

# **Planning and Rights of Way Committee**

**Tuesday, 29 June 2021 at 10:30**

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

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## **AGENDA**

- 1 Apologies for Absence
- 2 Declarations of Interests by Members and Officers:- (see note below)
  - (a) Disclosable Pecuniary Interests
  - (b) Private Interests (pecuniary and non-pecuniary)
- 3 Declarations of lobbying
- 4 Restoration of Spoil Tip, Harworth Colliery 3 - 86
- 5 Erection of Primary School and Nursery, East Leake 87 - 144
- 6 Erection of Primary School and Nursery, Bingham 145 - 204

### **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 Peter Barker (Tel. 0115 977 4416) 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>

**29<sup>th</sup> June 2021****Agenda Item: 4****REPORT OF CORPORATE DIRECTOR – PLACE****BASSETLAW DISTRICT REF. NO.: 1/18/01611/CDM**

**PROPOSAL: IMPORTATION OF 3.6 MILLION CUBIC METRES OF RESTORATION MATERIALS TO COMPLETE THE RESTORATION OF HARWORTH COLLIERY NO 2 SPOIL HEAP.**

**LOCATION: HARWORTH COLLIERY NO 2 SPOIL HEAP, BLYTH ROAD, HARWORTH,**

**APPLICANT: HARWORTH ESTATES**

**Purpose of Report**

1. To consider a planning application for the importation of 3.6 million cubic metres (Mm<sup>3</sup>) of inert waste over a 14-year period to the former Harworth Colliery Spoil Heap to provide for the restoration of the site.
2. The key issues set out within the report relate to the need to restore the existing colliery tip and the quantity of waste importation onto the site required to achieve this, the availability of waste to undertake these works, the need to improve existing environmental conditions on the colliery tip, particularly in the context of site stability and drainage in terms of reducing the level of contaminated run-off to surface and groundwaters surrounding the site.
3. The environmental assessment of the development gives detailed consideration of the drainage/hydrological effects of the development, traffic impacts, visual and landscape effects, effects on the heritage asset of the area, noise and dust.
4. It is concluded that the revised 3.6Mm<sup>3</sup> scheme, which supersedes the original scheme which sought to import 6.2Mm<sup>3</sup> onto the site, provides for the appropriate restoration and aftercare of the unrestored former colliery tip within acceptable environment limits. The recommendation therefore is to grant planning permission for the development subject to the developer entering into a Section 106 agreement to regulate lorry routeing on the local highway network and the planning conditions set out in Appendix 1.

**The Site and Surroundings**

5. The application site incorporates the former Harworth Colliery Spoil Tip which is located approximately 1.2km to the south of Harworth town, 2km to the north of

Blyth and 0.6km south east of Styrrup village (see Plan 1). The colliery tip has a site area of 109 hectares (see Plan 2). The colliery tip historically provided the main disposal facility for colliery wastes originating from the former Harworth colliery deep mine located on the edge of Harworth town to the north east with the two sites being formerly connected by conveyor. The conveyor was dismantled and removed in 2015 following the permanent closure of Harworth Colliery.

6. The colliery tip site is bordered on its western boundary by the A1(M) motorway, by Blyth Road on its eastern boundary, Serlby Road to the northern boundary and farmland on the southern boundary. The immediate surroundings of the site include mainly farmland and woodland.
7. Although the colliery tip site is comparatively remote from built up residential areas there are a number of isolated residential properties in closer proximity. These include Kirk View on Blyth Road, directly opposite the site to its east, and a small group of properties further south on Blyth Road and on Harworth Avenue close to the south-east corner of the site, the closest being approximately 50 metres from the site boundary. Residential properties within Styrrup village are located approximately 100 metres from the site boundary to the west (600m from the proposed tipping area). (See Plan 2)
8. The topography of the colliery tip is elevated in relation to the surrounding areas having a maximum height of around 77m AOD, in comparison to the surrounding land which has a level between 15m-35m AOD. The north part of the Colliery Tip has the highest ground levels originally engineered from the disposal of coarse colliery waste fed by a conveyor. The ground levels reduce to the south of the site into an area which incorporates a series of former colliery tailing lagoons at an elevation of around 35m AOD.
9. The outer slopes of the spoil tip including the highest outer edges of the coarse colliery waste tip have predominantly been restored and incorporate established mixed woodland areas with some areas of grass. The central section of the site incorporates the southern elevation of the colliery waste tip and the former lagoon area to its south which have not been restored and are more despoiled in character. This unrestored part of the site extends to approximately 43 hectares.
10. Vehicular access to the former colliery tip site is obtained from Blyth Road using an existing entrance approximately halfway along the eastern side of the spoil tip. Blyth Road joins the A614 to the south, just north of a junction with the A1 (see Plan 3). To the north Blyth Road passes through the western side of the village of Harworth.
11. The Laurels Wood is approximately 910m to the east of the site. Immediately to the south of the Laurels woodland is a lake and surrounding habitat which is designated as Serlby Park Wetlands Local Wildlife Site (LWS). Serlby Park Golf Course LWS and Brecks Wood and Hodkinson's Holt LWS and further east and south. The River Rytton flows approximately 750m to the east of the site.
12. Two groups of Ancient Woodland are located to the south-east of the site adjoining Blyth Wood, the closest of which being approximately 800m from the

site. Part of Blyth Wood is also designated within the Bassetlaw District Council Core Strategy as a Local Wildlife Site.

13. Following its closure the former Harworth Colliery pit head area is currently undergoing redevelopment with a major mixed use scheme incorporating over 1,000 houses known as Simpson Park. The land between the former colliery tip and Simpson Park incorporates industrial and business uses including Brunel Park Industrial Estate, Bulbs Industrial Estate and Harworth Enterprise Park.

## **Background**

14. The Harworth Colliery spoil tip planning permission (1/66/96/16) provided consent for the disposal of colliery spoil arising from the coal mining operations from the late 1990s. The approved scheme permitted the deposit of colliery waste within the tip area and resulted in the raising of ground levels across the tipping area, re-engineering the landscape to create an elongated mounded landform with a central ridge sloping in a north to south direction with a gradient of approximately 1:40 and side slopes running from the ridge constructed to a maximum slope gradient of 1:4.
15. The planning permission for the spoil tip was time limited, expiring on the 30th June 2013. At the time the colliery ceased production in 2006 the spoil tip had been partially constructed with the northern part of the site built up to its approved level at 77m AOD but other parts of the site were substantially lower at closer to 30m AOD. The approved scheme for the colliery tip provided consent for the importation of a further 8.4 million cubic metres of colliery waste to complete the development and construct the approved landform. The colliery tip has not been restored following its closure.
16. The planning permission for tipping operations at Harworth Colliery tip incorporates a series of regulatory controls imposed through the planning conditions covering the following matters:
  - Condition 5 of Planning Permission 1/66/96/16 required the deposition of colliery spoil on site to cease on or before 30th June 2013 unless otherwise agreed in writing beforehand by the Minerals Planning Authority (MPA). A Planning Application to extend colliery spoil tipping operations for a further period of 25 years (Planning Application ref: ES/2845) was validated by the Council on 26th June 2013 but this application was withdrawn in early 2015 following confirmation by UK Coal of the permanent closure of Harworth Colliery.
  - Condition 6 of Planning Permission 1/66/96/16 sets out the restoration requirements in respect of the tip site. The condition requires the entire site to be restored to agriculture, nature conservation and amenity uses following the completion of colliery waste tipping to the approved levels in accordance with the approved plans.
  - Condition 39 of Planning Permission 1/66/96/16 requires the submission of an alternative restoration scheme should Harworth Colliery close or the tipping of the colliery spoil cease on the site for a period in excess of 6 months.

17. In October 2016 Nottinghamshire County Council acting in its capacity as Minerals Planning Authority (MPA) served a Planning Contravention Notice and subsequently a Breach of Condition Enforcement Notice on Harworth Estates concerning the non-compliance of Condition 39 relating to the failure to restore Harworth Colliery Tip.
18. After the Breach of Condition Enforcement Notice had been served by the MPA a number of meetings took place during 2017 and 2018 with Harworth Estates to discuss a number of restoration options for the Colliery Tip.
19. Following the receipt of this advice Harworth Estates has submitted this planning application with a view to securing the restoration of Harworth Colliery Tip and to satisfy the obligations imposed under Condition 39 of Planning Permission 1/66/96/16.

### **Proposed Development**

20. Harworth Colliery has now permanently closed leaving no potential for any further waste colliery spoil importation to complete the restoration of the colliery tip in compliance with the approved contours. The existing partially constructed landform of the spoil tip does not provide for the satisfactory restoration of the site. Colliery waste has not been capped and this is resulting in contaminated surface water flows from the site. The topography of the site, which incorporates a central bowl of lower lying land, holds water rather than dispersing it off site resulting in water infiltrating through the site and contaminating groundwaters and potentially affecting the stability of the site.
21. This planning application seeks full planning permission to import waste materials which would be used to re-engineer the topography of the site, cap over the colliery spoil and build up site levels to restore the former colliery tip.
22. The consented colliery waste tipping scheme for the site has been partially completed but the early closure of the colliery has resulted in an 8.4 million cubic metres shortfall in waste material to complete the construction of the landform in accordance with the approved restoration plan. The completed scheme would have resulted in substantial changes to the landform of the site, raising existing ground levels and creating a high point at the north of the site in the location of former conveyor discharge point, and a north south ridge along the length of the site with drainage falling from this ridge in an east west direction.
23. The 6.2 million cubic metre scheme originally sought planning permission within this planning application sought to replicate the approved design of the colliery waste tipping landform albeit at a lower level to reflect the reduced quantity of material proposed to be imported onto the site. However, during the course of processing the planning application the scheme has been substantially modified and further technical information has been submitted through three submissions under Regulation 25 of the Environmental Impact Assessment (EIA) Regulations which have resulted in a reduction in the volume of waste proposed to be imported onto the site to 3.6 million cubic metres and a modified restored landform. The three Reg. 25 submissions are summarised below:

24. First Reg. 25 Submission: This submission made significant modifications and amendments to the colliery restoration/tipping scheme with the objective of minimising the quantity of waste materials imported to the site but maintaining an acceptable landform to addresses the geotechnical and drainage issues which the site currently experiences. The revised scheme now sought planning permission utilises a reduced quantity of 3.6 million cubic metres of inert waste imported to the site over a period of 14 years to re-engineer and restore the colliery spoil tip. This represents a 40% reduction from the scheme originally submitted for planning permission which proposed the utilisation of 6.2 million cubic metres of imported waste. The Reg. 25 submission has also modified the composition of materials proposed to be imported to the site to facilitate the restoration works, seeking to strictly limit waste imports to clean inert waste materials and thus address pollution concerns that had been raised relating to the use of non-hazardous materials including wood, glass, plastics, metallic wastes, packaging and mixed material as originally proposed. The submission also incorporates technical information relating to the mining legacy of the site and the geotechnical constraints which the presence of the tailing lagoons has on the ability to remodel and restore the colliery tip, a re-assessment of the traffic data resulting from the lower level of waste importation to the site, further details regarding the site access, supplementary ecological information, and clarifications regarding the landscape assessment.
25. Second Reg. 25 Submission: This submission did not amend the scheme but provided further technical responses in relation to the scope and age of ecological surveys which support the planning application, further information to address issues raised by the Environment Agency in relation to potential alternative restoration schemes for the site and their effect on water quality. The submission also incorporates an assessment of the effects that the placement of additional waste material over the lagoons and how this additional weight would result in compaction of the lagoons with potential to squeeze contaminated waters into the underlying groundwater with potential for an increase in pollution.
26. Third Reg. 25 Submission: This technical submission incorporates a revised calculations of the level of water infiltration to correct a numeric error which was identified in the data submitted in the second Reg. 25 response and the submission of two ecological technical appendices which were omitted in error from the previous Reg. 25 submission.
27. The Reg. 25 submissions are examined in greater detail within the planning considerations section of the report.
28. The 6.2Mm<sup>3</sup> scheme originally sought planning permission sought to closely resemble the design of the approved colliery waste tipping scheme incorporating a north-south ridge line across the site tied into the northern highpoint on the site, albeit constructed to approximately 5m lower in height.
29. The restoration scheme submitted under the Reg. 25 submission and now sought planning permission has been provided in direct response to the MPA's request to minimise the amount of waste imported into the site but to enable the former colliery tip to be restored to a satisfactory condition. The design of the landform has moved away from the original restoration design for the site. The



modified scheme retains the high spot where the conveyor feed into the quarry was formerly sited on the basis that geotechnical and stability constraints make it difficult to remove this feature, but this high point is no longer used as the reference point for the restoration contours across the wider site.

30. The revised scheme utilises 3.6Mm<sup>3</sup> of imported inert waste to build up levels over the former lagoons, recontouring this part of the site to provide shallow gradients in an east and west direction across the site to engineer slopes and enable surface water to naturally drain off the colliery tip and replacing the existing low lying ground in this area. The key change with the 3.6Mm<sup>3</sup> scheme is that the scheme would tip waste to a lower height on the site and no longer extends the tipping up to the former conveyor feed highpoint on the site. This modification makes a significant reduction in the level of waste importation required to re-engineer the site, reducing the quantity of waste by over 40% from the originally proposed 6.2Mm<sup>3</sup> scheme.
31. The modified 3.6Mm<sup>3</sup> scheme seeks to place waste materials predominantly within the central area of the colliery tip to build up levels and cap over the unrestored lagoons within an area extending to 43ha (see Plan 4) and remove the current 'bowl' area which currently does not naturally drain surface water off the colliery tip. Works would also be undertaken over a further 5ha of the site to make improvements to the surface water attenuation and treatment lagoons, interconnecting ditches and the site access. A limited amount of material has been utilised round the high point to modify the gradients in this area and enable it to be appropriately restored. The remaining parts of the site including the mature planting around the perimeters of the site would remain undisturbed and would be managed for biodiversity enhancement over the entire life of the site and aftercare period, a total of 20 years.
32. The revised scheme has modified the composition of waste materials proposed to be imported to the site to facilitate the restoration works. The scheme originally sought to utilise inert waste together with non-hazardous wastes to restore the site. The revised scheme now sought planning permission seeks to strictly limit this imported waste to clean inert waste materials and thus address concerns that had been raised that the use of non-hazardous materials including wood, glass, plastics, metallic wastes, packaging and mixed material as originally proposed would raise potential pollution risks.
33. Vehicle access to the site for delivery vehicles would utilise the existing site entrance off Blyth Road which is approximately 1.2 kilometres to the north of the Blyth junction of the A1. The reduction in the level of waste inputs required to secure the restoration of the site from 6.2 to 3.6Mm<sup>3</sup> has reduced the anticipated level of transport movements associated with the development. The Reg. 25 submission incorporates traffic calculations of predicted average and peak traffic flows associated with the development. The average traffic flow data assumes waste is delivered at a consistent rate each day throughout the 14-year duration of the project, whilst the peak traffic flow assumes that waste deliveries would fluctuate over the duration of the project and aims to represent a busy or peak flow day.
  - The average traffic data assumes waste is delivered at a consistent rate throughout the 14-year operational life of the site, equating to 257,143



cm<sup>3</sup> per year, resulting in an average number of 64 HGV deliveries each day (128 HGV movements) equating to an average of 22 HGV two-way trips per hour (11 movements).

- The peak traffic flow data references the data from the original traffic assessment based on a higher annual input of waste averaging at 110 HGV deliveries each day (220 two-way HGV movements) equating to an average of 18 HGV two-way trips per hour (36 movements).
34. All HGVs would be routed to the south in the direction of the signalised junction with the A614 – Bawtry Road. Additionally, there would be 10 light vehicle trips per hour (20 movements) at both the morning and afternoon peak.
35. The proposed operational hours are the same as those previously employed when the site was used for colliery waste disposal, these are set out below.
- |                               |                   |
|-------------------------------|-------------------|
| • Monday – Friday             | 7:00 am – 7:00 pm |
| • Saturday                    | 7:00 am – 1:00 pm |
| • Sundays and Public Holidays | No working        |
36. The site would be developed over three phases, as set out below.

## Site Establishment

37. The initial phase of the development would seek to develop an operational site on the former colliery tip. The works involve:
- The making good of the existing site access off Blyth Road.
  - The installation of a security office (portacabin) adjacent to the site access point.
  - The widening of the internal concrete road to provide passing places.
  - The installation of a weighbridge and wheel wash.
  - The installation of a site management area incorporating a welfare office (portacabin), staff parking and turning area formed on a concrete pad.
  - The construction of a surface water attenuation pond in the south east corner of the site and improvement to surface water drainage systems within the site.
  - The provision of a permissive path over the restored land to the north of the colliery tip with access off Blyth Road to the highest point of the site and providing a circular route by connecting to the existing track leading down to Styrrup Lane.

## Operational Phases

38. The colliery tip would be infilled in three phases over an anticipated 14 year period as identified on Plan 4 and set out below:

- Phase 1: Phase 1 operations would commence in the south east area of the site, progressing northwards and then in a clockwise direction around to the north east and site access ramp.
  - Phase 2: Phase 2 infilling would continue in a northerly direction meeting up with the existing contours in the north west part of the site. Additional bunds would be progressively created on the outer flanks of the active phases to assist with screening of earth moving machinery as the filling progresses up to final proposed restoration levels. Restoration and aftercare planting would be completed in Phase 1.
  - Phase 3: Phase 3 infilling would continue in both a northerly and southerly direction meeting up with the existing and restored contours on the site. Restoration and aftercare planting would be progressed within Phase 2.
39. In all phases the proposed tipping levels would be lower than the levels approved in the original planning permission for colliery spoil disposal with the 3.6Mm<sup>3</sup> scheme resulting in levels over the main central lagoons being around 17m lower than previously consented. In comparison, the 6.3Mm<sup>3</sup> scheme would have reduced ground levels by 5m in this area in comparison to the approved colliery tipping scheme.
40. In order to minimise the infiltration of water into the colliery spoil and therefore reduce the risk of ground water being impacted, a 1m thick low permeability covering layer would be installed over the surface of the inert fill in all phases, over which a 1.5m thick restoration profile would be provided to support plant growth in the restoration scheme. See Plan 5

#### Restoration and Aftercare

41. Following completion of tipping in Phase 3, final restoration operations would be completed over a 12-month period.
42. The working scheme protects most areas of existing woodland and tree cover and provides management for these areas throughout the tipping phase.
43. The proposed vegetation cover for the site would remain broadly the same as the approved scheme in terms of a mixture of woodland, shrub edge and grassland, but there would be some changes to the species used as a result of the additional soil resources on the site which means that species no longer need to be restricted to those only suitable for establishment on colliery spoil.
44. The restoration scheme also improves and formalises the drainage system at the site, including the retro-fitting of passive water treatment measures that would treat the acidic and metalliferous Mining Influenced Water (MIW) currently being generated at the site, improving the quality of water discharged from site. It is not proposed to change the consented or licensed discharge point from the site which will continue to be made from the ponds on the south-western corner of the site.

45. Footpaths, access tracks and fencing would broadly be in accordance with the scheme approved in the earlier restoration scheme in 1996 and would provide a series of footpath links around the boundary of the site connecting with paths through the middle of the site which meet up at a proposed viewing point on the highest point of the landform. There will be three entrance points onto the site for public rights of way, firstly at the existing site entrance, secondly at the crossroads between Blyth Road and Styrrup Lane and thirdly off Styrrup Lane.
46. The site would receive ten years aftercare management.

## Consultations

47. The planning application has been subject to four rounds of planning consultation. The first consultation was undertaken to coincide with the original submission of the planning application and the subsequent consultations were undertaken in connection with the submission of the three separate supplementary Regulation 25 submissions.
48. This section of the report is formatted to identify the overall position of the consultee to the amended scheme which has been modified by the three separate Reg. 25 submission. Where consultees have changed their response following modifications made through the Reg. 25 submissions these are referenced in the consultation summary.
49. **Bassetlaw District Council:** *Raise no objection subject to there being appropriate controls to ensure HGVs do not travel through Blyth.*
50. **Doncaster MBC:** *Do not object, subject to lorry routeing controls being regulated in the planning decision to ensure HGVs access from the A1(M) Junction 34. Doncaster Metropolitan Borough Council ward members are keen to ensure these vehicles do not travel through Bawtry, Austerfield, Tickhill, Bawtry and other small towns and villages.*
51. **Harworth and Bircotes Town Council:** *No objections*
52. *In response to the first Reg: 25 consultation the Parish state that they are pleased to note the reduction of imported fill material and the resultant benefit of less HGVs on the roads. The Parish request noise is monitored during the development.*
53. **Bawtry Town Council:** *The Town Council request that the routeing of the delivery vehicles from the A1 and Blyth Road is regulated by planning condition.*
54. **Blyth Parish Council:** *No objections.*
55. **Styrrup with Oldcotes Parish Council:** *raise the following comments:*
- *The Parish welcomes the revised planning proposals in particular the number of tons of inert material to be imported.*
  - *The Parish Council is opposed to any opening of the restored site to the public or any paths walks etc.*

- A section 106 agreement should be entered into that restricts access to the A1 or A614 and therefore prohibits HGVs using roads passing through Styrrup village, Oldcotes Village, Blyth Village or Harworth and Bircotes Towns.

56. **Environment Agency:** Do not object to the planning application.
57. The Environment Agency have responded to all four planning consultations, initially raising objections to the 6.3Mm<sup>3</sup> scheme with key concerns about the non-hazardous composition of waste proposed to be imported to the site and potential risks to groundwater quality.
58. The supplementary Reg. 25 submissions have enabled the Agency to remove its original objections to the planning application, but the Agency state that further assessments would be required at the Environmental Permit stage to confirm that the scheme represents the best overall restoration option for the site requiring the least amount of waste to enable it to be defined as a recovery activity rather than a disposal operation. The Environment Agency's observations are set out below:
59. Groundwater Protection: The 3.6Mm<sup>3</sup> scheme can be granted planning permission and will result in improvements to surface and groundwater discharges from the site. The site in its existing form (ie partially restored) is having a notable impact on groundwater quality. Several down-gradient boreholes situated within both the weathered Chester Sandstone (formally Sherwood Sandstone) and the more intact Chester Sandstone bedrock exhibit elevated levels of Chloride, Sulphate, Iron, Manganese, Aluminium and other metals. These are undoubtedly related to Acid Mine Drainage as infiltration passes down through the emplaced colliery spoil. A more minor impact is identified in the adjacent surface water feature (Whitewater Drain) which is showing an adverse impact from existing site surface water drainage management practices.
60. Given the above, the "do-nothing" scenario would not be acceptable, and the revised restoration scheme provides a better solution in the longer term for minimising impact to both Groundwater and Surface Water moving forward. Various mitigation measures have been identified within the applicant's submission which appear wholly reasonable and the Groundwater and Contaminated Land Team would encourage these to be implemented. The tailing lagoons incorporate a variable thickness of colliery spoil topping and the lagoons exhibit large differences in sheer strength. A more detailed analysis therefore will be required to ensure placement of restoration material over the areas of former Tailing lagoons to ensure these works are undertaken in a controlled manner and an agreed specification, with a controlled "rate" of placement being paramount to ensure stability is not compromised. The Agency acknowledge that these matters will be determined during the detailed design phase, which will be provided as supporting information to the application to the Agency for an Environmental Permit.
61. On this basis, as the concerns raised by the Groundwater and Contaminated Land Team appear to have been both recognised and accepted by the Applicant and that they will be addressed as part of mitigation measures in the

*Detailed Design Phase, the Agency is satisfied to assess these matters at the Environmental Permit Application stage.*

62. *Waste Management Control:* *The Environment Agency's principle question in relation to waste management control is whether the operation of the site represents a recovery or disposal operation in the context of the waste hierarchy.*
63. *The Agency note that the design of the scheme approved at the planning stage will influence the amount of waste required to achieve it and the approved design will be put forward as supporting evidence in a Waste Recovery Plan to support a submission that the operation of the site represents a recovery rather than disposal operation in the context of the waste hierarchy. The Agency therefore would like to establish at the planning stage that only the minimum amount of waste necessary to achieve the desired/required environmental outcomes is used and to use more than is required to achieve the environmental outcomes would, from a waste regulation point of view, amount to disposal rather than recovery. This planning permission is therefore an important, though not the only factor in the application for a Waste Recovery Permit.*
64. *The planning application submission has given detailed consideration to measures to reduce the requirement for waste importation by remodelling the design for the restoration of the site including a consideration of the need for retention of the conveyor high point, and consideration of cut and fill options. The Environment Agency believe that provision of this information would assist the planning authority and consultees in understanding the appraisal process and assist in demonstrating that the approved scheme is the best overall scheme requiring the least amount of waste (consistent with the requirements of a Waste Recovery Plan as alluded to above).*
65. *Whilst the Planning Application may be granted for the scheme involving 3.6Mm<sup>3</sup> of imported restoration material, there is no guarantee the Agency will view the activity as a waste recovery operation, nor that it will issue an Environmental Permit for this scheme unless more robust justification is provided by the Applicant that this scheme represents the best environmental option in terms of groundwater quality over the long term and that the minimum amount of waste to achieve the best overall environmental option is used. Given that the Applicant has not provided such information at the planning application stage the Environment Agency consider the case for classifying the proposed 3.6Mm<sup>3</sup> scheme as a recovery operation has not been made and that any planning permission for such a scheme would not be evidence of such.*
66. *The Environment Agency will require a fully justified Options Appraisal Report to look at various restoration options (some already discussed) and may include composite systems utilising both natural and geosynthetic elements. This level of detailed analysis has only been undertaken for the 3.6Mm<sup>3</sup> restoration option. At the Environmental Permitting Application Stage the Environment Agency will be looking to see the same level of analysis undertaken for a scheme which requires a reduced volume of material, for comparison purposes to confirm the restoration scheme utilises the minimum amount of waste necessary to achieve the desired / required environmental outcomes and therefore be classed as a*



recovery activity. The Environment Agency consider it is not possible for the Planning Authority or consultees to see that the scheme favoured by the applicant (the 3.6Mm<sup>3</sup> option) utilises the minimum amount of waste to achieve the best environmental outcome from a groundwater and surface water protection view point, and thus be classed as a recovery option, but acknowledge that this assessment would be made at the permitting stage.

67. The Environment Agency request that if the Planning Authority are to grant planning permission conditions are imposed:
- to specify and restrict the materials which can be used as part of the scheme to uncontaminated, non-hazardous soils, subsoils, concrete, bricks, tiles and ceramics.
  - regulate the rate at which restoration material is placed, with layer thickness and compaction requirements.
  - ensure the provision of wheel wash facilities.
  - require the sheeting of all delivery vehicles.
68. **Via (Reclamation):** Raise no objections to the revised 3.6Mm<sup>3</sup> restoration submission.
69. The revised scheme has been developed with the objective of minimising the quantity of material imported to the site whilst still enabling an acceptable landform to be engineered which minimises rates of infiltration to the underlying colliery spoil. The revised scheme allows for falls of between 1:2.5 and 1:25, with east-west drainage from a central ridge, the key change is that the scheme no longer ties in to the high point of the site and reduces the amount of imported waste from 6.2Mm<sup>3</sup> to 3.6Mm<sup>3</sup>. The scheme has also modified the composition of waste imports to restrict it to strictly inert only and therefore resolve concerns in respect of odour, vermin, leachate and landfill gas emissions from waste inputs.
70. The indicative water balance calculations show that the alternative reduced volume restoration scheme could achieve similar benefits in terms of reducing infiltration compared with the previous restoration scheme for the importation of approximately 6.2Mm<sup>3</sup> of restoration materials, whilst reducing sufficiently the amount of restoration material required to be imported to the site. The applicant has addressed previous concerns over the overall height of the tipping scheme.
71. The revised scheme will lead to a significant reduction in infiltration of rainwater into the existing spoil materials and the improved drainage and water management system proposed for the site would appear to significantly improve and protect both ground and surfaced waters at the site. The significant reduction in material being imported to the site will also significantly reduce the number of daily lorry movements to and from the site, thereby reducing air quality impacts.
72. Based on the revised proposals for the site restoration, including amendments to address issues previously raised, no objection to the proposed revised development is raised.

73. **The Coal Authority:** *Raise no objections. The Coal Authority request their standing advice is incorporated as an informative note to the applicant as part of the decision notice.*
74. **Peel Airports (Finningley) Limited:** *Raise no objection on the basis that the airport is satisfied the development would not affect aircraft safety.*
75. **Highways England:** *Raise no objections.*
76. *Highways England is satisfied that the likely trip generation and distribution would have a minimal impact on the strategic road network. Planning conditions are requested to require the submission of surface water drainage and boundary treatments adjacent to the A1(M) motorway to ensure there are no adverse effects to this road.*
77. *In response to the Reg. 25 consultations, Highways England acknowledge the reduction in waste input to 3.6Mm<sup>3</sup> will reduce the traffic impact at the site and on the adjacent highway network (including the strategic road network) and therefore maintain their no objection to the development.*
78. **NCC (Highways):** *Do not object to the planning application.*
79. *The Highway Authority is content that the hourly lorry movements would not give rise to junction capacity issues on the designated lorry route. It is recommended that the lorry route is made subject to a legal agreement. The views of Highways England should be considered with respect the use of the A1. The site access will require improvement and modification to make it capable of accommodating two-way lorry movements, subject to this being demonstrated undertaking the access improvement prior to waste importation should be regulated by planning condition. Planning conditions should also be imposed to ensure all HGVs accessing the site area sheeted, wheel washing facilities are provided and used by delivery vehicles, signage is erected on site to advise delivery drivers to turn right onto Blyth Road upon exiting the site, and off-street parking/manoeuvring is provided. The maximum number of HGVs entering and leaving the site should be regulated by planning condition to a maximum 220 movements per day.*
80. *In response to the second Reg. 25 consultation the highways authority confirm that the previous response remains relevant to the development.*
81. **NCC (Built Heritage):** *Do not object to the planning application.*
82. *The scheme has been modified during the course of processing the planning application, most notably by reducing the amount of waste imported to the site to 3.6Mm<sup>3</sup> of materials resulting in a reduction in levels on the site of around 17m than previously consented. In comparison, the original 6.3Mm<sup>3</sup> scheme would have reduced these ground levels by 5m in this area in comparison to the approved colliery tipping scheme.*
83. *The pit tip is visible from the historic parkland at Serlby Hall in long views and within the setting of the Grade I hall. Views out of Serlby Parkland are characterised by the noticeable lack of intrusive C20th elements and this*



*creates a scenario that is highly sensitive to intrusions that are industrial, urban or non-rural in character.*

84. *The reduction in height of tipping activities means that the impact of the pit tip restoration on the wider views from Serlby Hall and associated historic parkland will be considerably reduced. There will be some intervisibility but this will be of a relatively low level and should not cause any substantial harm to these heritage assets either during or after restoration. It is not anticipated that any other heritage assets would be impacted by the proposals and as such no objections are raised from the built heritage conservation perspective to the granting of permission.*
85. **Historic England:** *Do not wish to offer any comments and suggest views are sought from the Council's specialist conservation and archaeological advisers.*
86. **NCC Archaeology:** *Raise no objections.*
87. **NCC (Lead Local Flood Authority):** *Raise no objections.*
88. **NCC (Planning Policy):** *Support the proposal as it ultimately secures the restoration of an old colliery working, subject to the applicant providing evidence that the volume of waste is available within the timeframe proposed, there is a need for this volume to restore the site and the environment and amenity impacts of this development are acceptable.*
89. *In the context of minerals policy, the Minerals Local Plan (MLP) encourages the restoration of former mineral extraction sites at the earliest opportunity. Policy SP2: Biodiversity led restoration includes a requirement for restoration schemes to achieve a net gain in biodiversity, which is in line with National Policy and the draft Environmental Bill and this is reaffirmed in Policy SP3: Biodiversity led restoration and Policy DM12: Restoration, after-use and aftercare which discusses how restoration schemes should enable a long-term enhancement of the environment and that where proposals rely on importing waste, there must be satisfactory evidence that waste will be available over an appropriate timescale in the types and quantities assumed to provide the optimum restoration solution and provide evidence that it is not practical to re-use or recycle the waste.*
90. *In terms of Waste Policy, the Nottinghamshire and Nottingham Waste Core Strategy (2013) should be considered when determining this application. Policy WCS7 identifies unrestored colliery land as an appropriate location for waste disposal facilities subject to there being no unacceptable environment impacts. Policy WCS5 relates to the development of new waste disposal sites, stating that where it is shown that additional capacity is required priority will be given to sites within the main shortfall areas around Nottingham and Mansfield/Ashfield. Development outside these areas will be supported where it can be shown that there are no reasonable closer alternatives with preference given to the extension of existing sites and schemes which restore old colliery tips over disposal on greenfield sites. Since this application site is outside the area of Nottingham and Mansfield/Ashfield, the applicant would need to demonstrate there is no reasonable, closer alternative. Also, since the applicant proposes to import the waste from neighbouring authorities of Rotherham and Doncaster, as*

*per policy WCS12 the applicant will need to demonstrate that there are no facilities or potential sites in a more sustainable location in relation to the anticipated source of the identified waste stream, that it will contribute the movement of waste up the waste hierarchy and that there are wider sustainability benefits that support the proposal. It should also be considered whether the amount of waste proposed is required to achieve restoration and whether there is any other viable alternative for restoration.*

91. *In respect to the amendments made through the Reg. 25. Submission, the reduction in waste imports to 3.6Mm<sup>3</sup> and the applicant's assessment of alternative restoration options for the site including the effects these have in terms of reducing infiltration rates to the previously deposited colliery spoil are noted. As part of the decision the Council should satisfy itself that the 3.6Mm<sup>3</sup> scheme provides the benefits identified. It is also noted that the revised scheme now seeks to import only clean inert waste reducing the potential environmental effects of the development.*
92. *Overall, considering the further information submitted, the application would still be supported by Minerals and Waste Policy as it ultimately ensures restoration of an old colliery working, provided the Council is satisfied that the volume is available within the timeframe proposed and the restoration scheme proposed is the most appropriate for this site and so the volume of waste is justified and the environment and amenity impacts of this development are not unacceptable.*
93. **NCC (Nature Conservation):** *A series of observations regarding the ecological effects of the development which have been updated by the supplementary information provided through the Reg. 25 submissions have been provided. For ease of reference this summary of NCC Nature Conservation's observations has been compiled from the responses received across all four consultation responses received and references the most up to date ecological response on each specific ecological matter.*
  - a. *It is questioned whether the importation of 6.2Mm<sup>3</sup> (amended to 3.6Mm<sup>3</sup>) of imported waste over 14 years is realistic. Any shortfalls would lead to a delay in the delivery of the proposed restoration. Could the site be restored utilising less material?*
  - b. *The application is supported by a range of survey work, carried out during 2015, 2017 and 2018 and subsequently supplemented by a 2020 walkover survey. These surveys are of appropriate scope and appear to have been carried out following appropriate methodologies. Although some of the surveys are from 2015 and are therefore approaching four years a rationale has been provided setting out why updated surveys are not considered necessary.*
  - c. *The views of Natural England should be sought in terms of impacts to the River Idle Washlands SSSI which is located nearby.*
  - d. *No local wildlife sites would be directly affected by the development.*
  - e. *The existing habitat within the site predominantly incorporates species poor semi-improved grassland and mixed plantation woodland, which are currently of low ecological value, but the overall ecological value of the site benefits from its large extent and proximity to other areas of semi-*

*natural habitat. The main species related issues from carrying out the development are potential direct impacts to common toads and ground nesting birds.*

- f. Wintering bird surveys coinciding with the start of the Woodlark breeding season in 2019 indicate that no Woodlarks were recorded during the surveys confirming the results of surveys in 2015 which also recorded negative results.*
- g. An analysis has been provided, highlighting that no particularly noise sensitive species were recorded on the site. Whilst there is potential for increased noise levels associated with working areas to have a minor impact on the recorded assemblage within adjacent habitats, these impacts will be localised and short-term and mitigated by the phased nature of the works and the close proximity of the site to both the A1(M) and Blyth Road which means that the site is already subject to elevated noise levels.*
- h. An analysis of vehicles emissions and potential effect to sensitive ecological habitats has been conducted with reference to both the design manual for roads and bridges (DMRB) and Local Air Quality Management Technical Guidance. This satisfactorily demonstrates that adverse ecological impacts would not result and no specific mitigation is required.*
- i. A wintering bird survey report has been provided, covering February and March 2019. Whilst this doesn't cover the whole winter period, it does highlight that the site has value for wintering birds, with Jack Snipe and Short-eared Owl recorded (both scarce wintering species in Nottinghamshire), along with double-figure counts of Common Snipe. Other notable species recorded included Grey Partridge, Skylark, Meadow Pipit, Lesser Redpoll and Siskin. The latter two are associated with the woodland fringes around the site, but the other species mentioned are all associated with open grassland habitats, which are to be directly affected by the proposals. The survey report concludes that the proposed infill works are likely to result in short-term impacts to those wintering birds using the grassland habitats and birds within adjoining areas of woodland/scrub and unabated the post-restoration could result in disturbance to birds (such as dog walkers). Provided the mitigation listed within the ES is adhered to, impacts should be minimised. Phase 1 of the now proposed 3.6Mm<sup>3</sup> will receive 2.2Mm<sup>3</sup> of material and therefore it is assumed this phase will last for a relatively long period (~9 years). It is therefore essential that site enhancements on other parts of the site are brought forward as soon as possible. The restoration scheme is likely to provide long term enhancements to wintering bird assemblage including to jack snipe and short-eared owl.*
- j. A condition should be imposed requiring that no work to the drainage ponds is carried out until a method statement to mitigate against impacts on amphibians has been submitted and agreed.*
- k. Further surveys are requested to ensure that there is a continued absence of breeding woodlark on the site.*

- l. *There is potential for some indirect ecological impacts as a result of artificial lighting, noise from tipping and emissions from vehicles which have not been assessed from an ecological point of view.*
  - m. *The potential ecological impacts of noise and vehicle emissions need to be considered.*
  - n. *Planning conditions should seek to cover matters including pre-commencement badger surveys in each phase, protection of retained vegetation and controls relating to nesting birds.*
94. *The restoration plan should incorporate a native-species hedgerow to be planted on at least one side of the agricultural access track that crosses the northern part of the site and the creation of a cluster of small off-line ponds at the southern end of the site to compensate for the loss of ponds identified as P10 and P11. It should also incorporate a detailed restoration scheme to regulate the soil chemistry of imported soils so as to ensure the successful establishment of species rich grassland on the site, species mixes, establishment methods and maintenance regimes, utilising native species of tree and shrub appropriate to the locality, whilst wildflower grasslands should comprise a range of common and widespread grassland species. In addition, tree guards used to protect new trees and shrubs should be biodegradable, rather than plastic. The overall effect of the restoration scheme is welcomed. Aftercare requirements should be 10 years for newly created habitats, and 25 years for retained habitats (i.e. the 15 year lifetime of the scheme, plus the 10 years of aftercare).*
95. **Natural England:** *Raise no objections*
96. *Natural England is satisfied the proposed development would not have significant adverse impacts on designated sites, specifically confirming that the development will not damage or destroy the ecological features of interest within the River Idle Washlands Site of Special Scientific Interest. Natural England recommend planning conditions are imposed to protect soil resources within the site.*
97. **Nottinghamshire Wildlife Trust:** *Object to a planning application, but also identify some ecological matters which can be regulated through planning condition.*
- a. *NWT note that an updated habitat plan is missing from the 2<sup>nd</sup> Reg. 25 submission (now provided as part of 4<sup>th</sup> Reg. 25 submission) making it difficult to interpret the applicant's ecological appraisals.*
  - b. *NWT are concerned that the development would result in a loss of both breeding and overwintering skylark habitat on a large scale (more than 40ha) for several years. These impacts cannot be offset against future habitats that may not be available for over a decade and the habitat loss should be mitigated at the time it occurs. The consultants' assertion that the skylarks would be able to move to habitat on nearby intensive arable farmland dominated by autumn sowing is considered erroneous and the statement in the Reg 25 submission which indicates that the loss of habitat would be mitigated or compensated elsewhere on the site is not clear how it would be achieved particularly since skylark already use the northern part of*



*the site and are presumably at capacity there. Although the latest Reg. 25 submission advises that the loss of skylark breeding habitat will be phased, there is no clear plan of where any claimed compensatory habitat would be located and how its management would be secured. Even on a phased basis, there would still be a substantive loss of grassland suitable for skylarks.*

- c. The wintering birds report asserts that the loss of habitat would be minor, and states that compensatory habitat would be found elsewhere, but provides no detail of how the loss, for example, of a wetland sustaining overwintering snipe, teal and jack snipe would be mitigated.*
  - d. Noise: There is no proper assessment of the impacts of the increased noise levels on birds breeding within the retained habitat. Adequate mitigation and compensation for these impacts has therefore not been addressed in either the original EclA or subsequent Reg 25 submissions. Noise impacts to foraging bats has also not been assessed.*
  - e. The ecological assessment confirms the site provides potential habitat for amphibians and reptiles and therefore surveys for these species should be undertaken prior to entering any new phase of working and any impacts appropriately mitigated.*
  - f. Orchids: The surface material around the colony of orchids should be translocated prior to works commencing in this area.*
  - g. Hedgerows: The hedgerows around the perimeter of the site should be ecologically managed to mitigate for the loss of a section of hedgerow as a result of the development.*
  - h. The proposed conservation management of the existing habitats for the duration of the scheme is welcomed, but a detailed management plan is required to demonstrate how enhancement of the habitats would be achieved.*
98. *The restoration scheme is welcomed but there is a lack of certainty over the final habitats as this may depend on the material available for capping. In order to provide reassurance that the habitats would be of a high standard to develop as BAP priority habitats, NWT expect to see target habitats and species mixes submitted prior to determination. This could be achieved by providing two alternatives: for a neutral-acid final substrate and a neutral-calcareous substrate. The use of plants of UK origin in the restoration scheme should be conditioned. A cluster of small ponds should be provided as part of the sites restoration to compensate for the loss of pond habitats within the development. NWT request the aftercare period is extended to ten years following the restoration of the site. Finally, an assessment of the value of the current and proposed biodiversity on this site should be undertaken using a recognised biodiversity calculator, in order to demonstrate whether net gain can be achieved.*
99. **Via (Countryside Access):** *Raise no objections, noting that there are no public rights of way currently recorded within or adjacent to the application site.*
100. **Via (Landscape):** *Support the proposals, providing the following comments:*

101. *The landscape and visual impact assessment (LVIA) of the proposed development has been carried out to the appropriate methodology and guidance.*
102. *The overall significance of landscape effects during the restoration phase is assessed as slight adverse. The overall significance of landscape effects 15 years post restoration is assessed as beneficial (degree not stated).*
103. *The overall significance of visual effects during the restoration phase is assessed as moderate adverse for viewpoint 2 (located on Blyth Road, at the entrance to Kirk View Kennels and Cattery, on the south eastern edge of the Application Site at a distance of 0.3km).. Increased vehicle movements will be visible from this point. The overall significance of visual effects during the restoration phase is assessed as negligible to minor adverse for all other viewpoints. The overall significance of visual effects 15 years post restoration is assessed as beneficial (degree not stated).*
104. *None of the landscape and visual impacts identified are significant in terms of the EIA Legislation, which is agreed although there is a discrepancy between the degree of landscape impact stated in the LVIA and the Non-technical summary which should be amended.*
105. *Should planning permission be granted it is recommended that planning conditions be imposed to require the following information to be submitted:*
- *Details should be provided of how existing site vegetation to be retained is to be protected.*
  - *Detailed landscape proposals drawing should be provided, which includes schedules that show species, size and density planting. The landscape restoration of the site should utilise species listed for the Idle Lowlands LCA.*
  - *A long-term maintenance and management plan for the ecological habitats created.*
106. *First Regulation 25 Submission: The VIA Landscape Team note that the Reg. 25 submission has rectified the small discrepancy between the Landscape and Visual Amenity document and the Non-technical summary report and has no additional comments to make regarding the submission.*
107. **Via (Noise Engineer):** *Raise no objection subject to planning conditions being imposed setting maximum noise limits at surrounding properties, ongoing noise monitoring during the life of the development to ensure noise limits are being complied with, the use of broadband reversing alarms on mobile plant and controls over operating hours.*
108. *A detailed assessment has been undertaken using a noise model to determine the predicted noise impacts at the nearest residential receptors. To support the assessment a series of noise measurements have been conducted to determine the background noise levels. PPG for minerals suggests a noise limit of the background noise level (L90) + 10dB subject to an absolute upper limit of 55dB. Due to the high background noise levels in the area primarily related to*

*transportation noise due to the close proximity of the A1, the applicable noise limit at all but 1 of 8 Noise Sensitive Receptors is 55dB with a limit of 52dB at the other receptor.*

109. *The noise assessment has modelled a range of plant that will operate on the site with mobile plant consisting of a 360-excavator and loading shovel operating at the receiving (primary sorting) area and a further 360-excavator and dozer working at the active restoration area with dump trucks running between the two along internal roads.*
110. *The noise modelling predicts that the proposed limits will be complied with at all receptors. An assessment has also been undertaken of predicted changes in traffic noise levels on the highway network associated with the proposed development. This predicts a maximum increase in noise of +2.1dB on Blyth Road – South. When assessed in accordance with the classification of impacts criteria in DMRB a change in noise level of +2.1dB is considered ‘Minor’ and may just be perceptible by residents.*
111. **National Planning Casework Unit:** *Raise no comments regarding the environmental statement.*
112. **Harworth and Bircotes Tenants and Residents Association, Tickhill Parish Council, Scrooby Parish Council, the National Planning Casework Unit, Severn Trent Water Limited, Cadent Gas Limited, Western Power Distribution:** *No representations received. Any responses received shall be orally reported.*

## **Publicity**

113. The application has been publicised by posting of site notices, the publication of a press notice in the Worksop Guardian and neighbour notification letters to 80 properties in the area surrounding the application site sent in accordance with the County Council’s adopted Statement of Community Involvement. The planning application has been publicised on three further occasions through the posting of site notices and publication of press notices in the Worksop Guardian coinciding with each of the Regulation 25 submissions.
114. Six letters of representation/objection have been received in response to the Council’s publicity of the planning application which raise the following matters:
  - a. The works to complete this development would involve unacceptable extensive hours on site working.
  - b. The noise generated by site traffic including heavy vehicles reversing warning apparatus would travel too far and inconvenience too many residences.
  - c. The dust from works would be totally unacceptable and the development would result in excessive air pollution with toxic emissions.
  - d. The traffic required to ship in the proposed waste would generate problems to the surrounding area. Styrrup village is already showing an increase in HGV movements through the village. With possible



new, existing and planned developments striking up, the traffic would become intolerable and is unreasonable.

- e. Is it not possible to use the materials on site to carry out the works as required without importing 3.6 million cubic metres of material?
- f. Concern is expressed that the restoration of the site is not happening quick enough. The pit top and all its surrounding land needs protecting and planting with more trees etc and the area should be opened for the local community rather than more housing.

115. Councillor Sheila Place has been notified of the application.

## **Observations**

### Need for the Development

116. The New Nottinghamshire Minerals Local Plan (MLP) was adopted on 25<sup>th</sup> March 2021. The plan does not incorporate a specific policy relating to the assessment of alternative restoration schemes for partially constructed colliery tips, but 'Policy DM12: Restoration, aftercare and after-use' sets out more generic policies relating to minerals restoration schemes. MLP Policy DM12 requires that proposals for minerals development must include an appropriate scheme for the restoration, aftercare and long term after-use to enable the long-term enhancement of the environment. The policy requires that restoration schemes should be in keeping with the character and setting of the local area and should contribute to the delivery of local objectives for habitats, biodiversity, landscape, historic environment or community use where appropriate. Specifically where mineral extraction proposals rely on the importation of waste for restoration, the development must:
- a. Include satisfactory evidence that the waste will be available over an appropriate timescale in the types and quantities assumed;
  - b. Provide the optimum restoration solution; and
  - c. Provide evidence that it is not practical to re-use or recycle the waste.
117. The approved colliery waste disposal scheme for Harworth was reliant on the continued availability of colliery waste originating from mining activities to supply 8.4 million cubic metres of material to re-engineer the site contours and topography of the colliery tip.
118. The early cessation of mining operations at Harworth Colliery has removed the availability of colliery waste to complete the restoration of the site in compliance with the contours of the approved restoration scheme consented under the extant planning permission.
119. Since the closure of Harworth Colliery the spoil tip has been retained with minimal restoration works undertaken. Although the outer flanks of the site have been extensively restored and trees planted the central area remains in a despoiled condition and has not been subject to any restoration works.

120. The existing condition of the site is not satisfactory and raises the following concerns:
- The site incorporates a series of historic tailing lagoons which in general terms cover the central and southern extents of the site. The northern area of the site is covered by a tip which rises to a maximum of 77.5m AOD, which is approximately 50m higher than the central and southern areas of the site.
  - The lagoons have been informally capped through the placement of colliery spoil over the wet tailings deposits, however the ground in these areas regularly becomes fully saturated creating soft ground conditions and associated health and safety risks. The former tailings lagoons at the site are understood to be very deep, likely in the order of 20m.
  - Due to the depths of the lagoons at the site, coupled with the very soft nature of the tailings which have been placed in the lagoons it is not considered safe or practical for them to be excavated and re-engineered.
  - The tip at the north of the site has previously experienced minor slope failures which have needed to be stabilised through the placement of additional fill to buttress the slopes in some areas. It is considered likely that if attempts were made to excavate the tip it would reactivate the historic failures and potentially cause larger scale failures.
  - The topography of the site restricts its ability to discharge surface water resulting in water penetrating the underlying lagoons. Poor water quality has been recorded both within boreholes installed within the colliery waste and within perimeter wells. Surface and ground water flows which come off the colliery tip are acidic in character and are having an adverse effect to the surrounding environment.
121. The retention of the site in its current condition is not environmentally acceptable and changes to the topography are required to make it sustainable in the long term.
122. The extant planning permission incorporates a requirement under condition 39 to obtain approval for and thereafter implement a revised restoration scheme to secure the restoration of the Harworth Colliery spoil tip in the event that colliery spoil disposal ceases for a period in excess of 6 months.
123. Since these restoration controls have not been complied the MPA has served a breach of condition enforcement notice on the landowner to secure compliance with the planning condition and ensure the site is restored in compliance with a satisfactory alternative scheme. The submission of this planning application is as a direct result of this enforcement action to secure compliance with this planning condition.
124. Dealing specifically with stability issues, the colliery tip construction incorporates a series of tailing lagoons held in place by engineered lagoon bank edges. These lagoons can become re-saturated if surface water flows are not satisfactory controlled resulting in increased stability risks. Industry practice for restoring colliery tips incorporating lagoons normally aims to retain the engineered lagoon bank since these bank edges provide the structural support

for the tailings which otherwise have very low structural strength. Colliery Tip restoration schemes also prioritise surface water management and establish a system that ensures water discharges off the colliery tips rather than being allowed to accumulate on site with potential to penetrate the tip. With appropriate water management the tailing lagoons dry out over time and become increasingly stable enabling them to be safely incorporated into the restoration of the colliery tip. Conversely, if surface water flows are not satisfactorily controlled this would increase the risk for the tailings to become re-saturated, potentially putting the colliery tip at increased risk of de-stabilising.

125. The existing gradients within the central bowl area of the colliery tip do not allow surface water to discharge from this area of the site primarily because the surrounding banks/tip sides are at a higher level. In this instance there is little opportunity to safely remove/lower the tip sides because they form part of the engineered structure of the tip which support the lagoons. There is therefore no real opportunity to undertake a 'cut and fill' operation to re-engineer the topography of the site using material within the site to address the underlying drainage issues and therefore any re-contouring of the site would require fill materials to be imported to the site.
126. The use of imported waste would allow the lagoon area to be re-engineered to provide the drainage falls that are required whilst retaining the engineered banks of the lagoons which provide structural support for the colliery tip enabling the tip to be safely restored and ensuring the environmental legacies resulting from the premature closure of Harworth Colliery are addressed.
127. The Environment Agency confirm in their planning response that the site in its existing form (ie partially restored) is having a notable impact on groundwater quality as evidenced in several down-gradient boreholes situated within both the weathered Chester Sandstone (formally Sherwood Sandstone) and the more intact Chester Sandstone bedrock where there are elevated levels of Chloride, Sulphate, Iron, Manganese, Aluminium and other metals which are undoubtedly related to Acid Mine Drainage as infiltration passes down through the emplaced colliery spoil. The site is also having a more minor impact on surface water quality as evidenced in the adjacent Whitewater Drain where water quality is being adversely impacted from contaminated flows originating from the unrestored colliery spoil tip. The Environment Agency's water quality team therefore confirm that it would not be acceptable to leave the site in its current condition and the revised restoration scheme provides a better solution in the longer term for minimising impact to both Groundwater and Surface Water. Whilst identifying that further quantitative assessments of water quality would be required to support the Environmental Permit application, the Environment Agency confirm the scheme is wholly reasonable and the Groundwater and Contaminated Land Team would encourage it to be implemented.
128. The planning consultation response from VIA's Reclamation Officer acknowledges that the restoration scheme utilising 3.6Mm<sup>3</sup> of inert waste would re-engineer the site leading to a significant reduction in infiltration of rainwater into the existing spoil materials and the improved drainage and water management to significantly improve and protect both ground and surface

waters at the site and therefore supports the revised restoration proposals for the site.

129. It is therefore concluded that the current condition of the site is having an unacceptable impact on groundwater quality and the revised restoration proposals appropriately provide for restoration and aftercare of the site and enable long term enhancement of the former colliery spoil tip in general accordance with MLP Policy DM12. However, full compliance with Policy DM12 would only be demonstrated if satisfactory evidence is provided to show that sufficient waste will be available over an appropriate timescale and the restoration of site is in keeping with the character and setting of the local area and contributes to the delivery of local objectives for habitats, biodiversity, landscape, historic environment and community use where appropriate

Assessment of alternatives relating to the quantity of waste imported to the site

130. As part of the Environmental Statement and Reg. 25 supplementary information the applicant was requested to investigate various designs for the restoration of the site with the objective of minimising the amount of waste importation whilst ensuring the scheme delivers a sustainable restoration of the site. The EIA has considered a variety of restoration options for the site in various levels of detail, as set out below:
- a. The do-nothing scenario.
  - b. The lining of the site with an impermeable membrane capped over by a layer of soils without significant change to the existing site contours.
  - c. The importation of 1.7Mm<sup>3</sup> of imported waste to build up levels within the central bowl area sufficient to create a flat level site and remove the existing 'bowl' area within the central lagoon area.
  - d. The scheme sought planning permission which seeks consent for the importation of 3.6Mm<sup>3</sup> of imported waste to build up levels over the central lagoon area sufficient to create gradients to allow water to drain off the central lagoon area.
  - e. The importation of 4.3Mm<sup>3</sup> of imported waste to build up levels and cap over the colliery lagoon area.
  - f. The importation of 5.3Mm<sup>3</sup> of imported waste to build up levels and cap over the colliery lagoon area.
  - g. The importation of 6.2Mm<sup>3</sup> of imported waste to build up levels and cap over the colliery lagoon area. This restoration scheme was submitted as part of the original planning submission and closely reflected the design of the approved colliery tipping scheme with waste tipping extending up to the northern high point of the site and creating a north-south ridge line from which drainage falls would flow. The average height of tipping across the site would have been approximately 5m lower than the scheme approved for colliery waste tipping and consequently reduced the level of waste importation required to complete the restoration of the site to 6.2Mm<sup>3</sup> of imported waste, a reduction from the 8.4Mm<sup>3</sup> of colliery waste which would have been required to engineer the original colliery tip.

- h. The importation of 8.4Mm<sup>3</sup> of imported waste to build up levels and cap the colliery spoil. This scheme replicated the approved colliery tipping scheme in ground profile, albeit imported waste would have been used to build up levels instead of colliery waste.
131. In preparing the original 6.2Mm<sup>3</sup> restoration scheme, the applicant stated that they referenced DEFRA's publication 'Guidance for Successful Reclamation of Mineral and Waste Sites' Annex RN3 to develop an appropriate restoration landform which encourages the use of gradients no flatter than 1:25 to ensure adequate drainage and minimise surface water ponding in the event of localised differential settlement. Four restoration scenarios were analysed to consider the effect of importing different volumes of waste to increasingly lift the levels of the restored site and the effect this has on achieving drainage gradients on the restored site based around the concept of the original design of the colliery tip which sought to tie the tipping levels to the existing northern high-spot of the site. The results are set out in the table below.

Quantity of waste imported to site	Area of land which does not have a gradient exceeding 1:25
Retention of existing topography	248,919 sqm
4.3million cubic metres importation	200,286 sqm
5.3 million cubic metres importation	152,265 sqm
6.2 million cubic metres importation	61,199 sqm

132. This sequence of alternative quantities of waste importation demonstrates that the higher levels of waste importation to the site enable steeper gradients to be achieved and consequently better drainage and lower risk of ponding and potential infiltration into the colliery spoil and former lagoons. The 6.2Mm<sup>3</sup> of imported materials proposed in the original alternative restoration scheme was selected on the basis that it would provide appropriate drainage for the site with minimal areas flatter than 1:25.
133. As part of the Reg. 25 process the Council raised a series of questions regarding the design principles of the colliery tip and the amount of waste required to carry out the scheme. The following matters were questioned:
- The appropriateness of using DEFRA's design guidance for putrescible landfill sites - Annex RN3 was questioned because this guidance relates to the engineering of sites where putrescible waste is imported with associated potential for differential settlement from waste degradation. The precautionary minimum 1:25 gradient is identified to ensure adequate drainage and minimal surface water ponding occurs in the event of any potential localised differential settlement. Since the

Harworth Colliery restoration scheme would not utilise putrescible/ biodegradable waste it was considered unlikely to experience any significant levels of differential settlement following its construction and therefore there is scope to create a shallower landform whilst ensuring satisfactory drainage is maintained at the site.

- The design of the restoration scheme incorporating a single dome mound across the entirety of the colliery tip targeting a gradient of 1:25 and tied to the highest part of the site at the former conveyor discharge point required a large quantity of material to be imported to achieve the proposed restoration contours. The applicant was requested to investigate alternative restoration options including a reduction in tipping around the northern highpoint of the site, the use of greater cut and fill and the use of shallower gradients.

134. The modifications made to the restoration scheme as part of the Reg. 25 submission (the 3.6Mm<sup>3</sup> scheme) have been carried out in direct response to the Council's request to review the design of the colliery tip and reduce the amount of waste imported into the site to provide for the satisfactory restoration of the former colliery tip.
135. The Reg. 25 restoration scheme retains the northern high point of the colliery tip. This part of the site cannot be lowered because of stability issues. However, the tipping across the wider site is no longer tied into this high point and this has resulted in a large reduction in the amount of waste required to be imported to the site and still achieve satisfactory drainage gradients.
136. The Reg. 25 submission has given consideration to the level of infiltration benefits that would be derived from four differing restoration options for the site, to compare how each scheme would discharge water from the colliery tip and from this predict the level of water infiltration into the underlying tip (water infiltration is not desirable because it has potential to destabilise the colliery tip and pollute the underlying aquifer) with ground slope being the key determinant to the runoff rate. The schemes that were assessed within the Reg. 25 submission and the level of infiltration are set out below:
  - The existing unrestored landform is calculated to result in an average infiltration rate of approximately 114mm/year which equates to 51,200m<sup>3</sup>/year.
  - The restoration scheme submitted as part of the original planning application utilising 6.2Mm<sup>3</sup> of restoration materials is calculated to result in an average infiltration rate of approximately 42mm/year which equates to 18,700m<sup>3</sup>/year.
  - The Reg. 25 restoration scheme utilising 3.6Mm<sup>3</sup> of restoration materials is calculated to result in an average infiltration rate of approximately 46mm/year which is equivalent to approximately 20,800m<sup>3</sup>/year
  - A reduced scheme utilising 1.7Mm<sup>3</sup> of restoration materials is calculated to result in an average infiltration rate of approximately 73mm/year which is equivalent to approximately 32,700m<sup>3</sup>/year.



- Consideration has also been given to the use of a capping membrane to seal the site and control groundwater flows instead of the use of waste materials imported to the site. However the use of waste materials to re-engineer the contours of the site to provide natural drainage is preferred by the applicant on the basis that it would control water flows in perpetuity whereas a membrane could degenerate or fail over time and thus introduces potential ongoing maintenance costs.
137. The indicative water balance calculations show that the Reg. 25 restoration scheme utilising 3.6Mm<sup>3</sup> could achieve similar benefits in terms of reducing infiltration to the underlying ground and groundwater pollution to the scheme originally sought planning permission which would have utilised 6.2Mm<sup>3</sup> of imported waste. The calculations also indicate that if the waste importation was further reduced to 1.7Mm<sup>3</sup> there would be a noticeably greater increased level of infiltration into the colliery tip and potentially greater levels of groundwater pollution.
138. The Environment Agency have examined the information submitted by the applicant and have confirmed that the 3.6Mm<sup>3</sup> scheme would result in improvements to water quality from surface and groundwater discharges from the site. The Environment Agency note that they will examine the levels of waste imported into the site as part of the Environmental Permitting process and this will require further quantitative calculations to enable the Agency to formally conclude the preferred 3.6Mm<sup>3</sup> scheme utilises the minimum amount of waste to achieve the best environmental solution and therefore do not want to pre-judge this formal process in the planning consultation response. However, the Environment Agency's consultation response confirms that they are satisfied that the 3.6Mm<sup>3</sup> scheme can be granted planning permission.
139. Overall, it is concluded that the Reg. 25 scheme based on the importation of 3.6Mm<sup>3</sup> of inert waste into the site is considered to provide an acceptable balance between reducing the level of waste importation into the site whilst ensuring that the resultant restored site sustainably manages potentially contaminated surface and ground water drainage flows. The 3.6Mm<sup>3</sup> scheme proposed in the Reg. 25 submission provides for a 40% reduction in the amount of waste materials imported to the site in comparison with the 6.2Mm<sup>3</sup> scheme originally submitted for planning permission and a 55% reduction from the 8.4 million cubic metres to implement the consented colliery tipping scheme.

Planning policy concerning the disposal of inert waste and its use in connection with the restoration of former mineral workings

140. The Nottinghamshire and Nottingham Waste Core Strategy (WCS) 'Policy WCS5: Disposal sites for hazardous, non-hazardous and inert waste' acknowledges that where there is a need to provide additional waste disposal capacity for inert waste the policy is supportive of disposal schemes on former colliery tips where the waste assists with the restoration of despoiled land and provides environmental benefits.
141. Harworth Colliery spoil tip is the last remaining colliery tip within Nottinghamshire which has either not been restored or is undergoing restoration



in accordance with an approved planning permission. The use of inert waste to support the restoration of the colliery tip as proposed within this planning application is therefore supported by WCS Policy WCS5, subject to it being shown there is a need for the additional disposal capacity.

142. The proposed scheme would utilise substantial quantities of waste material over a long duration and this raises questions in terms of whether there is sufficient waste available in the local area to carry out the restoration scheme in the timeframe proposed.
143. Saved Policy W4.2 of the Nottinghamshire and Nottingham Waste Local Plan (WLP) states:

Policy W4.2: Availability and Timescales

Proposals for waste disposal will only be permitted where satisfactory evidence has been provided to show that sufficient waste material is likely to be acceptable to achieve reclamation of the site within an acceptable timescale.

144. WLP Policy W4.2 is consistent with MLP Policy DM12: Restoration, aftercare and after-use insofar that the policy requires it to be demonstrated that there is satisfactory evidence that the waste will be available over an appropriate timescale in the types and quantities assumed.
145. The successful completion of the proposed restoration scheme necessitates the use of 3.6Mm<sup>3</sup> of waste which equates to the delivery of 257,143 cubic metres (388,285 tonnes) of waste each year over the 14-year programme of works. Clearly this is a significant reduction from the scheme originally sought planning permission which proposed the use of 6.2Mm<sup>3</sup> of waste over a similar period. The target waste stream is construction and demolition waste for its inert characteristics.
146. The applicant states that the facility would primarily source these waste materials from both Nottinghamshire and South Yorkshire as well as waste originating from the developer's landholdings that would become available as a result of ongoing regeneration projects.
147. In the context of managing Nottinghamshire Waste, WCS Policy WCS3 (Future Waste Management Provision) aims to provide sufficient waste management capacity to meet the needs of Nottinghamshire by ensuring the County has waste management capacity which is broadly equivalent to the amount of waste which is produced in the area.
148. The 257,143 cubic metres (388,285 tonnes) planned annual throughput of the site is a large quantity of waste when considered in the context of the levels of waste generated within Nottinghamshire and set out within paragraph 4.6 of the WCS. This estimates that Nottinghamshire's total production of construction and demolition waste is around 1 million tonnes per year. The WCS identifies that the vast majority of this waste is recycled or re-used (between 80-90%) and

therefore the plan estimates the amount of Nottinghamshire's inert waste which is disposed is around 230,000 tonnes per year, significantly lower than the proposed annual level of waste input to Harworth Colliery.

149. Data published by the Environment Agency sets out the actual quantity of inert waste disposal within Nottinghamshire for the years 2013 – 2016 and is set out in the table below:

Year	Volume of inert waste disposed in Nottinghamshire (cubic metres)	Weight of inert waste disposed in Nottinghamshire (tonnes)
2013	376,000 m <sup>3</sup>	564,000t
2014	367,000 m <sup>3</sup>	550,500t
2015	198,000 m <sup>3</sup>	297,000t
2016	208,000 m <sup>3</sup>	312,000t

150. The Environment Agency's data indicates that the WCS target of 230,000 tonnes per year (153,000 cubic metre) does not reflect the actual level of inert waste disposal in the County, potentially underestimating the level of inert waste disposal by up to around 220,000 cubic metres per year. Nevertheless, even taking a 'worst case scenario' in which it is assumed that 2013 inert waste disposal figures are repeated throughout the operational life of the Harworth restoration project, and 100% of all the waste arisings from Nottinghamshire are deposited at Harworth, the facility would manage 68% of all inert waste requiring disposal in Nottinghamshire. However, if 2015 data was used the annual capacity of the proposed Harworth facility would exceed the annual level of inert waste disposed in Nottinghamshire by nearly 60,000 cubic metres.
151. The WCS identifies that there is likely to be a 3.2 million cubic metre shortfall of inert waste disposal capacity throughout the life-time of the plan (2031). This projection is based on a disposal rate of 158,000 cubic metres and would be bigger if a consistently higher disposal rate was to occur. A number of new inert waste disposal facilities have come on stream since the WCS was adopted which assist in reducing the capacity shortfall. These include new tipping capacity provided within restoration projects at Bentinck and Welbeck Collieries and golf course enhancement schemes at Springwater (Calverton) and Sherwood Forest (Mansfield).
152. WCS Policy WCS5: (Disposal sites for hazardous, non-hazardous and inert waste) and its supporting text identify that a significant amount of the inert waste generated within Nottinghamshire originates from the main population centres of Nottingham and Mansfield/Ashfield. The plan identifies that there is a shortfall of available inert waste disposal facilities in this area to manage this waste and

therefore Policy WCS5 gives priority to the development of new sites in close proximity to this shortfall area in the south of the county. The Harworth Colliery Tip restoration project is not geographically well located within North Nottinghamshire to manage the capacity shortfalls which exist in the Nottingham and Mansfield/Ashfield area. Policy WCS5 states that the development of new facilities outside the Nottingham, Mansfield/Ashfield capacity shortfall area will only be supported where it can be shown that there is no reasonable closer alternative. Evidence has not been provided by the developer to argue that Harworth should be granted planning permission because there are no closer facilities to the shortfall area. It is concluded that the distance of Harworth from the main waste producing areas within the County would act as a constraint on the site's ability to manage these shortfalls, and only a limited quantity of waste from these areas would find its way to the restoration of Harworth Colliery Tip. WCS Policy WCS5 therefore does not provide any strong level of support for additional inert waste disposal capacity being provided at the former Harworth Colliery Tip.

153. It is therefore concluded that the amount of waste that would be required to carry out the proposed Harworth Colliery Tip restoration project is likely to exceed the amount of waste which would originate within Nottinghamshire and could reasonably be expected to be transported to the facility for disposal.
154. The applicant has identified that the close proximity of the site to the northern boundary of the County means that it would be readily accessible to waste originating from outside Nottinghamshire, in particular South Yorkshire. The nearest authorities to the north are Barnsley, Doncaster and Rotherham. These authorities have an adopted joint Waste Local Plan which forecast the combined area is likely to dispose of between 130-140,000 tonnes per year of construction, demolition and excavation wastes. However, the area is already served by three landfill sites within 20 miles of the Harworth colliery, and a recently consented scheme for the restoration of Maltby Colliery which utilises imported waste materials. There does not therefore appear to be any significant latent demand for additional waste management capacity at Harworth to manage shortfalls in waste management capacity within the Barnsley, Doncaster and Rotherham areas.
155. The applicant has also identified that between 1 and 2 million cubic metres (1.5-3.0 million tonnes) of suitable materials are available or anticipated to be available from across the Harworth Estates land portfolio over the 14 years of the proposed restoration period.
156. It is also acknowledged that there are likely to be many major new developments planned over the next 10/15 years that would produce a significant volume of material, such as major house building programmes, the construction of the HS2 railway, development of new roads and the redevelopment of derelict areas which may result in significant spikes in demand for inert disposal capacity which Harworth Colliery could satisfy.
157. The remoteness of the Harworth site in relation to waste origins together with the availability of other local waste management options indicates that there is some level of uncertainty that the facility would source its required 3.6 million

cubic metres of restoration material from the local area in the requested 14-year period and therefore the policy test set out within WLP Policy W4.2 and MLP Policy DM12 which require developers to provide satisfactory evidence to show that sufficient waste material is likely to be available to achieve reclamation of the site within an acceptable timescale has not been fully satisfied in this instance.

158. If the application was refused planning permission on this basis, this would prejudice the restoration of the former colliery tip leading to the unsatisfactory retention of an unrestored colliery tip. It would also mean that the landowner could not comply with the Breach of Condition Enforcement Notice requiring the site to be restored which was served on the site by the MPA. A balanced judgement needs to be reached on these two potentially competing policy positions.
159. Whilst acknowledging the potential level of risk that sufficient waste may not be available to carry out the proposed restoration scheme during the programmed 14-year period, the only real way of testing this out is to grant the development planning permission and monitor the progress on waste imports. The level of waste imports will ultimately be decided by the prevailing economic and market conditions over the operational period for which there is no certainty in predicting. Nevertheless, the applicant is confident that they can source the satisfactory quantities of waste to ensure the site is restored in the timeframe proposed and have identified that a significant proportion of the anticipated input would originate from the applicant's own landholding. It is also noted that the restoration scheme has been significantly revised to reduce the levels of waste inputs required to carry out the works.
160. If sufficient quantities of waste were not received the risk is that there would be a delay to the completion of the tip restoration project and pressure to allow the waste imports to continue over an extended duration (subject to planning permission being granted). Overall these risks are considered to be less significant than the environmental effects of not allowing the restoration works to progress.
161. On balance it is concluded that the need to restore the site in order to address potential contaminated surface and ground water drainage flows and achieve compliance with MLP Policy DM12 outweigh any concerns that sufficient waste would not be available to the developer to carry out the restoration works in the proposed timescale and the conflict this may raise in terms of compliance with WLP Policy W4.2.

#### Management of non-local waste

162. It is clear from the previous section that the Harworth restoration is likely to receive a significant proportion of its waste from outside Nottinghamshire. WCS Policy WCS12 (Managing non-local waste) acknowledges that waste will often cross local authority administrative boundaries and this can often make environmental and economic sense, particularly if the facility is closer or enables waste to be managed at a higher level in the waste hierarchy. The WCS therefore takes a pragmatic approach encouraging the provision of capacity

equivalent to NCC's own waste arisings, whilst allowing for the possibility of a reasonable exchange of waste movements where it is demonstrated that:

- a. the envisaged facility makes a significant contribution to the movement of waste up the waste hierarchy, or
  - b. there are no facilities or potential sites in more sustainable locations in relation to the anticipated source of the identified waste stream, or
  - c. there are wider social, economic or environmental sustainability benefits that clearly support the proposal.
163. The Harworth restoration project provides potential for inert waste to be utilised within the restoration of a derelict colliery spoil tip and therefore divert it from disposal thus assisting with the movement of waste up the waste hierarchy satisfying criteria A, subject to the caveats set out in the following section. Also, the restoration of the colliery tip has potential to provide wider social, economic and environmental sustainability benefits satisfying criteria C. However, having regard to the availability of inert sites within Nottinghamshire and the surrounding area it is difficult to see how the Harworth facility could result in a reduction that waste is transported (criteria B).
164. It is therefore concluded the development is compliant with WCS Policy WCS12, noting that the policy does not require all three criteria to be satisfied.

#### Waste Hierarchy

165. National Planning Policy for Waste (NPPW) sets out the Government's planning policy in connection with waste management. Paragraph 1 confirms the Government's ambition to work towards a more sustainable waste management system by using waste as a resource and in so doing driving waste up the waste hierarchy. The policy is consistent with Nottinghamshire and Nottingham Waste Core Strategy Policy WCS3 – Future Waste Management Provision.
166. In the context of the waste hierarchy the permanent deposit of waste materials on land could either be classed as a recovery or disposal activity and therefore at different levels in the waste hierarchy.
167. The decision whether the Harworth Colliery spoil tip restoration scheme would be classed as recovery or disposal is taken by the Environment Agency at the permitting stage. At the present time a permit application has not been made and therefore a definitive decision has not been made.
168. The Environment Agency's decision would be informed by caselaw known as the Methley case. This case confirmed that quarry restoration schemes which utilise waste materials as a substitute for the use of non-waste material are generally considered as recovery schemes consistent with the definition in Article 3(15) of the Waste Framework Directive (2008/98/EC). In the case of Harworth Colliery spoil tip there is a clear obligation on the landowners to carry out restoration works. This is evidenced by the initiation of enforcement action to ensure the works are carried out. The applicant has provided evidence that

the restoration works could not be satisfactorily undertaken without the importation of materials to the site and therefore if waste was not used it would be necessary for the applicant to import non-waste materials to carry out the work. The use of waste materials would therefore directly replace non-waste materials (if such materials were available).

169. The Environment Agency has confirmed in their planning consultation response that they will make a decision on whether they view the activity as a waste recovery operation at the time an Environmental Permit is sought, confirming they will require further justification at this time to confirm the 3.6Mm<sup>3</sup> scheme utilises the minimum amount of waste to deliver the best environmental option in terms of groundwater quality over the long term and enable the facility to be formally classified as recovery. Demonstrating waste recovery status is beneficial for the applicant because there is no landfill tax burden associated with recovery and thus enhances the commercial viability of the scheme allowing the operator to charge lower gate receipts for the receipt of waste materials. If the Environment Agency did not accept the activity as a waste recovery operation the operator would be required to apply for a waste disposal permit instead.
170. It is not appropriate for NCC to prejudge the formal assessment as to whether this development constitutes a recovery or disposal operation on the basis that this decision will be taken by the appropriate authority (the Environment Agency) at the permitting stage. An application for an Environment Permit has not been submitted and therefore the Environment Agency will not make this decision in advance of the determination of the planning application. Whilst not pre-judging the decision made at the permitting stage by the Environment Agency, the status of the site as either recovery or disposal is important in assessing the planning merits of this planning application and thus the Council need to have a view on this issue to inform the assessment of this planning application.
171. The importation of inert waste materials to the former Harworth Colliery Spoil Tip would enhance the environmental quality of the restored site and address the site's mining legacy therefore ensuring these materials are being used beneficially. On this basis it is considered the facility on balance should be assessed as a recovery operation rather than disposal in the context of the waste hierarchy and the application of planning policy, but without prejudice to the decision of the Environment Agency which will be made at the permitting stage. Based on the facility being a recovery facility, it is concluded that the waste materials are being beneficially used in the context of the waste hierarchy in accordance with the NPPW and WCS Policy WCS3.

#### Composition of waste to be imported to Harworth Colliery

172. WCS Policy WCS13: Protecting and Enhancing our Environment requires that new waste treatment or disposal facilities will be supported only where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality.



173. The scheme originally sought planning permission sought to utilise inert waste together with non-hazardous materials including wood, glass, plastics, metallic wastes not containing hazardous substances, packaging and mixed clean material etc. The Environment Agency raised concerns that the use of non-inert materials was inappropriate due to the risk that they pose to the environment in terms of potential gas generation, contaminated leachate, odour and vermin issues and not consistent with the protection of the water environment.
174. The composition of the waste materials proposed to be used for the restoration of the colliery tip has therefore been modified through the Reg. 25 process at the request of the County Council and a revised schedule of materials is now proposed to be used for the restoration of the colliery tip. Non-inert materials would no longer be used, and the site would only accept clean inert waste. These modifications to the composition of the waste inputs address the concerns raised in respect of contaminated discharges of leachate from the waste imports and issues relating to odour, vermin and landfill gas and is supported by WCS Policy WCS13.

#### Assessment of Environmental Effects

175. MLP Policy DM1: Protecting Local Amenity seeks to avoid and minimise any adverse environmental impacts from minerals developments. The policy is set out below:

##### **Policy DM1: Protecting Local Amenity**

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 types of impacts that need to be considered include but are not restricted to:

- Landscape and Visual impacts;
- Noise;
- Blast vibration;
- Dust;
- Mud
- Air emissions;
- Lighting;
- Transport;
- Stability of the land at and around the site, both above and below ground level.
- Loss of designated open/green space

176. WCS Policy WCS13: Protecting and Enhancing our Environment supports the development of a network of waste management facilities which maintain and where possible enhance environmental quality. The policy is set out below:



### Policy WCS13 Protecting and enhancing our environment

New or extended waste treatment or 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. All waste proposals should seek to maximise opportunities to enhance the local environment through the provision of landscape, habitat or community facilities.

177. Supporting paragraph 7.61 acknowledges that the detailed impacts will be controlled through the saved policies of the WLP and relevant policies from the District Councils' Local Development Frameworks and local plans.
178. Appendix B of the NPPW incorporates further guidance on the potential environmental issues associated with waste development, advising that particular consideration should be given to protection of groundwater, instability, landscape and visual impacts, nature conservation, conserving the historic environment, traffic and access, air emissions including dust, odours, vermin and birds, noise, light and potential land use conflict. These matters are considered within the following sections of the report.

#### Ground and Surface Water

179. MLP Policy DM2: Water Resources and Flood Risk supports minerals development where it can be demonstrated that there are no unacceptable impacts on surface water quality and flows or groundwater quality, and opportunities should be taken to improve overall water quality. WLP Policies W3.5 and W3.6 seek to ensure that waste developments do not cause an unacceptable adverse impact in terms of the water environment. The policies seek to ensure the protection of sensitive receptors and the use of planning conditions where necessary.
180. The existing site conditions within the colliery tip result in contaminated acid mine drainage discharges to groundwater by infiltration through the tip and surface water flows through the perimeter drains. Water monitoring has identified elevated concentrations of chloride, copper, iron, manganese and zinc above their respective annual average environmental quality standard values, while other determinants including sulphate, magnesium and electrical conductivity are elevated in comparison to what would be expected in clean surface water. Chemical analysis shows that the site has a strongly acidic pH of 3.0.
181. To provide a temporary solution to neutralise the high pH levels within the surface water flows, planning permission was granted in 2015 to import and spread 32,000 tonnes of alkaline material on the colliery tip, but this scheme was never planned as a permanent solution to the issues associated with contaminated run-off from the site.
182. The proposed restoration scheme would provide a permanent solution to mitigate the adverse water quality discharges from the site resulting in an improvement in surface and groundwater flows from the site. The scheme

incorporates low permeability restoration materials to cap the colliery spoil, sealing groundwater flows and the placement of fill material to recontour the site to ensure that surface water would drain off the land into re-engineered drainage channels and balancing lagoons prior to discharge off the site. The system would ensure that drainage flows from the site are not contaminated.

183. The management of surface water on colliery tips is key to securing their safe restoration in terms of stability and drainage. The consideration of alternatives section of the report sets out that the applicant has given consideration to a number of options for the restoration of the site including schemes which utilise less waste materials consisting of the do nothing scenario, the importation of 1.7Mm<sup>3</sup> of waste and the capping of the site with an impermeable membrane but these do not provide appropriate gradients to discharge surface water and resolve topographical issues which result in ponding and infiltration of water. Unless these matters are addressed there is likely to be a need for ongoing regular management to remove standing water. There is also the issue of the vulnerability of membrane capping systems to physical disturbance and degradation over time as well as physical damage that might occur through movement of the underlying soft ground. A substantial tear or defects in such a system would create a preferential pathway through which ponded surface water would rapidly enter the spoil heap potentially giving rise to further instability as well as water quality problems. The raising of ground levels using imported fill would deal with this issue sustainably.
184. The Environment Agency have provided a detailed response to the drainage design and supporting calculations supplied by the applicant in which they review the potential for groundwater pollution from surface water infiltration through the colliery tip, concluding that the capping of the colliery tip would reduce the level of water infiltration through the tip and thus reduce the level of pollution from the site. A second more technical assessment has given consideration to the effect that the additional weight from the placement of waste over the existing colliery waste would result in compaction and squeezing of contaminated waters currently stored within the ground into the surrounding groundwater, wherein it is concluded that there would be a short term increase of polluted discharges to the underlying groundwater, but these negative effects are outweighed in the longer term by the reduction in surface water infiltration. The Environment Agency have also had regard to the level of benefit from the 3.6Mm<sup>3</sup> scheme against alternative restoration options for the site including the 'do-nothing' scenario to determine the "best environmental option" with regard to groundwater quality for the site. Whilst the Environment Agency acknowledge that further quantitative justification would be expected at the Environmental Permit Application stage to show that the 3.6Mm<sup>3</sup> scheme uses the minimum amount of waste to deliver the best environmental option in terms of groundwater quality over the long term, they confirm that the 3.6Mm<sup>3</sup> scheme can be granted planning permission and will result in improvements to surface and groundwater discharges from the site.
185. The proposed development would therefore provide improvements to current baseline conditions in relation to both surface water and groundwater quality and therefore is supported by MLP Policy DM2 and WLP Policies W3.5 and W3.6.

## Landscape Assessment

186. MLP Policy DM5: Landscape Character supports minerals development where it can be demonstrated that it will not adversely impact on the character and distinctiveness of the landscape. In cases where there are impacts to the landscape, development will be permitted where there is a need for the development which outweighs the level of harm. The policy encourages the use of planting within restoration schemes which is appropriate to the landscape character of the area. The thrust of the policy reflects the guidance within Chapter 15 of the NPPF which seek to conserve and enhance the natural environment.
187. The ES incorporates a Landscape and Visual Impact Assessment which defines the existing or baseline landscape character and visual context of the site and the wider study area and then identifies the likely effects of the scheme on landscape character and visual amenity.
188. In terms of the impact of the development on the existing physical landscape features of the site, the existing elevated colliery spoil tip dominates the planning application site, the highest point being 77m AOD. This contrasts with the flatter farmland and industrial development in the surrounding areas. The site is well vegetated on its boundary peripheries with existing roadside trees/woodland belts as well as larger blocks of mixed plantation woodlands. These landscape features are not impacted by the tipping scheme and will be retained and managed throughout the life of the site.
189. The tipping works are not dissimilar in character to the works previously approved at the site for colliery waste disposal. They would be undertaken within the central area of the site which is despoiled in character. There would be a minimal loss of mature vegetation as a result of the proposed works or loss of key landscape components. Landscape impacts are limited to localised disturbance of mainly grassland areas. The effect of the development to the site's existing landscape features is assessed as negligible and neutral during the operational phase, becoming minor beneficial following the final restoration.
190. In terms of impact on the landscape character of the wider area, a study area of 3km from the application site boundary has been adopted for this assessment and impacts have been considered against published national and local level landscape character assessments. The site is located in National Character Area 39 – The Humberhead Levels. At a regional level, the site is located in 3b Sandland Farmlands of Group 3 River Valley Floodplains of the East Midlands Regional Landscape Character Assessment and at a local level the application site is within the Idle Lowlands Landscape Character Area, and Policy Zone 11 Harworth, of the Nottinghamshire Landscape Character Assessment which identifies the landscape condition in the policy zone as very poor, and the landscape sensitivity as low. The policy zone action is to create. Due to the low sensitivity of the surrounding landscape to change, the landscape assessment concludes that the magnitude of effect to the wider landscape character is slight adverse during the restoration stage and negligible/neutral following the final restoration.

191. The development would result in increased HGV movements along Blyth Road in order to import materials to the site and these additional HGVs would have a minor landscape and visual impact.
192. The restoration and aftercare of the site incorporates tree planting, protection of existing trees, creation of grassland habitats, pond establishment, footpaths, tracks and fencing with the aim of developing a mosaic of habitats which reflect the character of semi natural habitats in the vicinity and to enable public access.
193. The applicant has therefore satisfactorily demonstrated that landscape character and local distinctiveness have been taken into account in developing the restoration proposals for the site and there would not be any significant impacts upon the local landscape character. The development therefore is considered to be compliant with MLP Policy DM5 insofar that it would not adversely impact on the character and distinctiveness of the landscape character of the area, and appropriate planting in accordance with the local landscape character will be incorporated in the restoration of the site.

#### Visual Impact Assessment

194. MLP Policy DM1: Protecting Local Amenity and WLP Policy W3.4: Screening seek to minimise the visual impact of minerals and waste developments and encourage measures to screen and landscape sites to reduce their visual effect.
195. The ES incorporates a visual impact assessment which has been carried out in accordance with industry practice. The assessment considers the magnitude of visual effects during the operational phase of the restoration works and 15 years following the completion of works. Seven representative viewpoints have been utilised to analyse the visual effects of the development.
196. The height of the existing colliery tip in relation to the relatively flat surrounding landscape means that it is a visually prominent feature in the local landscape. However, since the tipping works are undertaken within the centre of the site, this allows the retention of the perimeter landscape planting which provides an effective visual screen of the restoration works and minimises the visual effect of the development on surrounding settlements and properties. The levels proposed within the revised restoration scheme would be lower than those that were previously consented for the tipping of colliery waste. The magnitude of visual impact from the revised restoration scheme therefore would be less than the previously consented colliery tipping scheme for the site.
197. The overall significance of visual effects during the restoration phase has been assessed as being negligible to minor adverse for all viewpoints, with the exception of Viewpoint 2 (Blyth Road adjacent to Kirk View Kennels and Cattery) where the increased vehicle movements would be visible and result in a moderate adverse visual impact. The overall significance of visual effects 15 years post restoration has been assessed as beneficial.
198. Planning conditions are recommended to ensure the identified mitigation measures which minimise the visual impact of the development, by ensuring the existing screen landscaping around the perimeter is protected and managed

and the restored site receives appropriate landscape management in accordance with MLP Policy DM1 and WLP Policy W3.4.

### Ecological Assessment

199. MLP Strategic Objective 6 and Policy SP2: Biodiversity-Led Restoration seek to ensure mineral sites are reclaimed in a way that maintains and enhances Nottinghamshire's biodiversity with the objective of providing a net gain in biodiversity. MLP Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity seeks to protect designated ecological sites, habitats and species from adverse impact by retaining, protecting, restoring and enhancing features of ecological interest within minerals development schemes. Policies which seek to protect ecological features are also incorporated within WLP Policy W3.19: Trees and Woodland, Policy W3.22: Biodiversity, Policy W3.23: Nature Conservation Sites and Bassetlaw Core Strategy and Development Management Policies Development Plan Document (BCS&DMP) Policy DM9: Green Infrastructure; Biodiversity & Geodiversity; Landscape. The thrust of these policies is consistent with the advice in the NPPF to protect, maintain and enhance nature conservation and biodiversity and, through the restoration of sites, provide replacement and enhanced habitats.
200. In terms of designated sites, the application site lies within the Impact Risk Zone for the River Idle Washlands SSSI. Natural England has reviewed the planning submission and is satisfied the development will not damage the ecological features of this SSSI. The scheme will enhance drainage discharges from the site by capping over the colliery waste and reducing discharges of contaminated acid mine water into surface and groundwater flows resulting in improvements to water quality in the wider area. The development will not directly impact any nearby Local Wildlife Sites.
201. The planning application is supported by a range of survey work carried out during 2015, 2017, 2018 and 2020. The most recent ecological survey undertaken in November 2020, although carried out outside the optimal season for vegetative surveys, provides very up to date data to show that there has not been any significant changes to the habitats on site from the previous surveys and thus it is considered that these surveys provide an accurate assessment of the current ecological conditions of the site and a reasonable understanding of the existing ecological value of the site.
202. The ecological surveys indicate that the existing habitats within the site are dominated by species-poor semi-improved grassland and mixed plantation woodland. These have a relatively low ecological value, with no habitats on site being valued at greater than a local level. The site's overall value is increased by its relatively large extent and proximity to other areas of semi-natural habitat.
203. The working areas are generally limited to the improved and species-poor semi-improved grassland within the centre of the site and the drainage features leading from this area. The works do not extend into the areas of plantation woodland around the perimeters of the site which provide both habitat value and an important visual screen of the site.



204. The ecological appraisal incorporates a scheme of ecological mitigation, the main element of which is the implementation of an ecological management scheme to bring the areas of retained woodland/trees and shrubs into conservation management for the 15 year period of waste importation/restoration and thereafter manage them for a ten year period as part of the wider restoration arrangements for the site. The ecological management scheme would protect the retained planting from damage by the erection of fencing and the carrying out of enhancement works to address direct and indirect ecological impacts resulting from the restoration works, including 18-20ha of additional tree planting within the woodland blocks using native species, selective thinning of non-native species from the existing planting, enhanced protection and management of existing boundary hedges, and supplementary wildflower planting.
205. Specific mitigation for potential species-specific impacts would be provided including pre-commencement habitat surveys for amphibians, badgers, bats, breeding birds and reptiles, the translocation of a colony of orchids from the working area, and the provision of compensatory habitat for potential losses as part of the wider ecological mitigation scheme. These ecological mitigation and management arrangements would be regulated by planning condition.
206. The wintering bird survey report highlights that the site has value for wintering birds, with Jack Snipe and Short-eared Owl recorded (both scarce wintering species in Nottinghamshire), along with double-figure counts of Common Snipe. Other notable species recorded included Grey Partridge, Skylark, Meadow Pipit, Lesser Redpoll and Siskin. The latter two are associated with the woodland fringes around the site, but the other species are all associated with open grassland habitats, which are to be directly affected by the proposals. The proposed infill works are likely to result in short-term impacts to the wintering birds using the grassland habitats and birds within adjoining areas of woodland/scrub. The scheme for the conservation management of the undisturbed parts of the site would assist in mitigating these adverse impacts associated with the tipping operations at the site and it is acknowledged that the restoration scheme is likely to provide long term enhancements to the wintering bird assemblage including to jack snipe and short-eared owl.
207. No significant potential indirect ecological impacts to habitats and protected species from artificial lighting, noise from tipping activities and emissions from vehicles (particularly NOx) are anticipated. In terms of lighting impacts, these can be controlled by planning condition, including restrictions on hours of use and shielding to avoid/minimise adverse impact. Whilst acknowledging the reclamation works will generate noise emissions, the site is in close proximity to both the A1(M) and Blyth Road and hence already subject to elevated noise levels and the habitat surveys show that there are no particularly noise sensitive species occupying the site. With regard to emissions from vehicles, impacts have been analysed with reference to both DMRB and Local Air Quality Management where it has been demonstrated that no significant adverse impacts would result.
208. In terms of the restoration of the site, the overall ecological effect of the restoration of the site following the completion of the development is considered



to be positive. Planning conditions are recommended to ensure that the chemical composition of soils used within the restoration of the site are appropriate for the development of a species rich grassland habitat and to require a detailed planting and seeding scheme of establishment incorporating species mixes and maintenance regimes. Native species would be used within the tree and shrub planting and seeding mixes for the wildflower grasslands.

209. Following the restoration of the site and subsequent seeding/planting the newly created habitats would be managed for a ten year period which is welcomed and considered appropriate given the habitats involved and would complement the 15 year management which would be provided for the retained habitats from the commencement of development.
210. It is acknowledged that the representation from Nottinghamshire Wildlife Trust identifies some concerns in respect of the loss of skylark habitat and the adequacy of winter bird and bat surveys, including mitigation for these species. In terms of effects to skylark, it is acknowledged that there would be some adverse effects during the operational life of the quarry, but these impacts are temporary and have been minimised as far as practicable by carrying out the development in phases. This impact would be partially off-set by new grassland planting as part of the ecological management scheme carried out in the retained areas of habitat and the longer-term restoration of the site will provide habitat benefit to these species. The Wildlife Trust have raised concerns that the most recent winter bird surveys undertaken in 2019 do not provide a full suite of surveys. However, when these surveys are read alongside previous surveys carried out in 2015 and 2018, the survey data is considered to satisfactorily assess the context of the bird assemblage on the site. In terms of bats, it is considered that an accurate representation of bat activity across the site has been provided and further survey work is not necessary to consider the likely effects of the development.
211. Overall, it is considered the site currently supports a variety of habitats that are considered to be of low conservation value. The proposed development would result in some minor impacts to habitats present within the site, most notably the loss of habitats within the central plateau. These impacts are however limited by the large extents of retained habitat that will be able to continue to support species present at the site.
212. Future management of the site would be for conservation and would aim to enhance the site for a range of wildlife. This will include good practice checks where required and monitoring of the site's condition over the restoration period. In addition to this mitigation, enhancement in the form of new ponds and scrub/woodland planting managed appropriately under aftercare management will be instigated. These arrangements would ensure that the restoration of the site would result in a net gain to the ecological value of the site, although the level of this gain has not been formally quantified using Natural England's 'Biodiversity Metric 2.0.
213. Subject to the implementation of the proposed scheme of ecological mitigation, it is concluded that the ecological policy tests set out within the MLP, the WCS and the BCS&DMP have been satisfied and the restoration scheme will

appropriately protect, maintain and enhance nature conservation and biodiversity.

### Heritage

214. The BCS, WCS, WLP and the MLP incorporate policy and text concerning the protection of the historic environment with the following policies being relevant:
- Nottinghamshire Minerals Local Plan Policy DM6: The Historic Environment;
  - Nottinghamshire and Nottingham Waste Local Plan saved policies W3.27: Archaeology and W3.28: Listed Buildings and Conservation Areas;
  - Bassetlaw Core Strategy Policy DM8: The Historic Environment.
215. The general steer of these policies follows the guidance contained within the NPPF in recognising that historic assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. Both direct and indirect effects on significance of heritage assets and their settings should be considered.
216. In terms of archaeological effects, the potential for direct effects on buried archaeology is considered to be nil due to the historic tipping that has taken place.
217. The heritage impact assessment which supports the ES gives consideration to potential effects on built heritage assets. The assessment utilises a 2km study area within which there are 66 listed buildings, three scheduled monuments and two conservation areas. At most of these heritage assets, the development is assessed as having little or no impact due to a lack of inter-visibility.
218. A more detailed assessment has been provided regarding Serlby Hall, a Grade I listed building and its parkland which incorporates a Grade II\* ornamental arch and 15 Grade II buildings. The parkland is characterised by the noticeable lack of intrusive 20<sup>th</sup> century elements and therefore is highly sensitive to intrusions that are industrial, urban or non-rural in character. The existing pit tip is visible on the horizon in long views from its parkland. Although the proposals would not increase the northern most highpoint of the existing pit tip, ground levels would be raised within the central lagoon area increasing the visual presence of this part of the site on the horizon. The impact would be harmful to the setting of Selby Hall and its parkland, but not substantial. Some mitigation of the impacts could be achieved through tree planting on the eastern slopes of the tip, stopping short of the top, and it is recommended that this be regulated by planning condition.
219. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires the planning authority to have special regard to any heritage impacts. Paragraph 196 of the NPPF provides scope to balance impacts to the historic environment stating that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where*

*appropriate, securing its optimum viable use*'. Consideration of this balance is provided within the conclusions section of the report.

#### Traffic, Access and Parking

220. MLP Policy DM9: Highways Safety and Vehicle Movements/Routeing is supportive of minerals development where it can be demonstrated that:
- (a) The highway network including any necessary improvements can satisfactorily and safely accommodate the vehicle movements including peaks in vehicle movements likely to be generated;
  - (b) The vehicle movements likely to be generated would not cause an unacceptable impact on the environment and/or disturbance to local amenity;
  - (c) Where appropriate, adequate vehicle routeing schemes have been put in place to minimise the impact of traffic on local communities; and
  - (d) Measures have been put in place to prevent material such as mud contaminating public highways.
221. Policies concerning transportation and highway planning are incorporated in the BCS Policy DM13: Sustainable Transport which seeks to minimise the need to travel by private cars. The WLP also incorporates highway policies including Policy W3.11: Mud, which seeks to prevent mud and other detritus entering the public highway, Policy W3.14: Road Traffic which does not support the grant of planning permission for minerals developments where the vehicle movements cannot be accommodated on the local highway network, Policy W3.15: Road Traffic which encourages lorry routeing controls being imposed on minerals developments and Policy W3.16: Bulk Movement which promotes the use of alternatives to road transport where they provide environmental benefits.
222. The ES incorporates a transport assessment which gives consideration to the anticipated traffic flows associated with the development and the capacity of the local highway network to accommodate the traffic.
223. Transport movements would coincide with the proposed operational hours which are Monday to Friday: 0700-1900 and Saturdays: 0700-1300. All vehicles associated with the development would access from the A1/A1 (M) roundabout and the Blyth Road/A614 Bawtry Road junction from the south with the exception of local deliveries.
224. The level of HGVs generated by the development was originally calculated on the basis that the site would receive 6.2Mm<sup>3</sup> over a 14-year period but this was re-calculated as part of the Reg. 25 submission to assess the transport movements associated with the delivery of 3.6Mm<sup>3</sup> of waste materials over a 14-year period. This data shows that the 3.6Mm<sup>3</sup> scheme would generate a predicted average of 64 HGV deliveries (128 movements) a day over the 14-year restoration period based on each delivery vehicle carrying 14m<sup>3</sup>, and the site working 5.5 days per week. However in practice there would be some

busier and quieter days in terms of delivery flows and therefore the applicant considers the original 6.2Mm<sup>3</sup> assessment continues to be relevant to demonstrate a worse-case scenario of a busy day involving 110 daily deliveries with a maximum hourly flow of 9 HGV deliveries (18 two way movements) and 20 light vehicle movements.

225. The traffic assessment considers the effect that the predicted traffic movements would have on the local highway network, including consideration of traffic growth in the area as a result of planned development and growth in the area. The existing weekday traffic flow on Blyth Road (Monday – Friday, 07:00 – 19:00) is 4,330, of which 219 (5%) are HGVs. The percentage increase in vehicle movements as a result of the development would be a 6% increase during peak hours. However, in the context of HGV movements the development would increase the number of HGVs on this road by 50%. Although this percentage level of increase is high, it is readily capable of being accommodated on the surrounding highway network including the junctions leading from the A1 which have recently been improved to increase their capacity and accommodate growth in the area.
226. A review of the accident data for the study area has also been undertaken which concludes there is no evidence to indicate that there are deficiencies in the layout or condition of the highway network and the recorded accidents were considered to be as a result of driver error rather than highway design.
227. The traffic assessment has been reviewed by both NCC Highways and Highways England who are in agreement with the conclusions reached in the traffic assessment insofar that the development would not give rise to unacceptable levels of congestion or capacity issues on the proposed lorry route.
228. MLP Policy DM9 and WLP Policy W3.15 (Vehicular Routeing) encourage controls are imposed on vehicle routeing to ensure that appropriate routes are used by HGV delivery traffic and sensitive locations are avoided. The proposed access route would direct all vehicles (excluding local deliveries) to access the site from the south towards the signal-controlled junction of Blyth Road and the A614 Bawtry Road. The proposed route would ensure that delivery vehicles do not travel through Harworth and Bircotes town centre to the north and Styrrup and Oldcotes villages to the west and thus minimise disturbance to these communities from HGV traffic passing through them. Whilst it is acknowledged that Bawtry Town Council has requested lorry routeing controls are imposed to prohibit delivery vehicles turning right at the Blyth road A614 junction and travelling north along the A614 and in turn the A638 towards Bawtry town centre, these roads form part of the strategic highway network and are appropriately engineered and maintained for this function and therefore it is not considered appropriate to restrict HGV traffic use along these roads as part of this planning decision. The applicant is agreeable to entering into a Section 106 lorry routeing legal agreement to ensure these lorry routeing controls are regulated for the duration of the restoration project.
229. The existing junction into the site from Blyth Road would be improved to provide adequate width and visibility to facilitate two-way access and exit for delivery

vehicles. The access road would be hard surfacing and wheel cleaning facilities would be provided. These arrangements, which could be regulated by the planning conditions, would ensure that delivery vehicles can safely access the site and would not drag mud and other detritus onto the public highway, in accordance with MLP Policy DM9 and WLP Policy W3.11.

230. MLP Policy DM9 and WLP Policy W3.14 require consideration of the level of disturbance to local communities resulting from noise associated with delivery vehicles. To inform this assessment a calculation has been carried out using methodology incorporated within the Design Manual for Roads and Bridges (DMRB). The DMRB assessment for off-site traffic movements has shown that the impact would be minor – whereby the maximum predicted change in noise level is between 1.0 and 2.9dB, which is considered as a minor effect. The methodology used within the DMRB calculation averages out the level of traffic noise over an 18-hour period and therefore does not reflect the actual level of noise which would be experienced when a HGV passes an individual location, whilst acknowledging that the short-term level of noise would be a much higher level than the 1.0 to 2.9dB predicted through the DMRB calculation. However, residents living along the transport corridor already experience traffic and HGV noise as part of the existing noise environment and in practice would observe the passage of additional HGVs associated with this development in the context of this existing baseline flow rather than an isolated incident.
231. WLP Policy W3.16 (Bulk Transport of Materials) and BCS Policy DM13: Sustainable Transport encourages the use of alternatives to road haulage for the movement of waste materials where this would provide an overall environmental benefit. The applicant has investigated the potential to transport the restoration materials by non-road transport but has concluded that the alternatives are limited given the site's distance to both the existing rail network and the navigable waterway network. The applicant also identifies that the dispersed nature and variety of destinations that make up the market for restoration materials means that neither the canal network nor the rail network are themselves appropriate to facilitate the importation of restoration materials from such a diverse market area. It is therefore concluded that there would be no significant environmental benefits derived by imposing a requirement to transport mineral by non-road haulage in this instance and such a control would be economically disadvantageous to the operator as well as potentially prejudicing the successful restoration of the former colliery tip. It is therefore concluded that the applicant has satisfactorily investigated and discounted non-road transport options in accordance with the policy requirements.

#### Public Rights of Way and Permissive Paths

232. MLP Policy DM7: Public Access and WLP Policy W3.26: Public Access seek to maintain and enhance the public right of way network.
233. The application site does not incorporate any public rights of way, therefore the restoration of the site would not result in any detriment effects to the public right of way network.



234. As part of the development the applicant proposes to open up a permissive path allowing public access to the site by creating access from Blyth Road along the woodland edge up to the highest point of the colliery tip and connect to an existing informal track leading down to Styrrup Lane. These paths would provide a circular route and be available from the commencement of site works, through the duration of restoration works and following the restoration of the site, benefitting public access in accordance with the above policies. It is recommended that the provision and maintenance of these permissive paths is regulated through planning condition.
235. It is further acknowledged that following the restoration of the site, the operator proposes to open up further permissive paths on the site with potential for a series of permissive paths around the boundary of the site and connecting with paths through the middle of the site to meet up at a proposed viewing point on the highest point of the landform.
236. Whilst it is acknowledged that the consultation response from Styrrup and Oldcotes Parish Council specifically requests public access is not provided on the site, this response is not consistent with the policy approach set out in MLP Policy DM7 which encourages the provision of new rights of way and permissive paths within mineral restoration schemes and the more common response from local communities encouraging the opening up of public access on restored mineral sites. In this instance it is concluded there is public benefit in facilitating public access on the site and planning conditions are recommended to regulate these matters.

### Noise

237. MLP Policy DM1: Protecting Local Amenity and WLP Policy W3.9 seek to ensure that minerals and waste developments do not cause unacceptable adverse noise impacts by ensuring the protection of sensitive receptors and the use of planning conditions where necessary to control noise emissions.
238. An assessment has been undertaken to consider the magnitude of noise emissions from both the on-site operations associated with the infilling/build-up of existing levels and off-site traffic movements. The noise assessment references criteria set out within the Government's Minerals Planning Practice Guidance Document (PPG). This recommends minerals operations should not exceed a daytime noise limit of 10dB above the measured background noise level up to a maximum of 55dB LAeq,1hr. Daytime is defined as 07.00 to 19.00 hours within the guidance and correlates with the proposed weekday working hours for onsite restoration operations. Working on Saturdays would be limited to between the hours 07.00 and 13.00. No working would be undertaken on Sundays or on public/bank holidays.
239. Seven locations around the site have been assessed and existing background noise readings were recorded. Noise predictions were then made based upon the methodology set out in BS 5228-1:2009 + A1:2014, Code of Practice for Noise and Vibration Control on Construction and Open Sites Part 1: Noise. Noise modelling has been undertaken for each of the three phases of working. The results of the noise assessment are set out in the table below. The data



identifies the worse-case scenario where site workings are being undertaken in the closest phase to the property. Actual noise levels are therefore likely to be lower for much of the tip restoration working.

<b>Assessment Location</b>	<b>Predicted Noise Level, dB LAeq,1hr</b>	<b>PPG Noise Limit, dB LAeq,1hr</b>	<b>Difference, dB</b>
01 – Pagdin Drive	49 (Phase 2)	55	-6
02 – Steer Bank Farm	52 (Phase 1)	55	-3
03 – Steerbank	48 (Phase 1 & 3)	55	-7
04 – Elm Cottage	50 (Phase 1)	55	-5
05 – Kirk View	52 (Phase 1)	55	-3
06 – Harworth Avenue	55 (Phase 1)	55	0
07 – Blyth Road	49 (Phase 1)	55	-6
08 – Harworth House	43 (Phase 3)	52	-9

240. The noise assessment demonstrates that noise emissions from the restoration of the site would have a negligible impact on the surrounding properties and would not exceed PPG levels. Based on these results, specific mitigation measures to reduce noise impacts at the closest receptors, other than those included within the design of the site, are considered unnecessary. For temporary operations, an upper noise limit is permitted to allow up to 70db LAeq, 1hr for up to 8 weeks each year, in accordance with PPG levels.
241. In accordance with MLP Policy DM1 and WLP Policy W3.9 planning conditions are proposed to regulate noise emissions from the site including a limit on the level of noise emissions at nearby properties to ensure compliance with PPG noise limits, a scheme for ongoing noise monitoring, the use of broadband reversing alarms and the restriction of operating hours to 07:00-19:00 Monday to Friday and 07:00-13:00hrs Saturdays with no working on Sundays or public/bank holidays.

#### Air Quality/Dust

242. MLP Policy DM1 and WLP Policy W3.10 seek to ensure that minerals and waste developments do not cause unacceptable adverse dust impacts. This is achieved by siting potential dust generating activities remote from dust sensitive receptors and implementing dust mitigation strategies to minimise the production of dust.
243. An assessment of the dust impact from the development has been undertaken to identify the change in dust deposition levels within a 1km radius of the site to consider the anticipated level of dust emissions. The assessment concludes that there is potential for a small increase in atmospheric dust (not exceeding  $5\mu\text{g}/\text{m}^3$ ) at surrounding property, increasing the predicted environmental dust concentration to  $22.8\mu\text{g}/\text{m}^3$ , a level well below the air quality objective threshold of  $40\mu\text{g}/\text{m}^3$ . Therefore, the unmitigated dust impact of the development is predicted to be negligible at surrounding receptors.

244. An assessment of the air quality impacts resulting from vehicle emissions associated with the importation of material has also been carried out. The assessment demonstrates that the traffic emissions would not result in any exceedances of the annual mean NO<sub>2</sub> concentrations or any exceedances of the annual mean PM<sub>10</sub> air quality objective at any identified receptor or relevant exposure. The overall effect on air quality from delivery traffic is therefore considered to be not significant.
245. Notwithstanding the absence of any significant air quality impacts, the ES identifies potential to minimise dust emissions by implementing industry good practice guidelines for mineral sites to prevent, avoid and reduce the level of dust generation within the site. These measures include the minimisation of drop heights, dampening of surfaces during dry periods, speed controls on site, and the use of wheelwash facilities.
246. Significant impacts to air quality or dust emissions are therefore not anticipated, subject to the dust controls identified above being regulated by planning condition. The development therefore is compliant with MLP Policy DM1 and WLP Policy W3.10.

#### Odour

247. Adopted WLP Policy W3.7 seeks to minimise odour emissions associated with waste developments encouraging the use of planning conditions to reduce the level of impact.
248. Modifications made to the planning application through the Reg. 25 submission have revised the waste materials proposed to be imported into the site which would be strictly limited to clean inert fill materials with no non-hazardous waste materials as proposed in the original submission. The modification to the waste materials imported to the site ensures that the waste streams would not be odorous and their deposit within the site would not result in odour releases associated with the decomposition of waste. It is therefore concluded that the operation of the site would not result in odour releases.
249. To ensure appropriate regulation, a planning condition is recommended to control the character/composition of waste imported to the site to clean inert waste materials only and thus control the level of odour emission from the operation of the site in accordance with WLP Policy W3.7.

#### Management of Flood Risk

250. MLP Policy DM2: Water Resources and Flood Risk, WLP Policy W3.13 and BCS&DMPDPD Policy DM12: Flood Risk, Sewerage and Drainage seek to ensure that new developments do not cause an unacceptable adverse impact in terms of flood risk.
251. Water flows from the site discharge via the Whitewater Drain into the River Ryton. There are several properties located downstream of the site along the Whitewater Drain which would be susceptible to flooding should the rate and

quantity of runoff increase in this drain. Increased flows within the River Ryton have the potential to have a much wider impact.

252. The works have potential to change the rate of run-off from the site with potential for increased risk of floods occurring down-stream both during the operational and restoration phases of the site, without appropriate mitigation.
253. Mitigation is proposed through the development of a drainage scheme which would utilise and develop the existing surface water drainage system and incorporate a series of balancing ponds to ensure the level of flow from the site is limited to pre-development levels and thus avoiding an increase in downstream flood risk from the development
254. The applicant states that a surface water management plan for the operational phase would be developed prior to any restoration works being undertaken and a restoration scheme for the restored site would also be provided at the appropriate time. A planning condition is suggested to regulate the submission of these details and satisfy the policy requirements.

#### Contamination

255. WLP Policy W3.6 seeks to ensure that when planning permission is granted for a waste management facility, conditions will be imposed to protect surface and groundwater resources.
256. Planning permission was originally sought to utilise inert fill such as concrete, bricks, tiles, and ceramics, and non-hazardous materials which do not meet the inert criteria including wood, glass, plastics, metallic wastes not containing hazardous substances, packaging and mixed clean material etc. to undertake the restoration works. However, the Environment Agency raised an objection to the use of these non-hazardous materials due to the risk that they pose to the environment in terms of potential gas generation and degradation which could result in the production of contaminated leachate, impact groundwater and release harmful chemicals.
257. The specification of materials was therefore revised as part of the Reg.25 submission and it is now proposed to restrict the materials imported to the site for restoration purposes to clean inert materials only including uncontaminated, non-hazardous soils, subsoils, concrete, bricks, tiles and ceramics. The Environment Agency have reviewed these revised material specifications and no longer objects to the specification of materials now proposed to be imported into the site on the basis that their use would not result in harmful discharges to the surrounding area. It is recommended that controls are imposed through the planning conditions to restrict the types of waste imported to the site in accordance with the approach set out within WLP Policy W3.6.

#### Socio Economic Effects

258. The development would provide some beneficial socio-economic effects including employment opportunities for local people and businesses during the

restoration period, with the potential for ten jobs to be created and recreational benefits following the completion of restoration.

#### After use and Long Term Management

259. The aftercare and long-term management of the site would broadly follow the outline scheme approved in 1996 with a proposed 10-year aftercare period proposed. The aim is to maintain the mosaic of woodland, scrub, grassland and wetland to reflect the character of semi-natural habitats in the vicinity and to enable public access which is not in conflict with the other uses of the site for grazing and nature conservation.
260. The recommended planning conditions would also ensure that the undisturbed area of the site which includes the existing tree plantation, scrub and grassland would be subject to long term management over the entire operational life of the site and the subsequent 10-year period of aftercare.

#### Legal Agreement

261. Any grant of planning permission for the proposed development would be subject to the prior completion of a legal agreement to regulate the routing of HGV servicing the site and ensure that all HGV vehicles (with the exception of local waste deliveries originating within a 5km radius of the site obtain access from the south via the A1/A1(M) dumbbell roundabout and the Blyth Road/ A614-Bawtry Road junction. The applicant would be expected to cover all reasonable costs incurred by the County Council in the drafting and execution of this agreement.

#### **Other Options Considered**

262. The report relates to the determination of a planning application which is supported by an Environmental Impact Assessment. Schedule 4 (Part II) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 provides that the information for inclusion in Environmental Statements should include “a description of reasonable alternatives studied by the developer “and an indication of the main reasons for selecting the chosen option, including a comparison of environmental effects.
263. The Environmental Statement sets out that the main alternatives considered by the developer relate to the ‘Do Nothing’ approach, alternative quantities of fill, alternative composition of waste imports, alternative designs for the restoration of the former colliery tip and alternative means of transport. The alternatives are discussed within the planning observations of the report.

#### **Statutory and Policy Implications**

264. 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

265. The colliery tip restoration scheme incorporates a site management area which accommodates all the administrative and welfare buildings, vehicle and plant parking/storage, weighbridge facilities and site security to provide protection for these assets.

#### Data Protection and Information Governance

266. 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

267. As detailed above, 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

268. None arising.

#### Human Rights Implications

269. 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 6.1 (Right to a Fair Trial) are those to be considered. The proposals have the potential to introduce impacts such as construction and haulage noise and activity upon residents living near the site. However, these potential impacts are limited in their magnitude and need to be balanced against the wider benefits the proposals would provide by enabling the restoration of a disused colliery spoil tip. in terms of restoring the former colliery spoil tip. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

#### Public Sector Equality Duty Implications

270. The development would not discriminate against public sector equality duty implications.

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

271. No issues arising.

#### Implications for Service Users

272. The restoration scheme incorporates a permissive path/viewing point whilst the restoration works are on-going and facilitates informal public access upon the final restoration of the site.

#### Implications for Sustainability and the Environment

273. These have been considered in the Observations section above wherein it is demonstrated that the development enables a disused former colliery tip to be restored to a beneficial and safe after-use.

### **Conclusion**

274. The approved colliery waste disposal scheme for Harworth Colliery was reliant on the continued availability of colliery waste originating from mining activities to supply 8.4 million cubic metres of material to re-engineer the site contours and topography of the colliery tip.
275. The early cessation of mining operations at Harworth Colliery has removed the availability of colliery waste to complete the restoration of the site in compliance with the contours of the approved restoration scheme consented under the extant planning permission.
276. Since the closure of Harworth Colliery the spoil tip has been retained with minimal restoration works undertaken. Although the outer flanks of the site are extensively tree planted the central area remains in a despoiled condition and has not been subject to any restoration works.
277. The existing condition of the site is not satisfactory. The tip has previously experienced minor slope failures which have needed to be stabilised through the placement of additional fill to buttress the slopes. The topography of the site restricts its ability to discharge surface water resulting in water penetrating the groundwater. Poor water quality has been recorded both within boreholes installed within the colliery waste and within perimeter wells. Surface and ground water flows which come off the colliery tip are acidic in character and are having an adverse effect on the surrounding water environment. Water penetration into the colliery tip also has potential to impact its long-term stability. The retention of the site in its current condition therefore is not environmentally acceptable and changes to the topography of the site are required to make it sustainable in the long term.



278. The use of imported waste would allow the lagoon area to be re-engineered to provide the drainage falls that are required to enable the tip to be safely restored and ensure the legacies resulting from the premature closure of Harworth Colliery are addressed. The revised restoration proposals appropriately provide for restoration and aftercare of the site and enable long term enhancement of the former colliery spoil tip in general accordance with MLP Policy DM12.
279. The Reg. 25 scheme based on the importation of 3.6Mm<sup>3</sup> of inert waste into the site is considered to provide an acceptable balance between reducing the level of waste importation into the site whilst ensuring that the resultant restored site sustainably manages potentially contaminated surface and ground water drainage flows.
280. The 3.6Mm<sup>3</sup> scheme provides for a 40% reduction in the amount of waste materials imported to the site in comparison with the 6.2Mm<sup>3</sup> scheme originally submitted for planning permission and a 55% reduction from the 8.4 million cubic metres to implement the consented colliery tipping scheme.
281. WCS Policy WCS5: Disposal sites for hazardous, non-hazardous and inert waste acknowledges that where there is a need to provide additional waste disposal capacity for inert waste the policy is supportive of disposal schemes on former colliery tips where the waste assists with the restoration of despoiled land and provides environmental benefits.
282. The proposed scheme would utilise substantial quantities of waste material over a long duration and this raises questions in terms of whether there is sufficient waste available in the local area to carry out the restoration scheme in the timeframe proposed.
283. The remoteness of the Harworth site in relation to waste origins together with the availability of other local waste management options indicates that there is some level of uncertainty that the facility would source its required 3.6 million cubic metres of restoration material from the local area in the requested 14-year period and therefore the policy test set out within WLP Policy W4.2 and MLP Policy DM12 which require developers to provide satisfactory evidence to show that sufficient waste material is likely to be available to achieve reclamation of the site within an acceptable timescale has not been fully satisfied in this instance.
284. If the application was refused planning permission on this basis, this would prejudice the restoration of the former colliery tip leading to the unsatisfactory retention of an unrestored colliery tip. It would also mean that the landowner could not comply with the Breach of Condition Enforcement Notice requiring the site to be restored which was served on the site by the MPA. A balanced judgement needs to be reached on these two potentially competing policy positions.
285. On balance it is concluded that the need to restore the site and achieve compliance with MLP Policy DM12 outweigh any concerns that sufficient waste would not be available to the developer to carry out the restoration works in the proposed timescale and the conflict this may raise in terms of compliance with WLP Policy W4.2.

286. It is acknowledged that the final decision on whether the operation of the site represents a recovery or disposal activity in the context of the waste hierarchy will be made as part of the Environmental Permit decision taken by the Environment Agency. But a view on the status of the site as either recovery or disposal is important in assessing the planning merits of this development. The planning assessment shows that the importation of inert waste materials to the former Harworth Colliery Spoil Tip would enhance the environmental quality of the restored site and address the site's mining legacy therefore ensuring these materials are being used beneficially. The applicant has also shown that alternative schemes which utilise less waste do not provide the same level of environment benefit. It is therefore concluded that the facility can be assessed as a recovery operation rather than disposal in the context of the waste hierarchy for the application of planning policy, but that this decision is made without prejudice to the final decision of the Environment Agency which will be made at the permitting stage. Based on the facility being a recovery facility it is concluded that the waste materials are being beneficially used in the context of the waste hierarchy in accordance with the NPPW and WCS Policy WCS3.
287. Modifications have been made to the composition of the waste materials proposed to be used for the restoration of the colliery tip, restricting waste imports to clean inert waste materials and thus addressing previously stated concerns in respect of contaminated discharges of leachate from the waste imports and issues relating to odour, vermin and landfill gas.
288. MLP Policy DM1: and WCS Policy WCS13 are supportive of the development where environmental impacts from the development are considered acceptable.
289. The proposed restoration scheme would provide a permanent solution to mitigate the adverse water quality discharges from the site resulting in an improvement in surface and groundwater flows from the site. and will result in improvements to surface and groundwater discharges from the site and therefore is supported by MLP Policy DM2 and WLP Policies W3.5 and W3.6.
290. Landscape impacts are limited to localised disturbance of mainly grassland areas. The tipping works are not dissimilar in character to the works previously approved at the site for colliery waste disposal. The effect from the development to the site's existing landscape features is assessed as negligible and neutral during the operational phase, becoming minor beneficial following the final restoration and thus is compliant with MLP Policy DM5.
291. The tipping works would be undertaken within the centre of the site enabling the retention of the perimeter landscape planting which provides an effective visual screen of the restoration works and minimises the visual effect of the development on surrounding settlements and properties. Thereafter the site would receive appropriate landscape management in accordance with MLP Policy DM1 and WLP Policy W3.4 to visually reintegrate it back into the environment.
292. The site currently supports a variety of habitats which are generally assessed as being of low conservation value. The ecological mitigation scheme which supports the planning application ensures that impacts to habitats and species are appropriately mitigated and enhancement to the ecological condition of the

site would be made through the site's restoration which will deliver a net biodiversity gain across the site in accordance the policy tests set out within MLP Strategic Objective 6 and Policies SP2 and DM4, WLP Policies W3.19, W3.22 and W3.23 and BCS&DMP Policy DM9:

293. The proposals would increase the height of the central lagoon area and consequently the visual presence of this part of the site on the horizon resulting in a small harmful but not substantial impact to the heritage assets of the area including Serlby Hall, a Grade 1 listed building and its parkland. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires the planning authority to have special regard to any heritage impacts. Paragraph 196 of the NPPF provides scope to balance impacts to the historic environment stating that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. In this instance, the level of harm to the heritage asset is considered minor and outweighed by the benefits derived from the development, notably that the scheme secures the restoration of an unrestored colliery tip.
294. The highway effects of the development have been fully assessed as part of a traffic assessment and demonstrates that the development would not give rise to unacceptable levels of congestion or capacity issues on the proposed lorry route. Controls in respect of lorry routeing would ensure that delivery vehicles access the site from the A1(M) to the south and therefore do not travel through Harworth and Bircotes town centre and surrounding villages, thus minimising disturbance to these communities from HGV traffic passing through them.
295. The noise emissions associated with undertaking the restoration works have been calculated in accordance with industry methodology and this demonstrates that the works would be undertaken within the limits set out within national planning practice guidance and no significant detrimental noise impacts are therefore anticipated. The scheme also provides for the satisfactory management of dust.
296. It is therefore concluded that the revised 3.6Mm<sup>3</sup> scheme would appropriately provide for the restoration and aftercare of the unrestored former colliery tip within acceptable environment limits. The restoration of the site would create a mosaic of woodland, scrub, grassland and wetland habitats to reflect the character of semi-natural habitats in the vicinity and to enable public access which is not in conflict with the other uses of the site for grazing and nature conservation.

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

297. In determining this application the County Council, acting in its capacity as Minerals and Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; encouraging pre-application community engagement which the applicant acceded to by holding pre-application exhibitions; and the scoping of the application. The proposals and the content of the Environmental Statement have been assessed against

relevant Development Plan policies, the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; liaised with consultees to resolve issues and progressed towards a timely determination of the application. Issues of concern have been raised with the applicant including concerns regarding the quantity and composition of waste used for the restoration of the site, the scale of the development, matters relating to traffic and access, and ecological issues. These have been addressed through negotiation and acceptable amendments to the proposals requested through a total of three Regulation 25 submissions. The applicant has been given advance sight of the draft planning conditions and the Planning Authority has also engaged positively in the preparation of the draft S106 Agreement. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

298. 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 1990 to regulate the routeing of HGVs accessing the site to require all HGV traffic (excluding local deliveries) to access and egress the site access from the south and the signal-controlled junction of Blyth Road/A614 Bawtry Road..
299. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 29<sup>th</sup> September 2021 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 29<sup>th</sup> September 2021, or within any subsequent extension of decision time agreed with the Minerals/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.

**ADRIAN SMITH**

**Corporate Director – 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 [RHC 15/6/2021].

**Comments of the Service Director - Finance [RWK 02/06/2021]**

As 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. Therefore, there are no specific financial implications arising directly from the report.

**Background Papers Available for Inspection**

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**

Blyth & Harworth

Councillor Sheila Place

Report Author/Case Officer

Mike Hankin

0115 9932582

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

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## **RECOMMENDED PLANNING CONDITIONS**

### **Commencement**

1. 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.*

2. The Minerals and Waste Planning Authority (MWPA) shall be notified in writing of at least 7 days but not more than 14 days prior to the commencement of the development hereby permitted and then subsequently the date of commencement of waste importation to the site at least 7 days, but not more than 14 days prior to waste being brought to the site.

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

3. From the commencement of the development to its completion, a copy of this permission and the approved plans/mitigation strategies shall always be available at the site offices for inspection.

*Reason: To enable the Local Planning Authority to monitor compliance with the conditions of the planning permission.*

### **Schedule of approved plans**

4. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application, documents and recommendations of reports, and the following plans:
  - a. Drawing No. Figure 1: Site Location Plan – Harworth No. 2 Tip received by the MWPA on 12<sup>th</sup> December 2018.
  - b. Drawing No. Figure 2: Application Plan – Harworth No. 2 Tip received by the MWPA on 12<sup>th</sup> December 2018.
  - c. Drawing No. Figure 3: Vehicle Routeing Plan – Harworth No. 2 Tip received by the MWPA on 12<sup>th</sup> December 2018.
  - d. Drawing No. Figure 4: Phasing/Site Establishment – Harworth No. 2 Tip received by the MWPA on 12<sup>th</sup> December 2018.
  - e. Drawing No. Figure 5a: End of Phase 1, Progressive Restoration – Harworth No. 2 Tip received by the MWPA on 11<sup>th</sup> March 2020.
  - f. Drawing No. Figure 6a: End of Phase 2, Progressive Restoration – Harworth No. 2 Tip received by the MWPA on 11<sup>th</sup> March 2020.

- g. Drawing No. Figure 7a: Alternative Restoration Scheme – Harworth No. 2 Tip received by the MWPA on 11<sup>th</sup> March 2020.

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

### **Initial Site Preparation Works**

5. Prior to the commencement of the development, as notified under Condition 2 details of the site preparation works in shall be submitted to the MWPA and approved in writing. The details shall incorporate:
- a. The making good of the existing site access off Blyth Road.
  - b. The installation of a security office (portacabin) adjacent to the site access point.
  - c. The widening of the internal concrete road to provide passing places.
  - d. The installation of a weighbridge, wheel wash and arrangements for road sweeping.
  - e. The installation of a welfare office (portacabin), staff parking and turning area formed on a concrete pad.
  - f. Other works reasonably required to support the colliery restoration activities.

The site preparation works shall thereafter by installed prior to the commencement of waste importation, or an alternative timetable agreed in writing by the MWPA.

*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.*

6. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by, the MWPA. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall provide details and set the overall strategies for:
- a. Facilities for the loading and unloading of plant and materials;
  - b. Storage of plant and materials used in undertaking the restoration of the site;
  - c. Temporary means of enclosure and demarcation of the site operational boundaries including a timetable for the erection and retention of the means of enclosure linked to the phasing of the restoration works. The means of enclosure shall thereafter be erected and retained in accordance with the agreed timetable;
  - d. Arrangements for the management of surface water run-off, including details of the construction of a surface water attenuation pond in the south east corner of the site and improvement to surface water drainage system within site;
  - e. The storage of fuel and chemicals;
  - f. The control of temporary lighting;

- g. Measures for the protection of retained trees, hedgerows and watercourses;
- h. Appropriate controls for the storage of hazardous materials and fuel storage and filling areas

*Reason: To ensure appropriate protection of the environment and mitigate adverse impacts caused by the construction of colliery tip restoration works reflecting the scale and nature of development proposed and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM1.*

### **Duration of Development**

- 7. The importation of inert waste for the re-engineering of the former colliery spoil tip shall cease within 14 years of date of commencement, as notified under condition 2 above. Following the completion of inert waste importation, the site shall be restored in accordance with the landform and contours specified on Drawing No. Drawing No. Figure 7a: Alternative Restoration Scheme within 12 months.

*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.*

### **Phasing**

- 8. Site restoration works shall progress sequentially in accordance with the set of drawings Numbered Figure 5a-6a-7a. The MWPA shall be notified in writing of the date of completion of the importation of inert material into onto the site and its grading to the final approved landform within any phase at least seven days, but not more than 14 days, following the completion of these works.

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

- 9. A topographical survey of the site shall be submitted to the MWPA by 31 December each year following the commencement of the planning permission as notified under condition 2 above. The survey shall identify areas of the site which have not been restored, those parts of the site currently being restored and those areas where restoration works are complete.

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

### **Restoration materials**

- 10. Only uncontaminated soils, clays and soil making materials (uncontaminated inert waste such as concrete, hardcore and other similar demolition waste) which are fit for the purpose of restoring the site to an amenity/biodiversity afteruse shall be imported into the site. If, in the opinion of the MWPA, it is considered that the materials being imported into the site are not fit for purpose then, within two

weeks of a written request from the MWPA, detailed chemical analyses of samples of the materials imported onto the site shall be undertaken and submitted to the MWPA for assessment and for its approval in writing. The analyses, based on criteria derived from BS:3882 and guidance from the Contaminated Land Exposure Assessment, shall provide data on the concentrations of the following and any other compounds or substances deemed appropriate by the MWPA:

- (a) pH;
- (b) Arsenic;
- (c) Asbestos;
- (d) Boron;
- (e) Cadmium;
- (f) Chromium (III and IV);
- (g) Copper;
- (h) Hydrocarbons;
- (i) Lead;
- (j) Mercury (inorganic);
- (k) Nickel;
- (l) Selenium; and
- (m) Zinc.

Should the results of the analyses confirm that unsuitable material has been imported onto the site it shall be removed from the site within two weeks of notification from the MWPA, and disposed of at a suitably licensed site.

*Reason: To ensure there is no unacceptable risk of pollution to groundwater or surface water, in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan and Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Working Hours**

11. Except in emergencies, which are to be notified to the MWPA within 48 hours of their occurrence, or with the prior written agreement of the MWPA, site restoration works which utilise the operation of machinery within the site and the movement of heavy goods vehicles entering and leaving the site shall not take place except within the hours specified below:

- Monday – Friday: 7:00 am – 7:00 pm
- Saturday: 7:00 am – 1:00 pm
- Sundays Bank and Public Holidays: No working

*Reason: To protect the amenities of local residents in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

### **Highways and Access**

12. All loaded HGVs entering or leaving the site shall be sheeted.

*Reason: In the interest of highway safety and to ensure compliance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.*

13. The wheel cleaning facilities installed in accordance with details approved under Condition 4 shall be installed prior to the installation of waste to the site and thereafter shall be maintained in an effective state for the duration of the consent. The operator shall ensure that no vehicle shall leave the site in a condition whereby mud or other deleterious material is carried on to the public highway, these measures shall include the regular sweeping and cleaning of on-site vehicle circulation and manoeuvring areas and ensuring that all delivery vehicles that leave the site use the wheel cleaning facility prior to entering the public highway. In the event that these measures prove inadequate, then within one month of a written request the operator shall submit a scheme in writing to the MWPA setting out a scheme of additional steps or measures that can be taken in order to prevent the deposit of materials upon the public highway, these supplementary measures shall be implemented upon their written approval.

*Reason: In the interest of highway safety and to ensure compliance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.*

14. Measures shall be employed to ensure that detritus material from the site is not deposited on the public highway. These measures shall include the regular sweeping and cleaning of on-site vehicle circulation and manoeuvring areas during the operational phase. In the event that these measures prove inadequate, then within one month of a written request from the WPA additional steps or measures shall be taken in order to prevent the deposit of materials upon the public highway the details of which shall have previously been submitted to, and if applicable, agreed in writing by the WPA.

*Reason: To prevent mud and other deleterious material contaminating the public highway and to accord with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.*

15. Prior to the importation of waste materials onto the site for restoration purposes, details of a signage scheme to inform all HGVs depart the site by turning right onto Blyth Road shall be submitted to the MWPA and approved in writing. The signs shall be erected prior to the commencement of waste importation and thereafter retained for the life of the development.

*Reason: To protect communities from disturbance from delivery traffic and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM9 and Nottinghamshire and Nottingham Waste Local Plan Policy W3.15.*

16. The number of HGV movements in connection with the development hereby permitted shall not exceed a maximum of 220 two-way movements per day (110 HGVs entering the site and 110 HGVs leaving the site). The operator shall keep records of all HGV movements and such records shall be supplied to the MWPA within two weeks of a request for such records being made.

*Reason: To enable the MWPA to control the development and minimise its impacts on the amenities of the local area and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM9 and Nottinghamshire and Nottingham Waste Local Plan Policy W3.14.*

17. Prior to importation of waste materials onto the site for restoration purposes, visibility splays shall be provided in both directions on Blyth Road measuring 4.5m x 215m in both direction from the site access. The area within the visibility splays shall be kept free of all obstructions, structures or erections exceeding 0.26 m above carriageway level for the duration of the development hereby permitted.

*Reason: In the interest of highway safety and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM9 and Nottinghamshire and Nottingham Waste Local Plan Policy W3.14.*

18. The site access shall be improved in accordance with details previously submitted to and approved by the MWPA prior to the importation of waste materials onto the site for restoration purposes. The specification of the site access road shall include a haul route that is metalled in a bound material (not loose gravel) for a minimum distance of 20m from Blyth Road and that is drained to prevent the unregulated discharge of surface water onto the public highway.

*Reason: In the interest of highway safety and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM9 and Nottinghamshire and Nottingham Waste Local Plan Policy W3.14.*

19. Any gates shall be set back a minimum distance of 20m from Blyth Road and shall be hung so not to open outwards.

*Reason: In the interest of highway safety and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM9 and Nottinghamshire and Nottingham Waste Local Plan Policy W3.14.*

### **Protection of the A1(M) Motorway**

20. No part of the development hereby permitted shall commence until details of all surface water drainage matters have been submitted to and approved in writing by the MWPA in consultation with Highways England. The development shall be carried out in accordance with the approved scheme.

*Reason: To ensure that the A1(M) motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.*

21. No part of the development hereby permitted shall commence until details of the boundary treatment adjacent to the A1(M) motorway boundary have been submitted to and approved in writing by the MWPA in consultation with Highways



England. The approved boundary treatment shall thereafter be constructed in accordance with the approved plans and maintained in perpetuity.

*Reason: To ensure that the A1(M) motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.*

### **Permissive Right of Way**

22. Prior to the commencement of waste importation onto the site, there shall be submitted to, and approved in writing by the MWPA a plan and specifications/timetabling for the provision of a permissive path providing access of Blyth Road to the highest point of the site and a circular route connecting to the existing track leading down to Styrrup Lane. The permissive path shall be installed in accordance with the agreed timetable and thereafter public access shall be made available on the pathway throughout the restoration and aftercare periods of the site.

*Reason: To encourage public access onto the site as far as practically and safely possible during the restoration of the site, in accordance with the objectives of Nottinghamshire Minerals Local Plan Policy DM7.*

### **Site Drainage and Protection of Groundwater**

23. Prior to the importation of waste to the site, a surface water drainage scheme for the site, based on sustainable drainage principles shall be submitted to and approved in writing by the MWPA. The scheme to be submitted shall demonstrate:
- a. The utilisation of holding sustainable drainage techniques;
  - b. The limitation of surface water run-off to equivalent greenfield rates;
  - c. The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
  - d. Responsibility for the future maintenance of drainage features.

The approved scheme shall subsequently be implemented in accordance with the approved details and maintained throughout the operational life of the site.

*Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM2.*

24. Any facilities for the storage of oils, fuels or chemicals 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. All filling points, vents, and sight

glasses must be located within the bund. There must be no drain through the bund floor or walls.

*Reason: To prevent pollution of the water environment and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM2.*

## **Ecology**

25. Prior to the importation of waste materials onto the site for restoration purposes, a scheme for the protection and management of the retained landscaping and vegetation where tipping operations are not proposed to be undertaken shall be submitted to the MWPA and approved in writing. The management scheme should cover the management prescriptions outlined in section 9.4 of the ES Volume 1 document and section 1.7 of the Technical Appendix B (Ecology and Nature Conservation) report and should include arrangements for removing non-native or invasive vegetation, undertaking appropriate thinning and replacement with locally appropriate native species, the translocation of the surface material around the colony of orchids and provide compensatory habitat for habitats impacted by restoration activity, particularly open grassland habitats used by overwintering and ground nesting birds. The retained habitat protection and management scheme shall thereafter be implemented in accordance with the approved scheme and maintained throughout the operational life of the site and the subsequent ten-year period of aftercare following the completion of restoration operations.

*Reason: To ensure that established habitats which are not disturbed by site restoration works are retained and managed to maximise their ecological and visual screening importance and thus ensure compliance with Nottinghamshire Minerals Local Plan Policies DM1 and DM4.*

26. Site clearance/preparation operations that involve the felling, clearing or removal of vegetation or disturbance of bare ground shall not be undertaken during the months of March to August inclusive unless otherwise agreed in writing by the MWPA following the submission of a report detailing survey work for nesting birds carried out by a suitably qualified ecologist.

*Reason: In the interests of safeguarding nesting birds and to ensure compliance with the Wildlife and Countryside Act 1981 and Policy DM4 of the Nottinghamshire Minerals Local Plan*

27. 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, or the areas are populated by woodlark. The results of the walk-over survey shall be submitted in writing to the MWPA. If badgers or woodlark are present, a working design, method and timetable to mitigate any undue adverse effects on these species shall be submitted to the MWPA for approval in writing. The mitigation measures shall be implemented as approved.

*Reason: In the interests of safeguarding badgers and to ensure compliance with the Wildlife and Countryside Act 1981 and Policy DM4 of the Nottinghamshire Minerals Local Plan*

28. Prior to any vegetation clearance within any phase of the development a survey shall be carried out by an appropriately qualified ecologist to ensure that reptiles have not become established within the working area. The results of the survey shall be submitted in writing to the MWPA. If reptiles are present, a working design, method and timetable to mitigate any undue adverse effects on these species shall be submitted to the MWPA for approval in writing. The mitigation measures shall be implemented as approved.

*Reason: In the interests of safeguarding reptiles and to ensure compliance with the Wildlife and Countryside Act 1981 and Policy DM4 of the Nottinghamshire Minerals Local Plan.*

29. No works shall be undertaken to the drainage ponds until a method statement to mitigate against impacts on amphibians has been submitted to and agreed in writing by the MWPA. Works to the drainage ponds shall thereafter be carried out in compliance with the approved scheme. Any amphibians encountered during the operational life of the quarry shall be removed carefully by hand and moved to a safe location.

*Reason: In the interests of safeguarding amphibians and to ensure compliance with the Wildlife and Countryside Act 1981 and Policy DM4 of the Nottinghamshire Minerals Local Plan*

## **Noise**

30. The noise level attributable to normal operations at the site shall not exceed the noise levels stated in the table below, when measured free-field within the curtilage of residential properties at any of the stated locations.

Location	Site Noise Limit at Residential Dwelling dB LAeq,1h (free-field)
NSR01 – Pagdin Drive	55
NSR02 – Steer Bank Farm	55
NSR03 – Steerbank	55
NSR04 – Elm Cottage	55
NSR05 – Kirk View	55
NSR06 – Harworth Avenue	55
NSR07 – Blyth Road	55
NSR08 – Harworth House	52

The operator shall carry out routine noise monitoring every 6 months to verify compliance with the above noise limits in accordance with a noise compliance monitoring scheme which should be submitted to the MWPA and agreed in writing with the MWPA prior to the importation of waste materials into the site. The results of the noise survey shall be submitted to the MWPA within a written report for approval in writing within 28 days of each survey being carried out. In the event that compliance with noise criteria is not achieved the report shall

identify further noise attenuation measures to mitigate noise emissions. These additional noise mitigation measures shall be implemented following their written approval by the MWPA.

*Reason: To minimise noise impacts arising from the operation of the site and to protect the amenity of nearby residential properties in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan and Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

31. In the event of a justifiable noise complaint being received by the MWPA, the operator shall, within a period of 30 days of a written request submit a noise assessment to the MWPA to demonstrate compliance or otherwise with the noise limits that have been imposed. If the prescribed noise levels are exceeded then the operator must incorporate as part of the noise assessment report a scheme of noise mitigation for approval in writing. The noise mitigation scheme shall thereafter be undertaken in accordance with the details approved by the MWPA.

*Reason: To minimise noise impacts arising from the operation of the site and to protect the amenity of nearby residential properties in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan and Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

32. All vehicles under the operators control shall employ broadband reverse alarms.

*Reason: To minimise noise impacts arising from the operation of the site and to protect the amenity of nearby residential properties in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan and Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Dust**

33. 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 bowsers to dampen haul roads, stockpiles 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 inert waste and other restoration material;
  - d. Limiting on-site vehicle speeds;
  - e. Upon request of the MWPA, the temporary suspension of waste deposit and 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 DM1 of the Nottinghamshire Minerals Local Plan and Policy W3.10 of the Nottinghamshire and Nottingham Waste Plan.*

### **Stockpile Heights**

34. Stockpiles of any restoration materials shall not be permitted to exceed 5m in height.

*Reason: In the interest of visual amenity and to ensure compliance Policy DM1 of the Nottinghamshire Minerals Local Plan and Policies W3.3 and W3.10 of the Nottinghamshire and Nottingham Waste Plan.*

### **Floodlighting**

35. No floodlighting or security lighting shall be used on site except in accordance with details including hours of illumination which shall have previously been submitted to and approved in writing by the MWPA.

*Reason: To minimise the visual intrusion of the development in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan and to ensure the floodlighting does not adversely impact sensitive ecology on adjacent land.*

### **Soil Replacement**

36. The MWPA shall be notified in writing at least 5 working days before each of the following:
- overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out, and
  - 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
  - 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 DM12 of the Nottinghamshire Minerals Local Plan.*

37. Subsoils shall only be replaced 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 it is raining, or 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 DM12 of the Nottinghamshire Minerals Local Plan.*

38. 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 DM12 of the Nottinghamshire Minerals Local Plan.*

39. Any rock, boulder or larger stone greater than 200mm in any dimension shall be removed from the sub soil before topsoil 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 DM12 of the Nottinghamshire Minerals Local Plan.*

40. Topsoil shall be evenly re-spread to achieve at least a minimum of 300mm settled depth 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, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.*

## **Restoration**

41. The phased restoration plan and landscaping scheme for the total application site shall be carried out in accordance with Drawing No. Figure 7a: Alternative Restoration Scheme – Harworth No. 2 Tip received by the MWPA on 11th March 2020. The implementation of the restoration and landscaping scheme shall be carried out progressively in general compliance with the arrangements shown on Drawing nos. Figure 5a: End of Phase 1 and Figure 6a: End of Phase 2. The backfilled material shall be levelled and graded in accordance with the restoration contours.

*Reason: To ensure proper restoration and in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.*

42. Within two years of the commencement of waste importation to the site, the operator shall submit to the MWPA criteria limits for the chemistry and composition of any soils used within the final 300mm top layer of the restored site to ensure that they have an appropriate chemistry to promote the establishment of the future habitat of the restored site. Thereafter, all soils placed within 300mm of the final 300mm top layer of the restored site shall be sampled and only soils which a compliant with the approved criteria limits shall be utilised. Soil sampling



results shall be provided in writing to the MWPA within 14 days of a written request.

*Reason: To ensure the successful establishment of habitats following the restoration of the site and ensure that the biodiversity benefits of the site are maximised through its restoration, in accordance with Policy DM4 of the Nottinghamshire Minerals Local Plan*

43. At the completion of each phase of restoration the operator shall meet on site with representatives of the MWPA, 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 DM12 of the Nottinghamshire Minerals Local Plan.*

### **Aftercare**

44. Following restoration the site shall undergo aftercare management for a ten year period

*Reason: To provide for aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.*

45. 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 MWPA, the aftercare period shall run from the agreed date.

*Reason: To provide for aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.*

46. An aftercare scheme and strategy shall be submitted for the written approval of the MPA no later than 3 months before the spreading soil 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 and seed mixes which shall utilise native species and shall be of local origins;
- b. the planting of a native-species hedgerow on at least one side of the agricultural access track that crosses the northern part of the site;
- c. the creation of a cluster of small off-line ponds at the southern end of the site;
- d. the creation of habitat suitable for ground nesting birds.
- e. details of tree guards used to protect new trees and shrubs which should be biodegradable rather than plastic;
- f. Arrangements for a network of permissive paths on the restored site.
- g. weed control;
- h. soil analysis;

- i. 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;
- j. drainage amendments;
- k. subsoiling and underdrainage proposals;
- l. management practices such as the cutting of vegetation;
- m. tree protection;
- n. remedial treatments;
- o. irrigation; and
- p. fencing.

*Reason: To provide for aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.*

47. 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 46 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 DM12 of the Nottinghamshire Minerals Local Plan.*

48. The aftercare programme shall be implemented in accordance with the details approved under Condition 46 above, as amended following the annual site meeting referred to in Condition 47 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**

49. Should, for any reason the receipt or deposit of inert waste in connection with the restoration of the application site cease for a period in excess of 6 months which in the reasonable opinion of the MWPA constitutes a permanent cessation of the restoration works, then within three months of the receipt of a written request from the MWPA, a revised scheme for the restoration of the site shall be submitted to the MWPA. 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 MWPA, and shall be subject to the aftercare provisions of Conditions 46-48 above.

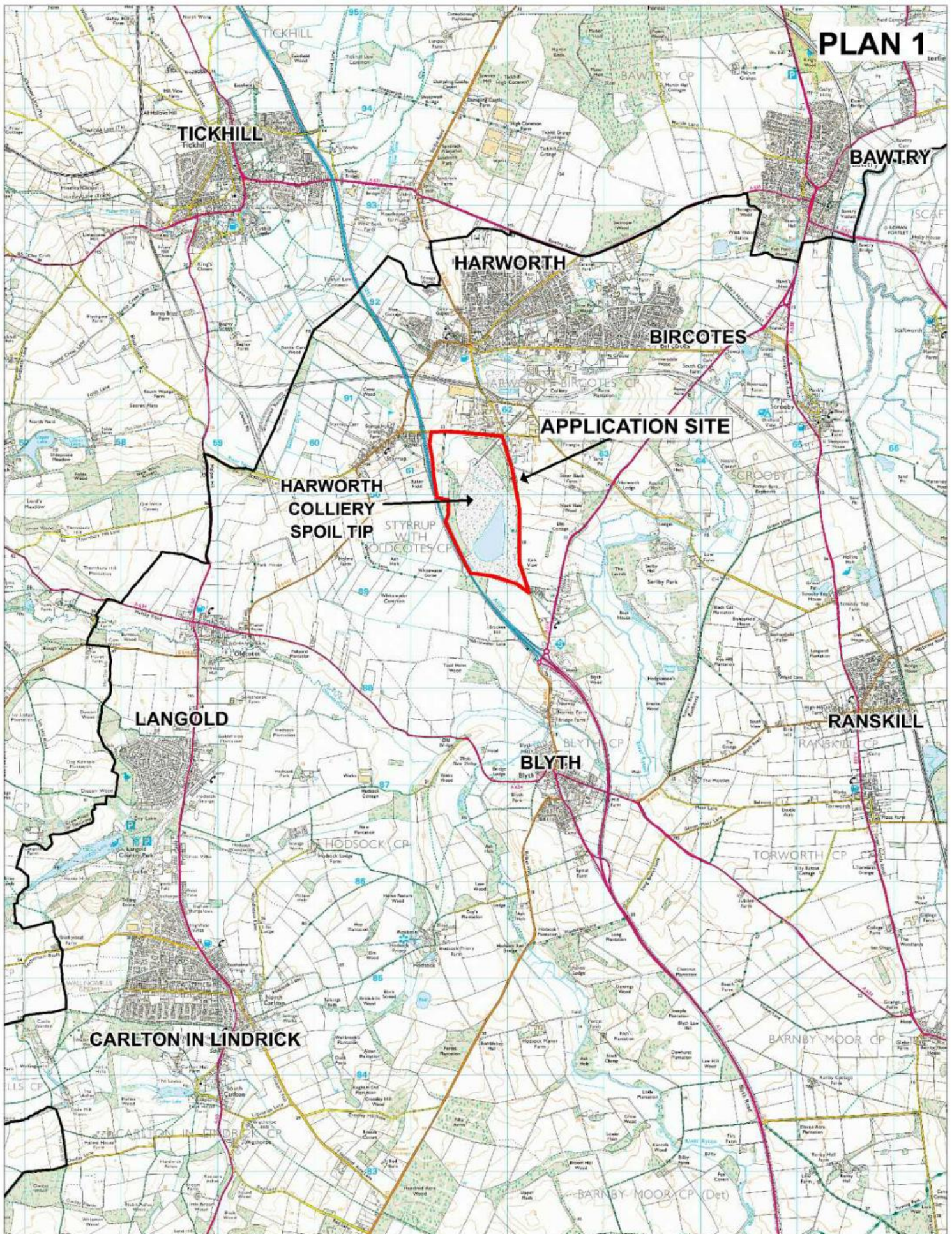
*Reason: To achieve a satisfactory restoration of the site in the event of premature closure of the site.*

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

1. The development will require works in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake these works the applicant will need the formal legal agreement of the Highway Authority. The Applicant is therefore required to contact the County Council (tel. 0300 500 80 80) to arrange for these works to be carried out.
2. The consent of Severn Trent Water will be required for either a direct or indirect connection to the public sewerage system under the provisions of Section 106 of the Water Industries Act 1991. Current guidance notes and an application form can be found at [www.stwater.co.uk](http://www.stwater.co.uk) or by contacting Severn Trent Water New Connections Team (0800 707 6600).
3. Although statutory sewer records do not show any public sewers within the site there may be sewers which have recently been adopted under the Transfer of Sewer Regulations. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and it is advised that Severn Trent Water should be contacted (0247 771 6843).







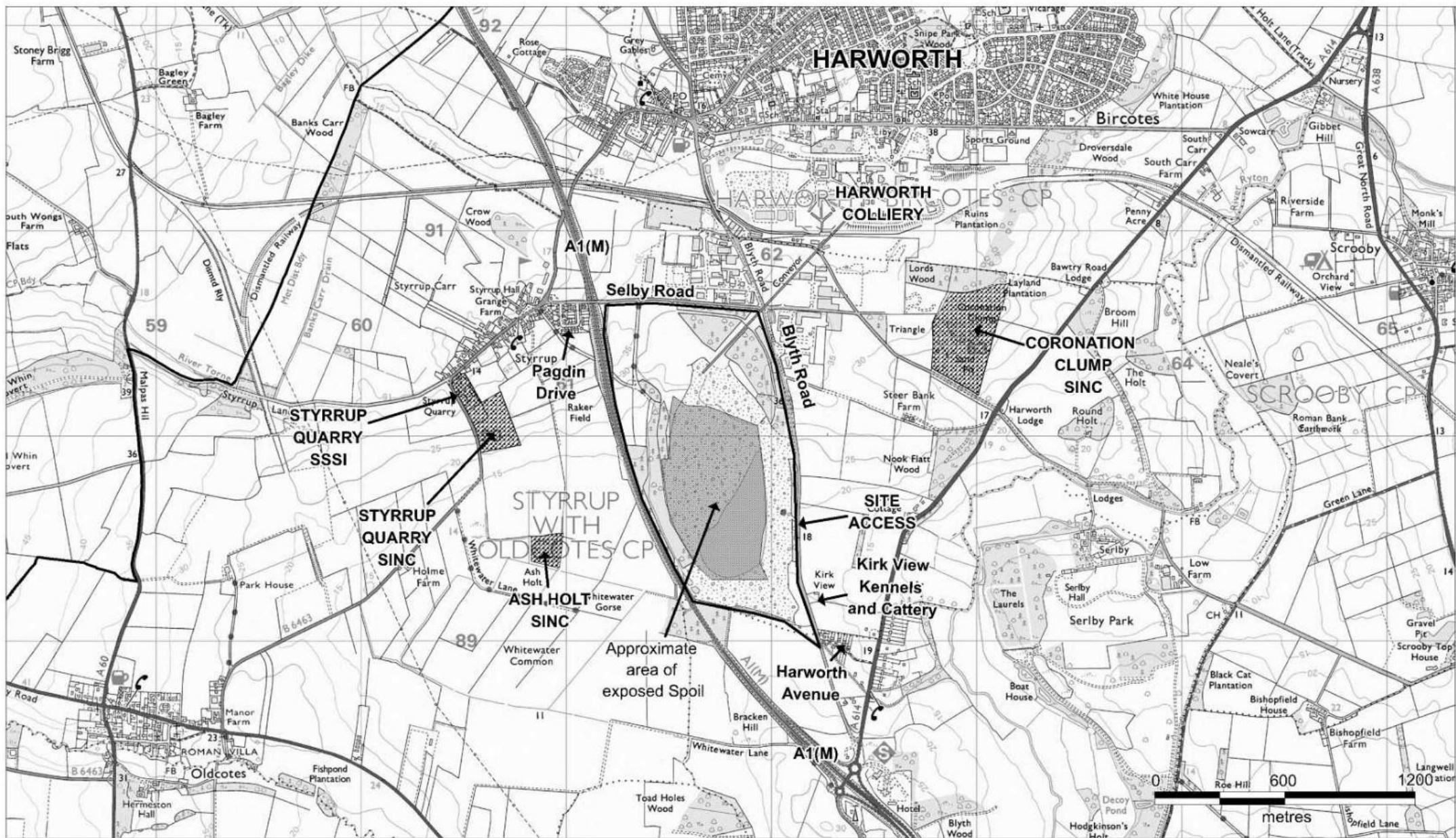
**PLAN 1**











**Nottinghamshire  
County Council**

Importation of 3.6 Million cubic metres of restoration materials (reduction from 6.2 Million cubic metres)  
to complete the restoration of Harworth Colliery No 2 spoil heap.

Harworth Colliery No 2 Spoil Heap, Blyth Road, Harworth, Nottinghamshire.

Planning Application No. 1/18/01611/CDM

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Date: JUNE 2021

**PLAN 2**























**29 June 2021**

**Agenda Item: 5**

## **REPORT OF CORPORATE DIRECTOR – PLACE**

**RUSHCLIFFE DISTRICT REF. NO.: 8/21/01029/CTY**

**PROPOSAL:** OUTLINE APPLICATION (WITH SOME MATTERS RESERVED) FOR THE ERECTION OF A PRIMARY SCHOOL FOR UP TO 2-FORMS OF ENTRY (IN PHASES), PLUS 26 PLACE NURSERY WITH ASSOCIATED CAR PARKING. ASSOCIATED AREAS OF SOFT PLAY, HARD PLAY, GRASS PLAYING FIELD WITH LANDSCAPING WORKS. ERECTION OF 2M HIGH SECURITY FENCING AND GATES TO PERIMETER AND SPRINKLER TANK. PROVISION OF BOUND SURFACE AND LIT 3M SHARED PEDESTRIAN AND CYCLE PATH ON ROUTE OF PUBLIC FOOTPATH EAST LEAKE FP5. BOUND SURFACE AND LIT PATH AND BRIDGE BETWEEN SHEEPWASH WAY AND PUBLIC FOOTPATH EAST LEAKE FP5

**LOCATION:** REMPSTONE ROAD, EAST LEAKE, NOTTINGHAMSHIRE, LE12 6PW

**APPLICANT:** NOTTINGHAMSHIRE COUNTY COUNCIL CHILDREN AND FAMILIES

### **Purpose of Report**

1. To consider an outline planning application for the erection of a primary school for up to two-forms of entry and a 26-place nursery on land to the north of Rempstone Road, East Leake. The key issues of the outline application relate to the principle of the development and the traffic/travel related impacts of the proposed points of access. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

### **The Site and Surroundings**

2. This application relates to a proposed school site of approximately 1.8ha lying 750m to the south of the centre of East Leake. The site is to the north of a housing development under construction accessed from Rempstone Road (David Wilson Homes) and to the east of an area of open space provided as part of a completed residential development by Persimmon Homes (Plan 1). Public footpath East Leake FP5 runs along the western boundary of the proposed school site and is included in the red line of the planning application. The application red line also includes the highway loop road to be provided in the David Wilson development, which is 6.75m in width and the appropriate



design width for roads passing schools (so as to include means of access to the site from a public highway (Rempstone Road)), a linear strip of land through the Persimmon Homes area open space between Sheepwash Way, and a length of public footpath East Leake FP5.

3. The proposed school site is bounded to the north by Sheepwash Brook which has small areas of Flood Zone 2 and Flood Zone 3 within the application site. A field boundary with a drainage ditch running from south to north to join the watercourse forms the eastern boundary. A drainage easement for the housing development discharges into the watercourse on the eastern boundary. A mature plantation with trees planted on a 3m x 3m grid runs east-west bisecting the site (Plan 2). Land to the north of the trees has a gentle slope towards the watercourse but is generally flat. At the time of submission, land to the south of the trees rises 5.5m from the north-east corner to the south-west. However, the adjacent house builder has deposited soils and is grading the site, installed drainage infrastructure to the south of the copse with an outfall to the watercourse on the eastern boundary, and will need to further increase site levels to the height of installed inspection chambers.
4. The area of open space to the east of Sheepwash Way has recently been planted with trees. The linear area included in the red line of the application site between Sheepwash Way and public footpath East Leake FP5 is a clearly walked route which crosses a dry drainage ditch and runs parallel to a hedge forming the northern boundary of the David Wilson housing development.
5. An area of public open space at the end of Peacock Gardens and Ringlet Drive is enclosed by knee-rail fencing, although it is evident that the public walk across this area, and along the linear route included in the application site red line, to gain access to public footpath East Leake FP5.
6. Excluding the turning head and private drives, with there being extended lengths of dropped kerb along the frontage there is limited on-street parking available on Sheepwash Way. It is estimated that there is on-street parking for approximately 12 cars on Sheepwash Way and Skipper Close in reasonable proximity to the proposed school site, although there is off-street parking available on the wider highway network within the Persimmon Homes development (Plan 3).

## **Planning history**

7. Rushcliffe Borough Council permission (RBC) 14/01927/VAR (the Persimmon Homes site – 273 dwellings) – Variation of an earlier outline planning permission (12/01840/OUT) for residential development with associated public open space, landscaping, access and other infrastructure works; including a s106 contribution of approximately 1ha of land for use as a new school – Granted December 2015. In addition to a financial contribution towards the provision of school places, provisions of the land transfer include the site having free construction access and being capable of having vehicular and pedestrian access to the public highway, and rights of access and safe access to the school on opening.

8. Permission for an additional 83 homes has been granted on the Persimmon Homes development (RBC/19/00323/FUL).
9. RBC 16/01881/OUT (the David Wilson Homes development) - Outline application for up to 235 dwellings, primary school, infrastructure, green space, associated surface water attenuation and landscaping - Granted November 2017 (on appeal) subject to a s106 agreement requiring (amongst other matters) the transfer of land identified in the application to the County Council for a primary school, subject to planning permission having been obtained for the school.
10. RBC 16/01881/OUT - Condition 5 ii) requires that no dwelling is occupied before the provision of a suitably surfaced and lit footpath/cyclepath linking the site to Brookside through the adjacent development site to the west between points A and B on drawing EMS2851\_009 SHEET NO.0 Rev:A' (Plan 4). The link lies outside the David Wilson Homes application site but is in a Persimmon Homes legal agreement that supported the appeal hearing.
11. RBC 20/00887/DISCON – Approval of the lit footpath/cycle path in compliance with Condition 5ii) of permission 16/01881/OUT and includes a 'timber edged Breendon gravel (or similar approved) path' 3m in width and includes a culverted crossing of the dry ditch adjacent to the turning head at the end of Sheepwash Way.
12. RBC 20/00886/DISCON – Approval of foul and surface water drainage for the David Wilson Homes development in compliance with Condition 11 of permission 16/01881/OUT which includes a surface water sewer across the proposed school site to the south of the tree plantation with an outfall into the ditch on the proposed school eastern boundary (Plan 2).
13. RBC 20/02300/REM – Approved December 2020 - Partial re-plan of the approved David Wilson Homes development. It is to be noted that there is no pedestrian connectivity on the western boundary between the David Wilson Homes site and Persimmon Homes site (other than points A-B on Plan 4).
14. RBC 20/00888/FUL – Resolution to approve February 2021 subject to entry into a s106 agreement - Erection of 51 dwellings with associated access, parking and landscaping (land within the David Wilson Homes development to the west of the school site). The house closest to the school site would be 9.3m from the western boundary of public footpath East Leake FP5.

## **Proposed Development**

15. Outline planning permission is sought for the erection of primary school for up to two-forms (420 pupils) of entry plus a 26-place nursery, car park, servicing and sprinkler tank, along with associated areas of outdoor hard play, formal playing pitch and informal grass spaces. A 1-form 210 place school would be erected in the initial phase. The application seeks approval of the points of vehicular and pedestrian access, and the scale of the development, although a detailed design has not been submitted.

16. Vehicular access would be gained towards the eastern end of the highway frontage to the loop road within the David Wilson Homes development site.
17. The pedestrian gate would be on the western boundary of the proposed school taking access from public footpath East Leake FP5. The latest approved housing layout on the David Wilson Homes development (RBC 20/02300/REM) includes a gravel surfaced path on the route of public footpath East Leake FP5. The footpath would be upgraded to a lit 3m wide bound surface for use by both pedestrians and cyclists. A design detail has not been submitted.
18. The path between public footpath East Leake FP5 and Sheepwash Way would be broadly in accordance with the detail approved by Rushcliffe Borough Council in compliance with Condition 5ii) of planning permission 16/01881/OUT, although it would be surfaced with a bound finish.
19. The school would initially be built as a single form of entry school (210 capacity) with the hall, kitchen and car park to be suitably sized to accommodate expansion to 420 pupils.
20. The supporting design statement sets out that the school building would be of two-storey construction with an approximate maximum height of 12m, and at the western end would have windows in the north and south elevations with no windows required in the western façade facing towards planned housing. Based on the illustrative layout, when expanded in Phase 2 the western gable would be 17m from the nearest property to the west (RBC 20/00888/FUL). The approximate floor area of the building in Phase 1 would be approximately 1,285m<sup>2</sup> and increased by approximately 950m<sup>2</sup> in Phase 2. Although not submitted for approval as part of this application, the applicant has, on further discussion, indicated that the anticipated building span at its western end would not exceed 24m and, accommodating classrooms, the building height would not exceed 8.5m in height within 12m of the western side of public footpath East Leake FP5.
21. All other matters are reserved for future approval and do not form part of this application.
22. An illustrative site layout has been submitted in support of the application showing the provision of a school building, hard play, sprinkler tank and car park on the higher ground at the southern end of the site (Plan 5). Hall and kitchen facilities would be provided at the western end of the building. It is indicated that the building could be extended at its western end to provide additional classrooms when expanded to 2-forms of entry. A footpath link through the retained plantation would lead to a multi-use games area and sports pitch on the northern part of the site adjacent to the watercourse.
23. The site would be enclosed by 2.0m high perimeter security fencing. A playing field maintenance access gate would be provided at the juncture of the footpath/cycle path from Sheepwash Way and public footpath East Leake FP5.
24. A Transport Statement has been submitted in support of the application. Although not specified at this stage the minimum car parking requirement,



based on a Head and 14 teaching staff being employed and nursery staff, is determined at 18 car parking spaces including one disability space and two motorcycle spaces derived from guidance in the Nottinghamshire Highways Design Guide. The illustrative site layout shows 21 car parking spaces (including one disability space) with scope for expansion to the east. Cycle parking for staff and visitors would be provided. Cycle spaces for pupils would be provided with demand reviewed through a Travel Plan.

25. Provision would be made for on-site turning by service vehicles with collection of refuse from the adjacent highway within the David Wilson Homes development. Coaches and mini-buses required for occasional school travel, such as trips or swimming, would park on the highway outside the school and planned journeys can be timed to avoid peak travel times.
26. The Transport Statement identifies that there are currently no details of parking demand for the proposed school although it is noted that parents typically park on surrounding streets during morning and afternoon drop-off/pick-up periods. The pedestrian links to the school provide connectivity to the Persimmon Homes development and the centre of East Leake. Parents who choose to drive to school may find it more convenient to park on Sheepwash Way, being the most accessible and closest highway to the school, as an alternative to a longer car journey along Rempstone Road and through the David Wilson Homes development (Plan 6). Although school start/finish times are not proposed in the application the Transport Statement identifies that the busiest periods are between 08:45-09:00 and 14:00-15:30 and that after drop-off or collection vehicles quickly disperse. Parking restrictions are proposed around the school access within the David Wilson Homes development to minimise the risk of on-street parking problems in the immediate vicinity of the school. No parking restrictions are proposed on Sheepwash Way.
27. Based on full occupancy of an expanded school (420 pupils) the Transport Statement identifies the following trip generation:

**Table 5 Multi-model trips (420 pupils)**

Mode of Travel	Percentage	Morning two-way trips	Afternoon two-way trips
Walk	46%	166	137
Bicycle	1%	4	3
Car/Van	47%	152	125
Private Bus	2%	7	6
Local Bus	3%	11	9
Surface rail / train	0%	0	0
Scoot / skate	-	0	0
Park & stride	-	0	0
Other	1%	4	3
<b>Total</b>	<b>100%</b>	<b>323</b>	<b>266</b>

*Figure 1. – Note afternoon two-way trips are between 15:00-16:00 hours*

28. The Transport Statement anticipates that the David Wilson Homes internal estate road will be completed with services provided to the school parcel by Spring 2022. The anticipated split is that 48% of cars would use Sheepwash

Way with 52% travelling closer to the school entrance gate within the David Wilson Homes development. However, in the event that the access road is not finalised by the scheduled school opening date of September 2022, from a trip generation perspective access to the school could be achieved via Sheepwash Way.

29. Whilst the operational details for the new primary school have not yet been finalised, the school would grow incrementally and would not be fully occupied until several years post-construction (i.e. the estate road would be complete before the school is occupied to capacity). The number of person trips generated by the school in the first years of operation would therefore be significantly lower than those presented in *Figure 1.* above.

**Table 4: Multi-model trips 30 pupils)**

Mode of Travel	Percentage	Morning two-way trips	Afternoon two-way trips
Walk	46%	13	11
Bicycle	1%	1	1
Car/Van	47%	11	9
Private Bus	2%	0	0
Local Bus	3%	1	0
Surface rail / train	0%	0	0
Scoot / skate	-	0	0
Park & stride	-	0	0
Other	1%	0	0
<b>Total</b>	<b>100%</b>	<b>26</b>	<b>21</b>

*Figure 2.- Note afternoon two-way trips are between 15:00-16:00 hours*

30. Figure 2 shows the number of trips that would be generated by each group of 30 pupils. When first brought into use (September 2022) there is forecast demand for 120 places made up of 15 pupils across all age groups, likely to generate 44 morning and 36 afternoon trips by car. The school would operate a Published Admission Number (PAN) of 30 and the roll would grow gradually by 15 each year at first admission.
31. The Transport Statement promotes the use of a Travel Plan to mitigate the impact of traffic on the highway network. Suggested measures are:
- *Staff and parents will be encouraged to car share, where possible;*
  - *Parents will be discouraged from parking within close proximity to the school and encouraged to actively engage in promoting healthy transport options;*
  - *Delivery vehicles will not be permitted to access the school ½ hour before and ½ hour after drop-off and pick up times;*
  - *Parents of pupils that live reasonable distances away from school are referred to local bus timetables and the use of sustainable public transport is actively encouraged;*
  - *Pupils living in close proximity are encouraged to walk, cycle or scoot to the school;*

- *Encourage staff to engage in a cycle to work scheme where costs are spread and recouped through salary sacrifice;*
  - *Actively engage with local residents where issues are identified;*
  - *Work in partnership with local schools, businesses, service providers and residential organisations;*
  - *Review school policies, procedures, drop off and pick-up points in response to increases in traffic flow and footfall to ensure the safety of pedestrians.*
32. The construction access for the school has not been specified although the two s106 Agreements relevant to this application make provision for construction access to be gained through the David Wilson Homes development or from the Persimmon Homes development (Sheepwash Way).
33. A Preliminary Ecological Appraisal has been submitted in support of the application. There are no ecological features of note. However, additional surveys are recommended for amphibians, including further e-DNA testing of nearby ponds for great crested newt, and reptiles with recommendations made to mitigate habitat loss and create biodiversity net gain. The additional eDNA testing of nearby ponds recommended in the submitted Preliminary Ecological Appraisal has indicated an absence of great crested newt. Recommended reptile surveys have not yet been carried out.
34. The Flood Risk Assessment supporting the application makes an assumption that the site is not suitable for soakaways and recommends a surface water discharge rate of 11.5ltr/sec in a 1 in 100-year flood event with a 40% allowance for climate change. Surface water attenuation will be required before discharge to the ditch on the eastern boundary or to Sheepwash Brook.

## Consultations

35. **Rushcliffe Borough Council** – No objection subject to conditions to require the submission of: type, texture and colour of facing materials; a Biodiversity Gain Plan prior to the commencement of development; reports and mitigation measures recommended in the Preliminary Ecological Appraisal; existing and proposed site levels and floor level of the building(s); landscaping scheme including measures to protect retained landscape features; arboricultural method statement to safeguard retained trees; remediation and validation of unexpected contamination encountered; assessment for contamination of imported soils and aggregate; construction management plan addressing environmental impacts of construction; if relevant, a piling method statement; provision for electric vehicle charging; lighting scheme; and air source heat pump noise assessment/control of noise from installed plant.
36. *Members expressed concerns regarding the levels of parking provided for staff/visitors and also the potential for traffic issues around the school at pick-up and drop-off times.*

37. *Rushcliffe Borough Council advises that:*

- a) The technical input of the Highway Authority, the Lead Local Flood Authority and Archaeological Team are recommended to be sought and consideration be given to the environmental credentials of the building through the use of solar panels, grey water harvesting, EV charging points etc.*
- b) The Borough Council also advises the County Council to consider the implications of the Traffic Regulation Orders in the event that such controls are not secured through the democratic process.*
- c) Further consideration should be given to the impact of the construction of the development upon the biodiversity habitat of the surrounding area as well as an ecological enhancement scheme being secured as part of the development.*
- d) Consideration should be given to a dedicated vehicular drop-off/pick-up zone outside of the school, including for buses/coaches.*
- e) Additional staff parking should be considered in the detailed design which could be achieved by extending the car parking shown on the indicative plans further to the eastern boundary of the site.*
- f) Consideration should be given to the provision of a dedicated gathering area for parents/guardians etc. so as not to block the public footpath/ pavements/ cycle paths for other users at school start and end times.*
- g) Yellow “zig-zag” highway markings should be provided on the road serving plots 266-273 [plots to the immediate south of the school site east of the loop road] on the David Wilson Housing development approved under application reference 20/00888/FUL (Paragraph 14).*
- h) Consideration should be given to the provision of vehicular access to the playing fields by emergency vehicles.*

38. **East Leake Parish Council** – No objection, but concerns raised over the lack of staff parking area which could potentially cause conflict with residents. *A larger car park could be provided extending to the eastern boundary. A lay-by for drop-off could be provided, as well as space for cycle racks and electric vehicle charging points.*

39. **NCC Highways Development Control** – No objection subject to conditions requiring: details of construction lorry routing, access and measures to prevent mud other detritus being deposited on the public highway; the securing of access to and from the school site as well as temporary turning measures should the adjacent roads not be completed before the school is brought into use; measures to protect the turning head on Sheepwash Way from errant parking, to be implemented prior to occupation; suitable surfacing, guard railing and lighting to the footpath adjacent to the school site; a School Safety Zone, to be agreed and implemented prior to first occupation; post-opening surveys to

evaluate the impact of parking after opening and determine the need and implementation of measures to protect against errant parking.

40. *The school site forms part of a wider mixed site of 235 residential units, granted planning permission in 2017 (on appeal) by the planning inspectorate under appeal reference APP/P3040/W/17/3178343. It is through this application that the principle of a new school in this location was established. Additionally, the principle of a school being provided in this general location also was considered by the planning inspectorate in 2015 in their determination of the appeal for land on the adjacent (Persimmon) site to the west under appeal reference APP/P3040/W/15/3121529, whereby land served from what is now Sheepwash Way was set aside in the associated S106 for construction of a new primary school.*
41. *In view of the planning history it is considered that traffic implications on the wider highway network were previously considered as part of the extant outline permissions and the impacts deemed to be acceptable subject to the provisions and mitigation measures secured through the permissions. Highway Development Control comments regarding this application are limited to the specifics of local access, highway safety, and sustainable travel implications rather than traffic generation and congestion on the wider highway network. It is understood that all matters other than access and scale are reserved, and our comments are primarily focused on these two matters.*
42. **Access** - *The primary vehicular access to the school is to be the main spine road new road within the Rempstone Road Development. With an overall width of 6.75m, the road has been designed to accommodate a new school and takes the form of loop to minimise the need for turning at pick up/drop off times.*
43. *It is proposed that the main school vehicular access will be used only for staff and visitors. The proposed access will take the form of a 6.0m wide, bell mouth junction. Its location on the outside of the bend affords adequate visibility in both directions. Vehicle tracking has also been provided which demonstrates that service vehicles can enter, turn and exit the car park in a forward gear. In view of the preceding we consider the proposed access to be suitable for purpose.*
44. *Non-motorised access for pupils and parents is to be provided via a pedestrian/ cycle link which connects the Rempstone Road site to Sheepwash Way. This seems a sensible idea as it allows for connectivity to the adjacent housing development and East Leake beyond which in turn should serve to encourage walking/cycling as mode of travel to school.*
45. *It is unclear from the information provided what form the construction of the path will take, [refer to Paragraph 11] which for the avoidance of doubt would be expected to be constructed with a bound surface to an adoptable standard equivalent to the footways on the adjacent residential development sites. Consideration should also be given to its lighting, in order to ensure it can be safely used at all times of the year. Should the link be provided to the appropriate standard, the Highway Authority would be prepared to adopt it and make it fully maintainable at public expense.*



46. *It should also be noted that the north/south element of the link follows the line of an existing public footpath, consequently any improvements or alterations to this route will require input from colleagues in the Rights of Way team.*
47. *The installation of pedestrian guard rails at either end of the path to prevent children running out into the highway is recommended. Additionally, School Keep Clear markings at either end would also be beneficial in providing a clear unobstructed view of the areas of highway which are likely to receive the highest amount of footfall. It is recommended that this is secured through a condition requiring a scheme for a 'School Zone', to be agreed and implemented prior to first occupation.*
48. *With regard to construction access, limited information has been provided in the Transport Statement. Construction routing, wheel wash facilities and the like should be secured by a suitability worded condition.*
49. **Parking, pick up and drop off areas** - *Whilst the internal layout of the school is a reserved matter, the submitted illustrative layout suggests only 21 parking spaces will be provided on site. This is lower than what has previously been provided on other new schools elsewhere in the County.*
50. *Based on advice provided elsewhere the Highways Authority would wish to see provision for no less than 70% of the total estimated number of staff (45) on site. This would equate to 32 spaces. Whilst ideally, 100% provision would be considered appropriate, we are mindful of the fact that many of the staff such as teaching assistants, kitchen staff and lunch time supervisors are unlikely to travel to work by car or require a parking space.*
51. *How the above requirement is split between phases and will depend on staffing numbers. However, it may make sense to provide the 22 spaces in the first phase (20 standard, 1 disabled, 1 charging) followed by a further 10 on phase two, owing to the fact that the staffing requirements are likely to be front loaded with proportionally more staff required for Phase 1 than Phase 2.*
52. *Limited information is provided on cycle parking, with the Transport Statement suggesting only 3 spaces being provided for staff. In order to encourage cycling/scooting as a mode of transport to school we would recommend suitable parking is provided to allow children to secure their bikes during the school day. Based on previous provision provided elsewhere in the County for similar sized schools we would recommend a minimum of 40 spaces being provided.*
53. *In addition to staff parking, there also is a need to cater for parents picking-up/dropping-off children at the start and end of the school day. A potential downside of the pedestrian/cycle link discussed above is owing to the fact it is closer to East Leak village centre, parents may be tempted to utilise Sheepwash Way as a pick-up/drop-off area rather than the purpose-built road within the Rempstone Road development. Whilst this has always been anticipated to a certain extent, (in fact prior to the Rempstone site being granted permission Sheepwash Way would have served as the primary vehicular access point to the school) that Sheepwash Way is a residential cul-de-sac makes this less than ideal.*



54. *Should parents decide to use the turning area at the end of the road as an informal parking area, it may result in considerable disruption to residents and other road users. The Highway Authority would wish to discourage this as much as possible. Locating the pedestrian entrance to the school as far as possible from Sheepwash Way should help to alleviate the above issue by making it less convenient to park on Sheepwash Way, than the Rempstone Road development. Nonetheless we would recommend conditioning the requirement to provide double yellow lines around the turning head on Sheepwash Way prior to occupation of the school in order prevent errant parking in an area of the Highway which is required for turning.*
55. *Previous experience with new school sites shows it is often difficult to predict how parents will park until the facility is fully operational and travel patterns are fully established. This applies even more so on this site as the surrounding housing and roads on wider development are yet to be fully completed. It is considered prudent to secure a suitable condition requiring on-street parking to be monitored post-opening and a suitable scheme to be introduced to remedy errant parking should it be required.*
56. *The fact the school is being developed in two phases means that the full picture with regard to errant parking will not become apparent until Phase 2 is complete. However, should parking problems occur we would not wish to wait until the second phase is complete before looking at this to be remedied. It is recommended that a condition is applied to individual phases rather than the development as a whole.*
57. *For clarity the applicant should be aware that any scheme to resolve parking issues may not be solely limited to lining but may also require the introduction of bollards and other physical measures, due the presence of a grassed verge between the carriageway and footway on the Rempstone Road Development in close proximity to the school.*
58. *The spine road on the Rempstone Road development will take the form of a loop. Once the housing and associated roads on the development are completed, it is not considered that permanent turning areas will be required adjacent to the school on either road. However, as identified above these roads are yet to be fully completed hence depending on the timescales for completion there may be an interim period where temporary turning provision may be required. This is something the Highway Authority would wish to see secured through an appropriately worded condition.*
59. **Via Countryside Access** – No objection. *The section of public footpath East Leake FP5 between the David Wilson estate loop road and Sheepwash Way, should be subject of a Conversion Order under the Cycle Tracks Act 1984, which will provide for the lit, 3m wide sealed surface track, suitable for purpose and as approved by Rushcliffe Borough Council.*
60. *The concern of The Ramblers (Paragraph 63) that this will offer less protection than footpath status is not shared, as it will receive adopted highway standard maintenance.*

61. *The available width of public footpath East Leake FP5 is recorded at 1m. Landowner control to facilitate the upgrade to 3m width will be required. The 90° westerly turn at the juncture of the public footpath and the path from Sheepwash Way can be accommodated within the design to provide safe passage for cycling and the walking public.*
62. *The affected section of public footpath East Leake FP5 may require a Temporary Restriction Order during the construction phase for public safety reasons, and that a permissive temporary diversion may not be available. This closure can be applied for by the developer through NCC Countryside Access.*
63. **Nottinghamshire Ramblers** – *Public footpath East Leake FP5 will be retained and enhanced, and there will be a shared pedestrian and cycle path on the route of this public footpath. However, the status of the route has not been made clear in the plans, and there is concern that there may be a proposed change to a designated cycle route, which will remove it from the Definitive/OS Maps and provide it with less protection. The Ramblers preference would be for the path to be given bridleway status.*
64. **Environment Agency** – *No objection. A very small portion of the site lies within Flood Zones 2 and 3. However all built development will be located within Flood Zone 1. The area shown to be located within Flood Zones 2 and 3 consists of an existing tree line and site plans show this will remain unchanged.*
65. **NCC Flood Risk** – *No objection subject to a condition requiring details of a surface water drainage scheme based on the submitted Flood Risk Assessment, evidencing how on-site surface water drainage systems are to be maintained and managed.*
66. **NCC Archaeology** – *No archaeology issues.*
67. **NCC Nature Conservation** – *Further surveys for great crested newt [now undertaken] and reptiles are recommended in the Preliminary Ecological Appraisal. The Sheepwash Brook and trees along the watercourse and eastern boundary with bat potential, need to be protected during construction works. Lighting will need to be sensitive to the presence of bats. Precautionary methods will need to be employed to stop mammals being trapped during construction. Site clearance should be controlled if carried out in the bird nesting season. New habitat should be provided including wildflower grassland, enhanced hedgerow and woodland, in addition to bat/bird boxes.*
68. **Sport England** – *No objection. The location is considered to be generally satisfactory. Advice is provided on matters to be considered in the detailed design related to sports provision.*
69. **Via Landscape** – *No objection. Some trees would need to be removed to enable construction of a new path between the school site and the proposed playing fields to the north. Provided that appropriate native planting and habitat creation are done as mitigation to achieve biodiversity net gain, the*

*long-term impact on the physical landscape could be categorised as slight beneficial.*

70. *The ecological survey recommends that the proposed path should be diverted to use the public footpath to the west and so avoid removal of trees with bat roost potential. If this is not possible, a tree survey should be carried out on the trees affected to ensure that the trees to be retained are protected. An arboricultural report should be provided which includes a survey of the trees to be affected, a plan showing trees to be removed and the tree root zones of the trees to be retained, impact on retained trees and mitigation recommended (e.g. no dig method of construction for the path).*
71. *Trees to be retained and the mature hedgerow to the north and east of the site should be protected during construction to BS 3857:2012 – Trees in Relation to Design, Demolition and Construction. An arboricultural method statement should be provided to ensure protection of the trees during felling and construction works.*
72. *Recent woodland planting on the grassed area to the west of the public footpath East Leake FP5 will screen the playing field from properties on Sheepwash Way as it matures. The existing mature hedgerow which runs west to east from the end of Sheepwash Way to the woodland block will help to screen and reduce the visual impact of the building with an assessed slight adverse/negligible landscape impact following construction.*
73. *Future residents to the south of the school building on the David Wilson Homes development will have clear views of the school entrance, security fencing, building, playground and car park. The visual impact of the school should be reduced by planting a hedge with occasional trees along the southern and western boundaries of the site. As well as reducing visual impact this will create a wildlife corridor linking existing hedgerow to the woodland at the centre of the site.*
74. *Trees planting should be largely native species and hedging should be native species in line with those recommended in the NW02 East Leake Rolling Farmland – Nottinghamshire Wolds character area designated in the Greater Nottinghamshire Landscape Character Assessment 2009 (except for Fraxinus excelsior due to Ash die back).*
75. **Via Noise** – No objection subject to conditions. *The noise environment will be suitable for a new school development and noise impacts resulting from the development can be mitigated through standard mitigation measures to avoid any significant adverse impact to nearby noise sensitive receptors.*
76. *The detailed planning submission should be supported by an acoustic design report to include construction details and a ventilation strategy meeting the requirements of BB93: Acoustic Design of Schools: Performance Standards 2015. In addition, the noise assessment should clarify and address: potential construction noise; the noise impact of building fixed plant; the multi-use games area construction, boundary fencing, hours of use and use outside school hours; and potential noise impacts from external activities.*

77. **Via Land Reclamation, Severn Trent Water Limited, Western Power Distribution and Cadent (Gas)** - No response received.

## **Publicity**

78. The application has been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
79. Representations have been received from eight residents of Sheepwash Way (5), Cinnabar Way (1), Peacock Gardens (1) and Windmill Crescent (1). Windmill Crescent is within East Leake but not in close proximity to the proposed school site. One resident supports the proposal while four support the provision of a school but also raise objections.
80. Those supporting the application raise the following matters:
- a) The school is needed.
  - b) Approve of the access path between Sheepwash Way and the new school which will help to connect the Persimmon Homes development and give children safe access to get to school.
  - c) A safe route to school will reduce traffic.

Seven of the representations raise objections:

### **Traffic**

- d) Increase in traffic/inadequate capacity on Sheepwash Way (4). The roundabout entrance is already dangerous. The entrance to Sheepwash Way is too narrow.
- e) Use of Sheepwash Way for drop-off/pick-up (3).
- f) Traffic Regulation Order/double yellow lines to control parking on Sheepwash Way.
- g) Obstruction of driveways by inconsiderate parking. Signage to identify a private drive – access for residents only off Sheepwash Way.
- h) Danger to residents (2).
- i) Existing problem with parked cars. Increased risk of damage to parked vehicles.
- j) Excluding cars from Sheepwash Way would be acceptable but cannot be enforced.

- k) There should be an alternative entrance to Sheepwash Way. An alternative path could be provided from Main Street.
- l) Objection to the footpath from Sheepwash Way.

#### Amenity

- m) Disruption to residents – particularly home workers – from traffic, footfall and school noise (2).
- n) Impact on street-play by children.
- o) Residents pay for estate grounds maintenance (2). Increased public use will lead to litter and damage.
- p) All public spaces should be adopted by the Council.
- q) Development leading to loss of space to walk, ecology impacts (2).
- r) Habitat should be retained around the edge of sports pitches.
- s) Impact of lighting on ecology. Artificial lighting on the path should be angled away from property and all lighting switched off when not in use.
- t) Security fencing should be sympathetic to the rural location and not lit.

#### Other matters

- u) The school is not large enough for development being built.
  - v) Advised by Persimmon Homes the area for pitches would be open space and undeveloped.
  - w) Too much/prolonged development in East Leake.
  - x) Funding for a community access defibrillator.
  - y) Loss of value.
81. Councillor Matt Barney and Councillor Reg Adair have been notified of the application.
82. The issues raised are considered in the Observations Section of this report.

## Observations

83. Two adjoining residential estate developments each have a requirement to provide land for the erection of a school. This application seeks to establish the principle of erecting a school on the identified site. The application is expressed in outline with the exception of the points of vehicular and pedestrian access, both of which require additional design detail. A grant of outline planning permission will trigger the transfer of land to the County Council, as set out in the s106 Agreements of the residential outline permissions.

### Distribution of School Elements

84. In determining this application consideration needs to be given to whether the scale of proposed development can be accommodated on the site. The application proposes a 2-form entry school in two phases and the illustrative layout supporting the application indicates the distribution of the different elements of a school across the site. Schools are designed to comply with guidance in Building Bulletin 103 which sets out Government area guidelines for mainstream schools. It is considered that the key elements for a school – the building, service areas in proximity to the kitchens and school hall, the car park, outdoor hard play areas, informal grassed areas and formal sports pitches – can be satisfactorily accommodated.
85. The school building can be accommodated on the higher part of the site accessed from the loop road serving the David Wilson Homes development. The two-storey building, with a proposed maximum height of 12m, would be of an appropriate scale in the context of the location, other than towards the western boundary and should be able to be satisfactorily sited without giving rise to an overbearing impact. The likely height of the building in proximity to the public footpath and housing development to the west has been discussed with the applicant. It is considered that a building span not exceeding 24m could satisfactorily accommodate a classroom either side of a central school corridor. The west elevation will require articulation and probably tree planting to break-up its visual mass. A maximum design height of 8.5m within 12m of the west of the public footpath (21.3m from the closest future dwelling) is recommended (Condition 6j). It is considered that a building within those parameters would not have an unacceptable impact on the planned development to the west in terms of scale and massing. First floor windows in the gable of the indicative Phase 2 extension could potentially impact housing development to the west overlooking neighbouring property (RBC 20/00888/FUL - yet to be built). The applicant has indicated that a satisfactory design can be achieved without the need for windows in the west elevation and this matter will need to be given careful consideration in determining an application for the approval of reserved matters. Housebuilder layouts can change and potential unacceptable threat to privacy can be considered in the detailed design. The traffic and highway impact of the scale of proposed development also needs to be considered.



## Highways/Traffic – David Wilson Homes Development

86. The table below (Figure 3) shows the anticipated growth of the school. Other than in exceptional circumstances when additional pupils could be admitted, the table reflects the cap on pupil places in successive years.

		Pupil numbers	Total AM car trips	Sheepwash Way 48%	via Rempstone Road 52%
First opening 15 across all years except Reception (30) then PAN 30	2022-23	120	44	21	23
	2023-24	135	50	24	26
	2024-25	150	55	26	29
	2025-26	165	61	29	32
	2026-27	180	66	32	34
	2027-28	195	72	35	37
	2028-29	210	77	37	40
Assuming Phase 2 PAN 30	2029-30	240	88	42	46
	2034-35	420	152	73	79

Figure 3

87. The location of the school has been known, having formed part of the housing application, and the residential estate road has been designed accordingly. For those parents travelling directly to the school by car a frontage to the estate loop road will allow vehicles to arrive and leave in a forward gear without needing to carry out a three-point-turn manoeuvre. It is considered that parent highway parking would not be detrimental to highway safety and the amenity impacts of cars waiting while dropping off or collecting children are short-lived. Rushcliffe Borough Council has advised that consideration is given to the provision of a dedicated vehicular drop-off/pick-up zone outside of the school, including provision for buses/coaches. This matter has been discussed with NCC Highways Development Control who advise that the 6.75m road width is appropriate outside a school so as to allow the passage of vehicles. School buses and coaches are likely to visit the school infrequently and outside of peak travel times. Similarly, it is suggested in the representation by East Leake Parish Council that a lay-by should be provided for school parking, but is not considered to be required to address a highway safety issue. Furthermore, the provision of facilities that make travel by car more attractive than non-car-based journeys is not considered to be sustainable. A school zone would be required which would comprise school Keep Clear markings, pedestrian guardrail where the school access path emerges onto the highway and advance signage. It is recommended that details of a school zone are submitted as a reserved matter (Condition18). A Traffic Regulation Order would be the subject of separate process and public consultation. With reference to the representation reported at Paragraph 37g), 'School Keep Clear' markings are provided in accordance with regulations. The road in front of David Wilson Homes Plots 266-273 is to be constructed as a private drive and would not be subject of a Traffic Regulation Order. Occupiers would be able to exercise private property rights to control errant parking.

### Staff/Visitor Parking

88. East Leake Parish Council draws attention to the adequacy of the school car park. As an outline application, permission is not being sought for the layout shown on the illustrative layout. Notwithstanding the proposed car parking provision in the Transport Statement, and with regards to the response from NCC Highways Development Control it is considered that a minimum of 22 carparking spaces (including 1 disability parking space) should be provided for the 210 place Primary school and nursery (Phase 1) (Condition 25), increasing to 32 spaces when the school expands to a 420 school places (Condition 43). The topography of the site is such that earth moving may be required to provide plateaux suitable for the school building and car park. A split-level car park may allow a future expansion of the car park to be more easily provided, but that detail will come forward in a reserved matters application. A minimum of one electric vehicle charging point should be provided in Phase 1 with ducting provided to all car parking spaces to facilitate future additional provision in accordance with NPPF Paragraph 110e) (Condition 24). This would increase to two electric vehicle charging points in Phase 2 (Condition 43).

### Cycling

89. A minimum of 20 covered cycle spaces should be provided for staff, visitors and children for a 1-form entry school, with 40 provided when the school expands to 2-forms of entry (Condition 42). Provision should be made in secure locations within the site where cycle parking will benefit from passive surveillance. The need for additional cycle provision can be assessed though regular review of the school Travel Plan (Condition 28 and Condition 44).

### Non-Car Access

90. Although the school would serve the East Leake Pupil Place Planning Area, it would provide school places for children in the Permission Homes and David Wilson Homes developments. Combined, the two developments totalling 642 dwellings (including a further permission for 83 dwellings - RBC 19/00323) is anticipated to generate demand for 135 Primary pupil places, the majority of which would be in easy walking distance of the school.
91. The location of the school pedestrian access gate directly adjoining the public footpath would segregate the school pedestrian and vehicular access points and is considered to be appropriate. The provision of a parent assembly area outside the pedestrian entrance gate so as to not impede use of the path (Paragraph 37f)) is a matter to be considered in the detailed design. In encouraging non-car based travel to school it is important that provision is made for both pedestrians and cyclists. Cycling is not permitted on a public footpath. Provision of a cycle route immediately adjacent to the school would provide good connectivity, delivering the development envisaged in the grant of the David Wilson Homes permission and offer a good quality opportunity to travel to school other than by car. This application proposes that a length of public footpath East Leake FP5 is upgraded to accommodate cycling (Plan 5),

provided by widening the existing 1m route to the east, and will require an order to be made under the Cycle Tracks Act 1984 (Note 1). When carrying out works on the public footpath either a temporary closure or diversion Order will be required (Note 2).

92. The David Wilson Homes permission granted by Rushcliffe Borough Council (RBC 20/02300/REM) includes the provision of a non-bound surface of the public footpath East Leake FP5 along the school's western boundary which will need to be upgraded to a bound surface between the loop road to be formed within the David Wilson Homes development site and the path linking to Sheepwash Way approved by Rushcliffe Borough Council permission RBC 20/00887/DISCON.
93. The grant of planning permission for the David Wilson Homes development also requires the provision of a path for pedestrian and cyclists between the end of Sheepwash Way and public footpath East Leake FP5. The detail of the lit path in terms of its location, width and construction has already been approved by Rushcliffe Borough Council (RBC 20/00887/DISCON). The approved surface is 'Breedon gravel or similar'. However, this is not considered to be a suitable surface for a path that is expected to be used frequently and intensively as a route to a school. The path as approved will need a bound surface in order to be suitably robust. The finished surface in terms of its appearance should be in character with its setting on the rural fringe and is the subject of recommended Condition 21a). A resin bonded granular finish would be appropriate.

#### Traffic – Sheepwash Way

94. Drop-off and pick-up at the school gate is likely to be popular with parents as part of a daily work commute. Although vehicular access to the school itself would be gained from Rempstone Road, having regard to the location of the school within the village, Sheepwash Way and other roads within the Persimmon Homes development are likely to be popular for drop-off and pick-up for journeys originating within and returning to East Leake. The supporting Transport Statement estimates that 48% of school related car journeys by parents will be to the Persimmon development. The greater distance to be walked from Sheepwash Way to the school gate is likely to lead to vehicles being parked for slightly longer periods and it is considered less likely that cars will be left parked in locations that may obstruct access, such as parking across driveways. The amenity impacts of parked vehicles will be short lived during term-time and limited to the beginning and end of the school day in term time.
95. Although the Transport Statement identifies a significant amount of traffic being attracted to the Persimmon Homes development, there is a finite capacity for on-street parking. The convenience or otherwise of on-street parking will influence parent behaviour when choosing where to park, and uncertainty over the availability of parking may cause a modal shift with more children walking to school. Notwithstanding the Transport Statement supporting the application not identifying a highway issue, as advised in the Highways Development Control consultation response (Paragraphs 54-55) the turning area at the end of Sheepwash Way will need to be protected through double yellow lines and

additional measures may be required to regulate parking on the highway (Condition 18). A Traffic Regulation Order will be subject to a separate procedure including public consultation. With reference to the advice note from Rushcliffe Borough Council (Paragraph 37b)), objections received will be considered when making a Traffic Regulation Order with regard to impact on safety and amenity. Having regard to the wider site planning history which has identified the location of a school site, it is considered that there is a reasonable prospect of a Traffic Regulation Order to regulate errant parking being successful.

96. With a finite on-street parking capacity, an expansion of the school in Phase 2 would not worsen parking around the Sheepwash Way turning head, but is likely to push parking issues further afield on the highway network. It is recommended that an expansion of the school should not take place before traffic and amenity impacts have been assessed (Condition 32).
97. When considering the highway impact of traffic associated with the school it was material that the grant of planning permission for the Persimmon Homes residential development included and identified the site for a school which could reasonably only have been accessed from Sheepwash Way. Residents of the Persimmon Homes development will be affected less by a school accessed from Rempstone Road, compared with a school accessed through the Persimmon Homes development envisaged in the original grant of planning permission.

#### Phase 2 - Traffic

98. The estimation of traffic in Figure 3 assumes that there will not be a modal change in travel to school over time, and that the percentage split between Sheepwash Way and via Rempstone Road remains consistent. With a planned opening date of September 2022 the school would reach its 1-form (210 pupil) capacity in the school year 2028-29. Based on the same traffic assumptions, the table at Figure 3 shows the likely impact of school traffic on Sheepwash Way and via Rempstone Road when the school reaches its 420 pupil capacity in 2034-35. Whilst it is considered that traffic accessing the site from Rempstone Road associated with a 420 place school would not give rise to a highway safety issue there is concern that a doubling of traffic using the Sheepwash Way cul-de-sac to an estimated 73 morning-peak trips could give rise to highway issues. Sheepwash Way has a finite capacity although there are alternative less convenient points on the highway network within the Persimmon Homes development that could be used to access the path leading to the school (Peacock Gardens and Ringlet Drive) which may dilute the highway impact.
99. Although it is considered that the school site can physically accommodate a 420 place school, the traffic impacts associated with an expansion of the school at a future date should be further assessed with the benefit of the Phase 1 210 place school in operation. Conditions are recommended that a post-occupation traffic survey is undertaken shortly after opening and measures implemented (Condition 27) and that the Phase 2 expansion should not commence until such time as a transport assessment has been carried out, the school travel plan has

been updated and that any necessary highway mitigation works can be carried out to satisfactorily address any traffic issues identified (Condition 32).

100. Other than the principle of development and the location of the points of vehicular access, all other details are to be addressed in a Reserved Matters application. There are design matters that Rushcliffe Borough Council request are given further consideration and are drawn to the attention of the applicant through recommended Note 3.

#### Construction and Occupation

101. Both of the s106 Agreements for the Persimmon Homes and David Wilson Homes developments include provision to allow construction access of the school. Details of construction access is a matter reserved by Condition 10.
102. Delivery of the school to an anticipated opening date of September 2022 will rely on several factors. The road within the David Wilson Homes site and pedestrian/cycle links will need to have been constructed to a suitable standard to allow safe access to the school. There is a risk that on an unadopted new residential estate road, traffic associated with the operation of the school could lead to conflict with housebuilder construction traffic. The applicant will need to ensure that service traffic, staff, visitors and parents travelling by car will have unencumbered access to the school in order to satisfy Condition 22. In addition, the path along public footpath East Leake FP5 and link to Sheepwash Way will need to have been constructed to a suitable standard and be safe for use by both pedestrians and cyclists.

#### Landscape and Ecology

103. A notable feature of the site is the tree plantation which runs east-west across the site close to the toe of a bank on the David Wilson Homes site. The trees are planted in a regular layout and suitable paths can be provided through the woodland, with minimal loss of trees to provide connectivity between the school buildings and the playing field with multi-use games area. Any tree removal and works affecting trees will need to be carried out in accordance with an approved method statement (Condition 7). The reptile surveys recommended in the preliminary Ecological Appraisal will need to be carried out prior to the commencement of development (Condition 9). Peripheral vegetation around the playing field can be retained and there should be no alterations to ground levels adjacent to the watercourse that may alter the Flood Zone unless expressly authorised (Condition 6). Lighting of the multi-use games area is not proposed in this application and would require a separate grant of planning permission. Whilst a requirement for development to meet biodiversity net gain targets has not yet been introduced as a planning requirement, achieving biodiversity net gain is a sustainable objective. With reference to the recommended condition by Rushcliffe Borough Council for a Biodiversity Gain Plan, ecological impacts of the development can be mitigated in the design to be submitted in the reserved matters application to safeguard retained habitats, create new habitat and



achieve ecological enhancement of the wider site (Condition 6 l)). A landscape scheme will be required for the development (Condition 19).

104. The site would be enclosed by perimeter security fencing, with the design detail reserved by condition (Condition 11).
105. The need for detailed noise mitigation measures can be considered in a Reserved Matters application once the detailed design has been prepared. Details to be considered relate to acoustic design of the building in the context of the building ventilation strategy; noise impact of building fixed plant; the location of areas of more intensively used areas of outdoor play (multi-use activity area and hard play areas), boundary fencing; and potential construction noise (Condition 8d)).

#### Other Matters

106. With regards to the representation related to the provision of a defibrillator (Paragraph 80x)), reference is made to sustainable development including the improvement of the conditions in which people live and work and that planning should support local community strategies to improve health and wellbeing for all, and deliver sufficient community facilities and services to meet local needs. Whilst there is merit in the provision of a defibrillator that could be accessible to the local community, to require provision as a condition of planning permission for which development would otherwise be refused, it would need to meet the tests for planning conditions, namely: necessity; relevance to planning; relevance to the development to be permitted; enforceability; precision; and being reasonable in all other respects. It is not considered that the tests are met in respect of the proposed school although the applicant may wish to consider provision or offer a location for the siting of a defibrillator.
107. Loss of property value is not a matter material to the determination of a planning application.

#### **Other Options Considered**

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

#### **Statutory and Policy Implications**

109. 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

110. The school site would be enclosed by perimeter security fencing.

#### Data Protection and Information Governance

111. 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

112. The proposed development will require off-site works on the future adopted highway. The applicant would be expected to cover all reasonable legal costs incurred by the County, although these costs may also be met by housebuilders under their obligations under planning permissions granted by Rushcliffe Borough Council.

#### Human Rights Implications

113. 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 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to vehicle movements associated with the proposed development. The proposals have the potential to introduce amenity impacts upon neighbouring residents arising from frequent comings and goings. However, these potential impacts need to be balanced against the wider benefits the proposals would provide through the provision of school places. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

#### Public Sector Equality Duty Implications

114. Suitable provision for disability access is to be provided, secured through recommended planning conditions.

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

115. The school site would be enclosed by perimeter fencing.

### Implications for Sustainability and the Environment

- 116. The proposed development would provide school places for children living in the locality supporting the sustainability of the community.
- 117. There are no Human Resources or implications for Service Users.

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

- 118. In determining this application, the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies; the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The County Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application. Issues of concern have been raised with the applicant, such as impacts of traffic and have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework

### **RECOMMENDATIONS**

- 119. It is RECOMMENDED that outline 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. Members need to consider the issues set out in the report and resolve accordingly.

**ADRIAN SMITH**

**Corporate Director – 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.

[RHC 15/6/2021]

## **Financial Comments**

The financial implications are set out in Paragraph 112 of the report.

The proposed development will require off-site works on the future adopted highway. The applicant would be expected to cover all reasonable legal costs incurred by the County, although these costs may also be met by housebuilders under their obligations under planning permissions granted by Rushcliffe Borough Council.

[SES 16/06/2021]

## **Background Papers Available for Inspection**

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

## **Electoral Division and Members Affected**

Leake & Ruddington 2	Councillor Matt Barney
Leake & Ruddington 1	Councillor Reg Adair

Report Author/Case Officer

David Marsh

0115 9932574

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

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## RECOMMENDED PLANNING CONDITIONS

1. Application for approval of reserved matters must be made not later than three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved.

*Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.*

2. Unless otherwise previously agreed in writing by the County Planning Authority (CPA) or where required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the documents supporting the application (as amended), including the recommendations of submitted reports, and the following plans:

- a) Location Plan (Drawing P229308-ARC-ZZ-XX-DR-A-00001 Rev P02) received by the CPA on 8 March 2021.

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

3. The development hereby permitted shall only be carried out in accordance with the following items and the development shall not be commenced until their detailed design has been submitted to and approved in writing by the CPA:

- a) The point of vehicular access to the school site shown on Illustrative Proposed Site Plan P229308-ARC-ZZ-XX-DR-A-00003 Rev P02 received by the CPA on 8 March 2021;
- b) The point of pedestrian access to the school site shown on Illustrative Proposed Site Plan P229308-ARC-ZZ-XX-DR-A-00003 Rev P02 received by the CPA on 8 March 2021;
- c) The point of maintenance access to the school site shown on Illustrative Proposed Site Plan P229308-ARC-ZZ-XX-DR-A-00003 Rev P02 received by the CPA on 8 March 2021; and
- d) The route for pedestrians and cycles between Sheepwash Way and the loop road of the David Wilson Homes development via public footpath East Leake FP5 shown on Illustrative Proposed Site Plan P229308-ARC-ZZ-XX-DR-A-00003 Rev P02 received by the CPA on 8 March 2021.

Development and shall be carried out in accordance with the approved details.

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

4. Details of the (Phase 1);

- a) siting and layout;
- b) design and appearance; and
- c) landscaping

of the 210 place Primary school plus 26-place nursery, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the CPA before the commencement of development and shall be carried out in accordance with the approved details.

*Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990.*

5. The County Planning Authority shall be notified in writing of the date of commencement 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.*

Phase 1

6. Prior to the commencement of development, plans showing:

- a) existing site levels;
- b) proposed site levels (compared to existing) including finished levels and falls across all hard-surfaced areas of the proposed development;
- c) detailed existing and proposed changes of level in Flood Zones 2 and 3 within the site;
- d) proposed site layout including:
  - i) the relationship to any adjacent built or approved development;
  - ii) ambulant disability compliant access to all external areas of the site;
  - iii) a layout making provision for a minimum of 22 car parking spaces (including 1 disability parking space, 1 electric vehicle charging point and all other parking spaces provided with ducting to facilitate future additional electric vehicle charging points) with appropriate space to allow all vehicles to enter and leave the site in a forward gear;
  - iv) segregation to prevent parents having uncontrolled pedestrian access to the school entrance through the car park;

- v) a minimum of 20 covered cycle spaces (Phase 1);
- e) existing and proposed levels at the boundary of the site related to adjacent existing, built or approved levels as appropriate;
- f) foul water drainage;
- g) surface water drainage employing sustainable drainage based on principles set out in the approved Flood Risk Assessment, including supporting drainage calculations;
  - i) demonstrating that the development will not result in increased flooding on the site and elsewhere; and
  - ii) providing satisfactory evidence of how the surface water drainage system will be maintained and managed;
- h) the finished floor levels of any buildings;
- i) floor plans, elevations (including roof plan) and sections of the school building (Phase 1);
- j) a two-storey building design that does not exceed:
  - i) 12m in height; other than
  - ii) within 20m of the western side of public footpath East Leake FP5:
    - a) a west elevation greater than 24m in length; and
    - b) a building height greater than 10m;
  - iii) within 12m of the western side of public footpath East Leake FP5:
    - a) a west elevation greater than 24m in length; and
    - b) a building height greater than 8.5m.
- k) proposed ecological mitigation including features to be integrated in the structure of the school building (unless otherwise first agreed by the CPA in writing) and on the site;
- l) an ecological enhancement plan for the wider site setting out the areas of habitat to be retained, enhanced and created;

shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

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

7. Tree, shrub, scrub or other vegetation clearance works that are to be carried out between the months of March to August inclusive in Phase 1 of the development shall only be undertaken in accordance with a methodology which shall first be submitted to and approved in writing by the CPA. Works to be carried out in accordance with the approved methodology shall only be undertaken following inspection by a suitably qualified ecologist and written

confirmation from the ecologist first being submitted to the CPA that breeding birds would not be adversely impacted by the proposed clearance works.

*Reason: To avoid disturbance to birds during the breeding season.*

8. During Phase 1 of development, unless in the event of an emergency, or as otherwise may be previously agreed in writing with the CPA;
- a) no construction deliveries or work shall take place on Sundays, Public or Bank Holidays;
  - b) no construction deliveries to site shall take place on any day other than between 07:30–18:00 hours Monday to Friday and 07:30– 13:00 hours on Saturday;
  - c) no construction work shall be carried out or plant operated except between 07:30–18:00 hours Monday to Friday and 07:30–13:00 hours on Saturday;
  - d) noise generated by construction activities on the site shall not exceed 65dB ( $L_{Aeq, 1hr}$ ) measured at a distance of 3.5m from the nearest façade of a property.

*Reason: To safeguard the amenity of nearby residents and in the interests of highway and pedestrian safety.*

9. Prior to the commencement of development, the result of reptile surveys recommended in the Preliminary Ecological Appraisal shall be submitted to and approved in writing by the CPA. Any approved methodology or recommendations for mitigation works shall be incorporated in the proposed development. Development shall be carried out in accordance with the approved details.

*Reason: To safeguard the ecology of the site.*

10. Prior to the commencement of Phase 1 of development, details of the method of working during the construction phase, in the form of an environmental management plan, to include:
- i) lorry routeing for construction traffic from the principal highway network;
  - ii) details of the location and layout of the construction access;
  - iii) measures to prevent the deposit of debris on the public highway;
  - iv) measures for the control of noise, vibration and dust emissions to minimise noise impacts of construction to the lowest practicable levels (including mitigation measures in the event of a complaint);
  - v) a scheme for the recycling/disposal of surplus soils and waste resulting from construction and validation of an absence of contaminants in imported soils;

- vi) protection of the bank of Sheepwash Brook during construction;
- vii) safeguarding of trees T1-8 identified in the Preliminary Ecological Appraisal during construction; and
- viii) measures to safeguard risk to mammals during the period of construction;

shall be submitted to and approved in writing by the CPA. All construction shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the CPA.

*Reason: In the interest of highway safety, to protect the amenities at present enjoyed by the occupiers of nearby properties, and in the interest of safeguarding ecology.*

11. Prior to being constructed/erected design details of the:

- a) approved vehicular access, to an adoptable standard;
- b) sprinkler tank and pump house (including enclosure);
- c) covered cycle spaces;
- d) perimeter security fencing;

shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details and provided before the school is first brought in to use.

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

12. No trees on the school site shall be removed unless otherwise expressly granted through the approval of reserved matters. Where impacted by the approved development, retained trees shall be safeguarded during the period of construction in accordance with a method statement for construction that shall first be submitted to and approved by the CPA in writing. Development shall be carried out in accordance with the approved details.

*Reason: To safeguard the health of trees on the site.*

13. Prior to the commencement of main site works:

- a) A methodology for an intrusive site investigation to confirm the presence/absence of contaminated material shall be submitted to and approved in writing by the CPA.
- b) Should the intrusive investigation carried out pursuant to the scheme approved in compliance with 12 a) identify the presence of contaminated material, a remediation strategy to remove the contaminated material shall be submitted to and approved in writing by the CPA. Works shall be carried out in compliance with the approved details.



- c) Following the completion of any works of remediation carried out in accordance with the details approved in compliance with 12 b), a validation report to confirm that contamination encountered has been satisfactorily remediated shall be submitted to the CPA. Works shall not commence until the validation report has been approved in writing by the CPA unless expressly first authorised by the CPA.

*Reason: Details are required to be submitted prior to the commencement of development to provide an appropriate methodology that will ensure that risks of site contamination are properly identified and addressed.*

14. If during Phase 1 of development, contamination not previously identified is found to be present, no further works shall be carried out in the area identified, unless first agreed in writing by the CPA, until a remediation strategy to deal with unsuspected contamination (including validation that contamination has been satisfactorily remediated) has been submitted to and approved in writing by the CPA. Works shall be carried out in accordance with the approved details.

*Reason: To provide an appropriate methodology that will ensure that risks of site contamination are properly identified and addressed.*

15. The CPA shall be notified in writing within 7 days of the date of the completion of the development. Within two months of the completion of development, a validation report to confirm the absence of contaminants notified to the CPA in compliance with Condition 14 shall be submitted to and approved in writing by the CPA.

*Reason: To ensure that the site is left in a satisfactory condition and does not pose a risk to human health and the environment.*

16. Prior to their use on site, samples of all proposed facing materials and finishes, including paving, in Phase 1 shall be submitted to and approved by the CPA in writing. The development shall be carried out in accordance with the approved details, other than with the prior written consent of the CPA.

*Reason: In the interest of visual amenity.*

17. Prior to external lighting being installed on the school site in Phase 1 of the development, the location and design details of external light fittings, and a lighting scheme demonstrating compliance with Institute of Lighting Professionals Guidance for the Reduction of Obtrusive Light – Zone E2 and designed in consultation with an ecologist with regard to the presence of bats, shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: In the interests of visual amenity, and to control the potential impact of external lighting on bats in order to ensure the favourable conservation status of a protected species.*

18. Within six months of the commencement of development details of a School Zone incorporating off-site highway works (pedestrian guardrail, markings, associated signage and other measures as appropriate) within the vicinity of the school vehicular and pedestrian entrance within the David Wilson Homes site and Sheepwash Way shall be submitted to and approved in writing by the CPA.

*Reason: In the interest of highway safety.*

19. Within 6 months of the commencement of Phase 1 of Development a scheme, including a programme for the provision of landscaping to include:
- a) species, locations, planting size and planting density;
  - b) an area of wildflower grassland, enhanced woodland and hedgerow to accord with the ecological enhancement plan required in compliance with Condition 6 I);
  - c) establishment methods (including tree pit detail); and
  - d) a schedule of maintenance including a Landscape Management Plan to guide ongoing management of created and retained habitats (including relaxed summer mowing regime of the wildflower grassland)

shall be submitted to and approved in writing by the CPA. Other than as may be agreed in the programme for the provision of landscaping and planting, the approved landscaping and planting scheme shall be completed not later than the first planting season following the Phase 1 development first being brought into use. Any tree, plant, shrub or grass seeding that fails to become established within 5 years of the completion of the approved planting and landscaping scheme shall be replaced to the satisfaction of the CPA.

*Reason: In the interest of visual amenity.*

20. Within 6 months of the commencement of Phase 1 of Development:
- a) the construction specification for hard play areas incorporating a consistent gradient across the area and porous surfacing in areas with court markings; and
  - b) a grid of finished levels/contours of areas of hard play

shall be submitted to and approved in writing by the CPA.

Grass pitches shall be constructed in accordance with Sport England design guidance *Natural Turf for Sport* <https://www.sportengland.org/media/4564/natural-turf-for-sport.pdf> Pitch Type 4.

Areas of hard play and sports pitches shall be provided in accordance with the approved details prior to the development first being brought into use or in accordance with a timetable that shall first be agreed in writing with the CPA.

*Reason: To ensure the provision of pitch and outdoor facilities to a standard fit for purpose.*

21. Within 6 months of the commencement of development details of the:

- a) design of the 3m wide path, also incorporating a parent assembly area outside the school gate, to be lit (designed with regard to the presence of bats), surfaced with a bound material and marked as appropriate to accommodate use by pedestrians and cyclists between the carriageway of the David Wilson Homes loop road and Sheepwash Way (via public footpath East Leake FP5); and
- b) future maintenance of the path linking the carriageway of the David Wilson Homes loop road and Sheepwash Way (via public footpath East Leake FP5)

shall:

- i) be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details; and
- ii) shall be provided to an adoptable standard in accordance with the Nottinghamshire Highway Design Guide suitable to provide safe access to the school prior to the school first being brought into use to the written satisfaction of the CPA.

*Reason: In the interest of the safety of pedestrians and cyclists accessing the school.*

#### Prior to Occupation

22. Prior to the approved school first being brought into use:

- a) the loop road of the David Wilson Homes accessed from Rempstone Road (under construction June 2021) passing the school shall be open to through traffic; or
- b) shall be provided with a suitable turning area in proximity to the school to the satisfaction of the CPA; and
- c) prior to the adoption of the highway, any affected land owner gives written confirmation of their consent that the route to the school along through the David Wilson Homes site from Rempstone Road may be used as a means of access to the school by service vehicles, staff, visitors and parents;
- d) both the carriageway and footways between Rempstone Road and the school site have been constructed and surfaced to a standard acceptable to the CPA in consultation with NCC Highways Development Control such that they provide safe and suitable access to the school;

- e) the path between the carriageway of the David Wilson Homes loop road and Sheepwash Way (via public footpath East Leake FP5) has been satisfactorily constructed in compliance with Condition 21 and is available for use by both pedestrians and cyclists;
- f) the School Zone scheme approved in compliance with Condition 18 has been implemented to the written satisfaction of the CPA unless such other timescale has been first agreed in writing by the CPA;
- g) measures shall be implemented to prevent errant parking in the vehicle turning head of Sheepwash Way.

*Reason: To ensure the provision of safe and suitable access to the development in the interest of highway and pedestrian safety.*

23. 20 covered cycle spaces shall be provided prior to the opening of the Phase 1 development.

*Reason: To promote the use of sustainable non-car based travel alternatives and to promote healthy lifestyles.*

24. Prior to the approved development first being brought into use a minimum of one electric vehicle charging point shall be provided within the car park and all car parking spaces shall be provided with ducting to facilitate the future provision of electric vehicle charging.

*Reason: To enable the use of non-carbon based technology in accordance with Paragraph 100e) of the National Planning Policy Framework.*

25. No part of the development shall be first brought into use until the vehicle access, off-street vehicle/cycle/scooter parking, turning, and servicing areas have been constructed, drained through trapped gullies with an overall capacity compatible with the site being drained, surfaced, and marked out in accordance with the approved plans to the satisfaction of the CPA. The vehicle access, vehicle parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.

*Reason: To ensure the timely provision and retention of car parking and service areas in the interest of highway safety.*

26. Prior to the approved development for the 210-place school and nursery (Phase 1) first being brought into use, a methodology for a post-occupation traffic survey shall be submitted to and approved in writing by the CPA.

*Reason: In the interest of highway safety and to promote sustainable travel.*

## Post-Occupation

27. Within 3 months of the approved development for the 210-place school and nursery (Phase 1) first being brought into use, a post-occupation traffic survey (in accordance with the methodology approved in compliance with Condition 26), including recommendations and a timescale for the implementation of recommended measures shall be submitted to and approved in writing by the CPA. Approved measures shall be implemented to the written satisfaction of the CPA in accordance with the agreed timescale.

*Reason: In the interest of highway safety and to minimise the potential highway related implications of the development.*

28. The Head Teacher of the new Primary School, or other suitably authorised person, shall appoint and thereafter continue to employ or engage a Travel Plan Coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives. The Travel Plan Coordinator shall within 3 months of the 210-place school and nursery (Phase 1) first being brought into use provide a completed Primary School Travel Plan aimed at reducing reliance on the private car as the principal means of staff and parent transport to and from the school, including timelines for monitoring, review and implementation, to the written satisfaction of the CPA. The Primary School Travel Plan shall include initiatives to:
- a) promote education relating to sustainable travel and road safety education, in consultation with NCC Road Safety Team;
  - b) raise awareness of the problems car journeys can create;
  - c) reduce travel by vehicle to and from school;
  - d) promote car sharing;
  - e) raise awareness amongst parents of the issues of travel to school;
  - f) manage pupil drop-off and pick-up; and
  - g) manage school related parking for school events outside of normal school hours.

The School Travel Plan shall include:

- h) the scope and a programme for monitoring school related short-term parking on the public highway, and any potential highway safety issues arising;
- i) the scope and a programme for monitoring pedestrian-cyclist movements associated with the school's peak operation times;



- j) a proposal to attain periodic staff-pupil travel pattern behaviours, through origin-destination-post code-multi modal surveys;
- k) modal shift targets; and
- l) demand for, and future provision of, additional covered cycle spaces;

and demonstrate that active engagement has taken place with the local community and civil enforcement officers.

*Reason: In the interest of highway safety and to promote sustainable travel.*

29. Subsequent to the report required by Condition 28, the Travel Plan Coordinator shall submit a report to the CPA within 12 months following the 210-place school and nursery (Phase 1) first being brought into use, and thereafter submit annual reports for a minimum period of 5 years and until the Primary School Travel Plan single occupancy car passenger targets have been met. The annual monitoring reports shall summarise the data collected over the monitoring period (Condition 28h-28l)), evidence that active engagement has taken place with the local community and civil enforcement officers, evidence consultation with NCC Road Safety Team in the promotion of sustainable travel and road safety education, and propose revised initiatives and measures where the Primary School Travel Plan targets are not being met, including implementation dates, to be approved in writing by the CPA.

*Reason: In the interest of highway safety and to promote sustainable travel.*

30. Following the completion of the development, the combined fixed plant noise level shall not exceed the background noise level ( $L_{90}$ ) at any time of the day/night at the nearest boundary of any residential receptor when assessed in accordance with BS4142:2014. In the event of a complaint, which the CPA considers may be justifiable, the applicant shall undertake a noise assessment in accordance with the procedure set out in BS4142:2014 to determine compliance with the background noise level ( $L_{90}$ ). In the event that the noise limit is exceeded, a scheme of noise mitigation shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: To safeguard the amenities enjoyed by the occupiers of nearby residential properties.*

31. Not less than 12 months and no later than 24 months after the school has been brought into use, a post-occupation highway survey shall be carried out to identify any additional 'School Zone' measures that need to be implemented to address damage to the highway arising from use associated with the school, or highway safety issues arising. A report shall:
  - a) be submitted to the CPA within 3 months of the survey;
  - b) include details of measures to mitigate identified impacts; and

- c) propose a timescale for the implementation of mitigation measures.

The mitigation measures, which shall first be approved in writing by the CPA, shall be implemented within an approved timescale.

*Reason: In the interest of highway safety and the amenity of the streetscene.*

## Phase 2

32. The expansion to 420 pupil places (Phase 2) shall not commence until:
- a) a methodology for a base-line traffic survey has been submitted to and approved in writing by the CPA;
  - b) a traffic survey has been undertaken in accordance with methodology approved in compliance with Condition 32a);
  - c) a Transport Statement that demonstrates that the expansion of the school will not give rise to unacceptable highway traffic and amenity impacts, along with:
    - i) any mitigation; and
    - ii) a proposed timescale for the implementation of mitigation measures in advance of the Phase 2 school opening;

has been submitted to and approved by the CPA in writing. Development shall be carried out in accordance with the approved details.

*Reason: In the interest of highway safety and amenity.*

33. Tree, shrub, scrub or other vegetation clearance works that are to be carried out between the months of March to August inclusive in Phase 2 of the development shall only be undertaken in accordance with a methodology which shall be first be submitted to and approved in writing by the CPA. Works to be carried out in accordance with the approved methodology shall only be undertaken following inspection by a suitably qualified ecologist and written confirmation from the ecologist first being submitted to the CPA that breeding birds would not be adversely impacted by the proposed clearance works.

*Reason: To avoid disturbance to birds during the breeding season.*

34. During Phase 2 of development, unless in the event of an emergency, or as otherwise may be previously agreed in writing with the CPA;
- a) no construction deliveries or work shall take place on Sundays, Public or Bank Holidays;
  - b) no construction deliveries to site shall take place on any day other than between 07:30–18:00 hours Monday to Friday and 07:30– 13:00 hours on Saturday;

- c) no construction work shall be carried out or plant operated except between 07:30–18:00 hours Monday to Friday and 07:30–13:00 hours on Saturday;
- d) furthermore, no construction related vehicle movements to and from the school site shall take place;
  - i) 30 minutes before and 15 minutes after the start of the operational school day;
  - ii) 30 minutes before and 30 minutes after the end of the operational school day.
- e) noise generated by construction activities on the site shall not exceed 65dB (L<sub>Aeq, 1hr</sub>) measured at a distance of 3.5m from the nearest façade of a property.

*Reason: To safeguard the amenity of nearby residents and in the interests of highway and pedestrian safety.*

35. Prior to the commencement of Phase 2 of development, details of the method of working during the construction phase, in the form of an environmental management plan, to include:

- a) lorry routeing for construction traffic from the principal highway network;
- b) details of the location and layout of the construction access;
- c) measures to prevent the deposit of debris on the public highway;
- d) measures for the control of noise, vibration and dust emissions to minimise noise impacts of construction to the lowest practicable levels (including mitigation measures in the event of a complaint);
- e) a scheme for the recycling/disposal of surplus soils and waste resulting from construction; and
- f) measures to safeguard risk to mammals during the period of construction;

shall be submitted to and approved in writing by the CPA. All construction shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the CPA.

*Reason: In the interest of highway safety, to protect the amenities at present enjoyed by the occupiers of nearby properties, and in the interest of safeguarding ecology.*

36. Details of the Phase 2:

- a) siting and layout compliant with Condition 6j);

- b) car parking;
- c) foul and surface water drainage
- d) floor plans, elevations (including roof plan) compliant with Condition 6j) and;
- e) design and appearance; and
- f) landscaping

of the 420 place Primary school plus 26 place nursery shall be submitted to and approved in writing by the CPA before the commencement of development and shall be carried out in accordance with the approved details.

*Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990.*

37. If during Phase 2 of development, contamination not previously identified is found to be present, no further works shall be carried out in the area identified, unless first agreed in writing by the CPA, until a remediation strategy to deal with unsuspected contamination (including validation that contamination has been satisfactorily remediated) has been submitted to and approved in writing by the CPA. Works shall be carried out in accordance with the approved details.

*Reason: To provide an appropriate methodology that will ensure that risks of site contamination are properly identified and addressed.*

38. The CPA shall be notified in writing within 7 days of the date of the completion of the development. Within two months of the completion of development, a validation report to confirm the absence of contaminants notified to the CPA in compliance with Condition 37 shall be submitted to and approved in writing by the CPA.

*Reason: To ensure that the site is left in a satisfactory condition and does not pose a risk to human health and the environment.*

39. Prior to their use on site, samples of all proposed facing materials and finishes, including paving, in Phase 2 shall be submitted to and approved by the CPA in writing. The development shall be carried out in accordance with the approved details, other than with the prior written consent of the CPA.

*Reason: In the interest of visual amenity.*

40. Prior to external lighting being installed on the school site in Phase 2 of the development, the location and design details of external light fittings, and a lighting scheme demonstrating compliance with Institute of Lighting Professionals Guidance for the Reduction of Obtrusive Light – Zone E2 and designed in consultation with an ecologist with regard to the presence of bats, shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: In the interests of visual amenity, and to control the potential impact of external lighting on bats in order to ensure the favourable conservation status of a protected species.*

41. Within 3 months of the commencement of Phase 2 of Development a scheme, including a programme for the provision of landscaping to include:

- a) species, locations, planting size and planting density;
- b) grass sowing;
- c) establishment methods (including tree pit detail); and
- d) a schedule of maintenance including a Landscape Management Plan to guide ongoing management of created and retained habitats

shall be submitted to and approved in writing by the CPA. Other than as may be agreed in the programme for the provision of landscaping and planting, the approved landscaping and planting scheme shall be completed not later than the first planting season following the Phase 2 development first being brought into use. Any tree, plant, shrub or grass seeding that fails to become established within 5 years of the completion of the approved planting and landscaping scheme shall be replaced to the satisfaction of the CPA.

*Reason: In the interest of visual amenity.*

42. A minimum of 40 covered cycle spaces shall be provided prior to the opening of the Phase 2 development.

*Reason: To promote the use of sustainable non-car based travel alternatives and to promote healthy lifestyles.*

43. Prior to the opening of the Phase 2 development a minimum of 32 car parking spaces (including 2 disability parking spaces, 2 electric vehicles charging points and all parking spaces provided with ducting to facilitate future additional electric vehicle charging points) with appropriate space to allow all vehicles to enter and leave the site in a forward gear shall be provided in accordance with details approved in compliance with Condition 36b).

*Reason: To ensure satisfactory provision in the interest of highway safety and make provision for non-carbon technology.*

44. The Travel Plan Coordinator shall within 3 months of the 420-place school and nursery (Phase 2) first being brought into use provide a revised and updated Primary School Travel Plan aimed at reducing reliance on the private car as the principal means of staff and parent transport to and from the school, including timelines for monitoring, review and implementation, to the written satisfaction of the CPA. The Primary School Travel Plan shall include initiatives to:

- a) promote education relating to sustainable travel and road safety education, in consultation with NCC Road Safety Team;



- b) raise awareness of the problems car journeys can create;
- c) reduce travel by vehicle to and from school;
- d) promote car sharing;
- e) raise awareness amongst parents of the issues of travel to school;
- f) manage pupil drop-off and pick-up; and
- g) manage school related parking for school events outside of normal school hours.

The School Travel Plan shall include:

- h) the scope and a programme for monitoring school related short-term parking on the public highway, and any potential highway safety issues arising;
- i) the scope and a programme for monitoring pedestrian-cyclist movements associated with the school's peak operation times;
- j) a proposal to attain periodic staff-pupil travel pattern behaviours, through origin-destination-post code-multi modal surveys;
- k) modal shift targets; and
- l) demand for, and future provision of, additional covered cycle spaces;

and demonstrate that active engagement has taken place with the local community and civil enforcement officers.

*Reason: In the interest of highway safety and to promote sustainable travel.*

45. Subsequent to the report required by Condition 44, the Travel Plan Coordinator shall submit a report to the CPA within 12 months following the 210-place school and nursery (Phase 1) first being brought into use, and thereafter submit annual reports for a minimum period of 5 years and until the Primary School Travel Plan single occupancy car passenger targets have been met. The annual monitoring reports shall summarise the data collected over the monitoring period (Condition 44h-44l)), evidence that active engagement has taken place with the local community and civil enforcement officers, evidence consultation with NCC Road Safety Team in the promotion of sustainable travel and road safety education, and propose revised initiatives and measures where the Primary School Travel Plan targets are not being met, including implementation dates, to be approved in writing by the CPA.

*Reason: In the interest of highway safety and to promote sustainable travel.*

## Informatives/notes to applicants

1. The alteration of public footpath East Leake FP5 to a route to permit use by pedestrian and cyclists will require Conversion Order made under the Cycle Tracks Act 1984. Further information can be obtained from NCC Countryside Access Team ([countryside.access@nottscc.gov.uk](mailto:countryside.access@nottscc.gov.uk)).
2. A Diversion or Temporary Restriction Order may be required in respect of works to public footpath East Leake FP5. Further information can be obtained from NCC Countryside Access Team ([countryside.access@nottscc.gov.uk](mailto:countryside.access@nottscc.gov.uk)).
3. Rushcliffe Borough Council advises that:
  - a) *consideration be given to the environmental credentials of the building through the use of solar panels, grey water harvesting, EV charging points etc.*
  - b) *Additional staff parking should be considered in the detailed design which could be achieved by extending the car parking shown on the indicative plans further to the eastern boundary of the site.*
  - c) *Consideration should be given to the provision of a dedicated gathering area for parents/guardians etc. so as not to block the public footpath/pavements/ cycle paths for other users at school start and end times.*
  - d) *Consideration should be given to the provision of vehicular access to the playing fields by emergency vehicles.*
4. NCC Highways Development Control advises that to implement measures to prevent errant parking it is likely a Traffic Regulation Order will be required in order to make the associated yellow line enforceable. The applicant should note that this a separate legal process which can take several months to implement. In order to ensure occupation deadlines can be met, it is recommended that the applicant contact the Highways Development Control Team as soon as possible to discuss Traffic Regulation Order requirements and the information required to commence the application process.
5. With reference to site layout and landscape, it is advised that:
  - a) Materials for the proposed building should complement adjacent housing and local materials.
  - b) If the path connecting the buildings with playing field is to run through the existing woodland, an arboricultural report should be provided which includes a survey of the trees to be affected, a plan showing trees to be removed and the tree root zones of the trees to be retained, impact on retained trees and mitigation recommended (e.g. no dig method of construction for the path).
  - c) Existing trees and hedgerows to be retained should be protected during construction to BS 3857: 2012.

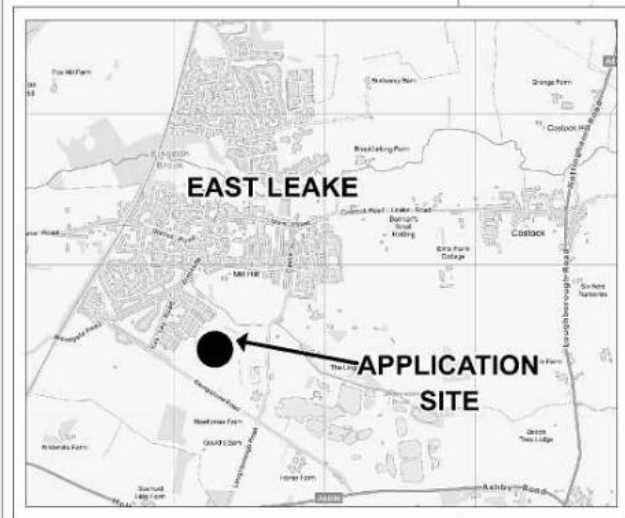
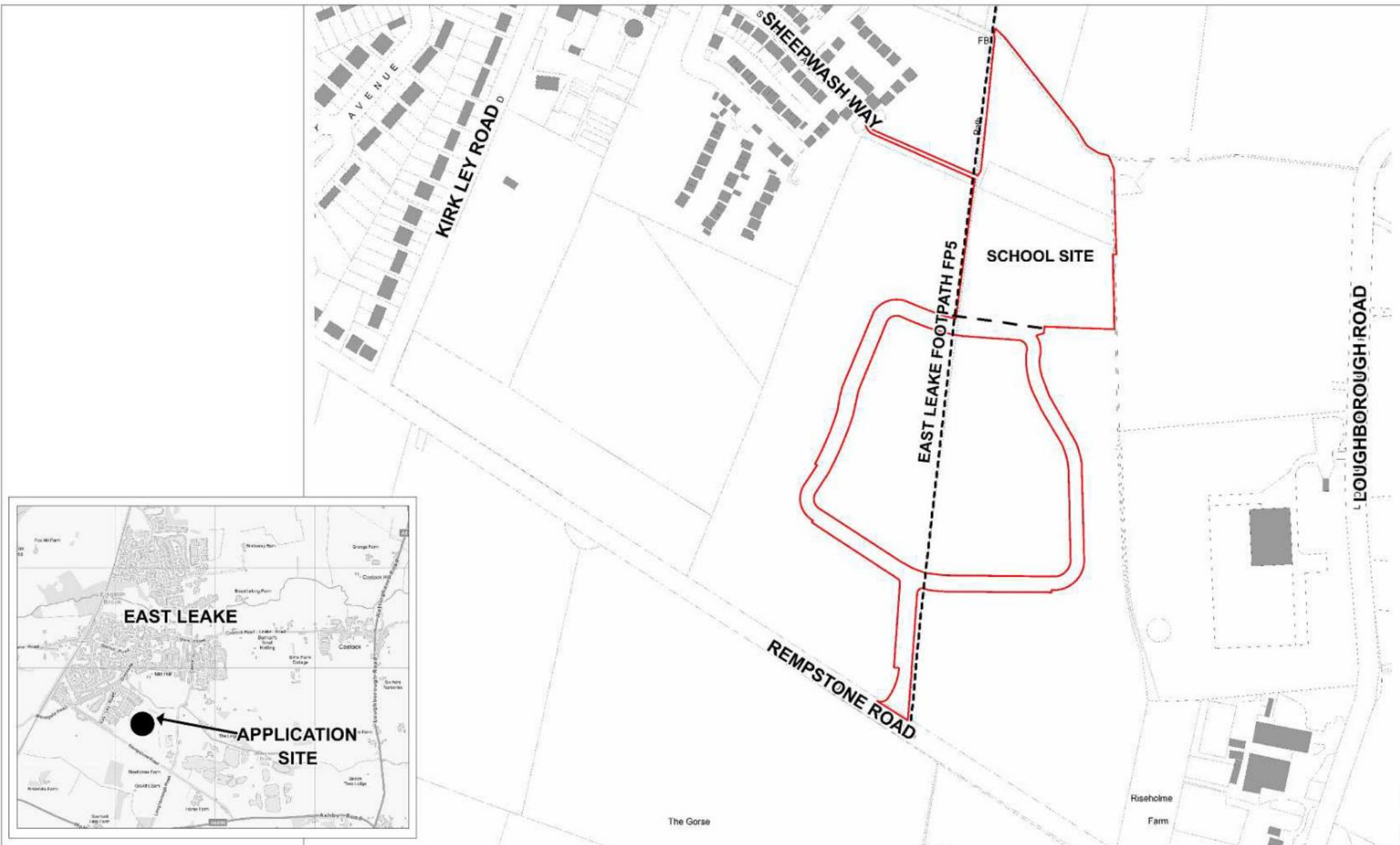
- d) A native species hedgerow should be planted along the western and southern boundaries to help reduce the visual impact of the school building, car park and security fence etc – a cross section should be provided to illustrate a minimum 1 metre width of top soil between the footway and hard play area/car park and how tree pits will be constructed adjacent to hard surfacing. Cycle storage should be away from the hedgerow to enable easier future maintenance.
  - e) Occasional trees should be planted in the hedgerow, or at the southern corners of the hard play area to offer shade – the GreenBlue Urban soil volume calculator can be used to calculate the volume of soil required. Root directors should be used to prevent future damage to playground surfacing and tree root barrier should be used if there are utilities in the adjacent footway.
  - f) Trees should be planted in groups rather than lines of trees along the footpath as shown on the illustrative proposed site plan.
  - g) Planting plans to be submitted should include the proposed ground preparation, tree pit detail, species, numbers, size at planting, density, mulching and rabbit protection and proposed seed mixes.
6. With reference to Condition 18, the applicant should be aware that any scheme to resolve parking issues may not be solely limited to lining but may also require the introduction of bollards and other physical measures, due the presence of a grassed verge between the carriageway and footway on the Rempstone Road Development in close proximity to the school.
  7. The consultation response received from Sport England dated 7 April 2021 is enclosed drawing attention to matters for consideration in the design for outdoor sport.
  8. The consultation response from Via – Noise received by the CPA on 29 April 2021 is enclosed identifying noise related matters to be addressed in the detailed design.
  9. The consent of Severn Trent Water will be required for either a direct or indirect connection to the public sewerage system under the provisions of Section 106 of the Water Industries Act 1991. Current guidance notes and an application form can be found at [www.stwater.co.uk](http://www.stwater.co.uk) or by contacting Severn Trent Water New Connections Team (01332 683369).
  10. The Environment Agency advises that all building work should be in compliance with best working practices and in particular Government guidance on 'Construction, inspection and maintenance' [www.gov.uk/guidance/pollution-prevention-for-businesses#construction-inspection-and-maintenance](http://www.gov.uk/guidance/pollution-prevention-for-businesses#construction-inspection-and-maintenance). You are advised to contact the Environment Agency to arrange a site meeting to agree necessary measures to prevent pollution of the water environment during the construction phase of the development. The Environment Agency can carry out

pollution prevention visits. Please contact [EastMidWaterQuality@environment-agency.gov.uk](mailto:EastMidWaterQuality@environment-agency.gov.uk) for further information and advice.

11. The applicant may wish to consider the provision or offer a location for the siting of a defibrillator on the school site perimeter.







**Nottinghamshire  
County Council**

Outline application (with some matters reserved) for the erection of a  
Primary School for up to 2-forms of entry (in phases), plus 26 place nursery.  
Rempstone Road, East Leake, Nottinghamshire.  
Page 133 of 204  
Planning Application No. 8/21/01029/CTY

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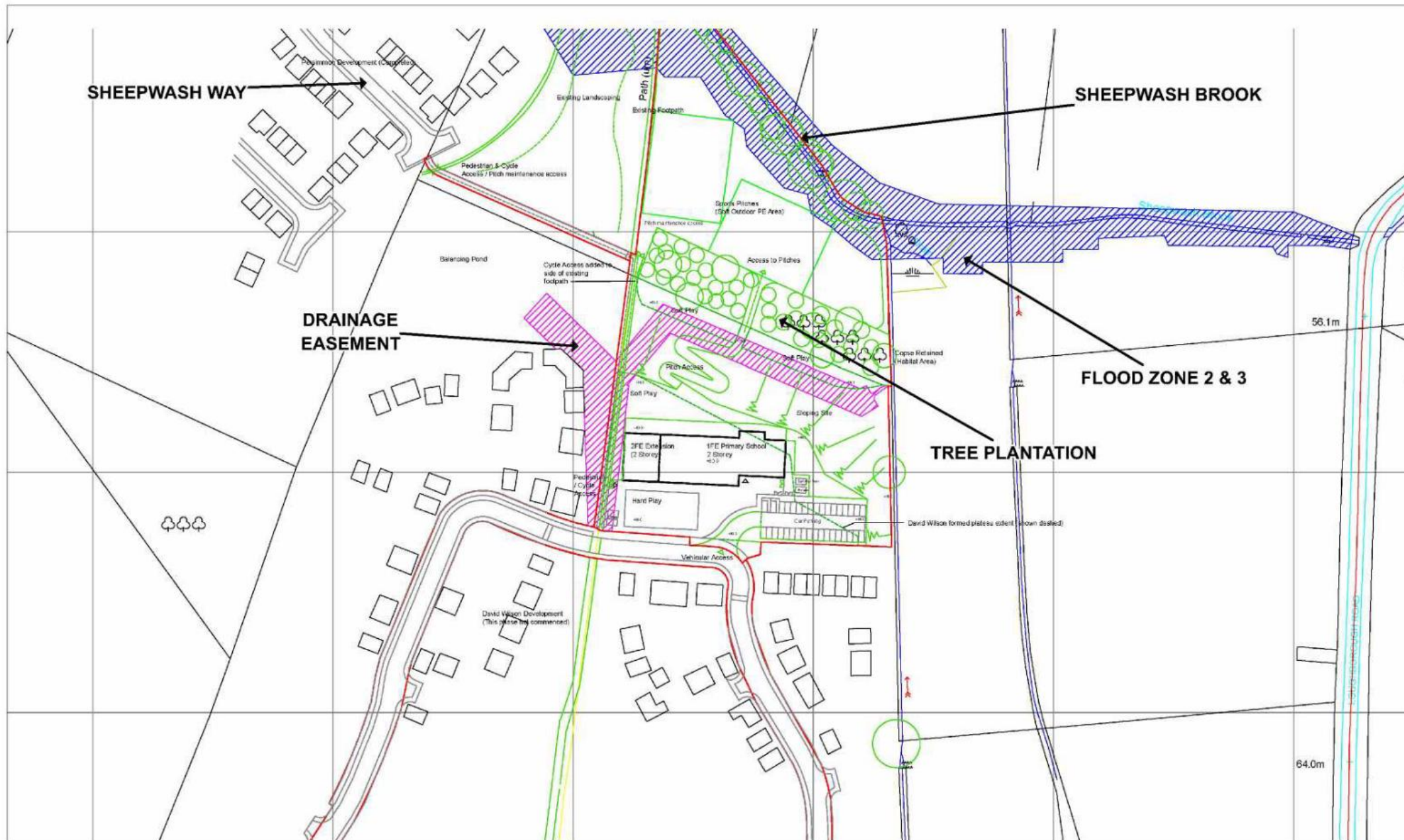
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**PLAN 1**





**Nottinghamshire  
County Council**

Outline application (with some matters reserved) for the erection of a  
Primary School for up to 2-forms of entry (in phases), plus 26 place nursery.  
Rempton Road East, Leas, Nottinghamshire.  
Page 135 of 204  
Planning Application No. 8/21/01029/CTY

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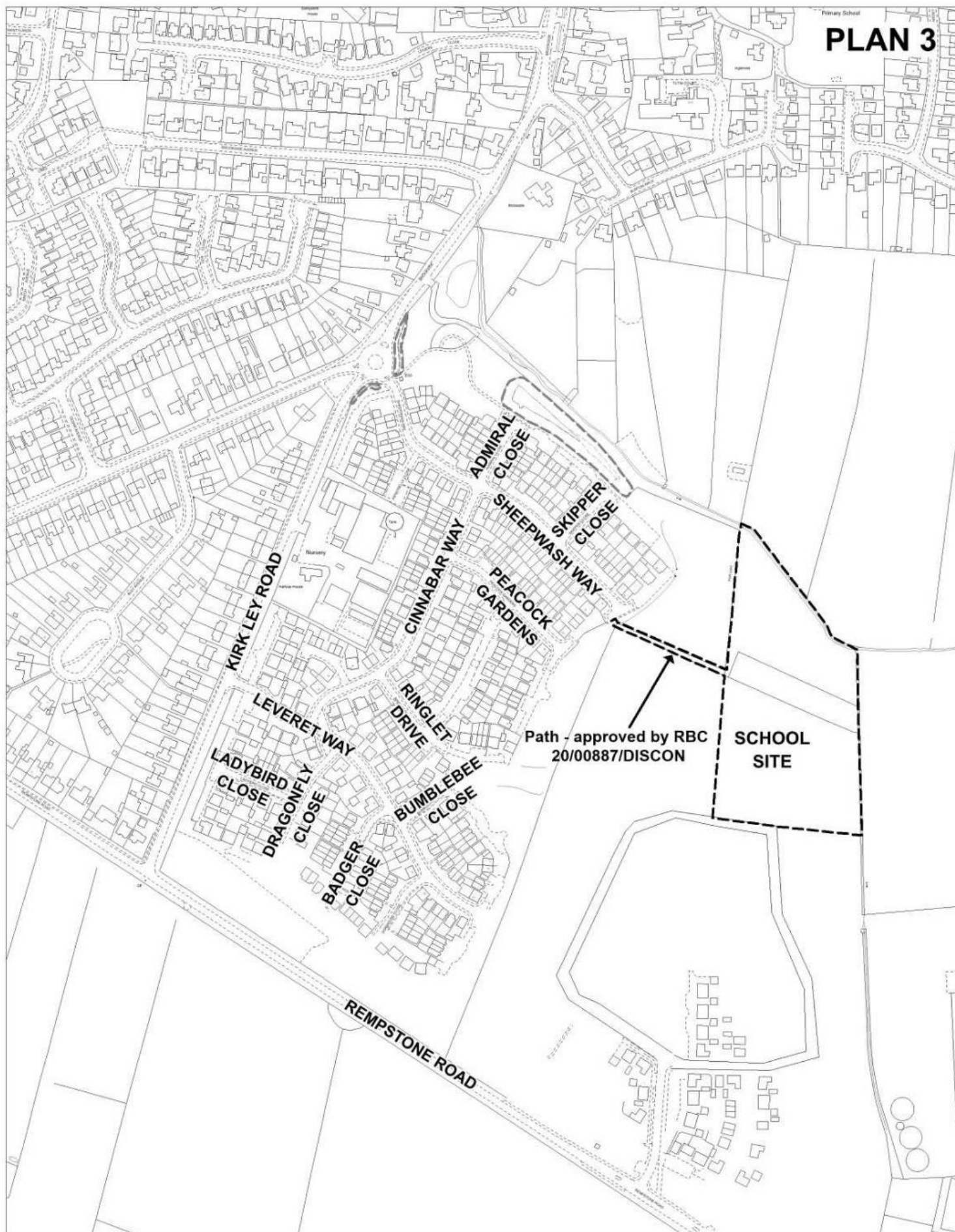


**PLAN 2**



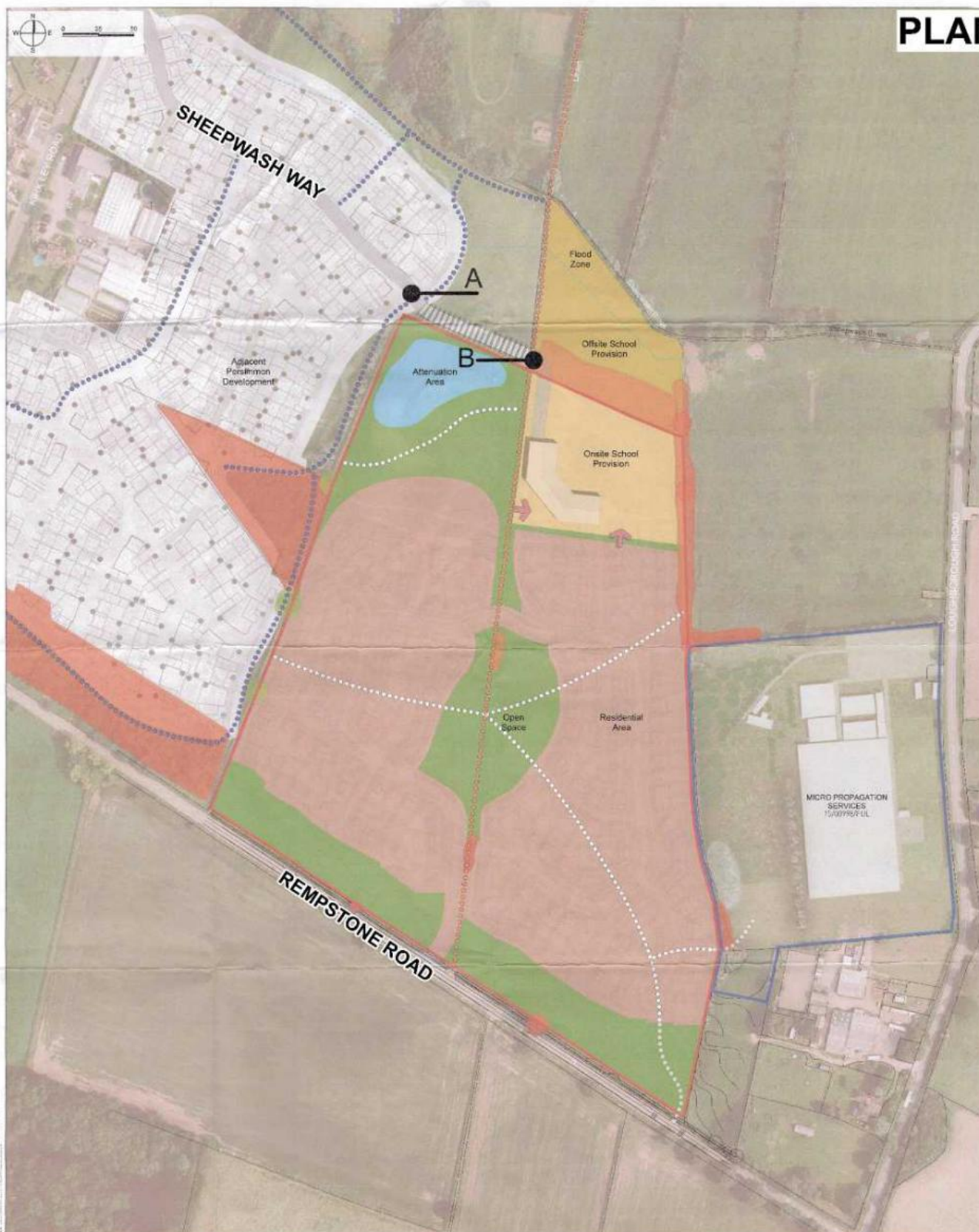


# PLAN 3









Site Boundary	Indicative Development Blocks 1:200	Indicative School Site - Offsite 1:200	Public highway providing pedestrian, cycle and vehicular access to school	Relocated Attenuation Area
Adjacent Land Under the Control of the Applicant	Green Infrastructure	Indicative School Site - Onsite 1:200	Existing Tree Planting & Vegetation: With Associated RFLC Orange - Class C Green - Class A	Pedestrian Links Public Right of Way - Field Leake EPS Pedestrian Links Offsite Linkages to be provided by Pegasus as part of Pegasus development Pedestrian / Cycle Access to School site

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

## REMPSTONE ROAD, EAST LEAKE - ILLUSTRATIVE SCHOOL PLAN

www.pegasus.co.uk | TEAM/DRAWN BY: JF | APPROVED BY: PS | DATE: 05/10/16 | SCALE: 1:1250 @ A1 | DRAW: EMS281, 009 SHEET NO. 9 REV. A | CLIENT: MICRO PROPAGATION SERVICES





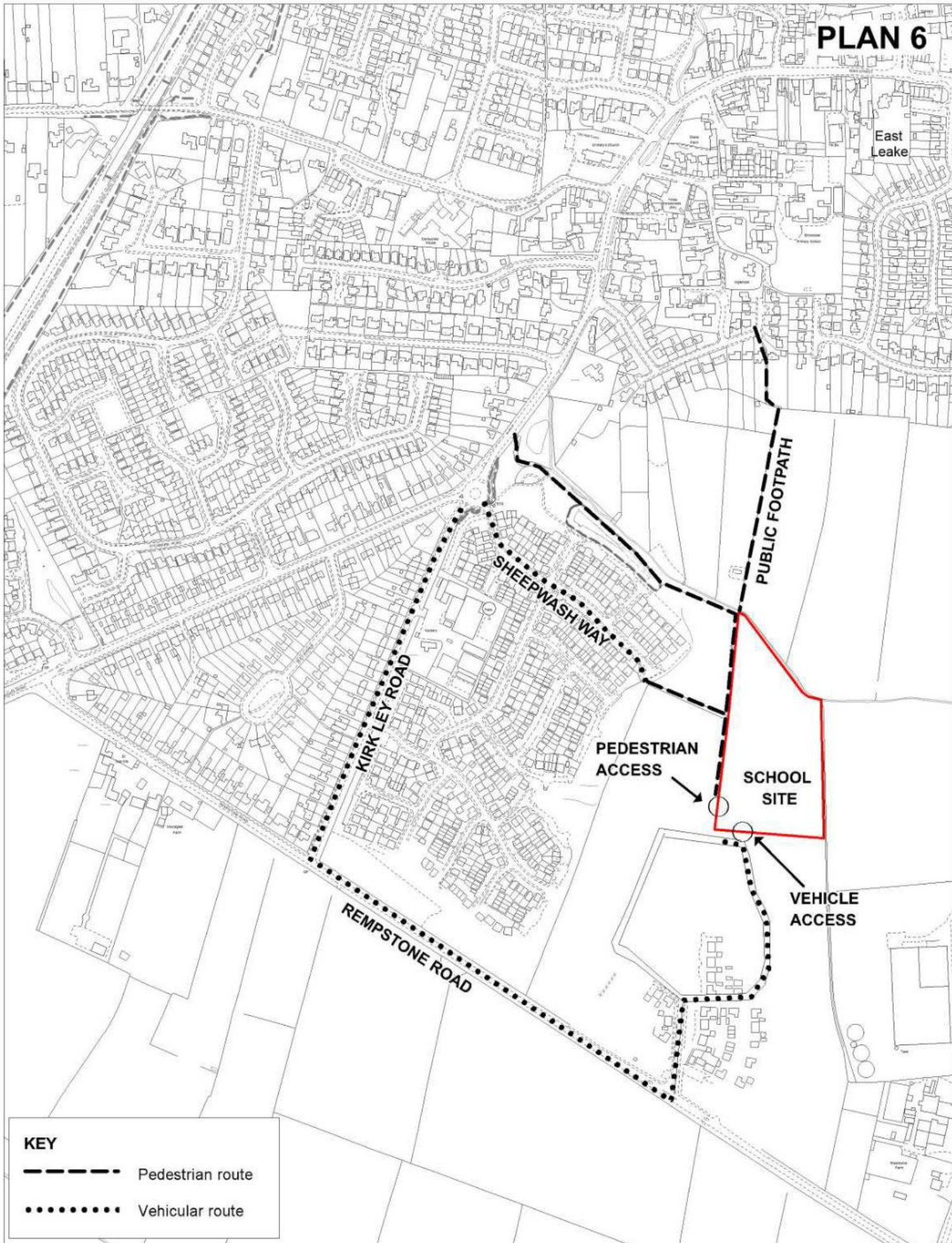






# PLAN 6

East Leake



## KEY

- Pedestrian route
- ..... Vehicular route







**29 June 2021**

**Agenda Item: 6**

## **REPORT OF CORPORATE DIRECTOR – PLACE**

**RUSHCLIFFE DISTRICT REF. NO.: 8/21/01046/CMA**

**PROPOSAL:** CONSTRUCTION OF NEW 315 (1.5FE) PLACE PRIMARY SCHOOL WITH 26 PLACE NURSERY OVER TWO PHASES (1ST PHASE 1FE 210 PLACE WITH 26 PLACE NURSERY) ASSOCIATED PLAYING FIELDS, CAR PARKING (INCLUDING LIGHTING COLUMNS 4M HIGH), LIT SERVICE AREAS AND SPRINKLER TANK, HARD SURFACED OUTDOOR PLAY AND FOOTPATHS. ASSOCIATED LANDSCAPING AND COVERED AREAS TO NURSERY/RECEPTION CLASSES, SUN CANOPIES, FENCED SPRINKLER TANK AND BIN STORE, 2.4M HIGH SECURITY FENCING AND GATES TO BOUNDARY, INCLUDING LIT PATH BETWEEN WIDNALL DRIVE AND DUNSMORE AVENUE, ASSOCIATED HIGHWAY WORKS AND SAFE PEDESTRIAN MOVEMENT.

**LOCATION:** LAND OFF WIDNALL DRIVE, BINGHAM, NOTTINGHAMSHIRE, NG13 7AE

**APPLICANT:** NOTTINGHAMSHIRE COUNTY COUNCIL CHILDREN AND FAMILIES

### **Purpose of Report**

1. To consider a planning application for the erection of a 315 place Primary School in two phases with a 26 place nursery on land between Widnall Drive and Dunsmore Avenue, Bingham. The key issues relate to access to the site and traffic impacts, and potential noise issues that may arise from the use of outdoor spaces. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

### **The Site and Surroundings**

2. The proposed development site is of 1.5ha lying between Widnall Drive and Dunsmore Road, part of a residential estate development under construction between Chapel Lane and Fosse Way, Bingham. The site lies approximately 850m to the north-north-west of Bingham town centre (Plan 1).
3. The wider residential estate comprises a planned development of up to 1,050 houses with employment development, a retail centre and supporting



community infrastructure including a new primary school. Occupied houses are accessed from Fosse Way to the west of the residential estate. A roundabout has been constructed on Chapel Lane and is being used for construction access for housing. In the longer term Dunsmore Avenue will be the principal estate road linking Chapel Lane and Fosse Way through the residential estate.

4. The proposed 1.5ha school site has a frontage of approximately 100m to Dunsmore Avenue and at closest lies within 50m of the roundabout on Chapel Lane. A bus-stop lay-by has been constructed on Dunsmore Avenue at the south-eastern end of the school frontage but is not operational. Dunsmore Avenue is not yet open to through traffic.
5. The school site is generally flat. A mature area of woodland lies parallel to the 125m northern school boundary, separated by an area approximately 11.5m in width to be developed as a pedestrian route between Dunsmore Avenue and Widnall Drive. A surface water balancing pond and amenity area lies to the north of the woodland. The southward extension of Widnall Drive that will run past the proposed western boundary of the school site is presently under construction (Plan 2). As part of the development by the adjacent housebuilder an open ditch running south from the balancing pond past the proposed school frontage to Widnall Drive is being realigned and in part culverted. The southern boundary is approximately 175m in length with the rear gardens of approved residential development (except Plots 99 and 113 which are side-on) adjoining the proposed school boundary. Ground raising is currently taking place to the south such that the houses will be erected at an approved level 1.0m above the school site with levels in gardens reducing to meet the site boundary
6. The proposed school site, pedestrian route parallel to the school northern boundary and the highway network to allow vehicular access to the new school site from the public highway are included in the red line defining the planning application site.

## **Planning history**

7. Rushcliffe Borough Council permission (RBC) 10/01962/OUT – Granted December 2013 – Up to 1,050 residential dwellings (C3); 15.6 hectares of employment development; local centre comprising up to 300m<sup>2</sup> of retail floor space; primary school; and community centre; a 1.6 hectare mixed use site (B1, B2, B8 and car parking); allotments and open space (including play areas and community park); flood management and drainage works; transport and access works; and ancillary works.
8. RBC 17/01170/VAR – Granted December 2017 – Variation of conditions attached to 10/01962/OUT (revised permission issued).
9. RBC 18/01468/REM – Granted February 2019 – (Barratt Homes) Reserved matters submission for 733 residential dwellings (Phase 2 of the wider approved development as originally approved under application 10/01962/OUT) including details of access, appearance, landscaping, layout and scale of development.

The approved site layout includes *'Indicative school entrance. 5.5m road with 2.0m footpath taken to school boundary'* at the northern end of the school site frontage to the extended Widnall Drive. The approved landscaping plans include the planting of a hedge along the northern boundary with the school site with grass to either side of a path between Dunsmore Avenue and Widnall Drive. It should be noted that the row of trees shown along the southern boundary of the school site have not been included in an approved landscape scheme in the subsequent re-planning of plots to the south (20/03212/REM).

10. RBC 20/03212/REM – Granted March 2021 – (Taylor Wimpey) Reserved matters application for the re-plan of 254 plots (Parcels 4 and 5) approved under Reserved Matters application 18/01468/REM (originally approved under 17/01170/VAR) including details of access, appearance, landscaping, layout and scale of development. The approved level of houses immediately adjacent is approximately 1m above the level at the site southern boundary.
11. The indicative phasing of the estate residential development is shown on Plan 3.
12. Land Drainage Consent granted January 2021 to re-align the drainage ditch along the western school site boundary, including culverting to accommodate school site vehicular access.

## **Proposed Development**

### Phase 1

13. Planning permission is sought to construct a 315 place Primary school in two phases with 210 places being provided in the first phase. A 26-place nursery would be provided as part of the Phase 1 development. The proposed Phase 1 school building would be sited on an east-west axis on the northern part of the site varying at closest 8.5m and up to 35m from the northern boundary. The proposed development is shown in context on Plan 4 with the Phase 1 site layout shown on Plan 5. The finished floor level of the building would be approximately 0.5m above existing site level.
14. Classrooms would be provided either side of a central corridor extending eastwards from the school entrance, administration and staff facilities. A school hall, kitchen and plant room would be provided towards the western end of the building. The overall length of the Phase 1 development would be 80m. The span of the classroom element of the building would be 19.4m with a ridge height of 4.5m (3.4m to eaves). An external canopy 17.5m x 4.9m would be erected adjacent to the north elevation 3.3m in height reducing to 2.8m (Plan 6).
15. The school hall would have a building footprint 22m x 10.6m with a mono-pitch roof varying between 6.0m and 5.4m in height. The kitchen and plant room area would also have a mono-pitch roof reducing from 4.6m to 3.4m.
16. The building elevations would be principally an off-white coloured silicone render finish above a red brick plinth with all-brick panels identifying building



entry points, the west and the majority of south facing elevations of the hall, kitchens and plant area. The roof, aluminium window frames and doors would be coloured dark grey (RAL 7016) (Plan 7).

17. Sustainable features would be incorporated in the building design including: high efficiency electrical and lighting; air source heat pumps; high levels of thermal insulation and air tightness; mechanical ventilation with zoned air quality management and natural ventilation.
18. The canopy to the north of the building would provide weather protection to an enclosed area of Early Years outdoor play. A trim trail and boundary tree planting would take place to the north and east of the building.
19. The playing field (with drainage incorporated in the pitch make-up) would be formed to the south and south-east of the school building adjacent to the southern boundary. A porous surfaced area of outdoor hard play would be provided in the south-west corner of the site . Sun canopies would be provided on the western edge of the hard play area.
20. The pedestrian entrance to the school would be in the northern school boundary, taking access from the path to link Dunsmore Avenue and Widnall Drive. No detailed plans of the alignment, construction, width or illumination of the path, which would be part on land outside of the control of the school and part of the public realm, have been provided in support of the application. A note on the submitted Construction drawing indicates that the path will be provided by Barratt Homes. Landscape details approved by application 18/01468/REM include the provision of a hedge outside the proposed northern hedge-line. No information is provided about use of the path by cyclists as a means to travel to school.
21. Vehicular access to the school would be from a southern extension to Widnall Drive which is currently being constructed by Barratt Homes. The vehicular access, at the northern end of the school frontage, is being constructed as part of the culverting and re-alignment of the watercourse on the western school boundary. 22 car parking spaces (including 2 disability spaces) would be provided to the west the kitchen and plant room. Two electric vehicle (EV) charging points would be provided. The car park would accommodate on-site turning by a refuse vehicle.
22. There would be no direct pedestrian route to the school building entrance through the car park. Staff and disability visitors using the car park would gain access to the main entrance through a controlled access gate.
23. A sprinkler tank with pump housing would sited on the southern side of the car park and enclosed by vertical hit-and-miss boarding up to 3.5m in height. A bin store to the south of the school kitchen would be enclosed by 2.0m high timber fencing.
24. Covered cycle parking for 40 cycles would be provided within the pedestrian entrance gate overlooked from the school entrance and adjacent offices.

25. The school perimeter would be enclosed by 2.4m high Heras security fencing coloured Moss Green (RAL 6005). Taking account of levels relative to the houses being erected to the south, a 3.0m high timber fence would be erected on the boundary at the southern end of the area of outdoor hard play (Plot 99), and the Heras fence would be increased to 3.0m in height at the eastern end of the southern boundary adjacent to Plot 113. The effective height of the enclosures would be 2.4m when viewed from the housing plots.
26. An indicative landscaping scheme proposes hedge planting on the eastern and western school boundaries, with a hedge being provided along the northern boundary as part of planning permission 18/01468/REM. Tree planting is proposed to the north of the school building, within the site to the frontage to Dunsmore Avenue and to the west of the area of outdoor hard play.
27. Surface water would drain to the east of the site discharging into storm drains serving the wider residential estate development.
28. The application is supported by a Transport Assessment which, without a known school operator, assumes a staff roll of 33 made up of 18 teaching staff, 8 office administration/caretaker/kitchen staff and 7 lunchtime supervisors operating standard school opening times.
29. An industry standard database of traffic counts has been used to calculate vehicle trip generation. In considering the availability of two points for drop-off and pickup it is estimated that for the initial 1-form entry school there would be 26 vehicles dropping-off on Dunsmore Avenue and 17 dropping-off on the extension to Widnall Drive in the morning peak.
30. In the Phase 2 expansion to 1.5-form entry it is anticipated that there would be 37 vehicles dropping-off on Dunsmore Avenue and 24 dropping-off on the extension to Widnall Drive in the morning peak. The extension to Widnall Drive is being constructed at 6.0m in width. The applicant states that both roads are of sufficient width to enable traffic to safely pass any parked vehicles.
31. The application is also supported by the framework of a School Travel Plan which sets out initiatives and measures which can be adopted to reduce reliance on the car as a mode of travel to school.

## Phase 2

32. In Phase 2 the school corridor would be extended at its eastern end into an area of informal grass play to provide three additional classrooms and a practical space, meeting rooms, group room and toilets (Plan 8). The extension would be 20.4m in length and of the same span, height and external finishes as the Phase 1 building.
33. No additional car parking would be provided in Phase 2 (Plan 9).

## Construction

34. Construction would take place using a single point of access the site frontage to Dunsmore Avenue, north of the bus lay-by.
35. Following the completion of Phase 1 the construction access would be closed and perimeter security fencing erected. Landscaping would be provided in locations that would facilitate the re-use of the access for the Phase 2 development. There would be no vehicular or pedestrian access to the site directly from Dunsmore Avenue.

## **Consultations**

36. **Rushcliffe Borough Council** – No objection subject to conditions to require the submission of: type, texture and colour of facing materials; a Biodiversity Gain Plan prior to the commencement of development; reports and mitigation measures recommended in the Preliminary Ecological Appraisal; existing and proposed site levels and floor level of the building [details are provided in the submitted application]; landscaping scheme including measures to protect retained landscape features; arboricultural method statement to safeguard retained trees [note - there are no trees on the site]; remediation and validation of unexpected contamination encountered; assessment for contamination of imported soils; construction management plan addressing environmental impacts of construction; provision for electric vehicle charging; lighting scheme; an assessment of potential ball strike from all the outside playing areas/sports pitches on any neighbouring building; noise impact assessment from use of all outside playing areas/sports pitches on any neighbouring building; an up-dated ecological survey if works have not commenced before the end of February 2023; and a survey for protected species should be carried out immediately prior to site clearance works.
37. *Members expressed concerns regarding the levels of parking provided for staff/visitors and also the potential for traffic issues around the school at pick-up and drop-off times.*
38. *Rushcliffe Borough Council advises that:*
  - a) *The technical input of the Highway Authority, the Lead Local Flood Authority and Archaeological Team are recommended to be sought and consideration be given to the environmental credentials of the building through the use of solar panels, grey water harvesting, EV charging points etc.*
  - b) *The Borough Council also advises the County Council to consider the implications of the Traffic Regulation Orders in the event that such controls are not secured through the democratic process.*
  - c) *Further consideration should be given to the impact of the construction of the development upon the biodiversity habitat of the surrounding area as well as an ecological enhancement scheme being secured as part of the development.*

- d) *Consideration should be given to a dedicated vehicular drop-off/pick-up zone outside of the school, including for buses/coaches.*
- e) *Additional staff parking should be considered in the detailed design which could be achieved by extending the car parking shown on the plans.*
- f) *Consideration should be given to the provision of a dedicated gathering area for parents/guardians etc. so as not to block the public footpath/ pavements/ cycle paths for other users at school start and end times.*
- g) *Measures to ensure that the roof liners of any building do not pose a risk to roosting bats in the future should be taken.*
- h) *Permanent artificial bat boxes/bricks and wild bird nests (e.g. swallow, swift and house sparrow) should be installed within buildings. Hedgehog corridors and features should be provided. Reptile and amphibian habitats, enhancement features and hibernacula should be considered.*
- i) *New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.*
- j) *Sustainable Urban Drainage schemes (SUDs) where required should be designed to provide ecological benefit.*
- k) *Good practise construction methods should be adopted including:*
  - i) *Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.*
  - ii) *No works, fires or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas.*
  - iii) *All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.*
  - iv) *Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation, soil or rubble*

*should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.*

*v) Root protection zones should be established around retained trees / hedgerows and sensitive ecological sites so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.*

*vi) Pollution prevention measures should be adopted*

*l) Consideration should be given to climate change impacts, energy efficiency, alternative energy generation, sustainable transport (including electric vehicle and bike charging points and cycle storage), water efficiency, management of waste during and post construction and the use of recycled materials and sustainable building methods.*

39. **Bingham Town Council** – No objection, but *raises concern that the school development may increase flood risk for neighbouring properties. Appropriate traffic management must be considered to ensure road safety around the school.*
40. **NCC Highways Development Control** – No objection subject to conditions to secure: suitable surfacing, guard railing and lighting to the footpath adjacent to the school site; a School Safety Zone, to be agreed and implemented prior to first occupation; surveys to evaluate the impact of parking post-opening and determine the need for measures to protect against errant parking with implementation of such measures should they be required; access to and from the school site as well as temporary turning measures should the adjacent roads not be completed before the school is brought into use; and details of construction lorry routeing, access and measures to prevent mud and other deleterious material being deposited on the public highway.
41. *Comments regarding this application are limited to the specifics of local access, highway safety, and sustainable travel implications rather than traffic generation and congestion on the wider highway network.*
42. *The primary vehicular access to the school is to be provided from Widnall Drive. It is proposed that this access will be used only for staff and visitors. The proposed access will take the form of a 5.5m wide bellmouth junction. Its location affords adequate visibility in both directions and it is therefore considered suitable for purpose.*
43. *Access for pupils and parents is to be provided via a pedestrian access on a new footpath which links Widnall Drive and Dunsmore Avenue. This seems a sensible idea as it should allow parents to pick-up / drop off children away from the highway and also encourage walking / cycling as a mode of travel to school.*
44. *It is unclear from the information provided what form the construction of the path will take, for the avoidance of doubt we would expect the path to be constructed with a bound surface to an adoptable standard equivalent to the adjacent*



footways on the site. Consideration should also be given to its lighting, in order to ensure it can be safely used at all times of the year.

45. *The installation of pedestrian guard rails at either end of the path to prevent children running out into the highway is recommended. Additionally, School Keep Clear markings at either end of the path would be beneficial in providing a clear unobstructed view of the areas of highway which are likely to receive the highest amount of footfall. It is recommended that these measures are secured through a condition requiring a scheme for a 'School Safety Zone', to be agreed and implemented prior to first occupation.*
46. *The construction access is currently proposed from Dunsmore Avenue. This seems sensible as the road is the main through road on the development and has been designed to accommodate larger vehicles. It also allows easy access to both Chapel Lane and Fosse Way, which should ensure construction and delivery vehicles are kept to routes which are considered appropriate to cater for them.*
47. *It is proposed that 40 cycle parking spaces are to be provided for use by children and staff. This should serve to encourage sustainable travel to the school site and is welcomed.*
48. *The proposed parking is lower than that which has previously been provided on other new schools elsewhere in the County. Nonetheless the provision is sufficient to cater for 70% of the total estimated number of staff (32) on site. Whilst ideally 100% provision would be considered appropriate, we are mindful of the fact that many of the staff such as teaching assistants, kitchen staff and lunch time supervisors are unlikely to travel to work by car or require a parking space. Equally, given current circumstances with regard to Covid and the future impacts this is likely to have on working patterns it is unlikely that full parking provision for all four office / administration staff will be required. There is also sufficient space on-street to cater for a small degree of overspill parking should it be required, without creating a highway safety issue. Bearing the preceding factors in mind it is considered the proposed staff parking provision to be adequate.*
49. *In addition to staff parking, there also is a need to cater for parents picking up / off children at the start and end of the school day. The location of the school site to the south of a proposed area of open space and balancing pond means that there are lengthy areas of highway immediately adjacent to the school on both Dunsmore Avenue and Widnall Drive which have no residential frontage. These areas should in theory allow for pick-up and drop-off to occur on the highway with minimal disruption to local residents.*
50. *Our previous experience with new school sites shows it is often difficult to predict how parents will park until the facility is fully operational and travel patterns are fully established. This applies even more so on this site as the surrounding housing and roads on the wider development are yet to be fully completed. In view of this it is considered prudent to require on-street parking to be monitored after the school opens and a suitable scheme to be introduced to*

*remedy errant parking should it be required. For clarity the applicant should be aware that the scheme may not be solely limited to lining but may also require the introduction of bollards, due the presence of a grassed verge [which may be susceptible to damage] between the carriageway and footway on Dunsmore Avenue.*

51. *Once the housing and associated roads on the wider development are completed, both Dunsmore Avenue and Widnall Drive will form through routes. Consequently, it is considered that permanent turning areas are not required adjacent to the school on either road. However, as highlighted above these roads are yet to be fully completed hence depending on the timescales for completion there may be an interim period where temporary turning provision may be required. This is something that we would wish to see secured via an appropriately worded condition.*
52. *In response to matters raised by Councillor Clarke (Paragraph 78): Widnall Drive is not intended to be a dead-end but is proposed as a through-road. There should not be a need for turning, other than potentially in the interim should the school open before the road is complete but this scenario can be dealt with by a suitable planning condition.*
53. *The proposed width of the road is also 6.0m, which is wider than we would normally require on an standard estate in recognition of the fact it is serving a school.*
54. *There is a long-standing policy not to provide specific parental parking areas for new primary schools as it serves to encourage more people to travel by car. That said it is recognised that some parents will inevitably look to drop off their children by car. In view of this NCC Highways Development Control has sought to influence the layout of the wider housing development to ensure the school access points are located close to open spaces where there is no residential frontage. Not only should this reduce background parking levels but also minimise disruption to local residents as parents should theoretically be able to drop off children without the need to park directly outside properties.*
55. **Sport England** – No objection. *The revised proposals address initial concerns raised and create a single playing field area which is supported. It remains disappointing that the community centre does not have a more direct relationship with the school to support the creation of a walkable and connected community.*
56. **NCC Archaeology** – No objection subject to a condition requiring a programme of archaeological control and supervision.
57. **NCC Nature Conservation** – No objection subject to conditions to follow the recommendations of the Preliminary Ecological Appraisal in relation to: protected species; birds; reptiles; external lighting; and a landscaping scheme.
58. *Path luminaires should be positioned on the north side (facing away from the adjacent mature trees) and should be at low level. Integrated bird and bat boxes*

*should be incorporated in the building structure (target species swift, house sparrow and starling). A wildlife corridor is not needed along the southern boundary. Landscape biodiversity is encouraged and should include a wildflower mix in amenity grassland with a relaxed summer mowing regime to allow seed to set.*

59. **Via Landscape** – No objection subject to condition to require; native species hedgerow along site boundaries; planting of species appropriate to the South Nottinghamshire Farmlands landscape character area; and a landscaping scheme including longer term management.
60. *It is recommended that a hedge is continued along the north eastern boundary to Dunsmore Avenue to reduce visual impact and provide a wildlife corridor linking to the trees to the north and habitat areas to be created within the school site. Hedgerow along the boundary with the retail/community centre to the east will help screen adjacent car parking etc.*
61. *A native species hedgerow does not extend along edge of the car park. The applicant has explained that this is due to the shallow depth of the sheet pile cap at the edge of the re-aligned watercourse.*
62. *Residents to the south will have clear views into the school through the security fence across the playing field from gardens and first floor windows. In addition to visual impact there are privacy and potentially a safeguarding issue. A native species hedgerow should be planted along the southern boundary to reduce visual impact for residents.*
63. *The proposed hedgerow along the northern boundary should help reduce visual impact from users of the footpath.*
64. *Some areas should be sown with a wildflower grass mix to encourage biodiversity and should have a sub-soil rather than a nutrient-rich top soil finish.*
65. **Police Force Architectural Liaison Officer** – *Draws attention to the aim to achieve healthy, inclusive and safe places so that crime and disorder, and fear of crime do not undermine the quality of life or community cohesion when making planning decisions. Landscaping should be used to channel pedestrian flows through car parks. Recommendations are made for building design, secure cycle storage, lighting and CCTV.*
66. **Via Project Engineer (Noise)** – No objection subject to conditions to requiring; an environment management plan to control the impacts of construction; construction details of the wire mesh and acoustic fencing (southern boundary) to mitigate the impact of ball strikes; review of noise complaints received within one year of the occupation of the school or houses (whichever is later); and the limiting of noise from installed mechanical plant.
67. *Natural ventilation is proposed for the new school and while there is potential for noise breakout from the classrooms to occur when windows are opened during warmer periods for ventilation which may be audible at some*

*neighbouring dwellings, it is unlikely to be at a level that would give rise to adverse reaction from neighbours.*

68. *In commenting on the revived site layout: Rushcliffe Borough Council has identified the risk of ball strikes to neighbouring buildings and suggests an assessment should be undertaken. It is considered that the risk in the grassed areas of proposed football pitches will be relatively low and infrequent due to their sporadic use, and that children using the smaller pitches (where they would be kicking towards the mesh boundary fence) would be the younger children and therefore less able to generate the power of older children. Nonetheless, it would be prudent to incorporate measures in the fixings of the fencing to minimise the noise impact of any such strikes, such as using rubber washers to dampen any impact noise. With regard to the acoustic fencing at the western end of the southern boundary, there is the potential for ball strikes to occur which could lead to noise complaints. The site layout plan suggests that there is opportunity to install measures along this boundary such as planting a hedgerow to minimise the risk of ball strikes against the fence. However, it would be necessary for the school to ensure that they effectively manage activities in this area as any landscaping measures fully establish. It is understood that the hard-surfaced ball games area is intended to be used for ball games such as basketball/netball and not football which should also reduce the risk. It is recommended that a condition is included to confirm measures to minimise the risk/impact of ball strikes to fencing.*
69. *Rushcliffe Borough Council has also suggested that a noise impact assessment is undertaken to assess the impact from external activity noise. External activity noise from schools can be very difficult to assess accurately, given the mobile and unpredictable nature of the noise source (children playing). In our experience it is very rare for noise complaints to occur in relation to schools as people are generally less annoyed by the noise from children playing in a school setting, especially given the noise is for restricted periods during the school day and occurs only on weekdays and during term time. Therefore, are considerable periods of respite for neighbours during the evenings, weekends, and school holidays.*
70. *Unlike some new school developments which take place in close proximity to pre-existing residential receptors, this development is part of a wider housing development site, where those looking to buy/rent a neighbouring property will do so in the knowledge of a neighbouring school and therefore usually with some expectation of noise during the school day. It is also noted that the school land will not be open to wider community use. Therefore, taking all factors into account in my view it is unlikely that noise complaints will arise in relation to the proposed school. Nonetheless the design of any new school development should seek to minimise the risk of noise impacts through standard mitigation where possible. In addition, a condition to review 1 year after opening any noise complaints received by the school one year after opening should be considered, with a requirement to implement mitigation measures as agreed with CPA to address ongoing noise issues/complaints from neighbours.*

71. **Via Land Reclamation** – *No objection subject to conditions for a Phase 2 (intrusive) site investigation, remediation strategy if required and validation; and a watching brief for unexpected contamination.*
72. **Environment Agency** – *No objection. The site lies fully within Flood Zone 1. It should be noted that the site appears to have small sections located within flood zones 2 and 3 respectively according to the flood map for planning. An update to the flood map for planning is scheduled for May 2021 which will remove these small areas of FZ2 and FZ3 in line with the submitted hydraulic modelling for the wider site.*
73. **NCC Flood Risk Management** – No objection.
74. **Western Power** – *No objection. Western Power draws attention to electricity network within the application site.*
75. **Severn Trent Water Limited, Cadent (Gas)** – No response received. Any response received shall be orally reported.

## **Publicity**

76. The application has been publicised by means of site notices and press notice in accordance with the County Council's adopted Statement of Community Involvement.
77. No representations have been received.
78. Cllr Neil Clarke fully supports the provision of the school. However, the following matters are raised:
  - a) Off-site parking is only mentioned briefly and obliquely in measures set out in the School Travel Plan.
  - b) Parent drop-off and pick-up will be a problem. A large proportion of pupils will be travelling some distance, or from across main roads, and will be likely to travel by car.
  - c) How wide will Widnall Drive be? Congestion outside the school gates and parking on pavements/verges should be avoided. This is a new site and the opportunity exists to prevent this by proper planning of on-street off-site parking.
  - d) Traffic issues will be compounded by Widnall Drive being a dead-end, and conflict is bound to occur as parents try to turn, creating a problem for future residents. Positive action needs to be taken to prevent problems before they occur.
79. The issues raised are considered in the Observations section of the report.



## Observations

80. The principle of building a school as part of residential development to the north of Bingham has been established through the grant of outline planning permission (10/01962/OUT) in 2013 by Rushcliffe Borough Council and subsequent revisions to the permission. A development of 1,050 houses generates demand for 220 primary age places which equates approximately to a single form entry school. There is additional demand for school places in the Bingham Pupil Place Planning area which can be accommodated in the proposed 1.5 form entry school, to be constructed in two phases. The proposed siting, in close proximity to a commercial development to the east of the school site, in a central location on an arterial route running east-west through the residential estate is considered to be in an appropriate sustainable location. The school would be accessible by non car-based travel with a bus stop to be provided adjacent to the eastern school boundary on Dunsmore Avenue.

### Traffic and Travel

81. Pedestrian access to the school site from a path linking Dunsmore Avenue and Widnall Drive would exclude vehicular traffic from the area immediately outside the entrance gate, which is welcomed. The path running along the northern boundary of the school is to be provided as part of the wider housing development. However, the path will need to be constructed to a standard suitable for pedestrians accessing the school. In winter months children and parents of both the school and nursery are likely to use the path in hours of poor daylight. A lack of lighting on the path may give rise to a perception of insecurity. NPPF Paragraph 8 advises that in delivering sustainable development the social objective can be achieved by fostering a well-designed and safe built environment.
82. Design details of the path providing pedestrian access to the school have not been submitted in support of this application and in order to be suitable as an access to the school will need to be a minimum of 3m in width, constructed with a bound surface so as to be suitable for use by both pedestrians and cyclists, provided with a parent assembly area outside the gate and, as a minimum lit in hours of darkness when access to the school is required. It is recommended that a Grampian condition is imposed specifying that the school is not to open in advance of being provided with satisfactory safe access. NCC Highways Development Control has recommended in the consultation response that the path should be constructed to an adoptable standard to be fit for purpose and details of future maintenance will be required (Condition 21).
83. NPPF Paragraph 111 states that *all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.* Traffic impacts associated with parent drop-off and pick-up near to schools are often raised as matters of concern. On-street parking in itself is not a problem where it does not give rise to highway safety issues or cause significant detriment to

residential amenity. Making provision for off-street parking for parents for relatively short periods of the day where traffic can be accommodated on the highway is not an economic use of land, and facilitating travel by car does not encourage more sustainable travel modes.

84. The location of the pedestrian access gate is anticipated to split where parents who choose to travel to school by car will park. Dunsmore Avenue may be more accessible being located on a main road through the development and may be more convenient as part of a daily commute, whereas Widnall Drive would be closer to the school entrance gate. Commercial development is planned to the east of the school and whilst the commercial operators would be under no obligation to do so it may provide an opportunity for parent parking.
85. It is considered that the impact of parked vehicles would be diluted by the option of alternative points for drop-off and pick-up. Having regard to the matter raised by Councillor Clarke regarding parent on-street parking and potential for congestion around the school, there are extensive lengths of highway to the north of the school adjacent to the balancing pond that would be available without giving rise to significant impact on future residents (Plan 10). NCC Highways Development Control has commented that the location of the school has been factored in to the highway design of Widnall Drive, which is being constructed at an increased width of 6m. Properties in proximity to the school are not yet being built and future occupiers will likely factor the location of the school and likely traffic impacts into their decision to live there. The morning and afternoon term-time amenity impacts of parked vehicles are likely to be short lived and the development is considered to be compliant with Rushcliffe Part 2 Local Plan Policy 1 *Development Requirements*.
86. Rushcliffe Borough Council has advised that consideration is given to the provision of a dedicated vehicular drop-off/pick-up zone outside of the school, including provision for buses/coaches. The 6.0m road width is considered to be appropriate outside a school so as to allow for the passage of vehicles. School buses and coaches are likely to visit the school infrequently and outside of peak travel times.
87. Whilst in the long-term the extension to Widnall Drive will be a through route for traffic when the school first opens Widnall Drive may be in effect a cul-de-sac. In order to be able to open the school will need to be properly and safely accessed and various requirements that will need to be met are set out in recommended Condition 22.
88. Condition 11 of planning permission 17/01170 requires that the school shall not be occupied until 'controlled pedestrian cycle crossing arrangements and a school safety zone are in place, including appropriate signage, lining, traffic calming and parking restrictions have been implemented in accordance with details which shall be first submitted to and approved in writing by the Borough Council'. A school zone will be required on both Dunsmore Avenue and Widnall Drive and is the subject of recommended Condition 18 and Condition 22 g) with the need for additional highway works taking account of the school in operation 1-2 years after opening (Condition 32). The scheme required by Condition 18

may require a Traffic Regulation Order to be made which would be the subject of a separate process and public consultation. With reference to the advice note from Rushcliffe Borough Council (Paragraph 38b)), objections received will be considered when making a Traffic Regulation Order with regard to impact on safety and amenity. Having regard to the wider site planning history which has identified the location of a school site, it is considered that there is a reasonable prospect of a Traffic Regulation Order to regulate errant parking being successful.

89. The school will need to take responsibility in managing the traffic impacts of the school and are in a strong position to influence parent and child behaviour through travel initiatives. This can be best achieved through a School Travel Plan, which needs to be reviewed regularly in liaison with the local community and civil enforcement officers, evidence consultation with NCC Road Safety Team in the promotion of sustainable travel and road safety education, and propose revised initiatives and measures where the Primary School Travel Plan targets are not being met. The submitted School Travel Plan framework includes initiatives to encourage sustainable travel and will need to be developed and completed by the school once the school is in operation (Conditions 28-30).
90. The wider area is relatively flat which should encourage cycling as a convenient sustainable mode of school travel. The location of 40 covered cycle parking spaces within a secure area within the site and benefitting from passive surveillance is considered to be suitable. The need for additional cycle spaces is a matter that can be considered in the regular review of a School Travel Plan (Condition 29 I)).
91. Although the school is to be delivered in two phases the proposed car park is suitably sized to accommodate staff and visitor demands for the enlarged Phase 2 expansion. Fencing segregating the staff car park from the school entrance will direct pedestrians to the main school entrance gate, rather than attempting to cross the car park to gain access. Suitable provision will need to be made in the design to allow convenient access for mobility impaired visitors to the school from the car park via an intercom or similar system. The proposed provision of two EV charging points is considered to be appropriate. In addition, all spaces should be provided with ducting to facilitate future EV vehicle charging and would be accordance with NPPF Paragraph 110 e) (Condition 23).

#### Outdoor Areas, Design and Ecology

92. The proposed site layout makes suitable provision for outdoor hard play, grass playing pitch and informal soft play for the Phase 2 expanded school. The proposed porous tarmac construction on the area of hard play will allow a surface with a consistent gradient to be laid without risk of ponding/icing in frosty weather. Details of the hard play construction and finished levels need to be submitted (Condition 20).

93. Taking account of minimum pitch sizes and run-off areas there is little scope to accommodate additional development, such as play equipment, or planting. Although Via Landscape recommend that a hedge is planted along the southern school boundary to create a wildlife corridor NCC Ecology has confirmed that this is not required for the benefit of ecology. Whilst the planting of a hedge would be desirable it is considered that the mature woodland to the north of the school site provides a suitable habitat for transient mammals and foraging. Furthermore, the provision of a hedge would compromise the run-off margins required for playing pitches. Notwithstanding the impact on pitches, approved housing development to the south includes the planting of 24 trees within plots along the school boundary and would provide a suitable foraging route. Future residents of the properties to be built to the south of the school are likely to erect their own boundary treatments if fencing or similar is not provided as part of the housing development. With reference to the consultation response from Via Landscape regarding safeguarding, the school will be responsible for measures required to safeguard children on the site.
94. Use of the outdoor hard play area is likely to give rise to relatively short periods of noise during the school day focussed on one area of the site. The proposed houses to the south will be set at a level approximately 1m above the school boundary level, and potential noise impact would be suitably mitigated by the proposed 3m high boundary fence adjacent to housing Plot 99. A condition is recommended to require submission of the acoustic qualities of the fence design (Condition 16a)). Having regard to the change in level between the southern boundary and proposed houses to the south the increase in the perimeter fence height to 3m adjacent to Plots 99 and 113 (Plan 11) will be appropriate to maintain the effective height of the security fencing.
95. There is the potential that balls striking fencing can become a source of annoyance. From experience elsewhere in the Nottinghamshire this can in part be reduced through design (for example using rubber washers when joining metal fence panels). Details of fencing to be installed on the southern boundary, designed to minimise noise impact is the subject of recommended Condition 16b).
96. The proposed playing pitches would be laid out in the case of football, other than by the youngest age groups, with play taking place east-west which is likely to result in lower incidence of balls travelling into adjoining gardens. It is recommended that the effectiveness of the 2.4m high boundary fence in preventing nuisance, including the recording of complaints received, is reviewed after the playing field has been in use for a complete academic year (Condition 33). The applicant has advised that the proposed transfer of the site to the County Council would not allow the use of the site other than as a school which would preclude extended hours of use by the community, and the need to consider better connectivity with the community centre to the east identified in the consultation response received from Sport England (Paragraph 55).
97. Higher fencing (3m) is proposed on the boundary adjacent to approved houses closest to the playing field and is considered to be satisfactory in addressing the issue identified by Rushcliffe Borough Council of balls striking buildings.

98. Elsewhere, the proposed boundary hedge along the western boundary and eastern boundary adjacent to the future commercial development is considered appropriate. Trees set within the site adjacent to Dunsmore Avenue will allow glimpsed views into the school site beyond.
99. Suitable sustainable features are incorporated in the building design. The single storey school building will have a relatively low profile in the landscape and will be viewed from the south against the mature woodland to the north. The proposed scale, massing and choice of proposed facing materials is considered to be acceptable with the final details reserved by recommended Condition 15. The building has been designed to accommodate an extension in a complementary design without significant impact on the drainage layout proposed in Phase 1. An appropriate condition will be required to limit noise from installed fixed plant (Condition 31).
100. The provision of integrated bat and bird boxes into the structure of a building, whilst not proposed as part of the application, offers effective permanent ecological enhancement and also an educational benefit for the school. Although target bird species of swift, house sparrow and starling have been identified, the height of the single storey school does not offer the opportunity to accommodate swift. Bird and bat droppings can create a problem of streaking on brickwork or render. However, the boxes can be installed to stand proud whilst still being integrated into the building structure. A suitable location for bat and bird boxes has been identified on the west facing elevation of the hall, although alternative locations may be appropriate, and would be in close proximity to the foraging habitat offered by the mature trees to the north of the site. Notwithstanding submitted plans it is recommended that details of bat and bird boxes integrated into the building structure with target bird species of house sparrow and starling are submitted prior to the commencement of development (Condition 14).
101. Whilst a requirement for development to meet biodiversity net gain targets has not yet been introduced as a planning requirement, achieving biodiversity net gain is a sustainable objective. With reference to the recommended condition by Rushcliffe Borough Council for a Biodiversity Gain Plan, ecological impacts of the development can be mitigated in the design to be submitted in the reserved matters application to safeguard retained habitats, create new habitat and achieve ecological enhancement of the wider site (Condition 14b)). A landscape scheme will be required for the development (Condition 19).
102. eDNA testing of nearby ponds has demonstrated an absence of great crested newt. Development is to proceed in accordance with recommendations in the updated Ecological Appraisal supporting the application (preamble to Condition 3).
103. The submitted scheme of surface water drainage and supporting Flood Risk Assessment has been reviewed and no additional drainage information is required. With reference to the concern raised by Bingham Town Council (Paragraph 39) a satisfactory drainage scheme has been designed which will not increase flood risk to others. The applicant is advised that connection to the



public sewerage system will require a consent from Severn Trent Water Ltd (Note 3).

104. It is recommended that lighting to be installed should be designed to be sensitive to the presence of bats (Condition 17). It should be noted that lighting of the area of outdoor hard play is not proposed, extended hours of use by the community are not proposed and that additional lighting would require the benefit of a separate grant of planning permission.
105. The results of an intrusive site investigation including any mitigation to deal with contaminants identified will need to be submitted (Condition 10) along with a methodology to deal with unexpected contamination which may be encountered (Condition 11).

#### Deliverable Development and Construction

106. Delivery of the school to an anticipated opening date of September 2022 will rely on several factors. The southward extension of Widnall Drive and construction of a vehicular access as part of the culverting of the re-aligned watercourse will need to have been completed. There is a risk that on an unadopted new residential estate road, traffic associated with the operation of the school could lead to conflict with housebuilder construction traffic. The applicant will need to ensure that service traffic, staff, visitors and parents travelling by car will have unencumbered access to the school on the extended Widnall Drive in order to satisfy Condition 22. In addition, the footpath along the northern boundary of the school between Dunsmore Avenue and Widnall Drive will need to have been constructed to a suitable standard and be safe for use by both pedestrians and cyclists. Details of how proposed site levels along the northern and western boundaries would relate to land immediately adjoining outside the school perimeter will be required (Condition 8a)viii).
107. The use of a construction access from Dunsmore Road will allow construction to progress without conflicting with housebuilding taking place to the west. Having regard to a current lack of built development adjacent to the school site and location on a wider construction site, other than controlling the routing of construction traffic it is considered that the specific exclusion of construction work on Saturday afternoon does not need to be imposed. However, it is likely that properties to the south of the school and to the north of Dunsmore Avenue may be occupied by the time Phase 2 is constructed (Condition 7). Construction deliveries can be satisfactorily directed to and from the A46 (Margidunum) via Chapel Lane to the east of site without impacting on the amenity of residents (Condition 8).

#### **Other Options Considered**

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

## **Statutory and Policy Implications**

109. 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

110. The school site will be enclosed by perimeter security fencing. A lit path from the highway would provide safer access to the school entrance gate.

### Data Protection and Information Governance

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

### Financial Implications

112. The proposed development will require off-site works on the future adopted highway. The applicant would be expected to cover all reasonable legal costs incurred by the County, although these costs may also be met by housebuilders under their obligations under planning permissions granted by Rushcliffe Borough Council.

### Human Rights Implications

113. 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 6.1 (Right to a Fair Trial) are those to be considered. The proposal has the potential to introduce noise and disturbance generated by outdoor play impacting on neighbouring residents. However, this potential impact needs to be balanced against the wider benefit of the proposal through the provision of school places and the mitigation arising from timber fencing to be provided on the southern boundary adjacent to the area of outdoor hard play. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

### Safeguarding of Children and Adults at Risk Implications

Safeguarding responsibilities would fall to the school. However, the proposed perimeter security fence and segregation of areas within the school site would provide appropriate physical measures to safeguard children.

### Implications for Sustainability and the Environment

- 114. These have been considered in the Observations section above.
- 115. There are no Human Resources, Public Sector Equality Duty implications or implications for Service Users.

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

- 116. In determining this application, the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies; the National Planning Policy Framework, including the accompanying technical guidance. The County Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application. Issues of concern have been raised with the applicant, such as impacts of noise, access, levels and co-ordination with adjacent approved development and have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **RECOMMENDATIONS**

- 117. It is RECOMMENDED 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. Members need to consider the issues set out in the report and resolve accordingly.

**ADRIAN SMITH**

**Corporate Director – 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.

[RHC 16/06/2021]

## **Financial Comments**

The financial implications are set out in Paragraph 112 of the report.

The proposed development will require off-site works on the future adopted highway. The applicant would be expected to cover all reasonable legal costs incurred by the County, although these costs may also be met by housebuilders under their obligations under planning permissions granted by Rushcliffe Borough Council.

[SES 16/06/21]

## **Background Papers Available for Inspection**

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

## **Electoral Division and Member Affected**

Bingham West

Cllr Neil Clarke

Report Author/Case Officer

David Marsh

0115 9932574

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

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**RECOMMENDED PLANNING CONDITIONS**

1. 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.*

2. The County Planning Authority (CPA) shall be notified in writing of the date of commencement 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.*

3. 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 (including the recommendations of the updated Ecological Appraisal), and the following plans:

- (a) Location Plan (Drawing 27746-ARC-XX-ZZ-DR-A-00003 Rev P03) received by the CPA on 18 March 2021.
- (b) Context Site Plan (Drawing 27746-ARC-XX-XX-DR-A-00103 Rev P01) received by the CPA on 4 May 2021.
- (c) Proposed Site Plan (Phase 1) (Drawing 27746-ARC-XX-ZZ-DR-A-00101 Rev P06) received by the CPA on 11 June 2021.
- (d) Proposed Floor Plan (Phase 1) (Drawing 27746-ARC-XX-GF-DR-A-01021 Rev P02) received by the CPA on 18 March 2021.
- (e) Proposed Elevations (Phase 1) Sheet 1 (Drawing 27746-ARC-XX-XX-DR-A-01201 Rev P01) received by the CPA on 15 March 2021.
- (f) Proposed Elevations (Phase 1) Sheet 2 (Drawing 27746-ARC-XX-XX-DR-A-01202 Rev P01) received by the CPA on 15 March 2021.
- (g) Proposed Site Plan (Phase 2) (Drawing 27746-ARC-XX-ZZ-DR-A-00102 Rev P04) received by the CPA on 11 June 2021.
- (h) Proposed Floor Plan (Phase 2) (Drawing 27746-ARC-XX-GF-DR-A-01022 Rev P01) received by the CPA on 15 March 2021.



- (i) Proposed Elevations (Phase 2) (Drawing 27746-ARC-XX-XX-DR-A-01203 Rev P02) received by the CPA on 18 March 2021.
- (j) Proposed Building Sections (Drawing 27746-ARC-XX-XX-DR-A-01300 Rev P02) received by the CPA on 15 March 2021.
- (k) Proposed Site Sections (Drawing 27746-ARC-XX-ZZ-DR-A-00200 Rev P01) received by the CPA on 15 March 2021.
- (l) Hard Landscaping/Fencing Plan (Drawing 27746-ARC-XX-XX-DR-A-00109 Rev P06) received by the CPA on 11 June 2021.
- (m) Fencing Elevations FE1-FE4 (Drawing 27746-ARC-XX-XX-DR-A-02000 Rev P01) received by the CPA on 11 June 2021.
- (n) Fencing Elevations FE5-FE7 (Drawing 27746-ARC-XX-XX-DR-A-02001 Rev P01) received by the CPA on 11 June 2021.

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

#### Construction

- 4. If main site construction work has not commenced before 28 February 2023 no development shall commence before an updated ecological survey detailing any recommendations appropriate to the survey findings shall be submitted to and be approved in writing by the CPA. The development must be carried out and completed in accordance with the approved details.

*Reason: Ecological surveys are time-limited. A further survey may be required prior to commencement to ensure that development is carried out taking account of up-to date ecological information.*

- 5. Tree, shrub, scrub or other vegetation clearance works that are to be carried out between the months of March to August inclusive in either:

a) Phase 1; or

b) Phase 2

of the development shall only be undertaken in accordance with a methodology which shall be first be submitted to and approved in writing by the CPA. Works to be carried out in accordance with the approved methodology shall only be undertaken following inspection by a suitably qualified ecologist and written confirmation from the ecologist first being submitted to the CPA that breeding birds would not be adversely impacted by the proposed clearance works.

*Reason: To avoid disturbance to birds during the breeding season.*

6. Access to the school site from Dunsmore Avenue shall be for the purpose of construction only (either Phase 1 or Phase 2). Pedestrian access to the school site directly from the frontage to Dunsmore Avenue is expressly not permitted.

*Reason: For the avoidance of doubt as to the development permitted in the interest of highways safety.*

7. During each Phase of Development, unless in the event of an emergency, or as otherwise may be previously agreed in writing with the CPA:

Phase 1

- a) no construction deliveries or work shall take place on Sundays, Public or Bank Holidays;
- b) no construction deliveries to site shall take place on any day other than between 07:30–18:00 hours Monday to Saturday;
- c) no construction work shall be carried out or plant operated except between 07:30–18:00 hours Monday to Saturday.

Phase 2

- d) no construction deliveries or work shall take place on Sundays, Public or Bank Holidays;
- e) no construction deliveries to site shall take place on any day other than between 07:30–18:00 hours Monday to Friday and 07:30– 13:00 hours on Saturday;
- f) no construction work shall be carried out or plant operated except between 07:30–18:00 hours Monday to Friday and 07:30–13:00 hours on Saturday;
- g) no construction related vehicle movements to and from the school site shall take place;
  - i) 30 minutes before and 15 minutes after the start of the operational school day;
  - ii) 30 minutes before and 30 minutes after the end of the operational school day.
- h) noise generated by construction activities on the site shall not exceed 65dB (L<sub>Aeq, 1hr</sub>) measured at a distance of 3.5m from the nearest façade of a property.

*Reason: To safeguard the amenity of nearby residents and in the interests of highway and pedestrian safety.*

8. Prior to the commencement of:

- a) Phase 1; or
- b) Phase 2

of development, details of the method of working during the construction phase, in the form of an environmental management plan, to include:

- i) lorry routeing for construction traffic from the principal highway network;
- ii) details of the location and layout of the construction access (notwithstanding submitted information); provision for the parking of vehicles within the site belonging to construction operatives and/or visitors; areas for loading and unloading plant and materials; location and appearance of site compound/material storage areas including the height of any cabins to be sited; and details of any external lighting;
- iii) measures to prevent the deposit of debris on the public highway;
- iv) measures for the control of noise (including site hoarding), vibration and dust emissions to minimise noise impacts of construction to the lowest practicable levels (including mitigation measures in the event of a complaint);
- v) a scheme for the recycling/disposal of surplus soils and waste resulting from construction and validation of an absence of contaminants in imported soils; and
- vi) measures to safeguard risk to mammals during the period of construction;
- vii) (Phase 1 only) measures to prevent materials entering the adjacent watercourse during the period of construction;
- viii) (Phase 1 only) details of proposed finished levels relative to land immediately outside the school perimeter fence along the northern and western boundaries

shall be submitted to and approved in writing by the CPA. All construction shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the CPA.

*Reason: In the interest of highway safety, to protect the amenities at present enjoyed by the occupiers of nearby properties, and to prevent pollution in the interest of safeguarding ecology.*

### Archaeology

9. Prior to the commencement of development, a programme of archaeological control and supervision within the area of the proposed school perimeter fence shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details. In the event that complex archaeological remains are located, development shall proceed in accordance with a methodology which shall first be submitted to and approved in writing by the CPA.

*Reason: To ensure that adequate archaeological investigation and recording is undertaken prior to the development taking place.*

### Contamination

10. Prior to the commencement of main site works:
- a) A methodology for an intrusive site investigation to confirm the presence/absence of contaminated material shall be submitted to and approved in writing by the CPA.
  - b) Should the intrusive investigation carried out pursuant to the scheme approved in compliance with 10a) identify the presence of contaminated material, a remediation strategy to remove the contaminated material shall be submitted to and approved in writing by the CPA. Works shall be carried out in compliance with the approved details.
  - c) Following the completion of any works of remediation carried out in accordance with the details approved in compliance with 10b), a validation report to confirm that contamination encountered has been satisfactorily remediated shall be submitted to the CPA. Works shall not commence until the validation report has been approved in writing by the CPA unless expressly first authorised by the CPA.

*Reason: Details are required to be submitted prior to the commencement of development to provide an appropriate methodology that will ensure that risks of site contamination are properly identified and addressed.*

11. If during:

- a) Phase 1; or
- b) Phase 2

of development, contamination not previously identified is found to be present, no further works shall be carried out in the area identified, unless first agreed in writing by the CPA, until a remediation strategy to deal with unsuspected contamination (including validation that contamination has been satisfactorily

remediated) has been submitted to and approved in writing by the CPA. Works shall be carried out in accordance with the approved details.

*Reason: To provide an appropriate methodology that will ensure that risks of site contamination are properly identified and addressed.*

12. The CPA shall be notified in writing within 7 days of the date of the completion of the development. Within two months of the completion of development, a validation report to confirm an absence of contaminants notified to the CPA in compliance with Condition 11 shall be submitted to and approved in writing by the CPA.

*Reason: To ensure that the site is left in a satisfactory condition and does not pose a risk to human health and the environment.*

### Drainage

13. Notwithstanding details submitted in support of the application, unless the written evidence from Severn Trent Water that the scheme of foul drainage submitted in support of the application is acceptable is submitted for approval to the CPA, prior to the commencement of Phase 1 main site works, a scheme of foul water drainage works:

- a) for the Phase 1 development; and
- b) the Phase 2 development

shall be submitted to and approved by the CPA in writing. The foul drainage works shall be completed in accordance with the approved details prior to each Phase of Development hereby approved first being brought in to use.

*Reason: To prevent the increased risk of flooding and minimise pollution by ensuring the provision of a satisfactory means of foul water disposal.*

### Design Details

14. Prior to the commencement of development:
- a) notwithstanding elevations approved by Condition 3e) and Condition 3f), the design detail and location of bats boxes and bird nest boxes (target species starling and house sparrow) to be integrated in to the building structure shall be submitted to and approved in writing by the CPA; and
  - b) an ecological enhancement plan for the wider site setting out the areas of habitat to be retained, enhanced and created;



shall be submitted to and approved by the CPA in writing. Development shall be carried out in accordance with the approved details.

*Reason: For the avoidance of doubt as to the development permitted and to enhance the ecology of the site.*

15. Prior to their use on site in:

- a) Phase 1; or
- b) Phase 2

of development samples and/or a schedule of all proposed facing materials and finishes, including paving, shall be submitted to and approved by the CPA in writing. Development shall be carried out in accordance with the approved details, other than with the prior written consent of the CPA.

*Reason: In the interest of visual amenity and to accord with Rushcliffe Local Plan Part 2: Land and Planning Policies – Policy 1 – Development Requirements.*

16. Prior to being installed or erected, details of:

- a) the design and acoustic qualities of the close-boarded timber fencing to be erected on the southern site boundary;
- b) the Heras fence to be erected on the southern site boundary incorporating design measures to minimise the impact of ball strike;
- c) notwithstanding submitted details, a layout/design to reduce and mitigate the impact of ball strike of the acoustic fence; and
- d) the design of covered cycle storage

shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: In the interest of visual amenity.*

17. For the avoidance of doubt external lighting of the area of outdoor hard play is not authorised by this approval and will require a separate grant of planning permission. Prior to external lighting being installed in:

- a) Phase 1; or
- b) Phase 2

of the development, the location and design details of external light fittings, and a lighting scheme demonstrating compliance with Institute of Lighting

Professionals Guidance for the Reduction of Obtrusive Light – Zone E2 and designed in consultation with an ecologist with regard to the presence of bats, shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: In the interests of visual amenity, and to control the potential impact of external lighting on bats in order to ensure the favourable conservation status of a protected species.*

18. Within six months of the commencement of development details of a School Zone incorporating off-site highway works (pedestrian guardrail, markings, associated signage and other measures as appropriate) on Dunsmore Avenue and Widnall Drive shall be submitted to and approved in writing by the CPA.

*Reason: In the interest of highway safety.*

19. Within 6 months of the commencement of Phase 1 of Development a scheme, including a programme for the provision of landscaping to include:
- a) species, locations, planting size and planting density;
  - b) an area of wildflower grassland, trees and hedgerow to accord with the ecological enhancement plan required in compliance with Condition 14;
  - c) establishment methods (including tree pit detail); and
  - d) a schedule of maintenance including a Landscape Management Plan to guide ongoing management of created and retained habitats (including relaxed summer mowing regime of the wildflower grassland)

generally in accordance with landscaping details shown on Drawing 27746-ARC-XX-ZZ-DR-A-00101 Rev P06 (Condition 3 c)) shall be submitted to and approved in writing by the CPA. Other than as may be agreed in the programme for the provision of landscaping and planting, the approved landscaping and planting scheme shall be completed not later than the first planting season following the development first being brought into use. Any tree, plant, shrub or grass seeding that fails to become established within 5 years of the completion of the approved planting and landscaping scheme shall be replaced to the satisfaction of the CPA.

*Reason: In the interest of visual amenity.*

20. Within 6 months of the commencement of Phase 1 of Development:
- a) the construction specification for hard play areas; and
  - b) a grid of finished levels/contours of areas of hard play

shall be submitted to and approved in writing by the CPA.

Grass pitches shall be constructed in accordance with Sport England design guidance *Natural Turf for Sport* <https://www.sportengland.org/media/4564/natural-turf-for-sport.pdf> Pitch Type 4.

Areas of hard play and sports pitches shall be provided in accordance with the approved details prior to the development first being brought into use or in accordance with a timetable that shall first be agreed in writing with the CPA.

*Reason: To ensure the provision of pitch and outdoor facilities to a standard fit for purpose.*

21. Within 6 months of the commencement of development details of the:

- a) design of the 3m wide path, also incorporating a parent assembly area outside the school gate so as to not impede use of the path, to be lit (designed with regard to the presence of bats), surfaced with a bound material and marked as appropriate to accommodate use by pedestrians and cyclists between Dunsmore Avenue and Widnall Drive; and
- b) future maintenance of the path link between Dunsmore Avenue and Widnall Drive

shall:

- i) be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details; and
- ii) shall be provided to an adoptable standard in accordance with the Nottinghamshire Highway Design Guide suitable to provide safe access to the school prior to the school first being brought into use to the written satisfaction of the CPA.

*Reason: In the interest of the safety of pedestrians and cyclists accessing the school.*

#### Prior to Occupation

22. Prior to the approved school first being brought into use:

- a) the southward extension of Widnall Drive (under construction June 2021) passing the school shall be open to through traffic; or
- b) the southward extension of Widnall Drive shall be provided with a suitable turning area in proximity to the school to the satisfaction of the CPA; and

- c) prior to the adoption of the highway, any affected land owner gives written confirmation of their consent that the route to the school along Widnall Drive may be used as a means of access to the school by service vehicles, staff, visitors and parents;
- d) both the carriageway and footways on the southward extension of Widnall Drive to a point south of the vehicular access to the school have been constructed and surfaced to a standard acceptable to the CPA in consultation with NCC Highways Development Control such that they provide safe and suitable access to the school;
- e) the path linking Dunsmore Avenue and the southward extension of Widnall Drive running along the northern boundary of the school site has been satisfactorily constructed in compliance with Condition 21 and is available for use by both pedestrians and cyclists;
- f) prior to the adoption of the highway, any affected land owner gives written confirmation of their consent that Dunsmore Avenue may be used as a route for vehicular access to the school;
- g) the School Zone scheme approved in compliance with Condition 18 has been implemented to the written satisfaction of the CPA unless such other timescale has been first agreed in writing by the CPA.

*Reason: To ensure the provision of safe and suitable access to the development in the interest of highway and pedestrian safety.*

23. 40 covered cycle spaces shall be provided prior to the opening of the Phase 1 development.

*Reason: To promote the use of sustainable non-car based travel alternatives and to promote healthy lifestyles.*

24. Prior to the approved development first being brought into use two electric vehicle charging points shall be provided within the car park and all car parking spaces shall be provided with ducting to facilitate the future provision of electric vehicle charging.

*Reason: To enable the use of non-carbon based technology in accordance with Paragraph 100e) of the National Planning Policy Framework.*

25. No part of the development shall be first brought into use until the vehicle access, off-street vehicle/cycle/scooter parking, turning and servicing areas have been constructed, drained through trapped gullies with an overall capacity compatible with the site being drained, surfaced and marked out in accordance with the approved plans to the satisfaction of the CPA. The vehicle access, vehicle parking, turning and servicing areas shall not be used for any purpose

other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.

*Reason: To ensure the timely provision and retention of car parking and service areas in the interest of highway safety.*

26. Prior to the development first being brought into use the 3.0m high timber fencing on the southern boundary shown on Drawing 27746-ARC-XX-ZZ-DR-A-00109 Rev P06 (Condition 3 l)) and elevation on Drawing 27746-ARC-XX-XX-DR-A-02001 Rev P01 (Condition 3 n)) shall be constructed in accordance with details approved in compliance with Condition 16a) to the written satisfaction of the CPA.

*Reason: To safeguard the amenity that occupiers of the adjacent properties (Plots 95-99) could reasonably expect to enjoy.*

27. Prior to the approved development for:

- i) Phase 1 - the new school;
- ii) Phase 2 - expansion to 315 pupil places

first being brought into use, a methodology for a post-occupation traffic survey shall be submitted to and approved in writing by the CPA.

*Reason: In the interest of highway safety and to promote sustainable travel.*

#### Post-Occupation

28. Within 3 months of the approved development for:

- i) Phase 1 - the new school;
- ii) Phase 2 - expansion to 315 pupil places

first being brought into use, a post-occupation traffic survey (in accordance with the methodology approved in compliance with Condition 27 for each Phase of Development), including recommendations and a timescale for the implementation of recommended measures shall be submitted to and approved in writing by the CPA. Approved measures shall be implemented to the written satisfaction of the CPA in accordance with the agreed timescale.

*Reason: In the interest of highway safety and to minimise the potential highway related implications of the development.*

29. The Head Teacher of the new Primary School, or other suitably authorised person, shall appoint and thereafter continue to employ or engage a Travel Plan Coordinator who shall be responsible for the implementation, delivery,



monitoring and promotion of the sustainable transport initiatives. The Travel Plan Coordinator shall within 3 months of:

- i) Phase 1 - the new school;
- ii) Phase 2 - expansion to 315 pupil places

first being brought into use provide a completed Primary School Travel Plan aimed at reducing reliance on the private car as the principal means of staff and parent transport to and from the school, including timelines for monitoring, review and implementation, to the written satisfaction of the CPA. The Primary School Travel Plan shall include initiatives to:

- a) promote education relating to sustainable travel and road safety education, in consultation with NCC Road Safety Team;
- b) raise awareness of the problems car journeys can create;
- c) reduce travel by vehicle to and from school;
- d) promote car sharing;
- e) raise awareness amongst parents of the issues of travel to school;
- f) manage student drop-off and pick-up; and
- g) manage school related parking for school events outside of normal school hours.

The School Travel Plan shall include:

- h) the scope and a programme for monitoring school related short-term parking on the public highway, and any potential highway safety issues arising;
- i) the scope and a programme for monitoring pedestrian-cyclist movements associated with the school's peak operation times;
- j) a proposal to attain periodic staff-pupil travel pattern behaviours, through origin-destination-post code-multi modal surveys;
- k) modal shift targets; and
- l) demand for, and future provision of, additional covered cycle spaces;

and demonstrate that active engagement has taken place with the local community and civil enforcement officers.

*Reason: In the interest of highway safety and to promote sustainable travel.*

30. Subsequent to the report required by Condition 29, the Travel Plan Coordinator shall submit a report to the CPA within 12 months following:

- i) Phase 1 - the new school;
- ii) Phase 2 - expansion to 315 pupil places

first being brought into use, and thereafter submit annual reports for a minimum period of 5 years and until the Primary School Travel Plan single occupancy car passenger targets have been met. The annual monitoring reports shall summarise the data collected over the monitoring period (Condition 29h-29 l)), evidence that active engagement has taken place with the local community and civil enforcement officers, evidence consultation with NCC Road Safety Team in the promotion of sustainable travel and road safety education, and propose revised initiatives and measures where the Primary School Travel Plan targets are not being met, including implementation dates, to be approved in writing by the CPA.

*Reason: In the interest of highway safety and to promote sustainable travel.*

31. Following the completion of the development, the combined fixed plant noise rating shall not exceed 35dB LAeq<sub>1hr</sub> at the nearest sensitive receptor. In the event that the noise limit is exceeded, a scheme of noise mitigation shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: To safeguard the amenities enjoyed by the occupiers of nearby residential properties.*

32. Not less than 12 months and no later than 24 months after the school has been brought into use, a post-occupation highway survey shall be carried out to identify any additional 'School Zone' measures that need to be implemented to address damage to the highway arising from use associated with the school, or highway safety issues arising. A report shall:

- a) be submitted to the CPA within 3 months of the survey;
- b) include details of measures to mitigate identified impacts; and
- c) propose a timescale for the implementation of mitigation measures.

The mitigation measures, which shall first be approved in writing by the CPA, shall be implemented within an approved timescale.

*Reason: In the interest of highway safety and the amenity of the streetscene.*

33. The school shall keep a record (location, substance of complaint and date) of:

- a) impact noise complaints from balls etc. hitting perimeter fencing and acoustic timber fencing
- b) balls etc. entering gardens

received from residents adjoining the southern boundary of the school until the end of a complete academic year following the school having first been brought into use. No later than August following the school having been in use for a full academic year, or one year of the first occupation of the adjacent dwellings whichever the later, a report shall be submitted to the CPA detailing:

- c) complaints received
- d) action taken to resolve complaints
- e) any mitigation measures proposed and a timescale for their implementation.

Subject to the works of mitigation in themselves not requiring planning permission the agreed mitigation measures shall be implemented in the agreed timescale and retained, unless otherwise agreed in writing by the CPA, throughout the life of the development.

*Reason: To safeguard the amenity that occupiers of neighboring properties could reasonably expect to enjoy.*

## Phase 2

34. Within 3 months of the commencement of Phase 2 of Development a scheme, including a programme for the provision of landscaping to include:
  - a) species, locations, planting size and planting density;
  - b) grass sowing;
  - c) establishment methods (including tree pit detail); and
  - d) a schedule of maintenance including a Landscape Management Plan to guide ongoing management of created and retained habitats

generally in accordance with landscaping details shown on Drawing 27746-ARC-XX-ZZ-DR-A-00102 Rev P04 (Condition 3 g)) shall be submitted to and approved in writing by the CPA. Other than as may be agreed in the programme for the provision of landscaping and planting, the approved landscaping and planting scheme shall be completed not later than the first planting season following the development first being brought into use. Any tree, plant, shrub or grass seeding that fails to become established within 5 years of the completion

of the approved planting and landscaping scheme shall be replaced to the satisfaction of the CPA.

*Reason: In the interest of visual amenity.*

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

1. Via Noise advises, with reference to construction, that there is potential for some noise disturbance from the construction of the proposed school. It is noted that the wider setting is within an ongoing housing construction site. Nonetheless, there are likely to be multiple occupied dwellings in proximity to the new school development, so the contractor should employ appropriate noise controls, following recommended guidance in *BS5228-1:2009 (Code of practice for noise and vibration control on construction and open sites)* to ensure that any noise impacts are kept to a minimum.

Plant should be installed on anti-vibration mountings.

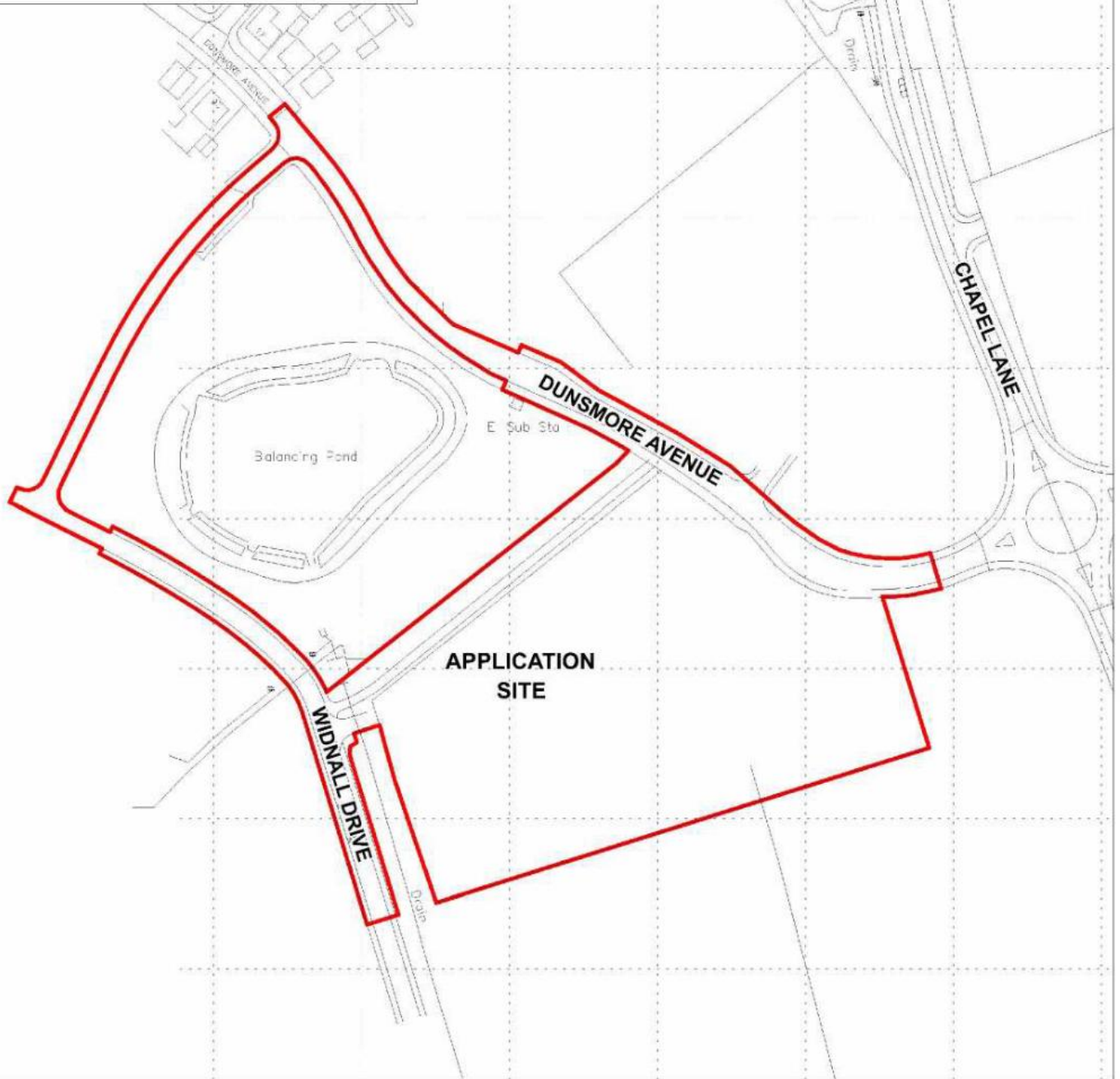
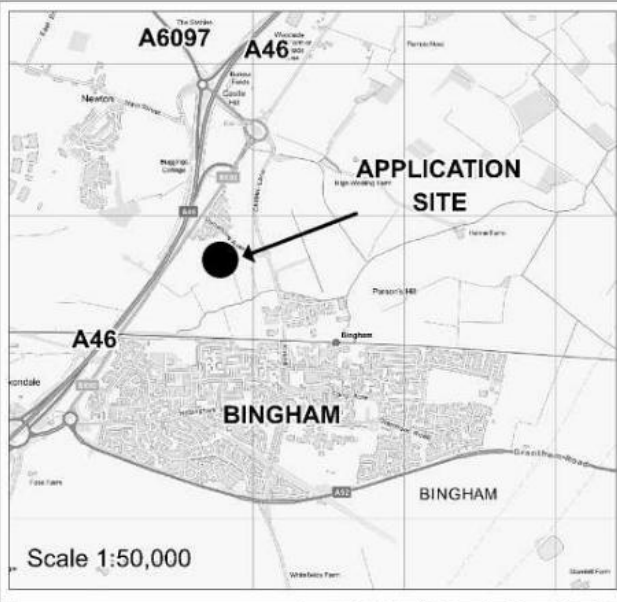
2. Rushcliffe Borough Council advises that the following matters should be considered in the design:
  - a) *Measures to ensure that the roof liners of any building do not pose a future risk to roosting bats.*
  - b) *Hedgehog corridors and features should be provided. Reptile and amphibian habitats, enhancement features and hibernacula should be considered.*
  - c) *Good practise construction methods should be adopted including:*
    - i) *Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.*
    - ii) *No works, fires or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas.*
    - iii) *All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.*
    - iv) *Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should*

*be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation, soil or rubble should be left overnight and if they are left then they should be dismantled by hand prior to removal.*

*v) Pollution prevention measures should be adopted*

- d) Consideration should be given to climate change impacts, energy efficiency, alternative energy generation, sustainable transport (including electric vehicle and bike charging points and cycle storage), water efficiency, management of waste during and post construction and the use of recycled materials and sustainable building methods.*
3. The consent of Severn Trent Water will be required for either a direct or indirect connection to the public sewerage system under the provisions of Section 106 of the Water Industries Act 1991. Current guidance notes and an application form can be found at [www.stwater.co.uk](http://www.stwater.co.uk) or by contacting Severn Trent Water New Connections Team (01332 683369).
  4. Advice is given by Nottinghamshire Police on Designing Out Crime and the consultation response received by the CPA on 12 April 2021 is attached.
  5. Western Power Distribution advises that there is electrical apparatus in proximity to the site A copy of the consultation response from Western Power Distribution received by the CPA on 30 March 2021 is enclosed.





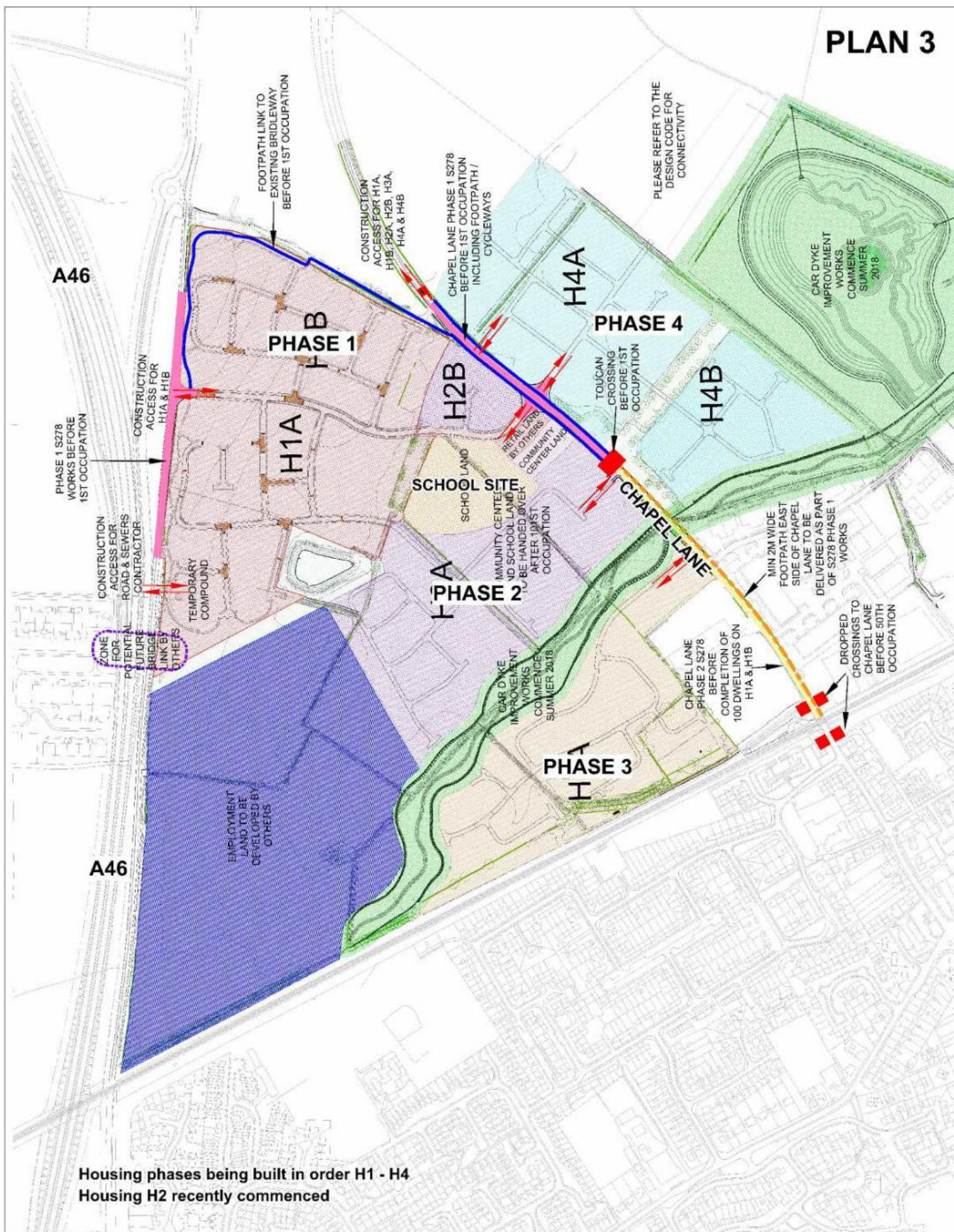






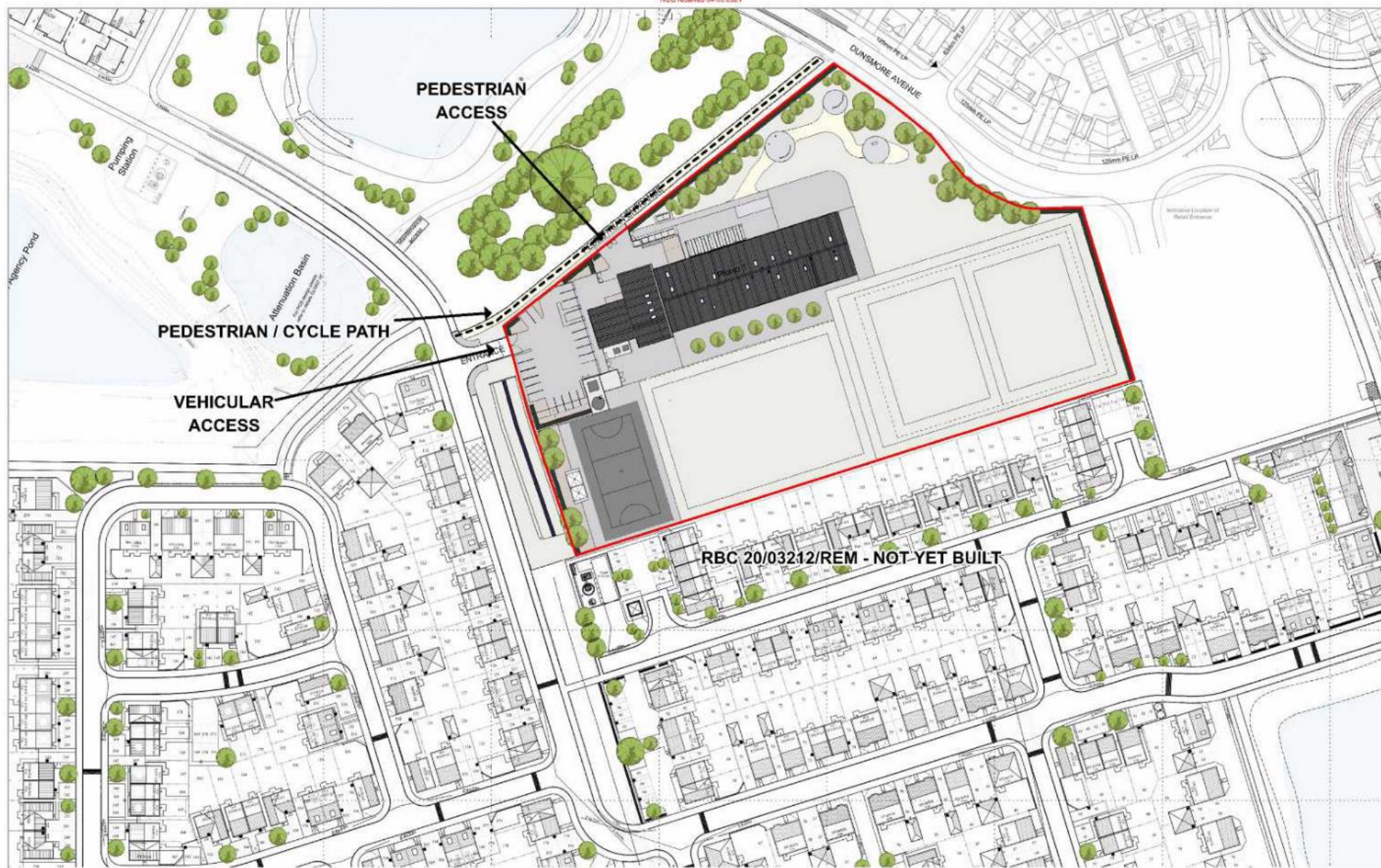












**Nottinghamshire  
County Council**

Construction of new 315 (1.5FE) place primary school with 26 place nursery  
over two phases (1st phase 1FE 210 place with 26 place Nursery).

Wridnall Drive, Bingham, Nottinghamshire.  
Planning Application No 18/21/01046/CMA

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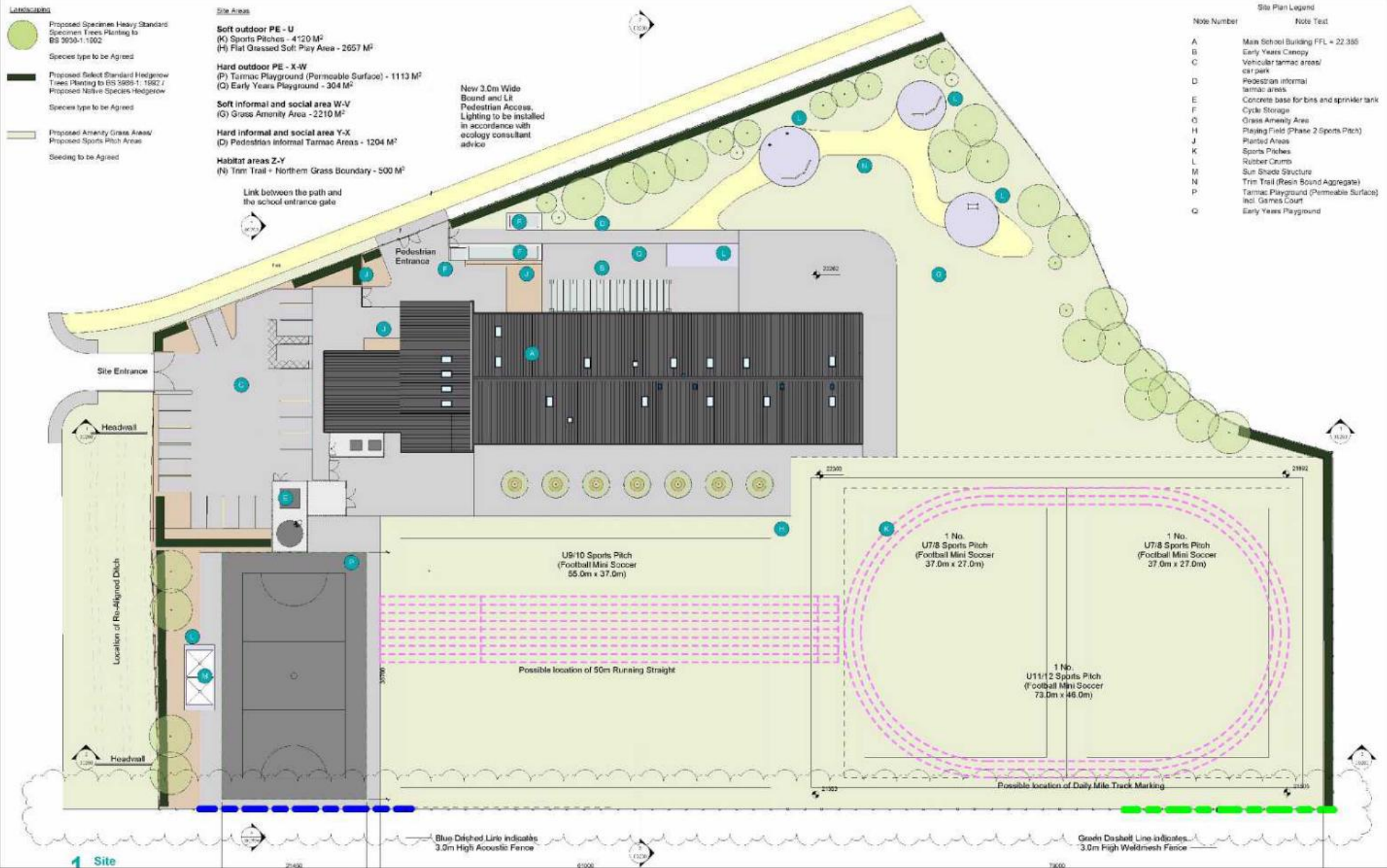
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**PLAN 4**











NCC received 18.03.2021



**1 Ground Floor-Planning Phase 1**

1:100

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**Nottinghamshire  
County Council**

Construction of new 315 (1.5FE) place primary school with 26 place nursery  
over two phases (1st phase 1FE 210 place with 26 place Nursery).

Wridhall Drive, Bingham, Nottinghamshire.  
Planning Application No: 18/21/01046/CMA

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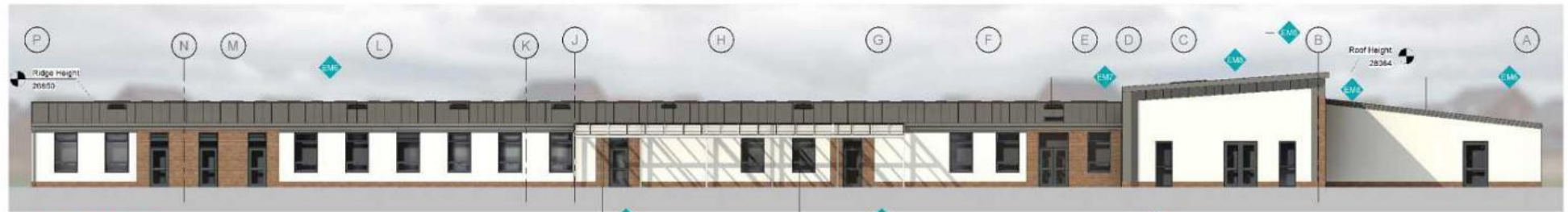
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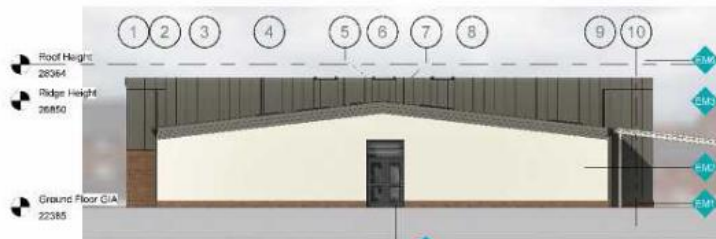


**PLAN 6**





1 North Elevation  
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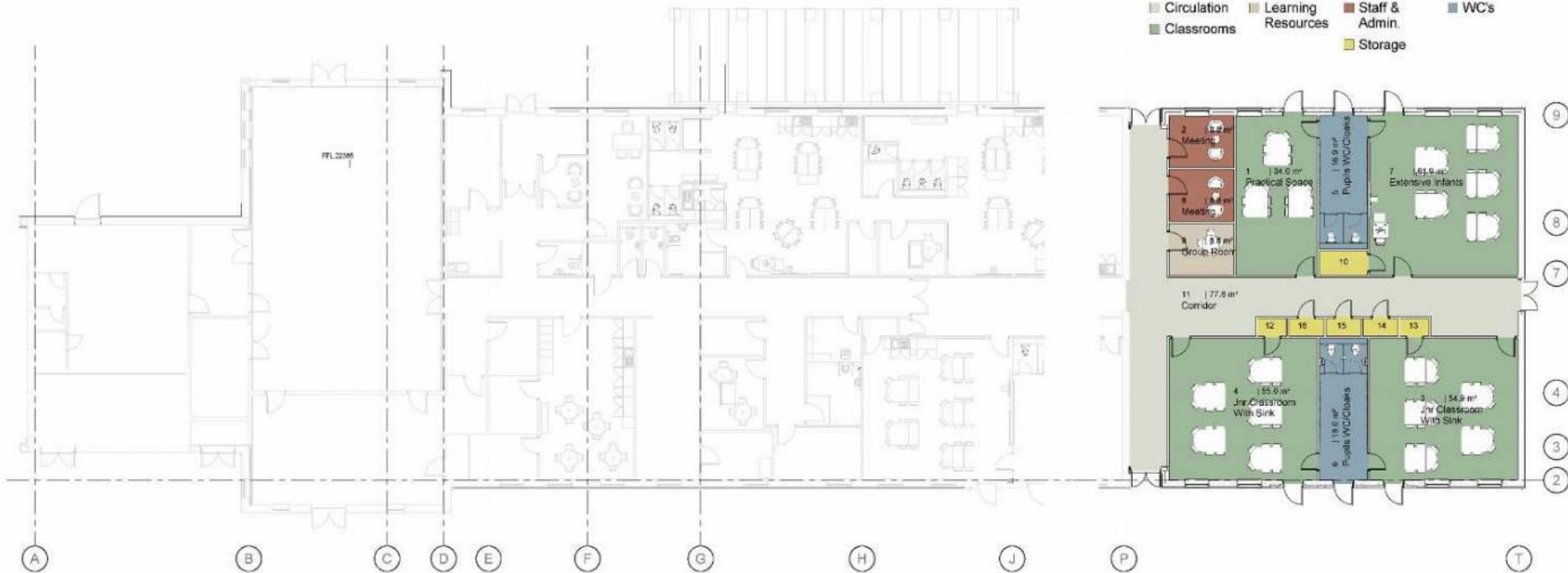


2 East Elevation  
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NCC received 15.03.2021



# 1 Ground Floor-Planning Phase 2

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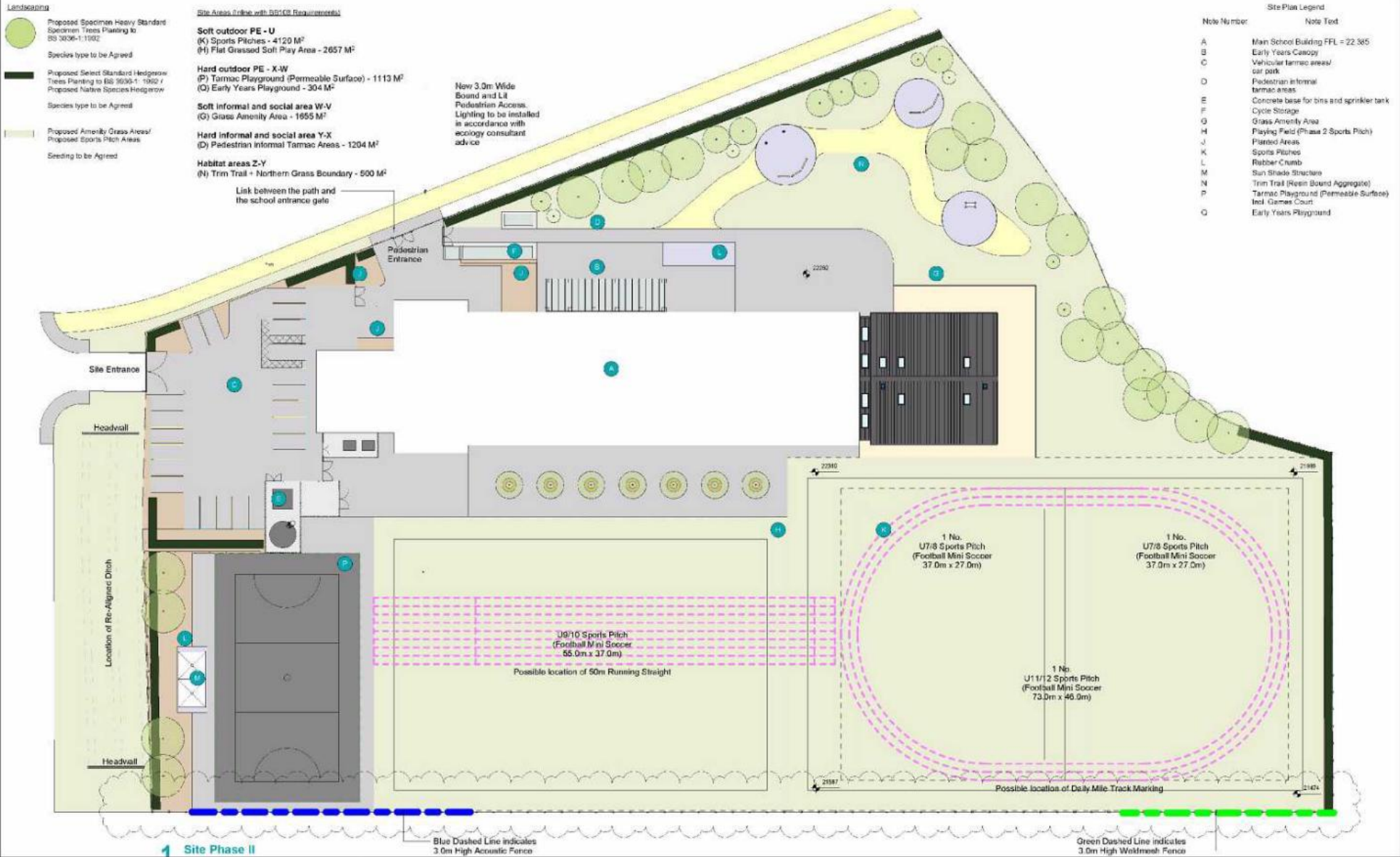
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**Nottinghamshire  
County Council**

Construction of new 315 (1.5FE) place primary school with 26 place nursery  
over two phases (1st phase 1FE 210 place with 26 place Nursery).

Wridnall Drive, Bingham, Nottinghamshire.  
Planning Application No 18/21/01046/CMA

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**PLAN 9**





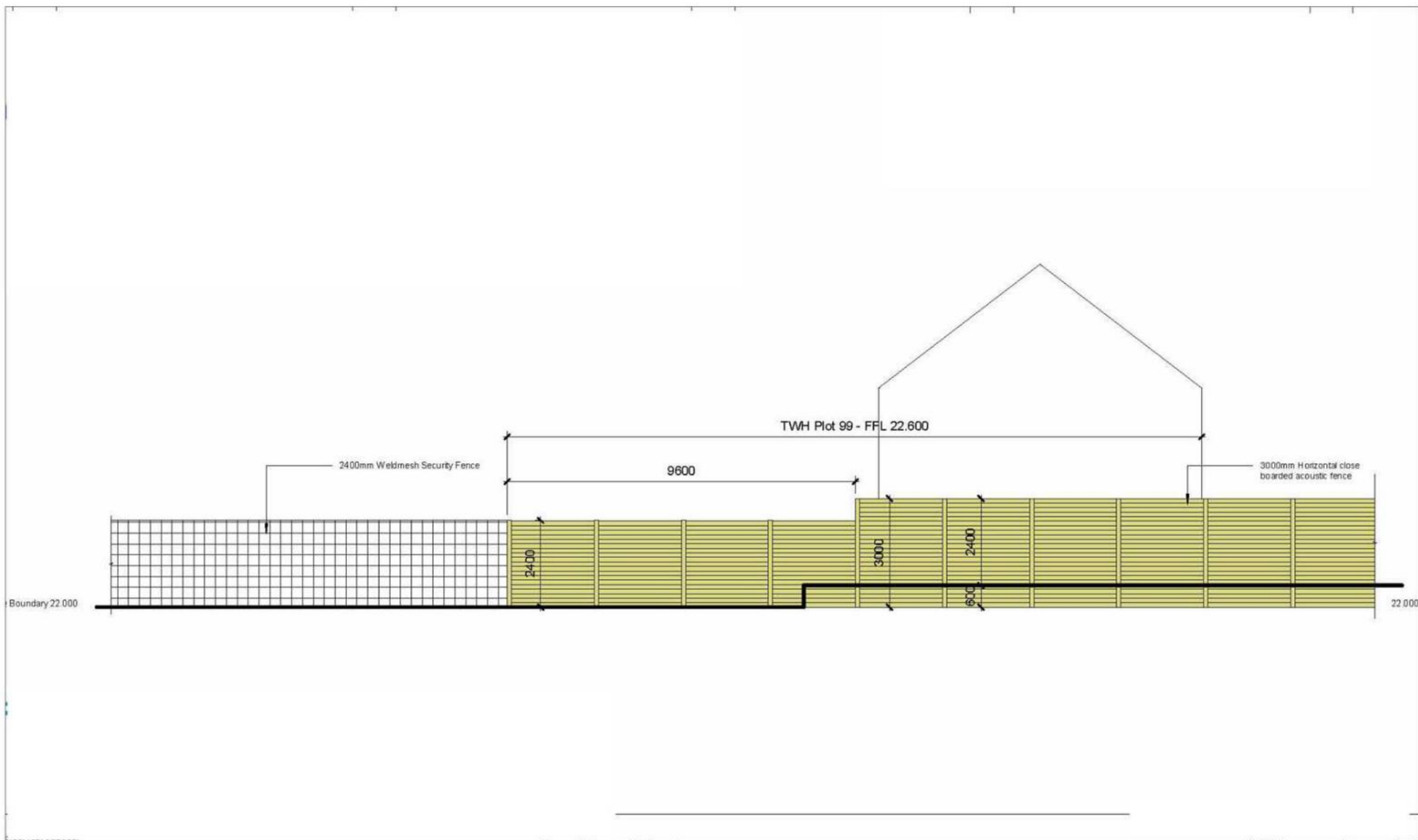


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**Nottinghamshire  
County Council**

Construction of new 315 (1.5FE) place primary school with 26 place nursery  
over two phases (1st phase 1FE 210 place with 26 place Nursery).

Wridnall Drive, Bingham, Nottinghamshire.  
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Not to Scale

Produced by: JW

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**PLAN 11**

