and selected felled timber under Condition 27(a).
  - The methodology for creating 2.55ha of additional heathland within the quarry floor and side slopes under Condition 27b).

- The methodology for creating 2.42ha of additional woodland within the quarry under Condition 27c).
  - The methodology for creating 1.15ha of new heath grassland within the quarry under Condition 27d).
  - The methodology for creating 0.34ha of new wetland within the quarry under Condition 27e).
  - The establishment and subsequent management of a new heathland habitat within the nearby Calverton (Burntstump) Quarry regulated by Section 106 legal agreement, as sufficient mitigation could not be provided on the Bestwood 2 Quarry site.
9. A compensation and mitigation scheme for creation and management of the off-set/mitigation habitats was agreed pursuant to Condition 27 on 17 September 2019. Specifically in terms of Condition 27a), the approved scheme provided for the transfer and direct placement of woodland soils from Longdale Plantation Local Wildlife Site to three woodland soil receptor sites located west, centre, and east along the southern wall of the existing quarry void, as shown on Plan 3. Deadwood sourced from the felling of the trees was then to be placed into these three receptor sites and in varying arrangements with some root clumps placed directly into the ground, some lengths of deadwood stood vertical by setting them into the ground, and also lying deadwood on the ground. The deadwood provides habitat for plants and invertebrates and support a wider ecosystem to develop.

## **Proposed Development**

10. This Section 73 Planning Application seeks planning permission to implement a revised scheme for creation and management of the off-set/mitigation habitats utilising imported felled trees, replacing the scheme previously approved under Condition 27a) of planning permission 7/2017/1491NCC. The scheme does not seek to alter the details previously approved under Condition 27b)-e) for creation of heath, woodland, heath grassland and wetland habitats elsewhere within the Bestwood II Quarry, nor the new heathland habitat creation scheme in the nearby Calverton (Burntstump) Quarry.
11. In their supporting statement the applicant explains that they have been unable to fully deliver the deadwood placement in compliance with the scheme approved under Condition 27a). The operator sets out the events leading to non-compliance as follows:
- *The transfer and direct placement of woodland soils was undertaken and completed in 2019 in accordance with the agreed scheme.*
  - *The transfer and placement of tree root plate monoliths was undertaken in 2019, but the tree roots were placed into a single temporary receptor store area in the western soil receptor site pending subsequent placement across the three receptor sites.*

- *The onset of very wet weather in late 2019 and early 2020 delayed the further transfer of the felled timber into the other woodland soil receptor sites and site closures/business continuity issues arising from COVID restrictions meant that the timber was not relocated in 2020 and 2021.*
  - *An ecological assessment of the temporary timber store was undertaken in September/October 2021 in preparation for the transfer of timber during Winter 2021. The ecological survey identified the temporary timber store was providing important habitat for amphibians (common frog, toad, smooth & palmate newts) and invertebrates, particularly species of Coleoptera, Gastropoda, Orthoptera, and Hymenoptera.*
  - *A decision to not re-distribute timber from the temporary store was made in consultation with NCC Ecology on the grounds of the ecological value of the store at present, and the likely negative impact on biodiversity caused by the disturbance to the wood store.*
12. The applicant states that following the decision taken to not re-distribute timber from the temporary store, Planning Permission is sought for a modified ecological mitigation scheme. Since no further timber is available from Longdale Plantation LWS and from the Bestwood site generally, the applicant seeks to amend the compensation scheme by using deadwood imported into the site from another Tarmac quarry for habitat creation works.
  13. The revised scheme therefore seeks to import felled timber into Bestwood II quarry to provide the deadwood habitat within the three woodland soil receptor sites (as shown in Plan 3) and retain the existing logs which have been placed in the western extension. The area of logs to be imported would equate to an area no more than 1500m<sup>2</sup> (0.15ha) and would be spread across the three off-set/mitigation areas.
  14. The applicant has identified a number of from which species such as Crack Willow, Alder, Silver Birch, Hawthorn, Ash, Oak, Sycamore and Beech would be available either as logs or stumps. The applicant estimates that the wood could be brought to site in not more than 24 loads using a 14 tonne tractor and trailer.
  15. With the exception of the source of the felled timber, the scheme submitted as part of this planning application incorporates detailed arrangements for the establishment and management of the compensatory habitats across all three receptor sites.
  16. The revised scheme now sought planning permission results in an overall increase in the quantity of deadwood habitat to be provided. Deadwood habitat is proposed to be provided in several discrete areas rather than one large area as is the current situation within the western receptor site.
  17. During the course of processing the planning application, modifications have been made to reduce the quantity of felled timber proposed to be imported into the site and the extent of its placement within the woodland creation areas, to ensure the timber is evenly distributed between the three separate receptor blocks.

## Consultations

18. **NCC (Nature Conservation) – Raise no Objection**
19. *The general approach of the revised off-set/mitigation scheme which seeks to retain the existing deadwood pile that was created in 2019/2020 in situ given that it now appears to be a valuable area of habitat in its own right and allowing the importation of deadwood from off-site to ensure that the original objectives for the woodland creation are still met is generally supported.*
20. *Concerns were originally raised in respect of the volume of deadwood to be brought in. The existing deadwood pile in the western woodland area is approximately 2000m<sup>2</sup> (0.2ha) in extent, and was originally proposed to be distributed across the three new woodland areas therefore equating to 665m<sup>2</sup> in each area.*
21. *The originally submitted Section 73 submission proposed the importation of a further 4000m<sup>2</sup> (0.4ha) of deadwood habitat to establish new habitat using imported wood in the central and eastern woodland areas, with 2000m<sup>2</sup> in each area, in 3-5 piles per area. It was recommended that the extent of deadwood habitat is scaled back to closer to what was originally approved, and that some deadwood is also placed onto that part of the western woodland area where there is currently none. On this basis it was recommended that the equivalent of no more than 1500m<sup>2</sup> (0.15ha) of deadwood is brought to site, and that it is distributed at a ratio that is proportionate to the area of each of the three woodland creation areas.*
22. *Since the updated scheme incorporates these modifications, the scheme is now supported.*
23. No response has been received from Gedling Borough Council, Ravenshead Parish Council, Papplewick Parish Council and Nottinghamshire Wildlife Trust.

## Publicity

24. The application has been publicised by means of site notice, press notice and in accordance with the County Council's adopted Statement of Community Involvement. No representations have been received.
25. Councillor Chris Barnfather has been notified of the application.

## Observations

26. During the initial planning application assessment for the Eastern Extension under application 7/2017/1491NCC, the ecological effects of removing a section of Longdale Plantations LWS woodland was carefully examined, with the development only considered to be acceptable as long as adequate habitat

compensation was carried out. The provision of deadwood habitat was an important consideration in the determination of this planning application, insofar that it ensured that appropriate compensation was provided for the habitat that was lost within the Longdale Plantation LWS, and is important in linking complementary associated habitats within the overall restoration scheme. There is therefore still a continuing need to provide the previously agreed deadwood habitat within the central and eastern woodland soil receptor sites, and to achieve the required compensation for loss of the area of LWS woodland.

27. Planning law requires that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the most relevant part of the development plan relating to this ongoing minerals development is the Minerals Local Plan (MLP) adopted in 2021. Policies within the 2014 Gedling Aligned Core Strategy and the 2018 Gedling Borough Local Planning Document (LPD) Part 2 Local Plan are also relevant to the decision. The National Planning Policy Framework (NPPF) is a key material consideration.
28. NPPF Paragraph 179 states that sites of ecological importance should be identified and the planning system should protect and enhance biodiversity. Paragraph 180 states that when determining planning applications, planning authorities should seek to ensure development avoids significant harm to biodiversity by undertaking developments in locations which avoid ecological impacts as the preferred option (through locating on an alternative site with less harmful impacts). If alternative sites are not available, development decisions should ensure ecological impacts are adequately mitigated and as a last resort, impacts should be appropriately compensated. Nottinghamshire Minerals Local Plan (2021) Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity and Gedling LPD (2018) Policy 18 – Protecting and Enhancing Biodiversity are consistent with the NPPF in terms encouraging the identification and protection of ecological assets within development proposals, and seeking to avoid impacts to these ecological assets as far as possible.
29. The above policies require compensation measures to be put in place where ecological impacts cannot be avoided. The scheme originally approved under Condition 27 ensured that the appropriate compensation/mitigation measures were put in place, to mitigate for ecological impacts resulting from the clearance of part of the Longdale Plantation LWS, to facilitate the eastern extension.
30. Although the quarry operator has stored deadwood to deliver the ecological compensation scheme previously approved under Condition 27a), operational constraints relating to wet weather and COVID interruptions meant that these stockpiled logs were not placed across the wider compensation area. Now that the wet area of stored logs has established as beneficial habitat in its own right, it is considered appropriate to retain them in situ.
31. The revised mitigation scheme now sought planning permission utilising deadwood imported into Bestwood II Quarry, in lieu of wood sourced from the eastern extension, is considered appropriate. There is still some uncertainty as to the source and species of deadwood to be brought onto the site and a



condition is recommended requiring these details, in particular to ensure that the species are appropriate. The scheme retains the habitat which has established within the stored deadwood whilst also ensuring satisfactory compensation continues to be provided across the wider compensation area, in accordance with the original objectives of Condition 27a). The revised scheme for offset/mitigation habitats is supported by NCC Nature Conservation, who have accompanied a routine site inspection to view the area in question, and have advised on the best course of action.

32. It is therefore concluded that these revised compensatory measures continue to be compliant with MLP Policy DM4, Gedling LPD (2018) Policy 18 and NPPF Paragraph 180, and provide satisfactory ecological compensation for previously approved site clearance operations, associated with the development of the eastern extension.
33. Other aspects of ecological mitigation and compensation required under Condition 27b)-e) and the offset mitigation provided through establishment of an area of heathland at the nearby Calverton (Burntstump) quarry regulated through the imposition of a Section 106 legal agreement will continue as originally approved.
34. The existing drafting of the Section 106 legal agreement does not provide scope for it to 'roll forward' to provide regulatory control to any future planning permission issued under Section 73 and therefore a deed of variance or new Section 106 agreement would be required to ensure that these existing controls continue as part of any new Section 73 planning permission for the site. The recommendation to support a grant of planning permission therefore reflects this fact and if Members are minded to support a grant of planning permission it will be necessary for a deed of variance or new Section 106 legal agreement to be entered into between the operators and the planning authority.

#### Consideration of Wider Environment Effects of the Proposed Modification

##### Green Belt

35. Green Belt policy was previously examined during the policy assessment for the Eastern Extension planning application, and concluded that the proposal was considered appropriate development, and that there would be no impact upon openness, in accordance with the NPPF and Policies contained in the MLP. This application does not change this assessment as it principally relates to enhancing restoration works and therefore is considered to be in accordance with Green Belt policy.

##### Traffic, Access and Parking

36. It is estimated by the operator that the importation of timber will be carried out by up to 24 trips. Trip numbers may reduce if larger capacity heavy goods vehicles are used, depending on availability. The vehicle movements associated with the

importation of felled timber will therefore be minimal and short term in nature, and would result in no significant adverse impacts, considering that the site is served by a well-established access directly from the A60, with frequent aggregate traffic having accessed the site for many years without issue. Vehicle parking remains provided within the site in the site cabin area. Outgoing heavy goods vehicles pass through the existing wheelwash, and are required by a planning condition under the wider site planning permission to leave site without depositing any material on the public highway. The proposal is therefore considered in accordance with Minerals Local Plan Policy DM9: Highways Safety and Vehicle Movements / Routeing.

### Noise

37. Works associated with the soil receptor sites are to be carried out in the lower areas of the previously worked void, and are short-term in nature. Limits for noise emissions remain controlled by planning conditions, along with the requirement for noise monitoring to be carried out in the event of a complaint being received which is considered justified by the MPA. The proposal is therefore considered to be in accordance with MLP Policy DM1: Protecting Local Amenity.

### Other Issues

38. Since the original schedule of planning conditions were approved a number of schemes have been approved by the MPA. The schedule of planning conditions has therefore been updated to reflect the latest schedule of approved documents. The applicant has been consulted on the latest schedule of planning conditions and is agreeable to their imposition.

### **Other Options Considered**

39. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. As part of the assessment of the planning application careful consideration has been given to the amount of deadwood required to be imported to the site to ensure adequate ecological mitigation is maintained for the Eastern Extension development, resulting in a reduction in the quantity of material imported into the site.

### **Statutory and Policy Implications**

40. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate

consultation has been undertaken and advice sought on these issues as required.

#### Crime and Disorder Implications

41. The quarry remains gated which are locked shut outside of working hours and there are no other access points.

#### Data Protection and Information Governance

42. Given that no representations have been received from the public, it is considered that no data protection issues have been raised.

#### Financial Implications

43. The applicant would be expected to cover all reasonable legal costs incurred by the County Council during the drafting and execution of the required legal agreement.

#### Implications for Sustainability and the Environment

44. These have been considered in the Observations section above.
45. There are no human resources, human rights, public sector equality duty, safeguarding of children and adults at risk implications or implications for service users.

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

46. In determining this application, the Minerals Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **RECOMMENDATIONS**

47. It is RECOMMENDED that the Service Director – Investment and Growth be instructed to enter into a legal agreement under Section 106 of Town and Country Planning Act 1990 to secure the creation and thereafter management for a period of 25 years of a new heathland based habitat within Calverton (Burntstump) Quarry, and to provide for the continuation of a liaison meeting as

set out in its constitution, between the operator, Minerals Planning Authority and representatives of the local community.

48. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 1 February 2023 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Service Director – Investment and Growth be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed before the 1 February 2023, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Service Director – Investment and Growth be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time. Members need to consider the issues set out in the report and resolve accordingly.

**MATTHEW NEAL**

**Service Director – Investment and Growth (Place)**

### **Constitutional Comments**

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference set out in the Constitution of Nottinghamshire County Council

[JL 20/10/22]

### **Financial Comments**

The financial implications are set out in Paragraph 43 of the report. There are no specific financial implications arising directly from the report.

[RWK 13/10/2022]

### **Background Papers Available for Inspection**

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at: [www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4406](http://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4406)

### **Electoral Division and Member Affected**

Report Author/Case Officer

Tommi Cluley

0115 9774748

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

V/4406

W002365.doc



## RECOMMENDED PLANNING CONDITIONS

1. This permission is for continued operation of 4.5hectare eastern extension of Bestwood II Quarry with restoration to a mixed ecological based habitat, subject to a modification to the off-set/mitigation scheme originally approved under Condition 27a) on 17th September 2019 allowing for the importation of felled tree deadwood equating to an area no more than 1500m<sup>2</sup> (0.15ha) to be spread across the three off-set/mitigation areas. The planning permission is issued subject to a Section 106 legal agreement which regulates habitat creation and management works as off-set habitat at Calverton (Burntstump) Quarry.

*Reason: For the avoidance of doubt as to the development that is permitted.*

2. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application as amended, documents and recommendations of reports, and the following plans:
  - a. Drawing No. SPS 1: Site Plan dated April 2017 and received by the MPA on 21st November 2017.
  - b. Landscape and restoration strategy (Chapter 2) setting out the restoration objectives for the wider quarry area incorporated within the Submission of further Information made in respect of Planning Application 7/2017/1491NCC received by the MPA on 20th July 2018, and in particular:
    - Drawing No. D16PD118.PDF, 218/PDF, 318.PDF 418.PDF, 518.PDF Eastern Extension Area Phase 1-5 development (incorporating overburden and soil storage arrangements in original quarry area) received by the MPA on 20th July 2018.
    - Drawing No. D16/PD618.PDF – Bestwood II Eastern Extension Final Restoration dated 25/06/2018.

*Reason: For the avoidance of doubt and to assist with the monitoring of the planning permission.*

### Duration of Planning Permission

3. All sand extraction operations shall cease by 11 January 2029.

*Reason: To secure proper restoration of the site within an acceptable timescale and in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan*

4. The quarry shall be developed on a phased basis incorporating ongoing extraction and restoration in accordance with the details shown Drawing No.'s D16PD118/218/318/418/518.PDF: Eastern Extension Area – Phase 1 – Phase 5. Final quarry restoration works within the Eastern Extension shall be completed within one year of the completion of mineral extraction, or by 11th January 2030, whichever is sooner.

*Reason: To secure the proper restoration of the site within an acceptable timescale and in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.*

#### Buildings, Fixed Plant and Machinery

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any future replacement order), no buildings, fixed plant, or machinery, other than approved by this permission shall be erected or placed on the site without the prior written approval of the MPA.

*Reason: To enable the Minerals Planning Authority to control the development and minimise its impact on the amenity of the local area, in particular the openness of the Green Belt, in accordance with Policy M3.3 of the Nottinghamshire Minerals Local Plan.*

#### Quarry Access

6. All mineral extracted from the Eastern Extension shall be processed within the existing sand processing plant in the original quarry area and thereafter transported via the existing quarry access road to the A60. There shall be no vehicular, plant or pedestrian access in connection with the quarrying operations hereby approved from any other point on the boundary of site.

*Reason: In the interest of highway safety and amenity of surrounding land users in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.*

#### Annual Topographical Survey

7. A topographical survey of the site shall be submitted to the MPA by 31 December each year, following the commencement of the planning permission. The survey shall identify areas of the site which are unworked, those restored, those undergoing mineral extraction and those to be restored.

*Reason: To monitor the phased extraction and restoration of the quarry in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.*

#### Working Hours

8. Mineral extraction, movement/conveying, soil stripping and quarry restoration works shall only take place within the Eastern Extension between the hours of 7.00 am and 7.00 pm Monday to Friday, 7.00am to 6.00pm on Saturdays and at

no time on Sundays, Public or Bank Holidays, except in cases of emergency which shall be notified to the MPA in writing within 48 hours of their occurrence.

*Reason: In the interest of amenity and in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

#### Drainage and Pollution Prevention

9. There shall be no discharge of foul or contaminated drainage from the Eastern Extension site into either groundwater or any surface waters, whether direct or via soakaway.

*Reason: In the interests of groundwater protection, in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.*

10. Any facilities for the storage of oils, fuels or chemicals and their associated filling points, vents, gauges, sight glasses and pipework shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of their aggregate storage capacity, whichever is the greater. There must be no drain through the bund floor or walls.

*Reason: In the interests of groundwater protection, in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.*

#### Noise

11. The free field noise levels associated with the operation of the development attributable to normal operations at the site, when measured at any of the noise-sensitive properties listed below, shall not exceed the following limits measured as Equivalent Continuous Noise Level and 1 hour LAeq:

Location	Maximum site noise limit dB LAeq,1h (free-field)
Former 1 <sup>st</sup> Galaxy Fireworks	48
Woodland Grange	53
270 Longdale Lane	48
284 Longdale Lane	47
Longdale Plantation	50

Forest Farm Cottages	47
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*Reason: To minimise the impact on the amenity of the local area, in accordance with Policies M3.5 and M3.7 of the Nottinghamshire Minerals Local Plan*

12. For temporary operations such as restoration operations, the LAeq level at any noise sensitive properties shall not exceed 70 dB(A). Temporary operations which exceed the normal day to day criterion set out within Condition 11 shall be limited to a total of eight working weeks in any twelve-month period at any individual noise sensitive property.

*Reason: To minimise the impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

13. All plant, machinery and vehicles used on the site shall incorporate such noise abatement measures as, from time to time, may reasonably be required by the MPA and shall be silenced at all times in accordance with the manufacturers' recommendations.

*Reason: To minimise the impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

14. All reversing warning devices fitted to plant and machinery operated on the site shall utilise white noise warning devices. Reversing beepers shall not be utilised.

*Reason: To minimise the impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

15. In the event that a complaint is received regarding noise arising from the development hereby permitted which the MPA considers may be justified the operator shall, within 1 month of a request of the MPA, undertake and submit to the WPA for its written approval a BS4142:1997 noise survey to assess whether noise arising from the development exceeds the limits set out within Condition 11 or Condition 12 above. The monitored noise levels are to be "free-field" carried out at a height of 1.2m to 1.5m above ground level and presented as a Laeq1hour, value. In the event that the noise survey indicates that the levels set out within Condition 11 or Condition 12 are exceeded then the submitted survey shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criterion. Any additional noise mitigation measures approved by the MPA shall be implemented within one month of the date of their approval and shall thereafter be maintained in accordance with the approved details.

*Reason: To minimise the impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

#### Dust

16. Measures shall be taken to minimise the generation of dust from operations 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, stock-piles and other operational areas of the site;
  - b. The sweeping of access and haul roads, where necessary;
  - c. The minimisation of drop heights during loading and unloading of sand and gravel;
  - d. Limiting on-site vehicle speeds;
  - e. The use of sealant as appropriate to create a crust on dusty surfaces.

Upon request of the MPA, the temporary suspension of mineral processing, mineral extraction or soil movements during periods of unfavourably dry or windy weather conditions.

*Reason: To ensure that dust impacts associated with the operation of the development are minimised, in accordance with the requirements of Policy M3.7 of the Nottinghamshire Minerals Local Plan.*

#### Tree protection

17. Tree protection shall continue in accordance with the Bestwood Tree Protection Scheme received by the Minerals Planning Authority on 21st December 2018, together with the Arboricultural Report (ref: CE-BS-1034-RP08-Final) submitted in response to a Regulation 25 response.

Individual trees which are identified to be retained within the Arboricultural Report (Reference: CE-BS-1034-RP08 – FINAL: specifically, chapter 5 and supporting Drawing no. D16 Ext East (Drawing D16 Bestwood 2)) shall be protected from damage/felling throughout the life of the quarry development. Individual trees which are identified to be retained shall be tagged to assist with their identification prior to the commencement of any tree felling work. Works in the vicinity of the retained trees shall thereafter be undertaken in compliance with the approved tree protection methodology at all times.

It should be ensured that site contractors are in possession of the approved documents when carrying out the development.



*Reason: To protect the integrity of the boundaries of the site in accordance with Policy M3.4 of the Nottinghamshire Minerals Local Plan and provide opportunities for ecological enhancements.*

Screening of site during its operational life

18. Supplementary woodland planting shall be maintained along the southern boundary of the application site in accordance with the scheme submitted as part of the Arboricultural Report (Reference: CE-BS-1034-RP08 – FINAL) Paragraphs 5.3.1 – 5.3.7. Any supplementary trees that fail shall be replanted like for like in the first available planting season. The species mix used within the woodland planting area shall be as set out below (and not as detailed in paragraph 5.3.7 Table 3):

- 15 No Rowan
- 15 No Scots Pine
- 10 No Holly
- 5 No Oak
- 5 No Sweet Chestnut.

*Reason: To protect the integrity of the boundaries of the site in accordance with Policy M3.4 of the Nottinghamshire Minerals Local Plan and provide opportunities for ecological enhancements.*

Ecology

19. Site clearance operations that involve the destruction and removal of vegetation, including felling, clearing or removal of trees, shrubs or hedgerows shall not be undertaken during the months of March to August inclusive, except when approved in writing by the MPA and in such circumstances following the carrying out and submission in writing to the MPA for approval in writing of an ecological appraisal undertaken by an appropriately qualified person.

*Reason: To ensure that breeding birds are not adversely affected by the development in accordance with government policy set out within the National Planning Policy Framework.*

20. Prior to any tree removal, a licensed bat worker shall re-survey all trees to be felled. The results of the bat survey shall be submitted in writing to the MPA. If bats are present, a working design, method and timetable to mitigate any undue adverse effects on the species involved shall be submitted to the MPA for approval in writing. The mitigation measures shall be implemented as approved.

*Reason: In the interest of protecting species and their habitats, in accordance with government policy set out within the National Planning Policy Framework.*

21. Prior to any vegetation clearance within any phase of the development a walk over survey shall be carried out by an appropriately qualified ecologist to ensure that no badger setts have become established within the working area. The results of the walk over survey shall be submitted in writing to the MPA. If badgers are present, a working design, method and timetable to mitigate any undue adverse effects on these species shall be submitted to the MPA for approval in writing. The mitigation measures shall be implemented as approved.

*Reason: In the interest of protecting species and their habitats, in accordance with government policy set out within the National Planning Policy Framework*

22. Any protected amphibians or reptiles encountered during the operational life of the quarry shall be removed carefully by hand and moved to a safe location.

*Reason: In the interest of protecting species in accordance with government policy set out within the National Planning Policy Framework.*

23. No floodlighting shall be installed on the site without the prior written consent of the MPA. In the event that consent is sought for floodlighting, the operator shall provide a specification of the proposed floodlighting including its location, angling, shielding and hours of operation which shall be submitted to and approved in writing by the MPA prior to its installation on site. Development shall be carried out in accordance with the approved details.

*Reason: To minimise impact on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan and to minimise disturbance to bat activity and their roosts.*

24. The creation and subsequent management of the off-set/mitigation habitats that are to be created in the existing quarry as stated below, shall be completed in accordance with the Revised Scheme for the Creation & Subsequent Management of Offset/Mitigation Habitats (Report D016/2022/A1.3 Revision 1.3 May 2022) received by the MPA 18 May 2022:

- a. Soil receptor site (3.48ha) including arrangements for importation of deadwood timber.
- b. Additional heathland (2.55ha) within the quarry floor and side slopes.
- c. Additional woodland (2.42ha) within the quarry.
- d. New heath grassland (1.15ha) within the quarry.
- e. New wetland (0.34ha) within the quarry.

Within 2 months of the date of this permission, details of timescales for implementation for the above habitats shall be submitted in writing to the MPA.

*Reason: In the interest of protecting species and their habitats, in accordance with government policy set out within the National Planning Policy Framework.*

25. Prior to importation of deadwood for the purposes of supplementing the soil receptor sites as under Condition 24a above, details of source, species and size of felled timber shall be submitted to the MPA for their approval in writing. Importation of deadwood shall thereafter be carried out in accordance with the approved details.

*Reason: In the interest of protecting species and their habitats, in accordance with government policy set out within the National Planning Policy Framework.*

26. Placement of deadwood across the three soil receptor sites shall be carried out in such a way as to mitigate damage to the existing receptor site, and to minimise harm to existing ecology.

*Reason: In the interest of protecting species and their habitats, in accordance with government policy set out within the National Planning Policy Framework.*

27. The acoustic fence identified along the eastern boundary of the extraction area as identified on Drawing No. D16PD218.PDF – Eastern Extension Phase 2 Development shall be maintained throughout the operational life of the quarry in accordance with the details provided as part of Appendix 4 of the Regulation 22 submission.

*Reason: To minimise noise emissions from the development into potentially noise sensitive bird breeding habitats, in accordance with government policy set out within the National Planning Policy Framework.*

#### Soil Handling and Storage

28. No turf, topsoil, subsoil or overburden shall be removed from the Bestwood II Quarry. No waste materials including soils and mineral working wastes shall be brought onto the site.

*Reason: To ensure satisfactory restoration of the site, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

29. All soil handling shall be carried out in accordance with the MAFF 'Good Practice Guidance for Handling Soil' (2000) and the DEFRA 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009).

*Reason: To ensure proper restoration and in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

30. All soil handling shall be carried out in accordance with the Soil Handling Scheme report (Ref No: D016/2019/A") dated August 2019 and received by the MPA on 27th August 2019.

*Reason: To ensure satisfactory restoration of the site, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

31. All soil storage mounds shall be maintained free of weeds until used for restoration purposes.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

#### Soil Replacement

32. The MPA shall be notified in writing at least 5 working days before each of the following:

- a. overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out, and
- b. when subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out, and
- c. on completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operation.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

33. Subsoils shall only be replaced on those parts of the site which are restored above water level when the ground on which they are to be placed is in a dry and friable condition and no movements, re-spreading, levelling, ripping or loosening of subsoil or topsoil shall occur when there are pools of water on the surface of the storage mound or receiving area.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

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

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Replacement Minerals Local Plan.*

35. Subsoil shall be re-laid so that the total thickness of settled subsoil is no less than 0.7 metres.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Replacement Minerals Local Plan.*

36. Each subsoil layer shall be cross-ripped:

- a. to provide loosening to a minimum depth of 450mm with tine spacings no wider than 1.5m, and
- b. any rock, boulder or larger stone greater than 200mm 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 not less than 2 metres below the final contours.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

37. Topsoil shall be evenly re-spread on the land to achieve at least a minimum of 300mm settled depth.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

38. The re-spread topsoil shall be rendered suitable for agricultural cultivation by loosening:

- a. to provide loosening equivalent to a single pass at a tine spacing of 1.5 metres or closer;
- b. to full depth of the topsoil plus 100mm;
- c. and any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth not less than 2 metres below the final settled contours.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

39. The operator shall take all reasonable precautions to prevent the mixing of topsoil, subsoil and overburden.



*Reason: To ensure proper restoration and in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

#### Restoration

40. The phased restoration plan and landscaping scheme for the total application site shall be carried out in accordance with Drawing No. D16PD618.PDF: Eastern Extension Area – Final Restoration received by the MPA on 20th July 2018. The implementation of the restoration and landscaping scheme shall be carried out progressively in general compliance with the timetable shown on Drawing No.'s D16PD118/218/318/418/518.PDF: Eastern Extension Area – Phase 1 – Phase 5. The backfilled material shall be levelled and graded in accordance with the restoration contours identified on the plan and the level of the site.

*Reason: To ensure proper restoration and in accordance with Policy M4.4 of the Nottinghamshire Minerals Local Plan.*

41. At the completion of each phase of restoration the operator shall meet on site with representatives of the MPA, and other parties with an interest in the land. The purpose of the meeting shall be to agree that the replacement material conforms generally with the landform and levels as set out in the agreed restoration plan.

*Reason: To ensure proper restoration and in accordance with Policy M4.4 of the Nottinghamshire Minerals Local Plan.*

#### Aftercare

42. Following restoration the land shall undergo aftercare management for a 25 year period.

*Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan.*

43. 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 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 Nottinghamshire Minerals Local Plan.*

44. An aftercare scheme and strategy shall be submitted for the written approval of the MPA no later than 3 months before the spreading of subsoil commences within each phase. The strategy shall outline the steps to be taken, the period during which they are taken, and who will be responsible for taking those steps to ensure the land is restored and brought back to a satisfactory condition. The aftercare scheme shall include but not be restricted to details of the following:

- 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) drainage arrangements;
- g) subsoiling and underdrainage proposals;
- h) management practices such as the cutting of vegetation;
- i) tree protection;
- j) remedial treatments;
- k) irrigation; and
- l) fencing.

*Reason: To provide for aftercare of the restored site, in accordance with Policy M4.10 of the Nottinghamshire Minerals Local Plan.*

45. Site management meetings shall be held with the MPA each year to assess and review the detailed annual programmes of aftercare operations referred to in Condition 44e) above, having regard to the condition of the land; progress in its rehabilitation and necessary maintenance.

*Reason: To provide for aftercare of the restored site, in accordance with Policy M4.10 of the Nottinghamshire Minerals Local Plan.*

46. The aftercare programme shall be implemented in accordance with the details approved under Condition 43 above, as amended following the annual site meeting referred to in Condition 44 above.

*Reason: To provide for aftercare of the restored site, in accordance with Policy M4.10 of the Nottinghamshire Minerals Local Plan.*

#### Cessation of Workings

47. Should, for any reason the winning and working of minerals from the application site cease for a period in excess of 6 months which in the reasonable opinion of the MPA constitutes a permanent cessation of mineral extraction, then within three 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. Such a scheme shall include a schedule of timings, final contours, 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. The

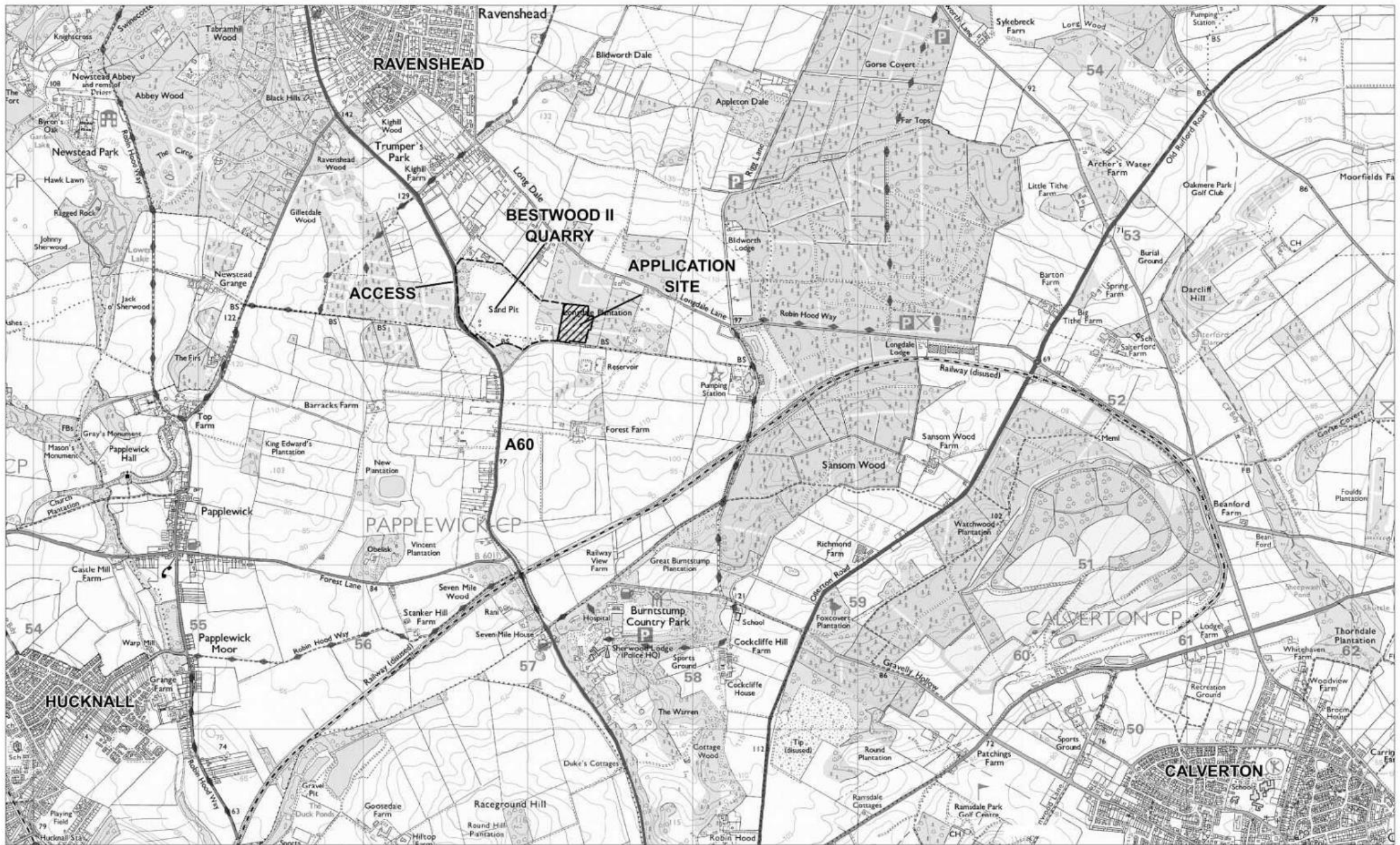
revised restoration scheme shall be implemented within 12 months of its approval by the MPA, and shall be subject to the aftercare provisions of Conditions 42– 46 above.

*Reason: To achieve a satisfactory restoration of the site in the event of premature closure of the site.*

#### **Informatives/notes to applicants**

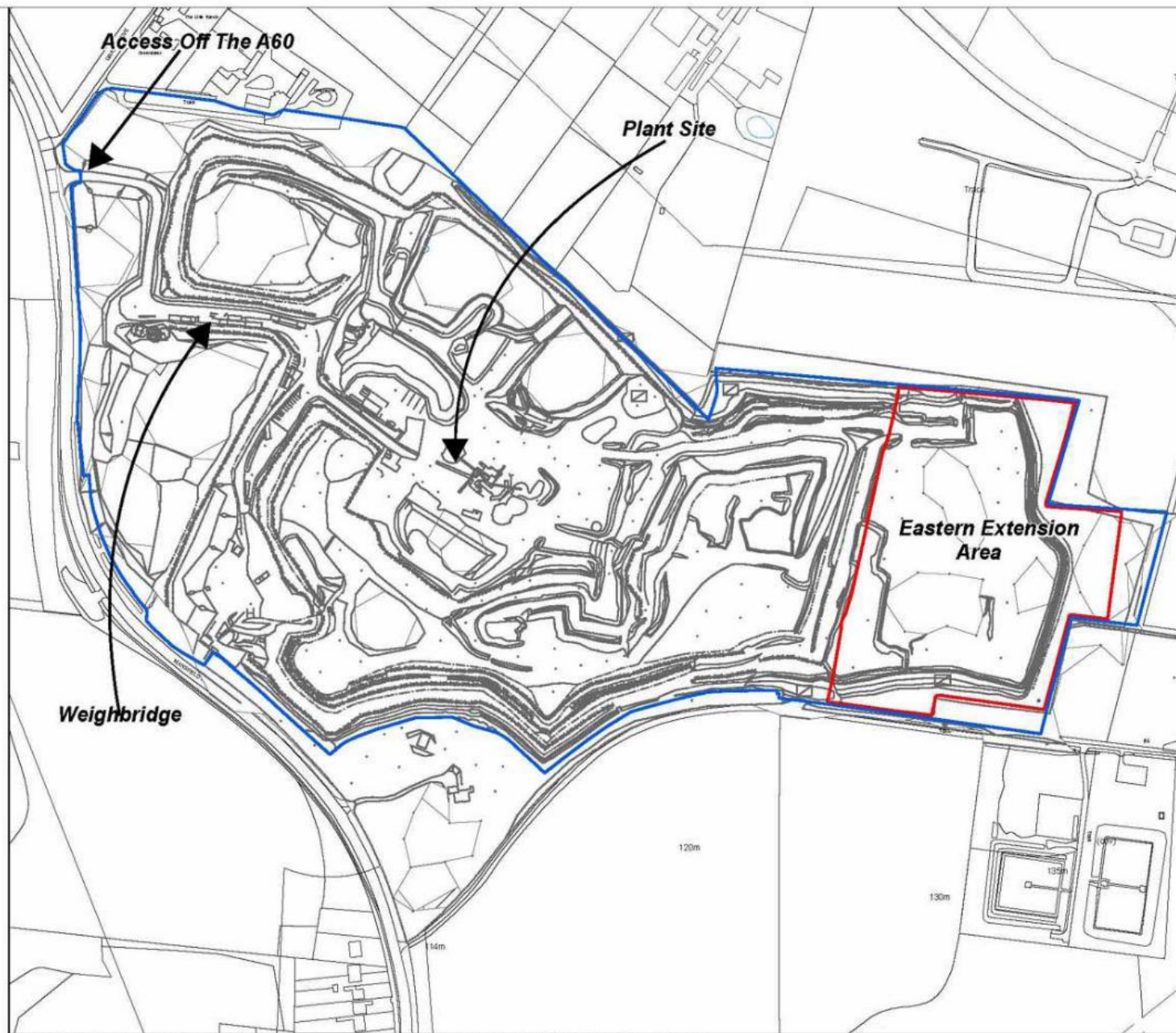
1. Cadent Gas advise that there is a 610mm high pressure gas pipeline which runs adjacent to the eastern boundary of the extension area. The applicant is reminded of their legal obligations to ensure the safety and integrity of this pipeline is protected. The scheme of protection shall have regard to the legal obligations imposed through the 1965 Deed of Grant which includes the provisions under the Mining Code.











# Legend

- Application Site
- Land Under Applicants Control



Site Name:  
D016 Bestwood II Devils Elbow

Drawing Name:  
Site Plan

Drawn By:  
K Lister

Scale @ A2:  
1:3,000

Date:  
11/02/2022

Drawing No:  
D016-00091-2







# PLAN 1 - EASTERN EXPANSION AREA & RECEPTOR SITES (WITHIN EXISTING QUARRY COMPLEX)

Scale: 1:4000

Restoration baseplan image taken from Eastern Extension  
"Phasing of Restoration" plan ref. D16PF616.PDF dated 13/07/16.





**1 November 2022****Agenda Item: 8****REPORT OF SERVICE DIRECTOR – INVESTMENT AND GROWTH****DEVELOPMENT MANAGEMENT PROGRESS REPORT****Purpose of the report**

1. To report on planning applications received by the Development Management Team between 9<sup>th</sup> September 2022 and 14<sup>th</sup> October 2022, to confirm the decisions made on planning applications since the last report to Members on 27<sup>th</sup> September 2022, and to detail applications likely to come before Committee in the coming months.

**Background**

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B sets out the Committee's work programme for forthcoming meetings of Planning and Rights of Way Committee and Members are asked to give consideration to the need for any site visits they consider would be beneficial on any application scheduled to be reported to committee in the near future.

**Statutory and Policy Implications**

3. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.
4. 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 are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

**RECOMMENDATIONS**

5. That Committee considers whether there are any actions they require in relation to the contents of the report.



**MATTHEW NEAL**

**Service Director – Investment and Growth (Place)**

**Constitutional Comments – (JL 18/10/2022)**

Planning and Rights of Way Committee is the appropriate body to consider the contents of this report.

**Financial Comments – (RWK 20/10/2022)**

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

**Background Papers Available for Inspection**

None.

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

All.

**For any enquiries about this report please contact:**

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**Planning Applications Received and Determined**  
**From 9<sup>th</sup> September 2022 – 14<sup>th</sup> October 2022**

Division	Member	Received	Determined
<b>BASSETLAW</b>			
Worksop South	Cllr Nigel Turner		Erection of Office and Family Services Accommodation and associated areas of soft landscaping and car parking, at Newgate Street, Worksop. GRANTED on 14/09/2022.
<b>MANSFIELD</b>			
Mansfield East	Cllr Robert Corden/Cllr Nigel Moxon		Variation of planning Conditions 5 and 23 of planning permission 2/2016/0225/ST to regularise the 'as built' development of the driving range and practice area at Sherwood Forest Golf Club incorporating revised ground contours. GRANTED on 15/09/2022.
<b>NEWARK &amp; SHERWOOD</b>			
Newark East	Cllr Sam Smith		Planning application to retain existing temporary classrooms for 5 years: (3/19/01391/FUL3N expires 31 July 2022) at Chuter Ede Primary School. GRANTED on 15/09/2022.

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Muskham and Farnsfield	Cllr Bruce Laughton		Proposed relocation of the existing mineral processing plant, mineral stockpiling areas, weighbridge, weighbridge office, canteen, changing rooms and associated infrastructure. The land is proposed to be restored to benefit wildlife and biodiversity enhancement. At land to the north of existing Cromwell Quarry. GRANTED on 30/09/2022.
Collingham	Cllr Debbie Darby		Creation of Fish Farming Pond shown on plan FP2 to involve Incidental Mineral Extraction, processing and export of minerals, forming pre phase of the wider development granted under Appeal Decision ref: 19/00551/FULM, at Field Reference 7600, off North Scarle Road, Wigsley. GRANTED on 27/09/2022.
Muskham and Farnsfield	Cllr Bruce Laughton		Highway improvements to roundabout, at White Post roundabout- Intersection of A614 and Mansfield Road. GRANTED on 27/09/2022.
Muskham and Farnsfield	Cllr Bruce Laughton		Geometric improvements and alterations to the gyratory junction at Intersection of A614/A6097 (Warren Hill), Farnsfield. GRANTED on 27/09/2022.

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Muskham and Farnsfield	Cllr Bruce Laughton		Construction of two roundabout junctions and a new link road connecting the new roundabout on the A614 (Old Rufford Road) to Mickledale Lane, at the intersection of A614 and Mickledale Lane, Bilsthorpe. GRANTED on 27/09/2022.
Southwell	Cllr Roger Jackson		Enlargement of roundabout with associated landscaping and improvements to pedestrian crossing facilities. Change of use of land adjacent to no.15 Nottingham Road from public highway (footpath) to residential curtilage, at Lowdham roundabout, Intersection of the A6097, A612 and Southwell Road. GRANTED on 27/09/2022.
Ollerton	Cllr Mike Pringle/Cllr Scott Carlton		Reconfiguration and enlargement of the roundabout with associated landscaping works and improvements to pedestrian crossing facilities, at Ollerton roundabout, Intersection of A614, A616, A6075 and Newark Road, Ollerton. GRANTED on 27/09/2022.

Division	Member	Received	Determined
<b>ASHFIELD</b>			
Hucknall North	Cllr John Wilmott	Full planning application for the proposed replacement and demolition of an existing single storey office unit and erection of a 2-storey welfare and office building at Central Waste (UK) Ltd, 15b Wigwam Lane, Hucknall. Validated on 7/10/2022.	
<b>GEDLING - NONE</b>			
<b>RUSHCLIFFE</b>			
Bingham East	Cllr Francis Purdue-Horan/Cllr Roger Upton/Cllr Neil Clarke MBE		Enlargement of junction with associated ancillary landscaping and improvements to pedestrian and equestrian crossing facilities, at Kirk Hill junction, Intersection of Kirk Hill/A6097. GRANTED on 27/09/2022.



## Schedule of future planning applications to be reported to Planning and Rights of Way Committee

(Please note: The committee dates identified are for guidance only. A final decision regarding the committee date is not made until shortly before the agenda is published).

Target Committee	Planning App No.	Location	Development	Current Progress
13 <sup>th</sup> December 2022	7/2022/0752NCC	Calverton (Burntstump) Quarry, Ollerton Road, Arnold, NG5 8PR	Variation of conditions 7, 8 and 50 of permission 7/2005/0263 so to extend the time to work the remaining mineral reserves until 7 Jan 2042 with restoration by 7 Jan 2043	The applicant has been requested to make modifications to the restoration scheme and also submit updated biodiversity calculations. Report to be brought to committee once this has been received and consulted upon.
13 <sup>th</sup> December 2022	7/2022/0751NCC	Calverton (Burntstump) Quarry, Ollerton Road, Arnold, NG5 8PR	Variation of condition 2 of permission 7/2003/1323 to retain the weighbridge, associated buildings and soil mound for the proposed duration of mineral extraction operations to 7 Jan 2042	The determination of this planning application is linked to 7/2022/0752/NCC (above) and will be determined at the same planning committee.
13 <sup>th</sup> December 2022	7/2022/1066NCC	Land off Private Road No3, Colwick Industrial Estate, Colwick, Nottingham, NG4 2BA	Variation of criteria C & D of Planning Condition 24 of Planning Permission 7/2021/0648/NCC to enable the waste transfer station to operate without the use of the previously consented air filtration plant during periods when there is no waste shredding/refuse derived fuel preparation activities undertaken within the building, and allow the passive ventilation of the building to be undertaken by permitting the opening of the air inlet louvres.	Committee Report currently being drafted.
13 <sup>th</sup> December 2022	1/22/00867/CDM	Misson Quarry, Bawtry Road, Misson	Proposed western extension to existing Misson Grey Sand Quarry incorporating modifications to previously approved restoration schemes referenced 1/15/01574/CDM and	Planning consultation responses are still being received. A number of ecological matters have been raised which will require the submission of further information and subsequent re-consultation.

			1/32/11/00020	
13 <sup>th</sup> December 2022	1/22/00865/CDM	Misson Quarry, Bawtry Road, Misson	The application seeks approval to amend the approved restoration scheme that relates to approval 1/32/11/00020. The amended scheme will allow the implementation of the proposed western extension	The implementation of this planning application is linked to 3/22/00059/CMM for the western extension of the quarry and therefore will be determined at the same time as the proposed quarry extension development.
13 <sup>th</sup> December 2022	1/22/00864/CDM	Misson Quarry, Bawtry Road, Misson	The application seeks approval to amend the approved restoration scheme that relates to approval 1/15/01574/CDM. The amended scheme will allow the implementation of the proposed western extension.	The implementation of this planning application is linked to 3/22/00059/CMM for the western extension of the quarry and therefore will be determined at the same time as the proposed quarry extension development.
17 <sup>th</sup> January 2023	3/22/01790/CMA	Ness Farm and Cromwell Quarry, The Great North Road, Cromwell, Nottinghamshire, NG23 6JE	Proposed southern extension to the quarry for the extraction of approximately 550,000 tonnes of sand and gravel with restoration to agriculture and nature conservation	The planning application consultation responses are currently being received and assessed.
17 <sup>th</sup> January 2023	3/22/01788/CMA	Cromwell Quarry, The Great North Road, Cromwell, Nottinghamshire, NG23 6JE	To allow for amendments to the working scheme and restoration plan, to facilitate working a southern extension at Ness Farm	The planning application consultation responses are currently being received and assessed.
17 <sup>th</sup> January 2023	3/22/01787/CMA	Cromwell Quarry, The Great North Road, Cromwell, Nottinghamshire, NG23 6JE	To allow an update to the method of working plans and the retention and use of the plant site, access, haul road and silt lagoons in order to work a proposed extension at Ness Farm	The planning application consultation responses are currently being received and assessed.
17 <sup>th</sup> January 2023	4/V/2022/0643	Parts Emporium Ltd, Sidings Road, Kirkby in Ashfield, Nottinghamshire, NG17 7JZ	Part Retrospective change of use of land and buildings for the acceptance, storage and treatment of end-of-life vehicles including ancillary storage of salvaged parts	Further noise information is being sought from the applicant
17 <sup>th</sup>	3/22/00059/CMM	Land south of	Flood alleviation works including	Revisions to scheme have been requested in

January 2023		Church Street, Southwell, Nottinghamshire, NG25 0HG	construction of an earth bund, flow control structure, and related ground works, landscape planting, boundary works including fencing, and ancillary operations.	relation to preparation and submission of additional flood risk assessments, maintaining pedestrian access over the flood defences, and further advice being sought on detailed heritage considerations, with further re-consultation needed once received.
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**Planning Applications currently being processed by the County Council which are not currently targeted to a specific meeting of the Planning and Rights of Way Committee.**

Planning Application: 8/22/01279/CMA  
Location: John Brookes Sawmill, off the A46, Nr Widmerpool. NG12 5PS  
Proposal: Southern extension to the waste wood and green waste storage yard (part retrospective)  
Current Progress: Drainage, surfacing and the magnitude of dust emissions from the extended operational site are issues arising and a response is awaited from the agent.

Planning Application: 3/19/00100/CMM  
Location: Cromwell North Quarry, Land Between Carlton on Trent and Cromwell, Newark  
Proposal: Proposed extraction of 1.8 million tonnes of sand and gravel together with the erection of mineral processing plant and associated ancillary infrastructure. the provision of a new access, and the progressive restoration of the site to nature conservation over a period of 9 years.  
Current Progress: A request for the submission of supplementary environmental information was made under Reg. 25 of the EIA Regs in May 2019. This request for information covered air quality, transport, access, quarry dewatering, floodlighting, landscaping, ecology, noise, protection of River Trent, contaminated land and archaeology. The planning application raises key planning issues in respect of need and mineral supply within Nottingham. The applicant initially delayed their response to the Reg 25 request to allow decisions to be made regarding site allocations as part of the review/examination of the Replacement Minerals Local Plan. The Cromwell North site has not been allocated as part of this process. The applicant now wishes to keep this application live for the next few months whilst they consider the implications to minerals supply within Nottinghamshire stemming from the decision to withdraw the planning application submission for a new quarry at Barton in Fabis.

Planning Application: 1/20/00544/CDM  
Location: Daneshill Landfill Site, Daneshill Road, Lound, DN22 8RB  
Proposal: Temporary operations for 10 years for Soil Treatment Facility including Asbestos Picking Operations  
Current Progress: The applicant has submitted an Environmental Permit application to the Environment Agency. The progression of this planning application has been deferred by the applicant until such time that there is a decision on the permit so that any controls imposed as part of the permit decision used to inform the Environmental Impact Assessment

Planning Application: 3/20/01244/FULR3N  
Location: British Sugar Corporation Ltd Sports Ground, Great North Road, Newark On Trent, NG24 1DL

Proposal: Change of use from former sports field to land to be used for conditioning (drying by windrowing) of topsoil material recovered from sugar beet delivered and excavated from soil settlement lagoons onsite, and engineering works to construct an internal access route to serve the soil conditioning area and excavate a flood storage compensation area.

Current Progress: A supplementary flood risk assessment has been requested from the applicant. British Sugar are currently considering the scope of information required to provide their flood risk response.

Planning Application: 4/V/2022/0678

Location: Bentinck Colliery Tip, Park Lane, Kirkby in Ashfield, Nottingham

Proposal: Extension to the duration of importation and grading/reclamation works to 7 March 2024 to allow for the scheme to be completed in line with the approved plans (variation of condition 3 of permission 4/V/2012/0096)

Current Progress: The planning application has recently been received. Consultation responses are being evaluated and a report will be brought to committee in due course.