

Planning and Licensing Committee

Tuesday, 04 June 2019 at 10:30

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

- 1 To note the appointment by Full Council on 16 May 2019 of Councillor Chris Barnfather as Chairman and Councillor Jim Creamer as Vice-Chairman of the Committee for the 2019-20 municipal year.
- 2 To note the membership of the Committee for the 2019-20 municipal year as follows: Councillors Chris Barnfather, Jim Creamer, Pauline Allan, Andy Brown, Neil Clarke MBE, Sybil Fielding, Tony Harper, Paul Henshaw, John Longdon, Rachel Madden, Tracey Taylor, Keith Walker and Andy Wetton.
- 3 Minutes of the last meeting held on 23 April 2019 3 - 16
- 4 Apologies for Absence
- 5 Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary)
- 6 Declarations of lobbying
- 7 Trading Standards and Communities Service - Annual Report 17 - 22
- 8 Serlby Quarry, Snape Lane, Serlby - Variation of Condition 23 - 56
- 9 Proposed Amendments to the Code of Best Practice 57 - 76

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>

Meeting **PLANNING AND LICENSING COMMITTEE**

Date **Tuesday 23 April 2019 (commencing at 10.30 am)**

Membership

Persons absent are marked with `A`

COUNCILLORS

Chris Barnfather (Chairman)
Jim Creamer (Vice-Chair)

Pauline Allan	John Longdon
Andy Brown	Rachel Madden - A
Neil Clarke MBE	Kevin Rostance
Sybil Fielding	Tracey Taylor
Paul Henshaw	Yvonne Woodhead
Bruce Laughton	

OFFICERS IN ATTENDANCE

Pete Barker - Chief Executive's Department
Rachel Clack - Chief Executive's Department
Sally Gill - Place Department
Mike Hankin - Place Department
Joel Marshall - Place Department
Jonathan Smith - Place Department
Debbie Wragg - Place Department

1. MINUTES OF LAST MEETING HELD ON 12th MARCH 2019

The minutes of the meeting held on 12th March 2019, having been circulated to all Members, were taken as read and were confirmed and signed by the Chair.

2. APOLOGIES FOR ABSENCE

Councillor Laughton replaced Councillor Walker and Councillor Woodhead replaced Councillor Wetton, both for this meeting only.

3. DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

Councillor Clarke informed Committee that he would be speaking in his role as local member regarding Item 6, Canalside Industrial Park, Cropwell Bishop – Variation of Condition, as he wished to put forward the concerns of the electorate and would not therefore, take part in the debate or voting for that item.

Councillor Laughton declared a private interest in Item 7, Rufford Hills Farm, Rufford – Drill and Test Borehole, as he owns land adjacent to the application site, which did not preclude him from speaking or voting on that item.

4. DECLARATIONS OF LOBBYING OF MEMBERS

No declarations of lobbying were made.

Committee agreed that the order of items be changed to consider Item 6, Canalside Industrial Park, Cropwell Bishop – Variation of Condition, first as one of the public speakers regarding the report on Bantymock Quarry had not yet arrived.

5. CANALSIDE INDUSTRIAL PARK, CROPWELL BISHOP – VARIATION OF CONDITION

Mr Hankin introduced the report which concerned a Section 73 (variation of planning condition) application to vary Condition 20 of Planning Permission 8/14/01550/CMA to permit an increase in the maximum daily numbers of heavy goods vehicles (HGVs) accessing the site.

Mr Hankin informed members that the key issues related to the protection of highway safety and the significance of the impacts to local amenity and balancing these matters against NPPF policy which requires the planning system to proactively support the business community.

There were no questions.

Following the introductory remarks of Mr Hankin, Ms Hazell, a resident of Cropwell Bishop, was given the opportunity to speak and a **summary** of that speech is set out below:-

- This Committee rejected a previous application in September 2015 by the present applicant to refill a hole illegally dug on the site which is of importance for nature conservation.
- It can be assumed that the original hole was dug for profit and now the applicant will profit again from refilling the hole without any consideration for the village or the conservation of wildlife.
- Village residents were shocked and disappointed when the original Committee decision was over turned by the Planning Inspectorate and there is now disbelief that a variation to this controversial application has been submitted.

- This application should be rejected as allowing the proposed increase in HGV movements on a daily basis would have a huge effect on the village.
- The Planning Inspectorate's decision clearly stated that there would be many risks associated with HGVs going through the village.
- A safe number of HGV movements per day was specified along with safe timings for accessing the site.
- Allowing a drastic increase in the number of HGV movements will result in an increase in noise pollution for residents who live on the route to the site.
- These residents will also be affected by an increase in dust and diesel pollution from the higher number of HGV movements going past their properties.
- The dust could impact on the production of the award winning Cropwell Bishop Stilton which is very important to the village.
- The safety of pedestrians, horse riders, and cyclists using the same roads as the HGVs will be put at increased risk if there is an increased number of HGVs on those roads.
- As the site access road has a speed limit of 60mph the result of a collision with an HGV could be catastrophic.
- The Kinoulton Road / Nottingham Road junction does not have very good visibility and there would be an increased number of incidents at this site with the number of HGVs using it.
- I do not understand how an application to make a variation to a condition with clearly explained reasoning given by the Planning Inspectorate can even be considered by this Planning Committee.

There were no questions.

Councillor Philip Storer, a Member of Cropwell Bishop Parish Council, was then given the opportunity to speak and a **summary** of that speech is set out below:-

- My speech follows a previous address to this Committee on 22nd September 2015 by Councillor Jones of Cropwell Bishop Parish Council who objected to the entire Planning Application (F/3024) made by Chris Allsop Properties.
- That application requested that 30 HGV movements (15 in and 15 out) per day be permitted to access the site. Sadly, for the residents and businesses of Cropwell Bishop, planning permission was granted following a successful appeal.
- The appeal decision, however, limited HGV movements to 18 per day (9 in and 9 out), and not the 30 originally requested.

- The Planning Inspector must have taken into consideration the key concerns outlined previously by the Parish Council, in particular those relating to traffic, dust, noise, disruption and most important, safety. These conditions were accepted by Chris Allsop Properties at the time but now there is a request to increase the number of HGV movements to 40 per day.
- The requested increase in HGV movements is more than double that conditioned by the Planning Inspector following the appeal, and also a considerable increase to that requested in the original application.
- The situation in Cropwell Bishop has deteriorated massively before a single, extra HGV has arrived at the village, with frequent congestion, snarl ups and near misses.
- Many of the problems stem from the ill-received Co Op development, and the proposed building of over 80 new houses east of Church Street is likely to make the situation worse.
- Given the above, we feel it cannot be safe to have the requested number of HGVs on what is considered a tight, minor road, the junction of which is near a children's play area.
- We feel the disruption caused during peak times just for the applicant's financial benefit is totally unreasonable, especially as the applicant commenced commercial excavation of the land and continued crushing activities without any planning permission.
- We feel that the applicant is seeking to benefit further at the expense of Cropwell Bishop by seeking a variation to Condition 20.
- It is impossible to see how doubling the HGV traffic over and above that detailed in the original Schedule of Conditions can in any way respect the considered decisions made by the Planning Inspectorate, especially when it comes to health and safety and again, noting that the key road junction is directly opposite a children's play area.
- We would also call into question the wisdom of overturning what we would sincerely hope to be the expert opinion of the Planning Inspectorate and the consultation that they must have had with the relevant Highways Authority in making this decision.
- If Condition 20 is overturned and the applicant's request is granted then we would want to see the fine detail behind this decision including the relevant risk assessments, traffic impact assessments and correspondence with the relevant professional advisers.

Given the opportunity to comment, Mr Hankin stated that in the original application the request was for 18 HGV movements a day, 9 in and 9 out. Mr Hankin informed Committee that the only reference to 30 HGV movements a day was in a supporting statement produced for the appeal, but that at the appeal no discussion took place

regarding this higher figure, 18 HGV movements a day was the figure originally sought and approved.

The local Nottinghamshire County Council Member, Councillor Neil Clarke, was then given the opportunity to speak and a **summary** of that speech is set out below:-

- It is difficult for the community to understand how an application can be refused, then approved and that now there is a recommendation to approve a variation in contradiction to the findings of the planning inspector.
- It is acknowledged that there is no increase in HGV movements over the course of the permission, but when and how often does impact on residents.
- There is restricted visibility at the junction of Nottingham Road and Kinoulton Road. The brick wall means that visibility is affected even if the driver is in a commercial vehicle and at an increased height compared to a car driver. HGVs would also need to use both sides of the road when turning at this junction.
- There is a bus stop opposite the junction which the inspector refers to in his report. Behind the bus stop is a children's play area. The adjacent pavement carries a lot of pedestrian traffic. All of the preceding means that there is considerable potential for conflict with HGVs.
- Some of my comments are included in the Committee report – the increase in the number of HGVs will increase the hazard for pedestrians; pollution will increase; “only” 12 dwellings will be affected but the effects on them will be substantial in terms of noise from accelerating lorries and especially from empty lorries; dust and mud from the site will also cause a problem.
- The Planning Inspector only allowed the appeal on the basis of two main grounds being met:
 - Improve access and visibility
 - Restrict HGV movements to 18 per day

The original planning permission was granted in October 2016, no improvements have been carried out in the 2 ½ years that have passed since then. There are no conditions in the present application to ensure that those improvements will be carried out.

- In terms of dust, measures can be carried out, for example vehicles can be sheeted, but will they be? Has a dust management plan been submitted? If so, how will it be enforced?
- Paragraph 32 of the report refers to an increased level of 0.5db as having a ‘negligible’ noise impact. My experience in the business tells me that this does not accurately reflect the noise impact of HGVs.

- Paragraph 39 of the report refers to limiting HGV movements to 18 per day and this is because of the impact on residents.
- Paragraph 44 of the report refers to Policy W3.14 which states that 'Planning permission will not be granted for a waste management facility where the vehicle movements likely to be generated cannot be satisfactorily accommodated by the highway network or would cause unacceptable disturbance to local communities.' In the view of the community this application is unacceptable.

Given the opportunity to comment, Mr Hankin stated that with the exception of Condition 20, which had been amended to reflect the application for an increase in HGV movements, the conditions for this variation are identical to those approved by the planning inspector.

In terms of the conditions, Mr Hankin informed Committee that there was no requirement on the applicant to implement any conditions until the works began. Mr Hankin confirmed that Condition 12 did require the applicant to carry out junction improvements prior to the importation of any waste to the site.

Mr Hankin stated that Condition 13 regulated the issue of mud, Condition 15 regulated the operating hours of the site and Condition 16 restricted the movement of HGVs around school opening and closing times.

Mr Hankin informed Committee that the traffic survey undertaken in 2015 recorded 180 HGV movements per day along Kinoulton Road. If the variation were to be approved the weekday maximum number of HGV movements allowed per day would increase from 18 to 40 (20 in and 20 out), increasing the number of HGVs on Kinoulton Road to 220. In terms of the potential increase in noise generated, it is calculated this increase in HGVs would increase noise levels in the vicinity by approximately 0.5db over an 18 hour period, Mr Hankin stated that this level of change is assessed as having a 'Negligible' impact on the local noise environment.

Mr Hankin stated that if permission were to be granted, the maximum number of movements allowed in a 4 week period, and over the 3 year period of the permission in total, would not change, though the number of movements per day could fluctuate.

Mr Hankin informed Committee that when the applicant originally removed 60k tonnes of clay from the site there were no complaints received regarding the HGV movements, and that given the busy nature of the road in the area, the noise generated by the increased number of HGV movements would likely be absorbed.

Mr Hankin confirmed that the requirement to complete the operation in 3 years was still in force and that no delay or extension to this time limit was gained by applying for the variation.

Members then debated the item and the following comments and questions were responded to:-

- It was disappointing that 60k tonnes of clay had been removed from the site without permission and without NCC being made aware.

- NCC stated that the hole on site could be left but the inspector did not agree.
- No crushing or screening of material on site is permitted.
- Condition 2 requires the applicant to inform the County Council of the commencement of site preparation works and the commencement of the importation of inert material on to the site and the site will be visited regularly once those notifications have been received. The conditions are clear and enforceable.
- Condition 20 requires the applicant to record the registration numbers of the vehicles using the site and the County Council will request to see those records if it is suspected that the applicant is exceeding the permitted number of HGV movements.
- Monitoring officers will monitor the situation and take action if necessary, including dealing with any issues around HGV movements at school opening and closing times. The authority does rely on local residents highlighting any problems.
- Condition 12 requires the applicant to fund the cost of the required highway improvement works.
- A review of accident data held by the County Council shows no record of any accidents at the Main Road / Kinoulton Road junction.
- Condition 13 requires the applicant to have measures in place to prevent the deposit of mud and debris on the public highway before the importation of any waste on to site.
- Paragraph 109 of the National Planning Policy Framework (NPPF) states that: 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' As the advice from the highways section is that traffic is normally less intensive at weekends, it was not possible to refuse the applicant's request to operate HGVs at weekends.
- The applicant has not contacted the County Council regarding the imposed timescales. If the application is approved a reminder of those timescales could be included when the applicant is informed of the decision.
- The Chair drew members' attention to Paragraph 2 of the report which stated that the NPPF requires the planning system to proactively support the business community. The Chair encouraged members to consider the application without taking into account personalities as the permission relates to the site and if approved could be implemented by someone other than the present applicant.

On a motion by the Chair, duly seconded, it was:-

Resolved 2019/009

That planning permission be granted subject to the conditions set out in Appendix 1 of the report.

6. BANTYCOCK QUARRY, NEWARK – VARIATION OF CONDITIONS

Mr Smith introduced the report which sought to vary extant planning permission to amend the approved working and restoration scheme to facilitate the extraction of gypsum at Bantymock Quarry.

Mr Smith informed Committee that the proposals also sought to clarify the extent of the area adjacent to the public highway where mineral cannot be worked; and to amend the permitted hours of operation.

Mr Smith stated that the key issues related to blasting/vibration, noise, dust, traffic, ecology, restoration and overall residential amenity impacts.

Mr Smith informed members that following further discussions with the applicant, Conditions 4 and 14 of the permission had been amended, which if approved, would allow overburden and interburden to be stored outside the void area for a temporary period only ending on 31 December 2019, after which it shall only be deposited within the worked out void.

There were no questions.

The public speaker due to attend for this item and speak against the application was absent.

Jennifer Saunders, on behalf of the applicant, was then given the opportunity to speak and a **summary** of that speech is set out below:-

- Bantymock Quarry is an important supplier of gypsum raw materials for the manufacture of high quality plaster products.
- The quarry produces two types of gypsum – specialist industrial grade for use at the adjacent Jericho Works, and construction grade for improving the quality of gypsum mined underground at our Barrow-upon-Soar plaster plant in Leicestershire and our East Leake plaster and plasterboard plant in Nottinghamshire.
- The quarry and adjoining Jericho specialist plaster works are unique in the UK due to the high purity and whiteness of some of the gypsum seams. It is used in applications such as ceramics, the food industry, brewing, decorative work and dentistry. The site provides jobs for over 150 employees and contractors.
- Bantymock Quarry has benefited from a revival in gypsum quarrying in recent years. This is due to significant reductions in the availability of synthetic gypsum

(DSG) from coal-fired power stations due to the government's climate change agenda, which requires all UK coal plants to close by 2025.

- Quarrying in the Newark area has been continuous since the mid 1800's. This planning application to amend the working scheme in the north-eastern part of the quarry releases additional gypsum reserves which are sufficient for around two further years. At current extraction rates, the working of this area can be undertaken within the existing permission end date of 2027. If the revised scheme is not approved these reserves would not be worked at a later date and nationally important gypsum resources would be lost.
- We have undertaken a thorough public consultation exercise with local residents and stakeholders. Some of these have benefited from visits to the site to see the extraction and blasting operations. This has been beneficial in answering questions and addressing any concerns. Many people have been surprised at the low intensity of blasting operations following these visits.
- As a company we make significant direct and indirect economic and social contributions to the local community. 60% of our employees live within six miles of the site, and the company continually makes significant capital investments to modernise the manufacturing process.
- We also recognise the importance of restoration and biodiversity. The site has recently planted 29,000 native trees and seeded a wildflower meadow over an area of 25 acres. A further 16 acres are due to be seeded and planted later this year in 2019.
- Securing additional reserves of natural gypsum at Bantymock helps British Gypsum minimise the UK's reliance on imported gypsum. It will also help to protect the long term future of both the industrial gypsum grade manufacturing plant at Newark, and the plaster and plasterboard manufacturing plants at Barrow-upon-Soar and East Leake, both in the East Midlands.

Members then debated the item and the following queries and comments were responded to:-

- The restored area will feature a lake. At present there are crops in the area to be worked, but the soil is not 'best and most versatile' and on balance, given the biodiversity nature of the plan, the proposed restoration is deemed the most appropriate. The report only deals with the northern part of the site, other areas of the site have already been restored to agricultural land.
- A video of two recent blasts was shown to members. Those who attended the site visit confirmed that the video was representative of the blasting with little noise or vibration resulting from the process. A member of the Committee was in Fernwood Village and in telephone contact with colleagues during the blasting and was not aware of when the blasting occurred.
- Some local residents have claimed to have suffered damage to property as a result of the blasting but these claims have not been substantiated. The issue has been considered widely and on the Beaufort scale the air effect generated

by the blasting would only equate to a slight breeze. Any damage to residents' property must be coming from a source other than the quarry.

On a motion by the Chair, that included references to amended Conditions 4 and 14 and which was duly seconded, it was:-

RESOLVED 2019/010

That planning permission be granted subject to the conditions set out in Appendix 1 of the report, and subject to the amendments to Conditions 4 and 14 to allow overburden and interburden to be stored outside the void area for a temporary period only ending on 31 December 2019, after which it shall only be deposited within the worked out void.

7. RUFFORD HILLS FARM, RUFFORD – DRILL AND TEST BOREHOLE

Mr Smith introduced the report which considered a planning application for a new coal mine methane (CMM) gas extraction and electricity generation facility on land at Rufford Hills Farm, Rufford, which overlays workings of the former Ollerton colliery.

Mr Smith stated that the key issues related to impacts to the historic setting of the nearby Rufford Abbey Registered Parkland including associated landscape and visual impacts; the highways and amenity impacts resulting from the construction and eventual decommissioning of the proposal; the extent to which alternative sites have been considered in selecting the application site and whether the public benefits of the proposal outweigh any identified adverse or harmful impacts to those interests.

Mr Smith informed Committee that there had been an update to the list of approved plans under Condition 4.

Following Mr Smith's introductory remarks, Mr Neil Baker, on behalf of the applicant, was given the opportunity to speak and a **summary** of that speech is set out below:-

- Over the last 23 years my firm has been involved in the development of a number of Coal Mine Methane (CMM) projects within Nottinghamshire and elsewhere in the UK.
- We now work with the Midlands-based, Infinis Group, whose head office is in Northampton, following its acquisition of Alkane last year.
- We have taken pride in the way the current sites have been built and that they are kept in good order with few, if any, complaints from local residents.
- Alkane knew that some of the Ollerton Colliery mine gas was being extracted at the Bilsthorpe Borehole, but mine water flooding at Thoresby would eventually cut off the pathway for the gas. So, since 2014, we have been looking for a suitable site from which to access the Ollerton gas directly. Bilsthorpe is now seeing the first effects of that flooding.

- After considering all of the available alternatives, the abandoned Top Hard seam mine workings under Rufford Hills Farm were chosen as a target for a new borehole, as they will be just about the very last place to be affected by rising mine water, so ensuring the continued use of all of the available CMM, within Nottinghamshire, for years to come.
- No fracking or other forms of well simulation is required to get the gas. The coal was fractured when the mine was worked.
- As with the previous sites we have worked extensively with your Authority's mineral planning officers and the consultees to ensure the most appropriate site design has been put before you today.
- Very recent work with your officers has reduced the impact at New Park Wood, which will lessen further as the proposed planting flourishes.
- The proposed operational site area will be small, well screened from the nearest residential properties by landscaping and planting and by the natural lie of the land.
- Should planning permission be granted, the electricity generated will help to secure the future of the company and those who depend on it.
- We accept that there will be some very short term impact on the closest local residents where the access of Rufford Lane is being improved, but the proposed conditions and careful site control will mitigate those impacts to an acceptable level.
- We have demonstrated that utilising the existing farmer's access is the best solution, causing the least impact to nearby residents, especially considering that once the site is built there will only be minimal vehicle movements.
- The 'harm' caused by siting the development in open countryside can be mitigated by conditions and by the benefit of removing methane from underground to provide a compact, locally-based load power source for up to 25 years.
- Should Members deem to grant planning permission, Infinis Energy and my firm will continue to work with your Council's officers, as we have done over the years, to ensure it is delivered to the same high standard we have achieved at the other sites.

There were no questions.

Members then debated the item and the following queries and comments were responded to:-

- The Vice Chair stated that he intended to abstain from voting, not on planning grounds or any concerns about the extraction technique, but because of the consequent visual impact in a tourist area.

- Invited to comment, Mr Smith referred members to paragraph 31 of the report which assesses the visual impact of the development in great detail. Members were then shown a slide of the area which demonstrated that the original vistas no longer exist as the woodland is now continuous. Mr Smith also informed members that there is a very large, 4G phone mast already on site which has a greater visual impact than the current proposal. Mr Smith stated that officers recognise the effects of the proposal but consider that on balance permission for the development should be granted.

On a motion by the Chair, which included a reference to the updated list of approved plans under Condition 4 and which was duly seconded, it was:-

RESOLVED 2019/011

That planning permission be granted, subject to the conditions set out in Appendix 1 of the report and subject to an update to the list of approved plans under Condition 4.

8. NEWINGTON QUARRY, MISSON – EXTENSION TO SAND AND GRAVEL EXTRACTION

Mr Smith introduced the report which considered a planning application for the extraction of approximately 530,000 tonnes of sand and gravel (475,000 tonnes after processing) over a 3 year period at Newington Quarry.

Mr Smith informed Committee that the key issues related to ecology, heritage, rights of way, traffic, archaeology, noise, air quality and airport safeguarding.

Mr Smith stated that the recommendations were slightly amended to reference minor changes to Conditions 33 and 64. Mr Smith informed members that water levels could be controlled meaning that no new condition was required and that Condition 33 had been updated to reflect this. Mr Smith further informed members that there was a minor typo in Condition 64 which mistakenly cross-referenced Condition 66 instead of Condition 63 and the wording had been amended to correct this error.

Following the introductory remarks of Mr Smith members debated the item and the following comments and questions were responded to:-

- The applicants were in the public gallery but did not make a presentation to Committee.
- The concerns of the Parish Councils had been addressed by the proposed conditions.
- Officers were thanked for taking into account members' comments regarding HGV movements. The operators are long established and no problems are anticipated.

On a motion by the Chair, which included updated references to Conditions 33 and 64 and which was duly seconded, it was:-

RESOLVED 2019/012

That subject to the signing of a legal agreement to cover HGV routeing, the maintenance of the Slaynes Lane byway, an extended aftercare period, and the establishment of a management committee, planning permission be granted subject to the conditions set out in Appendix 1 of the report and subject to minor changes to Conditions 33 and 64.

9. DEVELOPMENT MANAGEMENT PROGRESS REPORT AND END OF YEAR PERFORMANCE

Mrs Gill introduced the report and informed members of the following:

- In addition to the usual information, the report includes an annual summary of the work of the Committee and the Planning Team.
- Paragraph 8 of the report illustrates that performance is well in excess of government targets and demonstrates that members and officers are providing a quality service to the Nottinghamshire public.
- While Nottinghamshire is not quite rated as the highest (4th), the authority receives substantially more applications than most other County Councils.
- No complaints have been referred to the Local Government Ombudsman (LGO) in the reporting period.
- The report regarding Sandy Lane, Worksop may be deferred from the June meeting of the Committee as some information requested from the applicant is outstanding, but a site visit will be organised.

The Chair thanked officers for the support given to members of the Committee and referred to the successful outcome of the enforcement appeal regarding Bowbridge Road in Balderton. The Chair thanked the Monitoring and Enforcement Team for all of their hard work in this case.

On a motion by the Chair, duly seconded, it was:-

RESOLVED 2019/013

That no further actions are required as a direct result of the contents of the report.

The meeting closed at 12.56pm

CHAIR

4th June 2019

Agenda Item: 7

REPORT OF THE SERVICE DIRECTOR PLACE AND COMMUNITIES**ANNUAL REPORT TO THE PLANNING AND LICENSING COMMITTEE OF
THE LICENSING WORK CARRIED OUT BY THE TRADING STANDARDS &
COMMUNITIES SERVICE****Purpose of the Report**

1. To update the Committee on the relevant recent licensing work carried out by the Trading Standards & Communities Service on behalf of the Committee.

Information

2. The Service has an involvement in a number of licensing and registration schemes designed to ensure the safety of our communities. In some cases, the authority is responsible for issuing licences and ensuring safety standards are met through inspections and other activity. Each of the licence types and associated activities carried out by the Service are covered in more detail below.
3. During the financial year 2018-19, the Service received a total of £14,611 income from licences, registrations, and other related fees, broken down in the table below. This figure includes licences issued that cover more than one year.

Explosives	£6,311
Petroleum	£7,662
Petroleum Record Searches	£570
Performing Animals	£68
Total	£14,611

Explosives storage

4. The Service has responsibility for issuing explosives licences for the storage of explosives such as fireworks, safety cartridges and airbag detonators, for quantities of up to 2000kg of 'Net Mass'. The Health & Safety Executive (HSE) are responsible for quantities above 2000kg.

5. There are currently two 'bands' of licences, determined by the Net Mass of explosives being stored. Since the Explosives Regulations 2014 came into force, both 'bands' are now known as an Explosives Licence. The bands are:-

- 5kg to 250kg – Explosives Licence up to 250kg's Net Mass
- 251kg to 2000kg – Explosives Licence over 250kg's Net Mass

Explosives Activity for 2018-19

6. A total of 50 explosives licences were issued in the year. A further 3 explosives licences were issued for storage of safety cartridges only.
7. In addition to the above, there are also 'All Year Round' licences for businesses that wish to supply fireworks all year round, or outside the restricted periods that correspond to specific Chinese New Year, Diwali, Bonfire Night and New Year. In this category, 2 licences were issued in 2018/19.
8. In 2018/19, Officers undertook a programme of inspections in the run up to bonfire night and the sale of fireworks. A total of 50 inspections took place across the County which included 'high risk' and "medium risk" premises and new premises. Premises within all 7 different Districts or Borough Councils areas in Nottinghamshire were inspected.
9. The firework inspections looked at different areas including the safe storage and check that no premise sells to under 18's. Advice is given during the visit to help businesses around Challenge 25, till prompts and a refusal register. A common issue with fireworks storage is that other easily combustible materials are stored near to, or next to where the fireworks are stored. This is something that is verbally advised to the trader/premises along with a visit note. These issues are rectified in the Officer's presence. Businesses demonstrate to the Officer their system which is in place to prevent the overstocking of fireworks.
10. An inspection of one high street premise resulted in a referral being made to Nottinghamshire Fire & Rescue Service as the Officer was of the opinion that the premise was not compliant with fire safety legislation.
11. Capital FM accompanied a Trading Standards Officer on one of the inspections, and a press release followed the broadcast which was covered by several Nottinghamshire radio stations.

Explosives Activity for 2019-20

12. Trading Standards Officers will undertake a programme of visits to existing high risk premises, some medium risk premises and new license holders. Officers propose to use media coverage again this year, both to publicise the results of the inspections, and to communicate any important changes in legislation that occur.

Petroleum Storage Certificates (previously known as petroleum licences)

13. The Service licences any premises that store petrol in a tank or bowser for delivery into the fuel tank of a vehicle or other internal combustion engine. The most common premises covered are retail petrol stations that supply fuel to motorists.

14. There are three bandings of licence / certificate which are as follows:

- Petroleum up to 2500 litres;
- Exceeding 2500 litres but not exceeding 50,000 litres; and
- Exceeding 50,000 litres.

Petroleum Activity for 2018/19

15. The following is a breakdown of the types and numbers of each category:-

Categories	Licences / Certificates issued 2018/19
Petroleum under 2500 litres	1
Petroleum 2500 litres - 50,000 litres	18
Petroleum exceeding 50,000 litres	17

16. The Service also received approximately 45 enquiries from businesses, operators & contractors for advice on petroleum storage related issues.

17. As the Service has detailed records of the petroleum storage facilities at new and historic sites, it also receives requests for searches particularly in respect of locating disused tanks. 19 such requests were dealt with in 2018/19

18. The general trend, across Nottinghamshire and the United Kingdom in general, remains a reduction in the number of the smaller premises, typically independent sites, that sell petrol. There were 2 brand new installations in 2018/19, and a further 4 refurbishments/ major works on sites already in use for petrol sales/storage.

19. Officers liaised with a Nottinghamshire petrol station regarding complaints about water contaminated fuel. The business was able to establish and remedy the cause of the ad hoc technical problem and deal with complaints from the consumers affected. Concerns expressed on social media suggesting any deliberate “watering down petrol” were shown to be unfounded.

Performing Animals

20. Under a 1925 Act, owners who train or exhibit performing animals are required to apply to the Authority for a licence. Trading Standards has been responsible for issuing these licences

since 1925. There is no time limitation on any licence issued to an owner, but many of the older licences issued will have naturally expired.

21. During 2018/19 a total of 4 performing animals' licences were issued, totalling £68. These were for animals performing in 2 stage productions and 2 educational public events.

22. From 1st October 2018 legislative changes moved this responsibility solely to the District Councils. Current licences will remain valid until 1st April 2019, when the owner will need to apply to the District Council, London Borough Council or Combined Authority, in the area where their first performance will be held, for a new licence. Officers are writing to each current licence holder regarding the new requirements and liaising with each District Council to ensure a smooth handover.

Licence fees

23. The current fees are set out in the table below:-

Explosives	£
New Licence up to 250kg for 1 year	109.00
for 2 years	141.00
for 3 years	173.00
for 4 years	206.00
for 5 years	238.00
Renewal Licence up to 250kg for 1 year	54.00
for 2 years	86.00
for 3 years	120.00
for 4 years	152.00
for 5 years	185.00
New licence up to 2000kg for 1 year	185.00
for 2 years	243.00
for 3 years	304.00
for 4 years	374.00
for 5 years	423.00
Renewal licence up to 2000kg for 1 year	86.00
for 2 years	147.00
for 3 years	206.00
for 4 years	266.00
for 5 years	326.00
All year round firework licence	500.00
Transfer or Replacement of licence	36.00
Petroleum	
Up to 2500 litres (per year for up to 10 years)	44.00
2500 to 50,000 litres (per year for up to 10 years)	60.00
Exceeding 50,000 litres (per year for up to 10 years)	125.00
Performing animal licence	17.00

24. The fees for petroleum and explosives licensing are set nationally via the Health & Safety and Nuclear (Fees) Regulations 2016, which state the fees that can be charged for a period

of 5 years from those regulations coming into force. There has been no change for the fees for 2018/19 and 2019/20.

Statutory and Policy Implications

25. 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, safeguarding of children and adults at risk, service users, smarter working, 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.

Financial Implications

26. During the period 2018/19, the Service received a total of **£14,611** income from fees. This being **£6,311** from Explosives, **£7,662** from Petroleum, **£570** from petroleum searches, and **£68** from Performing Animals registration. This takes into account the licences covering more than one year.

RECOMMENDATION/S

- 1) That Members agree to receive a further update report at the meeting of the Committee in 12 months' time, and that this be included in the work programme.
- 2) That Members agree to the appropriate use of the media to highlight both the results of the fireworks safety inspections programme for the coming licensing period (October/November 2019), and also to communicate any legal changes.

Derek Higton
Service Director, Place and Communities

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Constitutional Comments (KK 23/4/19)

27. The proposals in this report are within the remit of the Planning & Licensing Committee

Financial Comments (RWK 25/04/19)

28. The financial implications are contained in Paragraph 26 of this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

4 June 2019**Agenda Item: 8****REPORT OF CORPORATE DIRECTOR – PLACE****BASSETLAW DISTRICT REF. NO.: 1/17/01035/CDM**

PROPOSAL: **VARIATION OF CONDITION 3 OF PLANNING PERMISSION 1/66/04/00004 TO EXTEND THE TIMESCALE FOR INERT WASTE DISPOSAL TO CEASE BY 22 AUGUST 2027, WITH ENHANCED RESTORATION FOR A BIODIVERSE NATURE CONSERVATION AFTERUSE**

LOCATION: **SERLBY QUARRY, SNAPE LANE, SERLBY, DN10 6BB**

APPLICANT: **SERLBY QUARRY LIMITED**

Purpose of Report

1. To consider a section 73 (variation of conditions) application seeking to extend the timescales for inert waste disposal as part of a revised restoration scheme for the former Serlby Quarry. The application was originally submitted in July 2017 and is subject to unresolved ecological objections and a request for further information, including that required to demonstrate whether there is a need for the inert waste disposal capacity and whether a viable and beneficial restoration can be achieved. As the applicant has not provided the additional information requested, the recommendation is to refuse permission for the proposed variation on the following grounds:
 - (a) insufficient information has been provided relating to the sources of suitable waste material needed to achieve the restoration contours;
 - (b) it has not been demonstrated that the need for the full and complete infilling of the quarry void outweighs the existing ecological interests on the site;
 - (c) the impact of HGV traffic on the local highway network has not been adequately assessed; and
 - (d) the noise impacts from tipping and haulage operations have not been adequately assessed.
2. Furthermore, the report seeks Member endorsement for officers to undertake suitable enforcement action to secure an alternative site restoration.

The Site and Surroundings

3. Serlby quarry is a partially restored former Sherwood Sandstone quarry situated to the south of Harworth/Bircotes between the expanding commercial area to the south of the former colliery and the A614 Bawtry Road. It can be accessed off the A614 crossroads via Snape Lane just to the south-east. The A614 goes on to connect to the A1(M) at Blyth services 2km to the south and to the A638 Great North Road 3km to the north outside Bawtry. Snape Lane continues west into the industrial estates around Blyth Road, which provides a second route south to the A1(M) and a further route to the north. The site and surroundings are shown on accompanying plans 1 and 2.
4. Serlby Hall (Grade I Listed) and its parkland lie to the east of the A614. Two former lodges are beside the A614, the nearest, Harworth Lodge, being situated at the crossroads 130m distant. Bawtry Lodge is further to the north and lies circa 450m from the quarry site. The lodges are Grade II listed buildings.
5. The quarry is situated atop a rising landform of arable farmland interspersed with some woodland blocks including Lords Wood adjacent to the north, with the land generally falling away to the south and to the east down to the A614 where it is most visible. Elsewhere in the area the former No.2 colliery tip site is a large visible feature to the west towards the A1.
6. The site overlays a principal aquifer and falls within Source Protection Zone 3. The River Ryton meanders around Serlby Hall Park and is 440m at its closest point to the site.
7. A significant area of farmland to the south as well as including the field immediately to the west of the quarry has outline planning permission for a commercial/industrial development known as 'Harworth South' (Ref 15/00971/OUT). Steer Bank Farm, which is 260m to the south of the quarry, falls within this development area. Other commercial developments and regeneration are taking place further to the west along Snape Lane and at the former colliery which is being developed for housing.
8. The quarry itself covers approximately 13 hectares and is uniquely characterised by a copse of mature trees known as the Coronation Clump which survive at an elevated position in the centre of the partially backfilled quarry void. The clump is readily visible from the A614. Mature hedgerows generally form the boundaries of the quarry site, particularly screening the front of the site at Snape Lane. The site has also recently been secured with new steel palisade fencing.
9. The original quarry area was to the south of the Coronation Clump and was later extended to the north after a successful planning appeal by the then operator, leaving the Clump somewhat stranded at its centre. The quarry has been worked to a depth of circa 15m below ground levels. Backfilling of the quarry void was undertaken in previous years, primarily in the south of the site and partly around the southern flank of the Clump. This leaves a significant valley/void along the eastern side of the quarry and a sheer cliff face of exposed sandstone of up to 15m in height. The area to the north of the Clump was only partially excavated before the quarry was mothballed resulting in a sloping area.

Much of the void has started to revegetate naturally with emerging ground covering species and some developing birch scrub. The result of this regeneration is that the site is now categorised as a candidate Local Wildlife Site for its emergent botanical interest. A Geological SINC previously on the site has been covered as a result of previous backfilling/restoration. There are no buildings or structures present although a concreted access and circulation area remains in place.

Planning history

10. Sand extraction has been carried out at Serlby Quarry since planning permission was first granted in 1948 and was subsequently extended in 1966 with extraction continuing at a relatively slow pace until a change in ownership in 1990. Parts of the site had already been backfilled with construction industry wastes under planning permissions granted in 1975 (Ref 1/66/75/6/D- 'Filling of Sand Quarry Workings with Builders Waste to Height of the Adjoining Land') and in 1986 (Ref 1/66/86/10D -'Extension of Planning for Extraction of Sand and Landfill for Reclamation').
11. An application to extend the quarry north of the Coronation Clump (Ref 1/66/92/001) was refused in 1992 and a subsequent revised application (Ref1/66/92/34 - 'Revised Application for an Extension to Sand Quarry with Restoration to Agriculture by Backfilling with Inert Waste') was refused but granted on appeal in December 1993. An agreement under Section 111 of the Local Government Act governing HGV routeing was signed on 25th April 1994.
12. The original planning permissions were superseded by the Environment Act 1995 Notice of Determination of Conditions (Ref 1/66/97/23) in 1998.
13. Due to the reduction in the demand for tipping since the introduction of the landfill tax regime, an application was made for the 'Variation of conditions 2 and 3 to extend quarrying operations until August 2014 and tipping until August 2017' (Ref 1/66/04/00004) and which was granted on 11th May 2005. This is the most recent planning permission. The last known mineral working took place in 2000 with the last sale from the site being at the end of March 2006.
14. The site was purchased by the current owners (registered at Scrooby Top Quarries- Rotherham Sand and Gravel) in 2007 and operations have been limited to raising the level of the quarry floor back to the 13.5m AOD required by condition 9 of the planning permission. A quantity of clays for restoration lining or capping were also imported and placed in stockpiles in 2007 and which remain in-situ.
15. Since neither sand extraction nor importation of restoration material did not recommence, the operator/owner(s) were asked to provide an alternative restoration scheme pursuant to condition 42 in June 2010. The Minerals Planning Authority (MPA) has, on a number of occasions, since agreed to extensions for the period to submit the revised restoration scheme to allow the operator to pursue options to source the required material with various parties. However, owing to a lack of progress, a Planning Contravention Notice (PCN) was issued in May 2013. In reply the operator confirmed the various estimates

of remaining reserves and void space and the MPA again agreed to defer further enforcement action so to allow discussions to take place. No revised scheme was submitted, but this led ultimately to the current application being submitted.

16. On 22nd August 2014 permission for sand extraction ceased under condition No.2. Permission expired for the importation of waste (under condition 3) on 22nd August 2017 after the present application had been submitted to extend this period. Condition 4 required final restoration works to be completed within 12 months of the cessation of waste importation i.e. by August 2018.

Proposed Development

17. This is a Section 73 (variation of conditions) application seeking a further 10 years (until August 2027) in which to undertake the infilling of the quarry void with inert wastes and complete the site's restoration thereafter with an enhanced after-use for nature conservation purposes.
18. The application accordingly proposes to vary condition 3 to state that all importation of waste shall cease on or before the 22 August 2027. The requirement to complete restoration works within 12 months of that extended date under condition 4 would be carried forward.
19. It is proposed to import circa 100,000-150,000 tonnes per annum of inert wastes over the course of the additional 10 years. The application states that circa 100,000 tonnes would be sourced from an inert waste stream generated from a waste management company at Rossington to the north, which would replace this disposal and haulage to a landfill site at Roxby, Scunthorpe. (Officers believe that this source of waste is no longer available). The balance would generally be sourced from the local area. Only inert wastes would be imported in accordance with the now expired planning permission and the site's Environmental Permit. The operations would utilise typical mobile plant such as a loading shovel, excavator, dumptruck and dozer.
20. On average this could generate 56 HGV movements per day (28 in 28 out) with fewer on Saturdays which is below the maximum permitted under condition 23 (120 in /120 out per day). The applicant does not see it as necessary to introduce vehicle routeing for the level of traffic generated. It does not seek to alter the current permitted hours of operation which are 07.00 to 19.00hrs Mondays to Fridays and 07.00 to 16.00hrs on Saturdays.
21. The applicant claims that the quarry is well located to serve the inert waste disposal needs of the north Nottinghamshire area and that there are very few other sites locally accepting inert wastes. They point towards a number of large-scale development and regeneration projects happening in the Doncaster and Harworth areas which will generate additional waste materials needing local disposal.
22. There is no proposal to extract any further sand, with this element of the planning permission having lapsed. However, in-situ sands would be used as part of the restoration works. A range of heathland conditions and micro-

topography would be created. In addition to natural regeneration from the sand substrate, habitat translocation would be employed to establish dry acid grassland and ephemeral/bare ground habitats. Natural regeneration would be expected to take place and no long-term management is proposed. The application states that nature-based after use would be appropriate given the site's wildlife value. They state that the enhanced restoration would ensure that the nature conservation value of the site is not lost, but retained on an accepted reclaimed landfill in perpetuity. The proposed restoration landform is shown on plan 3.

Consultations

- 23. **Bassetlaw District Council** - *Raises no objection.*
- 24. **Harworth and Bircotes Town Council**- *Raises no objection.*
- 25. **Environment Agency**- *No objection to extend the timescale for inert waste disposal.*

With regard to the lining system, for a landfill wishing to accept inert waste only, the Landfill Directive requires the site to have "Geological Barrier" which will provide adequate attenuation and have a thickness of 1m with a permeability of $1 \times 10^{-7} \text{m/s}$, or equivalent. If a Geological Barrier does not exist naturally, an artificial barrier has to be installed which must be at least 0.5m thick and provide the equivalent permeability and attenuation to the standard detailed above. However, the Landfill Directive does allow for a reduction based on a sound Risk Assessment. The Geological Barrier is required both on the base and up the sidewalls of any landfill.

A change to the restoration scheme may need an Environmental Permit variation.

- 26. **Natural England** – *No comment, but advises that standing advice on protected species should be applied.*
- 27. **NCC (Nature Conservation)** - *Objection raised/ further information requested.*

The site is a candidate Local Wildlife Site (Coronation Clump Sandpit LWS), the identification of which appears to have occurred since the cessation of activity at the site, and as a result of natural regeneration of habitat and colonisation by a number of rare plant species.

It is proposed to restore the site to a nature conservation end-use, which is welcomed in principle. However, the site is currently undergoing natural regeneration, will continue to do so, and already supports a number of notable species. The proposals under consideration will set this back by at least 10 years (and more like 15 or 20), but then does not offer any longer-term benefits.

Impacts on Schedule 1 birds also need further consideration, as this presents a serious concern; it is unclear how the infilling works will take place in a

practical sense, without causing disturbance to Schedule 1 species which are using the site and may be 'breeding' for 6 months of the year. Furthermore, no provision is made for retaining significant areas of cliff used by breeding raven and sand martin (the only concession to the latter being retention of a short 6 metre section of cliff face).

An Extended Phase 1 Habitat Survey of the site indicates the presence of a range of early-successional habitats, with exposed cliff, bare ground, ephemeral and short-perennial vegetation, tall ruderal, semi-improved acid grassland, and scattered trees and scrub, as well as mixed plantation woodland (Coronation Clump and recent landscaping). The nature of these habitats means that they are of value to a range of botanical and faunal species.

Surveys confirm the site supports a probable breeding pair of woodlarks (a Schedule 1 species); a pair of breeding ravens (a rare breeding bird in the county) and two large sand martin colonies. This is likely to be in large part due to the undisturbed nature of the site and lack of public access.

The site is of potential importance for its invertebrate communities, but detailed surveys have not been provided. Three notable plant species as well as three species of orchids are present. The site also provides suitable habitat for foraging bats, but detailed surveys have not been provided.

The extent to which the quarry void will be filled is queried as there appears to have been no attempt made to retain existing areas of acid grassland habitat including where this lies at surrounding/original ground levels- the approach being instead to translocate habitats and species. With a modified design, these areas could be readily retained, but given that this would presumably require a reduction in the amount of infill material to be brought to the site, it is essential that this is given further consideration.

It is also stated that there are no proposals for management of the site, post-restoration. This begs the question as to exactly what the ecological benefit of the scheme is. As an absolute minimum, a 15-year aftercare period is required, to ensure that habitats are establishing as planned and to control the extent of invading trees and scrub.

28. Nottinghamshire Wildlife Trust - Objection raised/ further information requested.

NWT has substantial concerns that the full range of potential impacts has not been fully assessed and that insufficient mitigation and compensation is proposed.

The site is a LWS and also contains 3 species of plant that are on the Rare Plant Register for Notts, and also the national register. The site can be considered to be of at least County botanical importance.

The site has substantive value for birds, including two Schedule 1 species (woodlark and peregrine falcon) and also raven, which is a very scarce breeder in Notts. There were 16 species that are Birds of Conservation

Concern recorded and there is a substantial sand martin colony. It was not confirmed that the schedule 1 species were definitely breeding and it is critical that this is established through further survey, or the assumption must be made that they are breeding there and a precautionary approach must be adopted.

Given the presence of highly sensitive species of breeding birds, it is essential that a full impact assessment is undertaken that considers the effects of noise and human disturbance on these species in addition to the likely impacts of the proposed loss of crucial habitat used for feeding and breeding.

The site was assessed as having high potential for diverse invertebrate assemblages and/or rare species. The survey conditions were sub-optimal. Further surveys in the summer are required. An assessment of the value of the site for amphibians should also be made.

No bat foraging survey has been undertaken. In the absence of this information it is not possible to assess how important the site may be for foraging bats and thus what the impacts of the proposed loss of habitat would be on this group of European Protected Species.

There appears to be no robust impact assessment of the potential effects of dust, noise and emissions (such as NOx) on the habitats and species present on site and in the vicinity.

Habitats of high value would be lost as a result of this scheme. The applicant has proposed translocation of plant material, which is a risky strategy with no guarantee of success, and would require careful aftercare, management and monitoring. Phasing of working and restoration would help to reduce the impacts of the losses if some habitat could be created before it is lost, but it is not clear from the application if this would be possible. If more than 50% of the habitats were effectively to be lost for more than a year, this would constitute a major adverse impact.

The applicant was required under Condition 43 of the previous permission to submit a revised restoration scheme that would increase the biodiversity of the site. This scheme should therefore have been submitted in 2010. The application is incorrect therefore to claim a benefit that the current proposed scheme is to replace one for agricultural afteruse, as it was already agreed that the scheme should be of high ecological value and not agricultural afteruse.

NWT believes that the proposed restoration is insufficient to reflect the current value of the site and the habitats that would be lost, and does not show betterment over what was already required under the current permission, which was granted when the site did not have such a rich assemblage of scarce fauna and flora. There is also no certainty provided over how the habitats would be maintained in the long term.

29. **NCC Highways-** *Further information requested.*

Notes that since the quarry became dormant there have been a number of significant committed developments in and around Harworth including:

- *An Employment park comprising up to 235,000sqm of B1(c), B2 and B8 uses and ancillary development on land at Sunny Nook Farm, Blyth Road, Harworth.*
- *Erection of three manufacturing buildings with ancillary storage areas at the former Glass Bulbs Ltd, Snape Lane, Harworth.*
- *The redevelopment of Harworth Colliery and the surrounding land for the erection of up to 996 residential units, 2,044sq.m convenience retail unit (A1) and 76,645 sq.m of employment uses (B1, B2 AND B8) on land forming part of Harworth Colliery, Scrooby Road, Harworth*
- *Commercial development/wellbeing centre on land west of Blyth Road, Blyth.*

The employment park will abut the site to the west and would also lie directly opposite the site to the south accessible from Snape Lane; the manufacturing facility is to the west of the site accessed from Snape Lane; Harworth Colliery is to the north; and the commercial development is to the south accessed from Blyth Road close to the junction with the A614 Bawtry Road and the A1(M).

There is therefore likely to be substantial traffic growth in the area and changes to highway infrastructure. None of these developments would have been likely to have considered the traffic associated with the quarry [it] being non-operational at the time. In light of the likely changes around Harworth, it will be necessary for the development to be supported by a Transport Statement. This should consider the traffic implications at key junctions, sustainable measures to connect the quarry to proposed highway infrastructure, and lorry routeing. The Highways Authority is likely to seek HGV routeing arrangements via Blyth Road.

30. **Via (Noise Engineer) –** *Further information requested*

There should be an assessment of noise impacts to a committed new housing development 150m to the north (former Harworth Colliery) as the proposed timeframes for waste disposal/restoration activities will coincide with the new housing and these potentially sensitive receptors would not have been considered by any previous assessment.

Details of any plant to be used on site including whether there would be any crushing and screening operations are also sought.

Via (Reclamation) – *No objection*

Serlby Quarry may operate subject to environmental controls which have been previously imposed through planning conditions attached to planning permissions for the site. The grant of planning permission (on appeal) in 1995 addressed several matters; in respect to traffic movement, protection of the

aquifer, noise and dust control and impacts upon the landscape. The site will continue to operate in accordance with those controls.

The site is permitted to accept inert wastes which have no toxic, biodegradable combustible or hazardous component. This control is reinforced by the extant Pollution Prevention Control (PPC) permit for the operation issued by the Environment Agency (EA). The site is subject to reportable groundwater monitoring requirements enforced by the EA which limits the presence of trace elements and compounds within groundwater. All wastes which are disposed at Serlby Quarry must meet the strict tests set by the planning permission as well as PPC permit.

Notes the consultation response from the EA with respect to the need to provide a geological barrier. Although a barrier system is referred to in the application documentation, no details of the type and/or extent of the geological barrier have been included within the application. It is assumed this will be provided to the satisfaction of the EA.

Therefore no significant objections are raised as the application is for an extension of an existing permitted operation within an area which has already been subject to similar infilling works, subject to the strict provision that the agreed mitigation measures are implemented, site management practices and pollution prevention controls are adhered to and that an approved liner/geological barrier is constructed in agreement with the EA specifications.

An observation is made that the disposal of approximately 100,000 to 150,000 tonnes per annum of inert waste at the site, may be better employed in restoring the nearby Harworth No.2 tip site rather than causing significant ecological disruption to a site which has already begun to regenerate itself over the last decade, since operations were suspended.

31. **Via (Landscape)** – No objection subject to the proposed restoration plans being amended to refer to species listed as suitable for the Idle Lowlands landscape character area.

32. **NCC (Planning Policy) - Comments**

Notes the stated concerns of NCC Nature Conservation and the site's candidate Local Wildlife Site status may potentially impact on its suitability as a landfill site with regards to Waste Core Strategy policies WCS7 and WCS13 and Waste Local Plan Policy W3.22. The proposals in their current form do not appear to be acceptable until there is assurance that harm and impacts to ecology can be mitigated to the satisfaction of the county ecologist. Until solutions are agreed to the adverse ecological impacts, the development may not be environmentally sustainable.

Notes that a proportion of the waste may come from the Rossington/Doncaster area, therefore Policy WCS12- managing non-local waste is relevant. In order to satisfy this policy it should be demonstrated that there are no facilities/sites in more sustainable locations in relation to the anticipated source of waste or that there would be wider social, economic or environmentally sustainable benefits that support the proposal.

Whilst there is a shortfall in inert waste disposal capacity (as identified through the annual monitoring report for waste 2015/16) and there could well be a need for the facility, this is not currently displayed in the application. Further information is sought about the suitability/availability of a facility at Holme Hall, Stainton (within Rotherham MBC), which is a similar distance from the inert waste stream from Rossington. A further assessment of alternative sites and statement of need should be submitted in order to clearly identify whether there is the need for the facility and whether it can be practically completed within the proposed extension period. Economic or social benefits are not clearly indicated.

33. **NCC (Built Heritage) - No objection.**

The site is close to the setting of Serlby Hall and various designated built heritage assets associated with the hall and parkland. Having considered the proposals NCC Built Heritage is content that they will not cause any harm to the setting of these, or any other, built heritage assets.

34. **Styrrup with Oldcotes Parish Council; Blyth Parish Council, NCC Flood Risk and Northern Power grid** have not responded. Any response received will be orally reported.

Publicity

35. The application has been publicised by means of a site notice, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement Review. A notification letter has also been sent to the agent acting for the planned neighbouring commercial development. No representations have been received.

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

Observations

Planning policy assessment

37. As an application under Section 73, the decision maker is required to concern themselves with the matter of the conditions which are proposed to be varied and not to revisit the overall acceptability of the development which already benefits from planning permission. However, as a planning application in its own right it is correct and lawful to consider the proposal against relevant Development Plan policies and material considerations, including in particular any change in circumstances or change in planning policy since the last permission was granted.

38. The now expired planning permission dates from May 2005 and was determined against the policies of the Nottinghamshire and Nottingham Waste Local Plan (WLP) (now partly superseded by the Nottinghamshire and Nottingham Waste Core Strategy (WCS)), policies of the 1997 Nottinghamshire

Minerals Local Plan (MLP) and the then draft policies of the Replacement MLP which was subsequently adopted as the current 2005 MLP. The application was also considered against now defunct regional and structure plans. There has therefore been a notable change to planning policy in the intervening time.

39. As will be explored later in the report, the former quarry has also now been identified as a candidate Local Wildlife Site in the time since the last grant of planning permission and there have been whole-scale structural changes to the waste and recycling sector.
40. For the purposes of this decision the Development Plan policies which will apply are those contained within the Nottinghamshire and Nottingham Waste Core Strategy (WCS), the remaining saved policies of the Nottinghamshire and Nottingham Waste Local Plan (WLP) and the Nottinghamshire Minerals Local Plan (MLP). The Bassetlaw Core Strategy also forms a part of the Development Plan for the area. The National Planning Policy Framework and associated practice guidance are material considerations.

Need for inert waste disposal

41. The principle of inert waste disposal in order to restore this quarry was previously accepted in 2005, although it is clear from the file that there were real concerns over the then operator's ability to attract sufficient waste materials over the 12 years of the permission. The permission was therefore conditioned with certain point reviews and provisions for alternative forms of restoration should it be needed. The site was later sold on with no further notable restoration activity, resulting in the wholly unsatisfactory situation today.
42. The starting point is Waste Core Strategy Policy WCS5 – disposal sites for hazardous, non-hazardous and inert waste. Whilst the site lies outside of the main shortfall area (Nottingham and Mansfield/Ashfield) there continues to be policy support for inert waste disposal in order to restore former minerals workings under Policy WCS5, subject to where *this would have associated environmental benefits* (emphasis added). The policy also requires assessment of any reasonable, alternative sites closer to the source of waste. What primarily is in question in this instance is whether the type of full infill and site restoration as sought is realistically achievable or environmentally acceptable/beneficial and whether an alternative solution should be pursued in order to finally restore this site. As will be explored later in the report, concerns are raised about these matters in relation to ecology impacts.
43. WLP Policy W3.1 requires applicants to provide a sufficient level of supporting information to enable a balanced assessment of all relevant matters including the need for the facility and the estimated life of operations and rates of importation. WLP Policy W4.2 requires proposals for waste disposal to provide satisfactory evidence that there is sufficient waste material likely to be available to achieve the restoration of a site within an acceptable timescale. MLP Policy M4.5 states that mineral extraction proposals which rely on the long-term importation of waste for reclamation, must include satisfactory evidence that the waste will be available in the categories and quantities assumed, and that it is not practical to re-use or recycle the waste.

44. With a slight exception in order to retain part of the cliff face used by sand martins, this application seeks to fully infill the quarry void to the previously permitted final levels. The void area is believed to be circa 1.35 million m³ in volume based against the current restoration contour requirements. However, this void figure could be larger still as a figure of 1.67million m³ is also stated in the application as well as the 1.35 million m³ figure.
45. The application proposes to import 100,000 to 150,000 tonnes per annum (tpa) over 10 years (note that 2 of those years have now elapsed during the consideration of this application) totalling 1 million to 1.5 million tonnes. In making an allowance for bulking (applying an average conversion factor of 1.3) a total of 1.75 million tonnes of suitably inert materials would be required to fill the void space of 1.35 million m³, therefore leaving a shortfall of 250,000 tonnes. A total of 2.2 million tonnes of materials would be needed if the void is at the greater 1.67 million m³ figure. The application also itself admits that this “will not result in the complete infilling of the site but will enable the Council to again review the position towards the conclusion of the permitted term.” The starting position is therefore that there is a significant discrepancy in the figures and that the applicant’s case for sourcing waste would not complete the quarry restoration in accordance with the additional timescales sought. Given the extensive and unsatisfactory planning history at this site, a restoration project which stands not to achieve its stated objectives in the time sought is not acceptable against WLP policies W3.1 and W4.2, and MLP Policy M4.5.
46. Officers further have doubts about the availability of the volumes of inert waste materials required. It is now understood that the 100,000 tpa of materials from a local recycling company is no longer available to the applicant, thereby removing the core waste stream and leaving a total reliance from other unknown sources. Secondly, at least some of the significant local construction projects cited in the application as likely to create demand for such a disposal facility have been completed or partly developed- such as the Great Yorkshire Way and the Doncaster iPort. It is acknowledged however that other developments have now come forward at Harworth Colliery (being developed for housing as ‘Simpson Park’) and there remains planning permissions for large scale commercial development to the south. It is not known what waste disposal requirements these developments will require but it is common practice to recycle materials for re-use on site, reducing the need for off-site disposal.
47. Furthermore, there are a number of alternative disposal sites which appear to be available in the area. In a letter to the applicant in September 2017 planning officers requested further information about several other sites including those at Maltby Colliery and Thurcroft Colliery (both within Rotherham MBC) which have planning permissions for the disposal and reclamation of those sites requiring 1.32 million tonnes and 1.8million m³ of inert waste respectively. Within Nottinghamshire both Welbeck colliery and Vale Road Quarry have permissions for significant volumes of inert waste. Styrrup Quarry, which is also a former sandstone quarry in the locality, has a resolution from committee to continue to accept inert restoration materials until 2023. An application is currently being considered by this Authority seeking to import 6.2 million m³ of inert and non-hazardous waste over 15 years as part of the restoration of Harworth colliery tip No. 2.

48. The concern therefore is that the application site, in competition with others, may find it difficult to attract sufficient materials in order to complete a timely restoration. The loss of the core 100,000 tpa has been fatal to the applicant's case. This situation, coupled with discussions relating to ecology (below) led to the applicant exploring a lesser, low-level restoration, requiring minimal importation of waste materials in order to complete a revised final restoration. This Authority has been keen to work with the applicant to bring this restoration solution forward and meetings have taken place with both this Authority and the Environment Agency who also have requirements outstanding. Despite requests for this revised restoration scheme, no further information or plans have been forthcoming, leaving the application to be determined as submitted.
49. The application plainly does not demonstrate that the proposed restoration is viable or achievable and is contrary to WLP policies W3.1 and W4.2 and MLP policy M4.5.

Ecological Impact

50. WLP Policy W3.1 requires applicants to provide a sufficient level of supporting information to enable a balanced assessment of all relevant matters including impacts on ecology.
51. WLP Policy W3.22 states that planning permission for waste management proposals which could harm or destroy a species or habitat of county importance will only be granted where the need for the development clearly outweighs the local conservation interest of the site, where in such circumstances mitigation and off-site compensation measures would be secured. Similarly, WLP Policy W3.23 states that proposals which are likely to significantly adversely affect sites of local importance will only be permitted where the importance of the development outweighs the ecological value.
52. WCS Policy WCS13 provides that new or extended waste disposal facilities will be supported unless it has been demonstrated that there would be no unacceptable impacts to any environmental elements.
53. As noted above since the last grant of planning permission the site has naturally regenerated and become recognised as a candidate Local Wildlife Site (LWS), meaning that its ecological interest has been identified by the County records office (Nottinghamshire Biological and Geological Record Centre), although full and complete surveys and analysis may not be complete to confirm its full designation. New ecology surveys of the site undertaken in support of this application have also identified a number of breeding birds and plants within the quarry which are rare to the County.
54. Strong concerns have been raised by both the County Council's ecologist and the Nottinghamshire Wildlife Trust against the proposed means of achieving the end restoration. Further consideration is deemed necessary on the reliance on the proposed translocation of habitats as opposed to preserving areas of value which would be lost through the tipping operations. Questions have been raised about how such a large-scale tipping operation could feasibly avoid disturbance to the schedule 1 breeding birds recorded as using the site and why only 6

metres of cliff face are identified to be retained for the nesting sand martins. Overall the benefits put forward by the applicant in terms of the creation of the end heathland habitat are in doubt when one looks at the value of the site now and how it is naturally regenerating.

55. These matters were set out in a formal letter to the applicant in September 2017 and which followed meetings with them and their appointed consultants to reconsider the extent of the tipping scheme. This revised scheme has not been submitted despite numerous requests.
56. Consequently, it can only be concluded that the benefits of the proposed tipping and restoration does not clearly outweigh the identified ecological value of the site pursuant to policies W3.22 and W3.23 and further, that the proposed works are likely to adversely impact on the recorded schedule 1 breeding birds and notable flora, contrary to Policy WCS13.

Highways and Traffic

57. Policy W3.14 of the Waste Local Plan states that planning permission will not be granted where the vehicle movements associated with a waste management facility cannot be accommodated on the highway network or where it would cause unacceptable disturbance to local communities. Policy W3.15 enables the WPA to impose lorry routeing restrictions. Policy W3.1 states that planning permission will not be granted unless sufficient information has been provided to enable a balanced assessment of all relevant factors including transport and traffic matters. Paragraph 109 of the NPPF states that development should only be refused on highway grounds if there would be an unacceptable highway safety impact or where the residual, cumulative impacts on the network would be severe.
58. Whilst previously planning permission has been extended to enable the infill and restoration of the quarry, taking into account highway and transport matters, the present application must be determined on the basis of current planning policy and taking into account the current circumstances.
59. The County Highways Authority has requested further information in the form of a Transport Statement. In particular the reason this is required is owing to the scale of a number of large commercial and housing developments which now have planning permission or are in the process of being developed in Harworth. These include the redevelopment of the colliery land to the north of the site as a new community to be known as Simpson Park (two housebuilders are now on site and the latest masterplan is appended as plan 4). Also notable is the new business and distribution development 'Symmetry Park' next to the A1 Blyth services of which the first unit is now complete as well as new manufacturing units on Snape Lane to the west of the quarry site. There is also a very large business and distribution led development known as 'Harworth South' which has outline planning permission immediately to the south of Snape Lane and also including land adjacent to the west of the quarry. An indicative masterplan is shown on plan 5. All of these developments have new implications for the local highway network (such as at junctions) which need to be considered as part of the application to import inert wastes to Serlby Quarry. All previous

highway assessments in connection with the quarry are therefore considered out of date in light of the change in circumstances.

60. As noted above the WPA was expecting a revised scheme for the restoration of this quarry site to be formally submitted which would entail significantly less materials needing importing and consequently fewer HGV deliveries. The applicant has had reasonable opportunity to make this submission and to assess any revised, lower transport impacts, but has not done so. Therefore, the application remains as originally submitted and it must be concluded that the applicant has failed to properly assess the transport and haulage impacts which would arise from infilling the quarry void and in particular it has failed to assess cumulative highway impacts with the up to date local context. The application does not satisfy the requirements of policies W3.1 and W3.14 and it is not possible to positively determine whether paragraph 109 of the NPPF is satisfied.

Noise and amenity

61. WLP Policy W3.1 requires sufficient information to accompany planning proposals including operational details and measures to minimise disturbance. Policy WCS 13 sets out that waste management planning proposals need to demonstrate there would be no unacceptable impacts (including cumulative) to the quality and quality of life of those working and living nearby. WLP Policy W3.9 enables planning conditions to limit potential noise impact including through the use of operational measures and the setting of maximum noise levels at sensitive receptors.
62. The County Council's noise consultant has sought further information regarding operational details and has requested an assessment of likely noise impact to the new Simpson Park housing development on the former colliery land to the north (plan 4). The first phases are now being developed and depending on further detailed phases gaining planning approval and the subsequent rate of delivery, new housing is likely to come closer to the quarry within the proposed timescales for importation/restoration. Details of the mobile plant needed to restore the quarry are also sought. This information is outstanding owing to the applicant considering a revised project which itself has not been forthcoming.
63. Consequently, the application currently does not satisfy the policy requirements to assess in any reasonable manner the potential noise impacts to the new and developing community to the north and fails against policies W3.1 and WCS13.

Landscape and Visual Impact

64. MLP Policy M4.4 states that restoration proposals should include details of the final landform which should harmonise with the existing landscape character and aim to promote strategic landscape features.
65. WLP Policy W3.4 seeks to ensure that waste management proposals retain, enhance, protect and manage existing landscape features of interest as part of their contribution to the reclamation of the site, as well as details for any new planting and site preparation.

66. Policy DM9 of the Bassetlaw Core Strategy (BCS) sets out that proposals in the countryside should be expected to be sensitive to their landscape setting and should enhance the distinctive qualities of the local landscape as informed by the local recommendations within the Bassetlaw Landscape Character Assessment.
67. Paragraph 205 of the NPPF seeks to ensure minerals sites are restored at the earliest opportunity and to high environmental standards. Paragraph 170 states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value in a manner commensurate with their status or identified quality.
68. The site is situated within policy zone 11 of the Bassetlaw Landscape Character Assessment (LCA) as part of the Idle Lowlands area. The condition of the zone is stated as being very poor with many detracting industrial features including former colliery spoil heaps and low levels of tree cover. There is an overall policy action of 'create'. Specific landscape actions include; the creation of hedgerows and restoration of historic field boundaries, creation of small woodlands and the conservation of the ecological diversity, biodiversity and setting of Styrrup Quarry (a similar nearby former quarry now in part designated as a SSSI) and other designated Local Wildlife Sites.
69. The proposed infill restoration raises ecological concerns as noted above, notwithstanding the proposed creation of a dry lowland acid grassland/heathland at surface level. The works would assist in the long-term health of the Coronation Clump, along with retaining peripheral hedgerows. The heathland, whilst not creating or restoring historic field patterns, is considered to be an appropriate landscape treatment if, and only if, the ecological concerns are satisfied and if there is a viable source of suitable infill materials. Former extraction sites such as this present a rare opportunity to create priority heathland habitat which justifies a change in approach. However, it would be perfectly feasible to create this as part of a low-level restoration option which respects the identified wildlife value of the site and retains geological features of interest such as the exposed cliff faces which themselves are also used by a large number of nesting sand martins.
70. Therefore, whilst the creation of a heathland landscape should be secured for this site, which would depart to a certain extent from the approach of MLP Policy M4.4, and BCS Policy DM9, the overall acceptability of the proposed full infill restoration is dependent on the ecological considerations as noted above. The objectives of paragraphs 170 and 205 of the NPPF could be best met by an alternative low-level solution.

Contamination and Ground and Surface Water issues

71. WLP Policy W3.5 sets out that permission will not be granted for waste management proposals where there is an unacceptable risk of pollution to groundwater or surface waters unless the harm can be mitigated by engineering or operational measures. Policy W3.6 then enables the imposition of planning

conditions to safeguard ground and surface waters, including placing restrictions on acceptable waste types.

72. WCS Policy WCS13 provides that waste management facilities will only be supported where it can be demonstrated that there will be no unacceptable impacts to any element of the environment.
73. The site overlays the aquifer and as such the disposal of waste needs to ensure the long-term protection of this ground water resource. The application seeks only to import inert wastes which would not pose risks of ground contamination. A condition of the now expired permission (no.6) states that only strictly inert waste shall be imported and which shall not contain any materials of a toxic, biodegradable, combustible or hazardous nature.
74. The Environment Agency do not object, but highlight that even as an inert waste operation, environmental law requires a geological barrier or lining to be created on both the floor and side walls of the void. It is separately understood that the applicant has met with the Agency to discuss their requirements further which fall within the remit of the site's Environmental Permit and which may need to be varied. Via (Reclamation) also note the requirements of the Agency under the permitting system.
75. In these circumstances the Environmental Permitting system takes precedent over the planning regime and the permit, as may be varied, will set out precisely what types of waste are permissible to the site and the specifications for any lining or containment. However, planning condition no.6 could be carried forward to define the scope of the permitted waste.

Alternative Restoration Options

76. WLP Policy W4.7 states that where planning permission is granted for waste disposal, conditions will be imposed to require submission and implementation of an alternative restoration scheme in the event of the premature cessation of waste importation, or where the original restoration becomes impracticable to implement.
77. WLP Policy W4.8 states that alternative site restoration proposals will be granted where this would result in the satisfactory restoration and after use of a waste disposal site where the current appearance is unsatisfactory and the existing restoration provisions are unsatisfactory, inappropriate or absent.
78. WLP Policy W4.10 seeks to ensure restoration schemes include after-uses which maximise opportunities to enhance the environment.
79. Conditions 42 to 47 of the planning permission deal with an alternative restoration scenario in the event that the approved full infill scheme was not delivered.
80. Condition 42 states that if, in the MPAs considered opinion of the situation, the fill rates and approved final restoration levels will not be achieved within the timescales under condition 3, a revised restoration scheme, showing reduced

contours for restoration achievable by the Condition 3 end date shall be submitted for approval. Clearly it is the case that the tipping has not been completed within the Condition 3 timeframes, hence why the applicant is seeking more time in this application.

81. Condition 43 states that notwithstanding Condition 42 a revised restoration scheme shall in any case be submitted to provide measures to increase biodiversity and ecological interest along with measures to ensure the long-term health of the Coronation Clump and to recreate or substitute the recorded feature of geological interest. The applicant's submitted restoration scheme is in response to this condition, but still assumes a full infill.
82. Condition 44 states that an alternative restoration scheme for the site shall be submitted within three months of a written request from the MPA, in the event that the deposit of waste cases for a period in excess of six months. Coupled with this, conditions 45 and 46 require ecological assessments to be undertaken to inform such an alternative restoration and any mitigation measures which may be required.
83. The above suite of conditions, particularly condition 44, therefore provides the ability to secure an alternative low-level restoration of this site which responds to the up to date ecology surveys which have been submitted. If the current application is refused, officers would seek Committee's endorsement to pursue this alternative, including through any enforcement action against the applicant/owners which may be reasonable and necessary.

Other Options Considered

84. As noted above the applicant has been considering a revised restoration scheme to overcome the ecological objections which have been raised. The submission has been expected for some time and the applicant and their agents have been given sufficient opportunity to formally submit these plans, along with the further information requested. It has not been received and the current application has not been withdrawn therefore the County Council is under a duty to consider the planning application as submitted.

Statutory and Policy Implications

85. 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.

Data Protection and Information Governance

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

Human Rights Implications

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

Public Sector Equality Duty Implications

88. The report and its consideration of the planning application has been undertaken in compliance with the Public Sector Equality duty and there are no identified impacts to persons/service users with a protected characteristic.

Crime and Disorder Implications

89. The quarry site has in the past been subjected to trespass and anti-social behaviour. The owner/operator is legally bound by the requirements of the Quarries Regulations 1999 to leave the site in a safe condition. They have invested in new secure fencing to address this but considers that the current extent and form of the quarry void is still a danger to anyone attempting unauthorised access. The application proposals would largely fill this void and leave the site in a safe form. If planning permission is refused, the MPA would enforce the requirement on the now expired planning permission to secure an alternative form of final restoration, which is likely to entail a low-level option with some modest land-shaping works to leave the site safe.

Implications for Sustainability and the Environment

90. In reaching the recommendation the report considers the effects on the ecology now present in the quarry site and the objections raised by the ecological consultees. A refusal of planning permission, as recommended, would enable the natural regeneration to continue which to a degree would preserve its environmental value. Ultimately some form of management would be needed to restrict the growth of scrub as well as certain works to leave the site safe.
91. As a result of the recommendation there are no implications arising with respect to human resources; finance; and children/adults at risk safeguarding. There are no implications for County Council service users.

Conclusion

92. The former Serlby Quarry has proved difficult to restore as originally envisaged and it has developed its ecological interest over the time it has been left dormant. There has been a notable change in circumstances since the last grant of permission to allow additional time for infill and restoration, such that it is now considered that a restoration by means of a full infill may now not be realistically achievable and is likely to be detrimental to the ecology interests. The information presented with the application does not demonstrate this solution would be environmentally acceptable or beneficial as required by planning policy and a number of other outstanding matters remain unresolved, notably a request for a transport statement and more information on likely noise impact so to take into account new and planned developments in the locality. This is despite allowing the applicant generous opportunity to submit a revised scheme and address such issues. Taking all matters together, it is considered that an acceptable site restoration could be achieved through an alternative low-level scheme. Officers therefore consider that the application should now be refused in order to pursue an alternative approach.

Statement of Positive and Proactive Engagement

93. In determining this application, the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion, assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received; identifying issues of concern and entering into discussion with the applicant to explore the possibility of suitably resolving such matters. This approach has been in accordance with the requirement set out in the National Planning Policy Framework. In this instance, however, it has not been possible to resolve the issues of concern so as to overcome the harm as identified in the reasons for refusal. The Waste Planning Authority has, however, set out within this report how it expects that the site could be satisfactorily restored and the means of securing such a revised scheme. The Waste Planning Authority is willing to offer further advice in respect of any revised proposal.

RECOMMENDATIONS

94. It is RECOMMENDED that planning permission be refused for the reasons set out within the report and at appendix 1 below. Members need to consider the issues set out in the report and resolve accordingly.
95. It is further RECOMMENDED that, if planning permission is refused, that endorsement be given to Officers to seek an alternative form of site restoration pursuant to the terms of the now expired planning permission and should this not come forward in a reasonable timeframe to take any enforcement action as may be reasonable and proportionate in order to secure this.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [SG 22/05/2019]

The recommendation falls within the remit of the Planning and Licensing Committee by virtue of its terms of reference. Responsibility for the regulatory functions of the Council in relation to planning, monitoring, enforcement and licensing.

Finance Comments [RWK 13/05/2019]

The report proposes that planning permission be refused, that officers seek an alternative form of site restoration, and to take any enforcement action as may be reasonable and proportionate should this not come forward. The costs of these actions will be met from within existing council budgets.

Background Papers Available for Inspection

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

Electoral Division and Member Affected

Blyth & Harworth - Councillor Sheila Place

Report Author/Case Officer

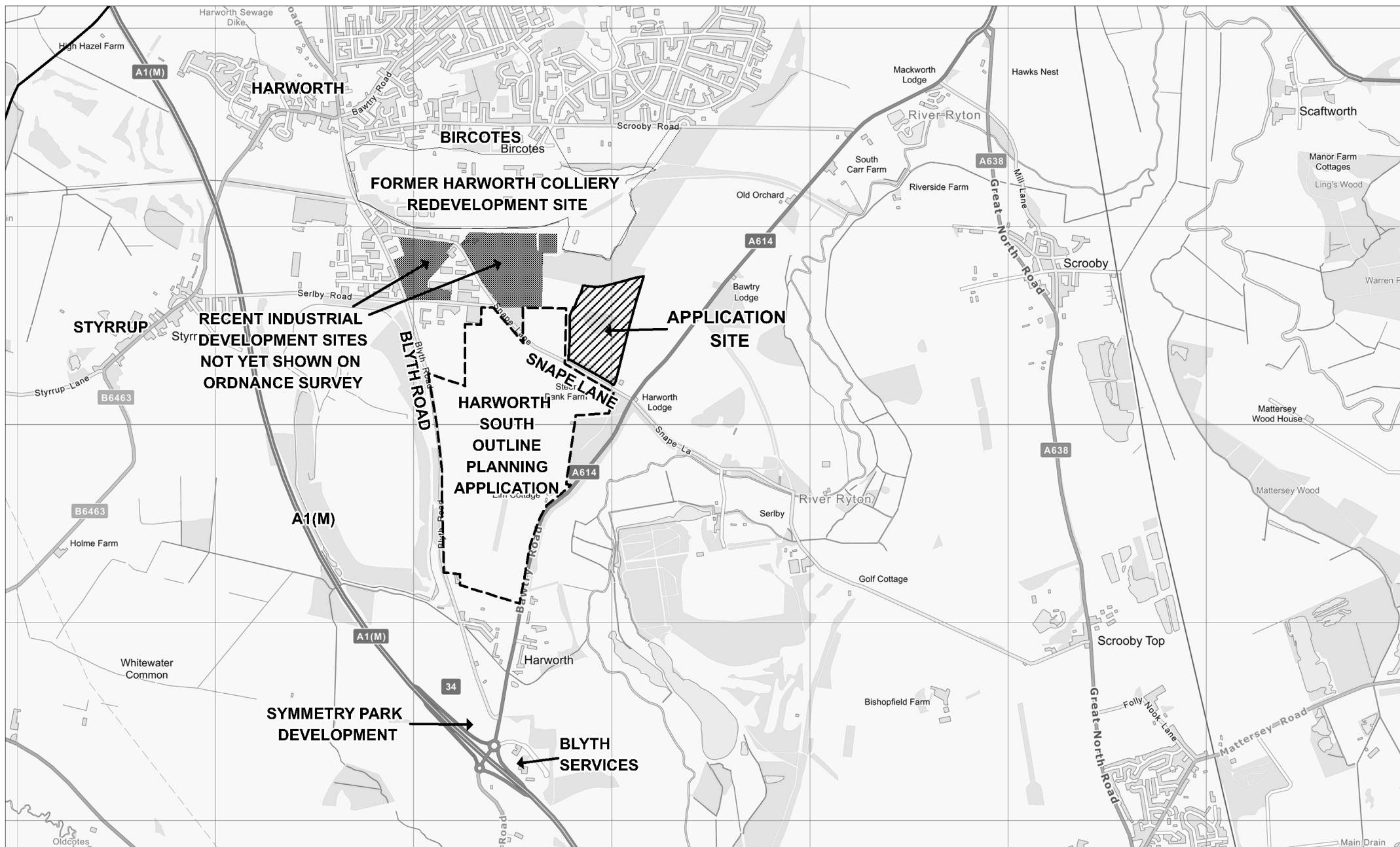
Joel Marshall

0115 9932578

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

REASONS FOR REFUSAL

1. The application fails to provide evidence that there is a sufficient source of suitable waste material needed to achieve the desired restoration contours within the additional timeframe as sought and is therefore contrary to Policy W4.2 of the Nottinghamshire and Nottingham Waste Local Plan and Policy M4.5 of the Nottinghamshire Minerals Local Plan. Inadequate information about the rates of infill and void space have also been submitted contrary to the general requirements of Policy W3.1 of the Nottinghamshire and Nottingham Waste Local Plan.
2. The application has not demonstrated there is such a need for the proposed restoration by means of full and complete infilling of the quarry void necessary to outweigh the identified ecological interest/importance of the site and therefore conflicts with policies W3.22 and W3.23 of the Nottinghamshire and Nottingham Waste Local Plan. The proposed tipping works are likely to adversely impact on recorded breeding birds and notable flora and the benefits of a full infill and restoration have not been demonstrated sufficiently to outweigh this impact, such that overall environmental benefits are not demonstrated and therefore is contrary to policies WCS5 and WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy and the sustainability objectives of the Plan taken as a whole.
3. The application does not adequately assess the haulage and traffic impacts associated with the proposed infilling operations cumulatively with the expected increase in general traffic resulting from new large-scale developments in the area. It therefore fails to demonstrate that the associated heavy traffic could be satisfactorily accommodated on the local highway network contrary to policies W3.1 and W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.
4. Additional information is required to adequately assess the impacts of potential noise from tipping and haulage operations to residents of the new housing development to the north. The application therefore does not comply with Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy and Policy W3.1 of the Nottinghamshire Waste Local Plan.



**Nottinghamshire
County Council**

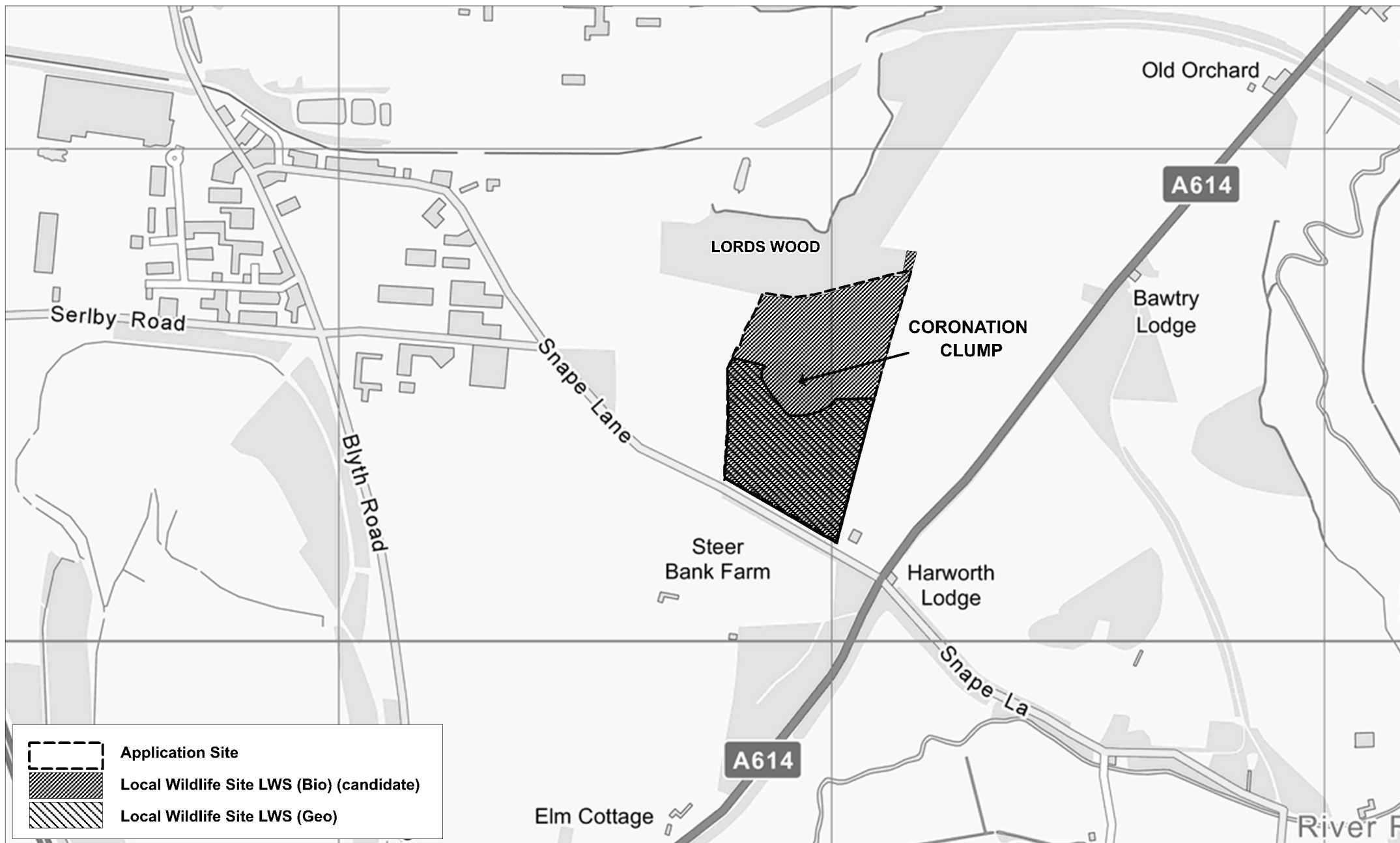
Variation of condition 3 of planning permission 1/66/04/00004 to extend the timescale for inert waste disposal to cease by 22 August 2027, with enhanced restoration for a biodiverse nature conservation afteruse
 Serby Quarry, Snape Lane, Serby, Nottinghamshire.
 Planning Application No. 1/17/01035/CDM

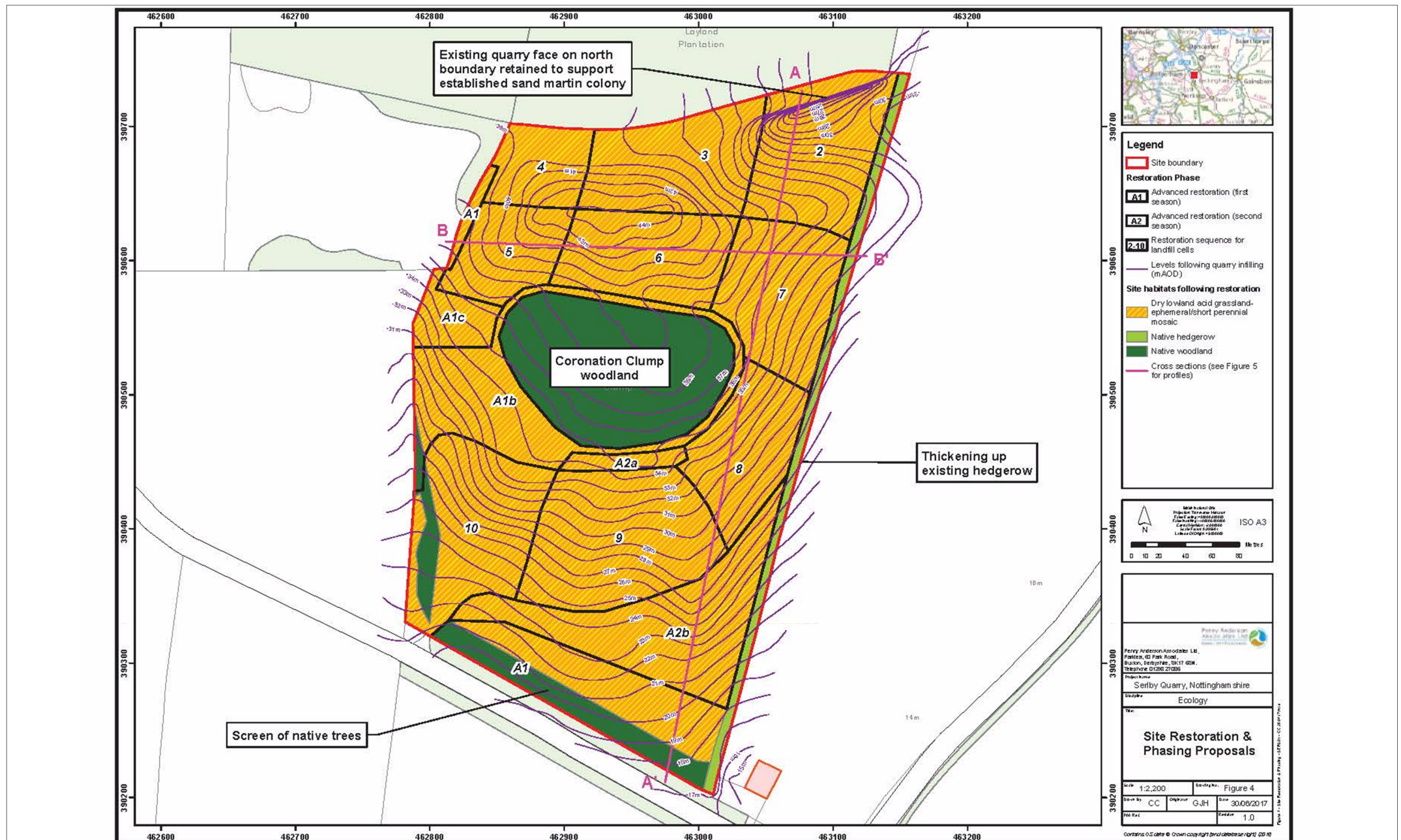
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PLAN 1

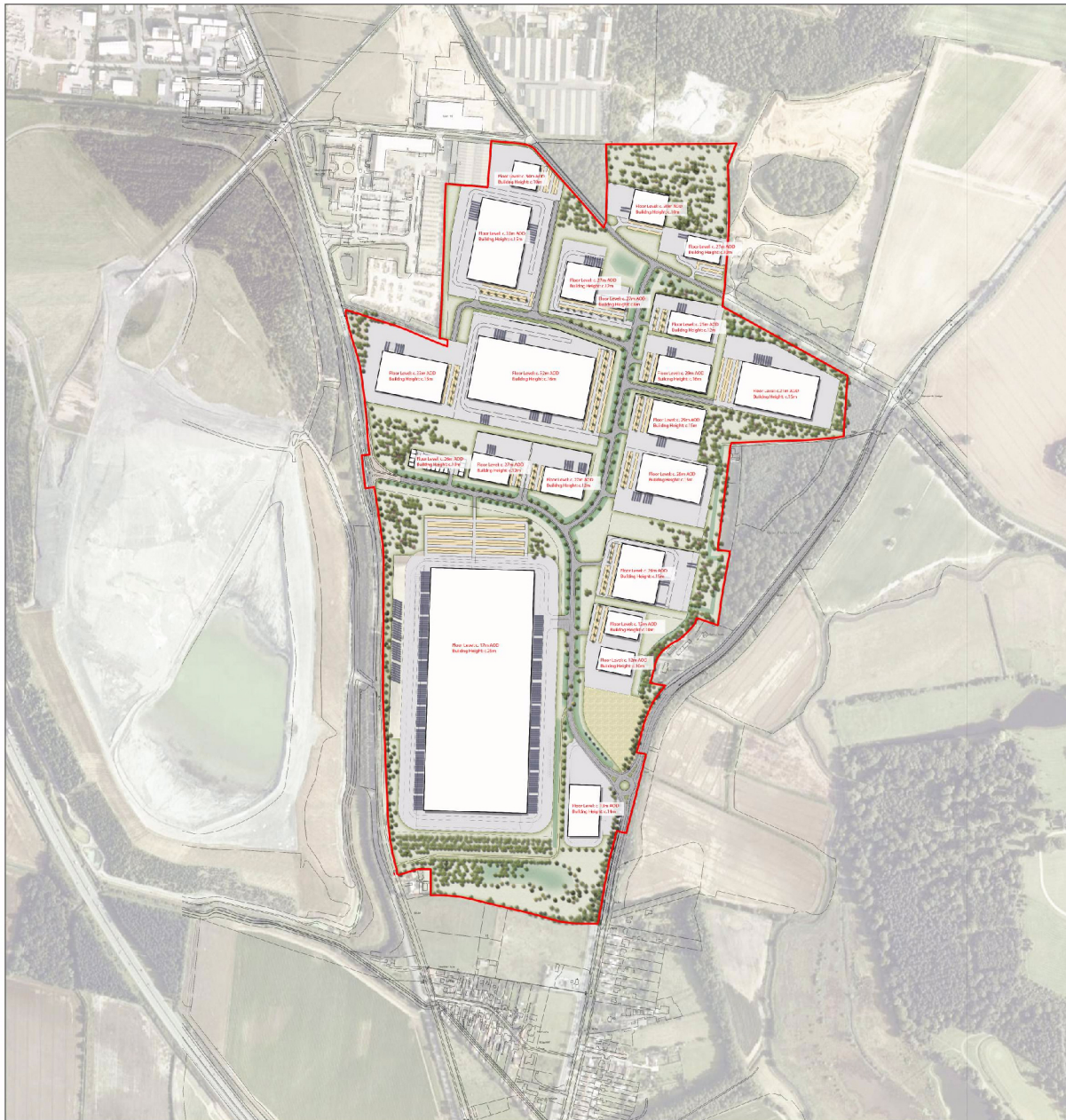






42 / PROPOSED OUTLINE MASTERPLAN (without school)





**Nottinghamshire
County Council**

Variation of condition 3 of planning permission 1/66/04/00004 to extend the timescale for inert waste disposal to cease by 22 August 2027, with enhanced restoration for a biodiverse nature conservation afteruse
 Serby Quarry, Snape Lane, Serby, Nottinghamshire.
 Planning Application No. 1/17/01035/CDM

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PLAN 5

4th June 2019**Agenda Item: 9**

REPORT OF CORPORATE DIRECTOR – PLACE

PROPOSED AMENDMENTS TO THE COUNTY COUNCIL'S CODE OF BEST PRACTICE RELATING TO THE REPORTING OF PLANNING APPLICATIONS TO PLANNING AND LICENSING COMMITTEE

Purpose of Report

1. To seek Members' approval of amendments to the existing Planning and Licensing Committee Code of Best Practice setting out which planning applications must be reported to Planning and Licensing Committee for determination.

Background information

2. The Planning and Licensing Committee Code of Best Practice sets out how the County Council deals with those matters which come within the remit of the Planning and Licensing Committee, the role of the Committee, how the Committee operates and the respective responsibilities of councillors and officers. Section 2A.2 of the Code confirms that Committee delegates authority to officers to determine planning applications submitted to the authority, apart from those which meet any of the criteria set out below. Members will recall that at Planning and Licensing Committee in March this year it was resolved to add Planning Performance Agreements to criterion d) below.

Current Code of Best Practice

- (a) Applications involving a site area greater than 25 hectares or extraction/input in excess of 30,000 tonnes per annum or new development with a floor space in excess of 10,000 square metres;
- (b) Applications involving a departure from the Development Plan and which meet the criteria for applications being referred to the Secretary of State before granting planning permission, plus development in a Flood Risk Area to which the County Council, as Lead Local Flood Authority, has made an objection. Departure applications which do not meet the criteria for referral to the Secretary of State will only be determined under delegated powers with the prior agreement of the Local Member;

- (c) Applications accompanied by an Environmental Impact Assessment;
- (d) Applications which have S106 agreements/Planning obligations/or a Planning Performance Agreement and those which have other financial implications for the County Council;
- (e) Applications which have received valid planning objections, in writing, from the District/Borough or Parish Council or local Member within the statutory consultation period or within an extended period as agreed by the County Council;
- (f) Applications which have been referred to Committee by a local Member;
- (g) Applications which are recommended for refusal unless the refusal is on the grounds of insufficient information;
- (h) Applications which have received significant* objections, within the statutory consultation period or other such period as agreed with the County Council, from consultees or neighbouring occupiers (* for clarification, 'significant' objections requiring referral must i) raise material planning considerations, ii) be irresolvable by amendment to the scheme or imposition of planning conditions, iii) involve **four or more** objections from separate properties);
- (i) Applications which are submitted by Place Department (or any subsequent Department following any future restructuring where the applicant is in the same Department as the Development Management Team) where these are the subject of any objections;
- (j) Applications which raise issues of regional or national importance or relate to proposals involving emerging technologies;
- (k) Applications involving the determination of new conditions for mineral sites and those involving the making and serving of orders for revocation, etc where compensation is likely to become payable;
- (l) Applications for variations (Section 73 applications) to planning permissions which involve the variation or removal of a condition which Members of Planning and Licensing Committee requested be brought back to committee for determination.

Wider review of the Code of Best Practice

3. At the Planning and Licensing Committee meeting in March Members also approved a recommendation that officers undertake a wider review of the list of applications which must be referred to Planning and Licensing Committee for a decision and bring a recommended list back to a Committee for approval following this review.
4. With the exception of the minor adjustment to incorporate Planning Performance Agreements, the current list, setting out which applications must be reported to Planning and Licensing Committee for a decision, was last updated and approved

in July 2017. As agreed at the time, officers have continued to monitor the scheme and this report recommends further changes to the existing scheme based on officers' observations of the nature and scale of applications which have and have not been reported to Committee during this time. The proposed changes also aim to reflect the views of Members expressed at the Planning and Licensing Committee in March.

5. Between July 2017 (the date of the last review) and March 2019 there have been a total of 44 planning applications reported to Planning and Licensing Committee for determination. 38 (86%) of these were for minerals and waste applications and 6 (14%) for Regulation 3 (County Council) development. 25 of the total applications reported to Committee related to Section 73 applications to vary conditions attached to existing planning permissions. This equates to 57% of all Committee decisions. All but one related to minerals and waste sites. The details of the applications reported to Planning and Licensing Committee are set out in Appendix 1 of this report.
6. During the same time period, July 2017 to March 2019, there have been 90 delegated decisions issued. Details of these applications are as follows: 33 full Regulation 3 applications, 30 full minerals and waste applications, 12 variations (all but one relating to minerals and waste sites), 12 temporary permissions (mainly temporary classrooms) and 3 prior notifications (for demolition works). The overall split for delegated decisions was 49 (54.5%) Regulation 3 applications and 41 (45.5%) minerals and waste applications.

Key issues and suggested changes to the criteria for referral to Committee

7. **Variations (Section 73 applications)** – As stated above more than 50% of decisions made by Committee related to applications to vary conditions, some of which have been for relatively minor changes to the extant permission, such as changes to the restoration plans or changing hours of operation. However, because the proposals related to development on a site greater than 25 hectares in size or with a rate of extraction or input of more than 30,000 tonnes per annum, the existing Code of Best Practice required the applications to be referred to Committee for determination, irrespective of whether the applications generated any objections from the local Member, consultees or members of the public. Members are therefore asked to consider the proposal of removing the 25-hectare threshold for sites which are the subject of variation applications and only applying this threshold to new minerals and waste sites.
8. **Variations relating to 30,000tpa (tonnes per annum)** – The suggested new criterion (b) will require **only** those variation applications which involve increasing the rate of extraction/input by more than 30,000tpa on existing minerals and waste sites to be reported to Committee. The existing wording requires all variations on sites with existing extraction/input rate of 30,000tpa to be reported to Committee irrespective of the changes proposed.
9. These changes will ensure that only the most significant and controversial Section 73 applications are brought to Committee for a decision. All other criteria would apply to these proposals, such as objections or local member referral. It is

estimated that around 8 applications would not have been reported to Committee if this had been in place.

10. **New built development**– The current threshold for new built development for both minerals and waste applications and Regulation 3 proposals is 10,000 sqm of floorspace. This is set at such a high level that it has not resulted in any application being referred to Committee for a decision because it met this criterion. This threshold was originally chosen to be consistent with thresholds set out in the Environmental Impact Assessment Regulations. Officers consider that a more realistic threshold would be proposals with a floorspace more than 1,000 sqm. Had this criterion been in place two significant County Council proposals would have been brought to Committee for determination. These were the new school on the former Rolls Royce site in Hucknall and the Orchard School and Day Centre in Newark, both which had a proposed floorspace over 1,000sqm. These did not trigger any of the other criteria so were determined under delegated powers. Reducing the threshold of new built development to 1,000sqm will provide the opportunity for Members to be involved in the decision-making process on significant developments and major investments in the County such as these. However, any such change may add to the time needed to determine a planning application which will need to be factored by the applicant into the project programme.

11. The proposed changes to the existing criteria (a) are summarised in the table below.

Existing criteria	New criteria
(a) Applications involving a site area greater than 25 hectares or extraction/input in excess of 30,000 tonnes per annum or new development with a floor space in excess of 10,000sqm	(a) Applications for new minerals or waste sites involving a site area greater than 25 hectares or extraction/input in excess of 30,000 tonnes per annum;
	(b) Section 73 variations on existing minerals or waste sites which involve increasing the rate of extraction/input by more than 30,000 tonnes per annum;
	(c) New built development with a floor space in excess of 1,000 square metres.

12. **Applications which are recommended for refusal unless the refusal is on the grounds of insufficient information** – this criterion was introduced to allow for a quick turnaround of applications where insufficient information has been submitted, despite repeated requests, to enable the Council to meet its targets for determining application within statutory timeframes or an agreed time extension. However, it was intended that this would be irrespective of the other criteria in the list. Officers would like extra clarity for this category and it is recommended that it be inserted into the list that, irrespective of whether any of the other criteria apply, such applications can be refused under delegated powers on the grounds of insufficient information.

13. **Other minor changes to the criteria:**

- Financial implications – it is proposed to consolidate all criteria relating to financial implications and therefore it is recommended that Review of Minerals Permissions (ROMPS) and revocation orders, where compensation is likely to be payable, are included alongside the other financial criteria in place of a separate category. Applications which have proposed restoration bonds would also be reported to Committee for determination.
- Local members – all references to local member within the list be amended to local members to reflect divisions where there is more than one member.
- Significant objections – the criterion relating to significant objections is reworded for clarity, “non-statutory” consultees added and confirmation that any withdrawn objections must be confirmed in writing.
- District/Borough or Parish Council or local Member representation – the word “valid” is amended to “material” planning objections to be consistent with other criterion.

14. A full list of existing and proposed criteria and the reasons for the changes is set out in Appendix 2 to this report.

15. Based upon the issues above the recommended scheme is set out below.

Proposed criteria for referral to Planning and Licensing Committee

16. In light of the above considerations, officers recommend that the Code of Best Practice is amended so that the following planning applications will be reported to Planning and Licensing Committee for a decision:

- (a) Applications for new minerals or waste sites involving a site area greater than 25 hectares or extraction/input in excess of 30,000 tonnes per annum.
- (b) Section 73 variations on existing minerals or waste sites which involve increasing the rate of extraction/input by more than 30,000 tonnes per annum.
- (c) New built development with a floor space in excess of 1,000 square metres.
- (d) Applications involving a departure from the Development Plan and which meet the criteria for applications being referred to the Secretary of State before granting planning permission. Departure applications which do not meet the criteria for referral to the Secretary of State will only be determined under delegated powers with the prior agreement of the Local Member(s).
- (e) Applications to which a *statutory consultee has made an objection. [*as defined by the Town and County Planning (Development Management Procedure) (England) Order 2015 and any subsequent amendments].
- (f) Applications accompanied by an Environmental Impact Assessment.

- (g) Applications which have financial implications for the County Council such as:
- Section 106 agreements/obligations/restoration bonds;
 - Review of minerals permissions (ROMPs) and revocation orders where compensation is likely to be payable;
 - Applications subject to a Planning Performance Agreement.
- (h) Applications which have received material planning objections, in writing, from the District/Borough or Parish Council or local Member(s) within the statutory consultation period or within an extended period as agreed by the County Council.
- (i) Applications which have been referred to Committee by the Chair and/or Vice Chair of Planning and Licensing Committee and/or by the local Member(s).
- (j) Applications which have received 4 or more material planning objections, within the statutory consultation/publicity period or other such period as agreed with the County Council, from non-statutory consultees or members of the public which are irresolvable by amendment to the scheme or through the imposition of planning conditions (and the withdrawal of the objection is confirmed in writing).
- (k) Applications which are submitted by Place Department (or any subsequent Department following any future restructuring where the applicant is in the same Department as the Development Management Team) where these are the subject of any material planning objections.
- (l) Applications which raise issues of regional or national importance or relate to proposals involving emerging technologies.
- (m) Applications for variations (Section 73 applications) to planning permissions which involve the variation or removal of a condition which Members of Planning and Licensing Committee requested be brought back to committee for determination.
- (n) Irrespective of whether any of the criteria above are met, any application which is recommended for refusal unless the refusal is on the grounds of insufficient information.

Monitoring of the Code of Best Practice

17. Members should be mindful of the need to strike a balance between the transparency of decisions being made at Committee, particularly for those applications where the County Council is also the applicant or those subject to significant local objections, and the recognition that determining applications under delegated powers usually results in decisions being made in a timelier manner. It is not anticipated that the proposed changes to the criteria will make a significant difference to the overall number of applications being reported to

committee and therefore there it is unlikely that there will be any impact on the workload of officers or Members. The current level of delegated decisions is likely to remain at around 70%, with 30% being reported to Committee for a decision. However, in line with the previous reviews officers will continue to monitor the scheme and report back annually on how the scheme is working and provide advice to Members should any further amendments be considered appropriate.

Statutory and Policy Implications

18. This report has been compiled after consideration of implications in respect of finance, the public-sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below.

Human Rights Implications

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

RECOMMENDATIONS

20. It is recommended that:
 - 1) Members endorse the amendments to the criteria for referral of planning applications to Planning and Licensing Committee as set out in paragraph 16 above and update Section 2A.2 of the Planning and Licensing Committee Code of Best Practice to reflect this change.
 - 2) If Members of this Committee endorse the changes set out in this report it is recommended that these be referred to Policy Committee for adoption as a Council policy.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [SG 09/05/2019]

21. I confirm that the recommendation falls within the remit of the Planning and Licensing Committee by virtue of its terms of reference.

Financial Comments [RWK 08/05/2019]

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

Background Papers Available for Inspection

None

Electoral Divisions and Members Affected

All

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

Appendix 1- Planning applications referred to Planning and Licensing Committee between July 2017 and March 2019

Date of Committee	Address	Summary of proposal	Reason for referral to Committee	Committee decision
11th July 2017	Cottam Power Station, Retford	Variation of condition 6 to include option to be facility for coal pond fines in addition to biomass fuel material	160,000 tonnes per annum	Planning permission granted as per recommendation
	West Burton Power Station, West Burton	Use of ash processing plant equipment	Site area 200 hectares 175,000 tonnes of material per annum	Planning permission granted as per recommendation
19th September 2017	Brinsley County Primary School, Moor Road, Brinsley	Erection of detached classroom and five space staff car park	Place Department application and objection	Planning permission granted as per recommendation
	Cottam Power Station and adjoining land, Outgang Lane, Cottam	Variation of condition 8 to include option to be facility for coal pond fines in addition to biomass fuel material	30,000 tonnes per annum	Planning permission granted as per recommendation
31st October 2017	Land at Stud Farm, Rufford	Regularising application involving revised layout and design of buildings, surface water lagoon and related structures	S106 agreement	Planning permission granted as per recommendation

Appendix 1

	Central Waste, 15B Wigwam Lane, Hucknall	Variation of condition to allow earlier opening hours from 7:00 to 6:00	Seven objections	Planning permission granted as per recommendation
	Nether Langwith quarry, Nether Langwith	Section 73 application to vary conditions to extend the lifespan of the quarry	26-hectare site 200,000 tonnes per annum S106 agreement	Planning permission granted subject to signing s106 agreement
	Rufford Colliery, Rainworth	4 separate applications to vary a range of conditions	225 hectares site area Movement of 10,000 tonnes of material per week	Planning permission granted as per recommendation
12th December 2017	Girton quarry	2 separate applications varying conditions to extend the lifespan of the quarry and changes to the restoration scheme	Material changes since the previous Committee decision due to the withdrawal of the draft replacement Minerals Local plan Updated S106 agreement	Resolved to grant subject to signing s106 agreement
	Kirton Brickworks and quarry, Station Road, Kirton	Winning and working of clay and other materials comprising an extension to existing quarry workings, restoration and retention of railway bridge crossing.	52.2 hectare site area Parish Council objection	Planning permission granted as per recommendation
	Land adjacent to railway line, North Muskham	Regularising application for use of land for importation, storage and	Referral to P&L Committee by Local Member Parish objection	Planning permission granted as per recommendation

Appendix 1

		processing of inert waste		
30th January 2018	None	None	None	None
13th March 2018	Chis Allsop, Private Road No. 2, Colwick Ind Est	2 separate applications concerning retrospective changes to the site layout and working arrangements (comprising 1 full and 1 variation/s73 application)	Parish Council objection Nine local objections	Planning permissions granted as per recommendation
	Well No.4 Farley's Wood, West Markham	Review of minerals permission	Minerals review criteria	Planning permission granted as per recommendation
	Two Oaks Quarry, Coxmoor Road, Sutton in Ashfield	Seasonal increase to permitted HGVs	100 ha site area Local member request	Planning permission granted as per recommendation
	Maun Valley Country Park, Mansfield	New cycle paths	Place Department application subject to a local objection	Planning permission granted as per recommendation
24th April 2018	New Bestwood Hawthorne Primary School	New 420 place primary school	Departure from the Development Plan/ requiring referral to Secretary of State Local objections	Planning permission granted as per recommendation
5th June 2018	Dorket Head Quarry, Arnold	2 related applications for a southern quarry extension and variations to existing	Five objections importation of 150,000 tpa	Planning permissions granted as per recommendation

Appendix 1

		operations and restoration		
	Bole Ings Ash Disposal Site, West Burton Power Station	Variation of conditions to revise extraction and restoration plans and an additional 5 years for ash disposal.	Site over 25 ha Extraction of 375,000 tpa	Planning permission granted as per recommendation
17th July 2018	Langford Quarry, near Collingham	Southern and western quarry extensions	EIA Site area and extraction rates S106 Parish Objection	Planning permission granted as per recommendation
	Scrooby Top Quarry	Retrospective application for extension to waste recycling area	50,000 tpa throughput	Planning permission granted as per recommendation
18th September 2018	Daneshill Landfill site, Lound Road, Retford	3 related applications under s73 to extend life of the site by 5 years	Average throughput of 100,000tpa	Planning permission granted as per recommendation
	AB Waste Disposal Bleakhill Sidings, Sheepbridge Lane, Mansfield	Erection of a covered storage bay	5 local objections	Planning permission granted as per recommendation
23rd October 2018	Welshcroft Close Waste Transfer Station, Portland Ind Ets, Kirkby in Ashfield	2 related applications for provision of glass storage bays and s73 application to enable revised operations	10+3 local objections	Planning permission granted as per recommendation

Appendix 1

11th December 2018	Bestwood II Quarry, Papplewick	4 related applications. Full applications for an eastern quarry extension and for portable changing facilities. S73 applications to extend the life of the quarry and retain the car park facility	EIA 140,000 tpa	Planning permissions granted as per recommendation
	Cromwell Quarry, Cromwell	S73 application to vary working and restoration plans	26 ha site, Parish Council concerns 200,000tpa	Planning permission granted as per recommendation
	Kirklington Primary School	Retrospective application to retain timber building	Parish Council objection	Planning permission granted as per recommendation
	Redhill Marina, Ratcliffe on Soar	Proposed inland leisure marina with prior mineral extraction	EIA Departure from the Development Plan Refusal Extraction rates	Planning permission refused as per recommendation
	Welbeck Colliery, Meden Vale	2 related applications for an additional 5 years tipping and changes to the soil management areas and access and provision of cabins	127 ha site	Planning permission granted as per recommendation
29th January 2019	Cast Quarry, Vale Road, Mansfield Woodhouse	Two S73 applications to vary conditions involving extension of time for a further 5	Over 30,000 tonnes per annum	Planning permission granted for both applications as

Appendix 1

		years and vary conditions to meet new operational needs relating to tipping faces		per recommendation
	The Stables, Brunt Lane	Waste transfer station for import, sorting and forwarding for recycling of non-ferrous metals	100 tonnes per annum Parish Council objection	Planning permission granted as per recommendation
	Arno Vale Link	Cycle path	Place Department application subject to two objections	Planning permission granted as per recommendation
12th March 2019	Carlton Digby School, Mapperley	Variation of conditions to increase pupil numbers	Members asked that any proposal to increase pupil numbers (in variation of conditions of the original permission) should be reported to Committee. 5 local objections	Planning permission granted as per recommendation
	Styrrup Quarry	Variation of condition to allow for an extension of time to restore the existing quarry void	S106 agreement Parish Council objection	Planning permission granted subject to a S106 Agreement as per recommendation

Appendix 2 - Summary of existing and proposed wording of criteria and reasons for the changes

Existing criteria	New criteria	Reason for change/no change
Applications involving a site area greater than 25 hectares or extraction/input in excess of 30,000 tonnes per annum or new development with a floor space in excess of 10,000sqm	This criterion has been amended and split to include Section 73 applications (variations) but to distinguish between new sites and variations in term of the site area and throughput. The proposed new criteria and the reasons for them are detailed separately below.	
	(a) Applications for new minerals or waste sites involving a site area greater than 25 hectares or extraction/input in excess of 30,000 tonnes per annum;	(a) The proposed wording ensures that the 25 hectares criterion only relates to new sites and not to proposals to vary conditions attached to existing planning permissions.
	(b) Section 73 variations on existing minerals or waste sites which involve increasing the rate of extraction/input by more than 30,000 tonnes per annum;	(b) The proposed wording confirms that any variation application which seeks to increase the amount of mineral extraction or waste input by 30,000 tonnes per annum will automatically be referred to committee.
	(c) New built development with a floor space in excess of 1,000 square metres	(c) Reduce new built floorspace from 10,000sqm to 1,000 sqm to ensure schemes of significant floorspace are brought to members for a decision. 10,000sqm considered to be set too high and has resulted in no applications being brought to Committee on that basis.
Applications involving a departure from the Development Plan and which meet the	(d) Applications involving a departure from the Development Plan and which meet the	Separate this criterion into two separate criteria for clarity and Local Member

Appendix 2

criteria for applications being referred to the Secretary of State before granting planning permission, plus development in a Flood Risk Area to which the County Council, as Lead Local Flood Authority, has made an objection. Departure applications which do not meet the criteria for referral to the Secretary of State will only be determined under delegated powers with the prior agreement of the Local Member	criteria for applications being referred to the Secretary of State before granting planning permission. Departure applications which do not meet the criteria for referral to the Secretary of State will only be determined under delegated powers with the prior agreement of the Local Member(s)	changed to plural to reflect divisions represented by more than one Member.
As above	(e) Applications to which a *statutory consultee has made an objection [*as defined by the Town and County Planning (Development Management Procedure) (England) Order 2015 and any subsequent amendments]	Now a separate criterion and category broadened to include objections from all statutory consultees not just those from the Lead Local Flood Authority. Definition of statutory consultee added for clarity.
Applications accompanied by an Environmental Impact Assessment	(f) Applications accompanied by an Environmental Impact Assessment	Criteria to remain the same to enable Committee consideration of large-scale mineral, waste and County Council development and those in sensitive locations.
Applications which have S106 agreements/ Planning obligations or a Planning Performance Agreement and those which have other financial implications for the County Council	(g) Applications which have financial implications for the County Council such as; <ul style="list-style-type: none"> • Section 106 agreements/ obligations/ restoration bonds, • Review of minerals permissions (ROMPs) and revocation orders where compensation is likely to be payable, 	Criteria to be amended so Members are made aware of any financial implications for the County Council relating to proposals where restoration bonds are sought. Financial implications relating to ROMPS included within this criterion in place of previous separate criterion.

Appendix 2

	<ul style="list-style-type: none"> Applications subject to a Planning Performance Agreement. 	
Applications which have received valid planning objections, in writing, from the District/Borough or Parish Council or local Member within the statutory consultation period or within an extended period as agreed by the County Council	(h) Applications which have received material planning objections, in writing, from the District/Borough or Parish Council or local Member(s) within the statutory consultation period or within an extended period as agreed by the County Council.	<p>“Valid” changed to “material” planning objections to be consistent with wording used in criterion (j).</p> <p>Local Member changed to plural to reflect divisions represented by more than one Member.</p>
Applications which have been referred to committee by a local member	(i) Applications which have been referred to Committee by the Chair and/or Vice Chair of Planning and Licensing Committee and/or the local Member(s).	Chair and Vice Chair referrals added at the request of the Chair/ Vice Chair of Planning and Licensing Committee. Local Member changed to plural to reflect divisions represented by more than one Member.
Applications which have received significant* objections, within the statutory consultation period or other such period as agreed with the County Planning Authority, from consultees or neighbouring occupiers (* for clarification, 'significant' objections requiring referral must i) raise material planning consideration, ii) be irresolvable by amendment to the scheme or imposition of planning conditions, iii) involve four or more objections from separate properties)	(j) Applications which have received 4 or more material planning objections, within the statutory consultation/publicity period or other such period as agreed with the County Council, from non-statutory consultees or members of the public which are irresolvable by amendment to the scheme or through the imposition of planning conditions (and the withdrawal of the objection is confirmed in writing).	<p>Wording of condition rearranged for clarity.</p> <p>Clarity also provided by stating that objections need to be withdrawn in writing, otherwise they remain as valid objections.</p>

Appendix 2

Applications which are submitted by Place Department (or any subsequent Department following any future restructuring where the applicant is in the same Department as the Development Management Team) where these are the subject of any objections	(k) Applications which are submitted by Place Department (or any subsequent Department following any future restructuring where the applicant is in the same Department as the Development Management Team) where these are the subject of any material planning objections.	The word “material” added for consistency with other criteria.
Applications which raise issues of regional or national importance or relate to proposals involving emerging technologies	(l) Applications which raise issues of regional or national importance or relate to proposals involving emerging technologies.	No change.
Applications involving the determination of new conditions for mineral sites and those involving the making and serving of orders for revocation, etc where compensation is likely to become payable	No separate criterion	Delete criterion and include within financial implication category above.
Applications for variations (Section 73 applications) to planning permissions which involve the variation or removal of a condition which Members of Planning and Licensing Committee requested be brought back to committee for determination	(m) Applications for variations (Section 73 applications) to planning permissions which involve the variation or removal of a condition which Members of Planning and Licensing Committee requested be brought back to committee for determination	No change
Applications which are recommended for refusal unless the refusal is on the grounds of insufficient information	(n) Irrespective of whether any of the above criteria apply, any application which is recommended for refusal, unless the refusal is on the grounds of insufficient information.	Clarity provided so that even if the proposals meet other criteria, if there is insufficient information provided (despite repeated requests) they can be refused on those grounds alone. All other recommended refusals will be reported to Committee for a decision.

		Members' endorsement of the decision to refuse an application is considered to be beneficial if the decision is subsequently subject to an appeal.
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REPORT OF CORPORATE DIRECTOR - PLACE

DEVELOPMENT MANAGEMENT PROGRESS REPORT

Purpose of the report

1. To report on planning applications received by the Development Management Team between 1st April and 17th May 2019, to confirm the decisions made on planning applications since the last report to Members on 23rd April 2019, and to detail applications likely to come before Committee in the coming months.

Background

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B sets out the Committee's work programme for forthcoming meetings of Planning and Licensing Committee.

Statutory and Policy Implications

3. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.
4. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

RECOMMENDATIONS

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

Constitutional Comments - [RHC 21/05/2019]

Planning and Licensing Committee is the appropriate body to consider the contents of this report

Financial Comments [RWK 22/05/2019]

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

Background Papers Available for Inspection

None

Electoral Division(s) and Member(s) Affected

All

For any enquiries about this report please contact:

Ruth Kinsey
0115 993 2584

Planning Applications Received and Determined
From 1st April to

Division	Member	Received	Determined
BASSETLAW			
Worksop South	Cllr Kevin Greaves		To vary conditions 1 and 85 of planning permission 1/64/96/2 to allow the continuation of the extraction and processing of limestone until 2035 with restoration complete by 2037 (currently permitted until 28th October 2017 with restoration by 28th October 2019 and removal of condition 77 so to retain the access road. Nether Langwith Quarry, Wood Lane, Nether Langwith. Granted 02/05/2019 (Committee)
Worksop South	Cllr Kevin Greaves		Erection of training building, workshop building, car parking and materials loading area associated with quarrying operations. Nether Langwith Quarry, Wood Lane, Nether Langwith. Granted 07/05/219
MANSFIELD - None			

NEWARK & SHERWOOD			
Southwell	Cllr Roger Jackson		Siting of a water tank & two fuel tanks (Diesel and AdBlue), installation of a containerised fan control housing structure. Veolia ES (UK) Ltd, Oxtou Composting Facility, Ollerton Road, Oxtou. Granted 09/4/219
Balderton	Cllr Keith Walker		Variation of conditions 2, 7, 12, 50 and 51 of planning permission 3/15/01880/CMA to amend the working and restoration scheme to allow extraction of gypsum within an area previously granted permission, but not shown in the Review of Mineral Permission. Bantycok Quarry, Staple Lane, Balderton. Granted 23/04/2019 (Committee)
Sherwood Forest	Cllr John Peck		Drill and test a borehole including flaring, erect containerised units and associated plant and equipment, new access track, extract mine gas, generate electricity and ancillary operations. Land at Rufford Hills Farm, Off Rufford Lane, Rufford. Granted 23/04/2019 (Committee)

Muskham & Farnsfield	Cllr Bruce Laughton		Expansion of current site use including new tanks and plant in addition to that described in application ref 3/18/01223/FULR3N. Enva, Brailwood Road, Bilsthorpe. Granted 13/5/2019
Collingham	Cllr Maureen Dobson	Retain soil arising from flood alleviation works undertaken by STWL as part of wider flood alleviation scheme that are nearing completion, benefiting the town of Newark-on-Trent. The proposed works to spread the inert soil enhancing arisings across the site would result in a maximum level change of circa 317mm and since this operation would require engineering works to spread the material. Land off Quibell's Lane, Newark. Received 08/05/2019	
ASHFIELD			
Sutton Central & East	Cllr Samantha Deakin		Erection of single storey rear staffroom and hygiene suite extension. Priestsic Primary School, Park Road, Sutton in Ashfield. Granted 24/04/2019

Kirkby North	Cllr John Knight		The proposal involves the construction of a small single storey extension to either side of an existing glazed link connecting 2 parts of the existing building, in order to provide additional teaching/support space. The extension works are part of a wider internal refurbishment of the existing teaching facility. The Bracken Hill School, Chartwell Road, Kirkby In Ashfield. Granted 08/05/2019
BROXTOWE			
Stapleford & Broxtowe	Cllr Dr John Doddy Cllr John Longdon	Construction of a steel and polycarbonate canopy for external play area. Wadsworth Fields Primary School, Wadsworth Road, Stapleford. Received 30/04/2019	
GEDLING			
Calverton	Cllr Boyd Elliott		New Foundation unit with external canopy and ancillary play area and fencing. Widening entrance pillars and entrance. Lambley Primary School, Catfoot Lane, Lambley. Withdrawn 11/04/219
Arnold South	Cllr John Clarke Cllr Muriel Weisz	Installation of artificial turf to replace existing grass and rubber mulch surfaced area. Woodthorpe Infant School, Arno Vale Road, Woodthorpe, Received 29/04/2019	

RUSHCLIFFE			
Bingham West	Cllr Neil Clarke		Vary condition 20 of planning permission 8/14/01550/CMA to allow an increase in the maximum daily HGV movements permitted to access the site from 18 HGV movements to 40 HGV movements Mon-Fri and from 8 HGV movements to 20 HGV movements on Saturdays, whilst capping HGV levels to coincide with existing equivalent approved levels within any four week period being 392 movements (196 in and 196 out). Canalside Industrial Park, Kinoulton Road, Cropwell Bishop. Granted 23/04/2019 (Committee)
West Bridgford South	Cllr Jonathan Wheeler	Erection of a two storey 420 place primary (2 phases) and 39 place nursery school with associated playing fields, car parking, hard surfaced outdoor play area, footpaths and access roads. Entrance canopy and a covered nursery play area, enclosed bin store (2m), sprinkler tank and pump house (3.5m), 2.4m high perimeter security fence and gates, associated landscape works and off-site highway works. Sharphill Primary School, Rose Way, off Melton Road, Edwalton. Received 15/05/2019	

West Bridgford South	Cllr Jonathan Wheeler		<p>Erection of a two storey 420 place primary (2 phases) and 39 place nursery school with associated playing fields, car parking, hard surfaced outdoor play area, footpaths and access roads. Associated landscaping and covered areas to nursery/reception, fenced bin store and sprinkler tank and pump house, 2.4m high perimeter security fence and gates. Off site drainage connections. Works to highway including crossover, TRO, guardrails, works to footway outside school. Sharphill Primary School, Rose Way, off Melton Road, Edwalton.</p> <p>Withdrawn16/05/2019</p>
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Schedule of future planning applications to be reported to Planning and Licensing Committee

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

16 th July 2019	V/3974	Two Oaks Quarry, Coxmoor Road, Sutton In Ashfield, NG17 5LZ	Variation of Condition 13 of planning permission 4/V/2017/0690 to increase daily, weekly and annual HGV movements (max 380 movements per day during April, May, June and July and max 320 per day during remainder of the year. Annual limit of 50,000 movements)
16 th July 2019	8/17/02096/CMA	Land off Green Street, Mill Hill and land at Barton Fabis, off Chestnut Lane	The extraction and processing of sand and gravel, including the construction of a new site access road, landscaping and screening bunds. Mineral washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas.
16 th July 2019	1/18/00628/CDM	C.W. Waste Services Limited, Sandy Lane Industrial Estate, Worksop, S80 1TN	To operate a waste transfer station, asbestos/clinical and inert waste facility
16 th July 2019	7/2019/0017NCC	Colwick Business Park, Road No 2, Colwick, NG4 2JR	Change of Use of existing buildings from waste transfer station and B1, B2, and B8 to plastic recycling
16 th July 2019	FR3/3994	Sharphill Primary School, Rose Way, off Melton Road, Edwalton	Erection of a two storey 420 place primary (2 phases) and 39 place nursery school with associated playing fields, car parking, hard surfaced outdoor play area, footpaths and access roads. Entrance canopy and a covered nursery play area, enclosed bin store (2m), sprinkler tank and pump house (3.5m), 2.4m high perimeter security fence and gates, associated landscape works and off-site highway works.

Planning Applications currently being processed by the County Council which are not currently targeted to a specific meeting of the Planning and Licensing Committee.

Planning Application: 1/18/014570043/CDM
 Location: Land to the south of College Farm, East of Great North Road, Barnby Moor, Retford
 Proposal: Sand and gravel extraction, backfill with imported silt and restoration to agriculture and bio-diversity, including construction of a temporary road access road.

Planning Application: 1/18/01611/CDM [Page 85 of 86](#)

Location:	Harworth Colliery No 2 Spoil Heap, Blyth Road, Harworth,
Proposal:	Importation of 6.2 million cubic metres of restoration materials to complete the restoration of Harworth Colliery No. 2 spoil heap.
Planning Application:	1/18/00920/CDM
Location:	Plots A5 and A6, Lords Wood Road, Harworth, DN11 8NE
Proposal:	Proposed New 20MWE Waste to Energy Power Generation Facility and associated Plant and external Works.
Planning Application:	2/2018/0040/NCC
Location:	Ratcher Hill Quarry, Southwell Road West, Rainworth, Mansfield, NG21 0HW
Proposal:	Retrospective permission for silica sand extraction and associated revised site restoration proposals.
Planning Application:	3/19/00100/CMM
Location:	Cromwell North Quarry, Land Between Carlton on Trent and Cromwell, Newark
Proposal:	Proposed extraction of 1.8 million tonnes of sand and gravel together with the erection of mineral processing plant and associated ancillary infrastructure. the provision of a new access, and the progressive restoration of the site to nature conservation over a period of 9 years.