

Planning and Rights of Way Committee

Tuesday, 18 April 2023 at 10:30

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

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| 1 | Apologies for Absence | |
| 2 | Declarations of Interests by Members and Officers
(a) Disclosable Pecuniary Interests
(b) Private Interests (Pecuniary and Non-Pecuniary) | |
| 3 | Declarations of Lobbying | |
| 4 | Minutes of the Last Meeting held on 28 February 2023 | 3 - 8 |
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Cropwell Bishop | 9 - 40 |
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Notes

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

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

Customer Services Centre 0300 500 80 80

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

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

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

Meeting: Planning and Rights of Way Committee

Date: Tuesday 28 February 2023 (commencing at 10:30am)

Membership:**County Councillors**

Richard Butler (Chairman)
Jim Creamer (Vice Chairman)

Mike Adams	Nigel Moxon (apologies)
André Camilleri	Philip Owen
Robert Corden	Francis Purdue-Horan (apologies)
Sybil Fielding (apologies)	Sam Smith
Paul Henshaw	Daniel Williamson
Andy Meakin (apologies)	

Substitute Members

Errol Henry JP for Sybil Fielding
Tracey Taylor for Nigel Moxon

Officers and colleagues in attendance:

Jaspreet Lyall	-	Solicitor and Legal Advisor to the Committee
Adrian Mann	-	Democratic Services Officer
David Marsh	-	Major Projects Senior Practitioner
Jonathan Smith	-	Interim Group Manager for Planning

Public speakers in attendance:

Mike Sharpe	-	Planning Application for Outwood Academy Portland, Worksop (item 5)
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1. Apologies for Absence

Sybil Fielding	-	medical/illness
Andy Meakin	-	medical/illness
Nigel Moxon	-	other reasons
Francis Purdue-Horan	-	other Council business

2. Declarations of Interests

No declarations of interests were made.

3. Declarations of Lobbying

No declarations of lobbying were made.

4. Minutes of the Last Meeting

The minutes of the last meeting held on 17 January 2023, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman.

5. Planning Application for Outwood Academy Portland, Worksop

David Marsh, Major Projects Senior Practitioner, introduced application 1/22/01708/CDM by Nottinghamshire County Council, Equans and the Outwood Grange Academies Trust for planning permission at the Outwood Academy, Portland to construct three two-storey extensions to the northern wings; a single-storey extension to both the existing dining room and kitchen; additional hardstanding and associated site landscape works; and additional cycle bays, cycle lockers, electric vehicle charging points and additional electric vehicle infrastructure. The following points were raised:

- a) Outwood Academy, Portland is a secondary school with 10 forms of entry, which represents a maximum of 1,500 student places. As of September 2022, the Academy had 1,485 students, so the development is intended to enlarge the school's student capacity from 1,500 to 1,800. The proposed extensions would be of similar character and design to the existing building and are considered to be of an appropriate scale, design and impact.
- b) The school building is in a central location on the site, with grass playing fields to the north. As there are nearby residential properties, there would be no first-floor windows in the new north-facing elevation or in the side of the eastern wing closest to Netherton Road. There would be first-floor windows in the side elevation of the western wing, but the property boundary on Dunstan Crescent is 48 metres away, with a distance of 64 metres to the rear of the nearest property. Established, mature screen planting is in place on the boundary already. Residential neighbours have been notified of the proposals and no representations have been received.
- c) There is an area of hardstanding at the northern end of the building that is a route for fire tender access, and the ground level here is higher than that of the pitches. The extension would be built into this space, so a minimum of 5 metres of hardstanding would be provided to the north of the extensions to replicate the existing fire access route. However, the new hardstanding and its supporting bank would encroach onto the existing playing field. Sport England's national policy seeks to safeguard against building on playing fields unless one of several policy exception tests are met, so it is proposed to compensate for the playing field area lost by regrading an area to the south of the top pitch and by lowering a bank, to bring these spaces into use as part of the playing fields.

- d) There is staff and visitor parking for 195 cars, including space for 10 cars to drop off and pick up near to the school entrance. The Academy employs 111 full-time and 65 part-time staff, but the car park is not full during the school day, leaving additional on-site spaces for the dropping off and collection of students. The school is on a straight road (Sparken Hill) with long lengths of carriageway available for short-term parking. Houses fronting onto Netherton Road do not have off-street parking and use street parking bays, but these are not reserved for exclusive use by residents.
- e) There are controlled zebra crossing points on the roads for students who walk to school. There are also splitter islands on Netherton Road to provide additional points at which pedestrians can cross. To support sustainable travel to school, additional cycle spaces and cycle lockers are proposed, along with electric vehicle charging stations and ducting to facilitate further provision for electric vehicle charging in the future.
- f) Primarily, the development is intended to provide additional places for students from twelve residential developments located mainly to the north of Worksop. At full occupancy, 23 of the additional school places would be expected to be taken by children who live locally and would walk to school. Additionally, 254 students of the enlarged school population would be expected to travel to school by public transport, while 45 would be predicted to travel by car, resulting in around 26 additional student arrivals and departures by car. The parking situation for school drop-off and pick-up would be monitored regularly for any additional measures that may be needed to address car parking demand and excessive on-street parking.

With the permission of the Chairman, Mike Sharpe addressed the Committee in support of the application. The following points were raised:

- g) Nottinghamshire County Council has a responsibility to ensure that the required amount of school places are available to meet the local need, so the current and projected demand for each school area across the county is assessed regularly and reported to the Department for Education.
- h) Currently, there are two secondary schools in the Worksop planning area, providing 3,429 student places. As a result of a number of new and planned housing developments it is projected that, by the 2026/27 school year, 345 additional secondary school places will be required beyond the baseline need generated by expected growth in the existing local population. It is vital, therefore, that work is undertaken now to ensure that the right number of school places are established to meet the likely needs for the future.

The Chairman then opened the application for debate by Committee members. The following points were discussed:

- i) The Committee considered that there is a clear requirement for more places to be created at the school, as the number of young people living in the catchment area is growing. Members noted that the school's levels of attainment are good, and

that the lack of any complaints from nearby residents regarding the proposed development reflected positively on the scheme.

- j) The Committee was concerned that there is always the potential for more students to travel to and from school by car than anticipated in the modelling process, so recommended that the wider parking situation is monitored regularly to ensure the ongoing wellbeing of the nearby residents.

Resolved (2023/004):

- 1) To approve the grant of planning permission for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the conditions as set out in Appendix 1 to the report.

6. Planning Application for the Mill Adventure Base, Sutton-in-Ashfield

David Marsh, Major Projects Senior Practitioner, introduced application 4/V/2023/0029 by Nottinghamshire County Council for planning permission to install security shutters and roof-mounted photovoltaic panels at the Mill Adventure Base, Sutton-in-Ashfield. The following points were raised:

- a) The Mill Adventure Base is located by the Kings Mill Reservoir and offers outdoor activities to children in a controlled environment. The reservoir is used for leisure pursuits and there is a circular path around the lake. Unfortunately, the Base's café has been subject to a number of attempted break-ins, so it is proposed to install roller shutters to provide additional security.
- b) Two large roller shutters would be installed to enclose the café entrance, with the shutter box be fixed to the underside of a steel joist so that the box would be screened by a cedar cladding fascia. A separate shutter with an externally mounted box would be installed over a smaller window by the café entrance, which is recessed beneath the oversailing canopy, and would draw down over the window only.
- c) Ashfield District Council has objected to the installation of the shutters as proposed on the basis that alternative security measures could be used that are less visually intrusive. The County Council's planning officers have reviewed the objection and consider that, although the shutters could be seen at a distance from the southern side of the lake and by walkers on the lakeside path, the view is already impacted by an existing security fence and drainage ditch. A roller shutter with a concealed shutter box has also been installed on the adjacent entrance to the boat house, so the proposed design for the new shutters is considered to be acceptable and not out of character in the location.
- d) The Base building has existing solar panels on approximately half of the roof space and it is proposed to install panels to cover most of the remaining roof area. The visual impact of the solar panels is not considered to be harmful to the setting of designated heritage assets.

The following points were discussed:

- e) The Committee noted that further discussions had been held with Ashfield District Council following its original representation against the application, but that the District Council still maintained its objection. Members observed that the proposed shutters were relatively solid and so could not be seen through like the grille-type shutters used by many high street shops. Members considered however, that as the café had been subject to a number of attempted break-ins, and that it was within a site that was fenced off and locked so that people would not be in close proximity when not in use, it was appropriate to protect the windows with solid shutters installed on the outside of the building, as proposed.
- f) The Committee noted that the installation of solar panels was positive for the generation and use of electricity, which was used for the charging of electric vehicles on site and for contributing to the National Grid. Members queried, however, whether a storage battery was proposed or present already, as this would enable the energy generated by the panels to be retained and then used when required for the energy needs of the Base facility. Members asked that officers raise the potential for battery storage with the applicant, if this could assist in making the best use of the site in an environmentally friendly way.
- g) The Committee requested whether specific training on green technology and its current place within the planning context could be provided to members, to assist in their understanding when considering applications more generally that included green technology elements.

The motion to approve the grant of planning permission for the reasons as set out in the report was put to the vote and was carried by a majority of the members present.

Resolved (2023/005):

- 1) To approve the grant of Planning Permission for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the conditions as set out in Appendix 1 to the report.

7. Development Management Progress Report

Jonathan Smith, Interim Group Manager for Planning, presented a report on the recent Planning applications received by the Council, the decisions taken by officers and the applications likely to come to the Committee for consideration at its future meetings. The following points were discussed:

- a) The report details the applications received between 16 December 2022 and 10 February 2023, and the decisions made since the last Committee meeting on 17 January 2023.
- b) Currently, seven applications are scheduled to be considered at the next Committee meeting on 18 April, which would represent a substantial agenda. However, as three of the applications relate to Cromwell Quarry and three relate to Mission Quarry, it is aimed to present these applications as combined reports, if feasible.

Resolved (2023/006):

- 1) To note the Development Management Progress Report and confirm that the no additional actions are required in relation to its contents.

There being no further business, the Chairman closed the meeting at 11:11am.

Chairman:

18 April 2023**Agenda Item 5****REPORT OF THE INTERIM CORPORATE DIRECTOR FOR PLACE****RUSHCLIFFE DISTRICT REF. NO.: 8/23/00027/CMA**

PROPOSAL: SECTION 73 PLANNING APPLICATION TO VARY CONDITIONS 3 and 12 OF PLANNING PERMISSION 8/19/00378/CMA, TO ALLOW A FOUR YEAR EXTENSION FOR THE COMPLETION OF TIPPING OPERATIONS BEYOND THE CURRENT EXPIRY DATE OF THE 28TH NOVEMBER 2022 (CONDITION 3) AND TO REMOVE THE REQUIREMENT TO CARRY OUT HIGHWAY IMPROVEMENT WORKS AT THE SITE ACCESS ON KINOULTON ROAD (CONDITION 12).

LOCATION: CANALSIDE INDUSTRIAL PARK, KINOULTON ROAD, CROPWELL BISHOP, NOTTINGHAMSHIRE, NG12 3BE

APPLICANT: MR CHRIS ALLSOP

Purpose of Report

1. To consider a Section 73 (Variation of Planning Condition) application to vary Conditions 3 and 12 of Planning Permission 8/19/00378/CMA and allow a four-year extension for the completion of tipping operations beyond the current expiry date of the 28th November 2022 (Condition 3) and to remove the requirement to carry out highway improvement works at the site access on Kinoulton Road (Condition 12).
2. The modification to Condition 3 to allow an extension to the completion period for the tipping operations does not raise any significant planning issues. The modification to Condition 12 to remove the requirement to improve the site access raises issues in respect of ensuring that an acceptable level of road safety would be maintained at the industrial access road to serve the HGV traffic leaving the site.
3. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

4. Canalside Industrial Park is located approximately 500 metres south of the village of Cropwell Bishop. The industrial park incorporates a number of

buildings originally developed in association with historical gypsum extraction and processing activities together with some more modern industrial units which are now used for commercial purposes (see Plan 1).

5. The application site is located to the immediate rear (east) of the Canalside Industrial Park. Access is obtained from the existing industrial estate road (see Plan 2).
6. The application site covers an area of around 1.9 hectares. The site was previously part of a larger area of land associated with former gypsum workings that has regenerated with rough grassland following its closure. The site is bordered by hedgerows on its northern, southern and eastern boundaries with the industrial park to the west.
7. The development site and the surrounding area lie within the Green Belt.
8. The development site is not designated for its ecological value. The site was historically designated as Cropwell Bishop Local Wildlife Site (LWS), noted for its gypsum spoil character colonised by a variety of notable native and alien plant species, but the Nottinghamshire Biological and Geological Centre Records show that the LWS status of the site was de-notified in Autumn 2020 on the basis that the habitat did not reach the species threshold to meet LWS status with the ecological value of the site deteriorating due to the ecological succession of the previous grassland habitats from open grassland to impenetrable scrub, with other parts of the site unvegetated.
9. Vehicle access to the site is obtained from the existing industrial estate access road and Kinoulton Road to the north. This road connects to Nottingham Road at a 'T' junction at the south-western edge of Cropwell Bishop village. The A46 is located around 1.5 kilometres to the west of the village, accessed via Nottingham Road.
10. The local road network is regulated by a series of weight restrictions which prohibit vehicles over 7.5 tonnes travelling any further south beyond the Canalside Industrial Park entrance road on Kinoulton Road. A weight restriction also prohibits HGVs travelling through Cropwell Bishop village on Nottingham Road east of its junction with Kinoulton Road (see Plan 3).
11. The area around the village settlement and the application site is predominately agricultural. Large areas of land to the west of Kinoulton Road and north of Nottingham Road to the west of Cropwell Bishop have been subject to opencast gypsum extraction but are now restored.
12. The nearest residential properties are located approximately 300 metres to the south of the site and 500m to the north of the site on Kinoulton Road (see Plan 4).

Background and Planning History

13. In 2011 it was brought to the County Council's attention that clay material had been excavated from the site without planning permission. The unauthorised removal of the clay resulted in the creation of an excavated void within the site.
14. Planning permission was subsequently granted following a planning appeal in November 2016 to regularise the extraction of the clay and import approximately 60,000 tonnes of inert waste material over a three-year period to bring the levels within the site back up to those present prior to the clay extraction taking place. The planning permission was regulated by 28 planning conditions which sought to restrict the duration of the waste imports to three years, the location of tipping within the site, restrictions over the routeing, number and hours of HGV delivery vehicles, controls to limit mud on the highway, ecological controls, dust and noise controls, floodlighting, working hours, site restoration and aftercare. There was also a requirement under planning condition to undertake a junction improvement at the site entrance to enhance the existing visibility to the south (left) along Kinoulton Road which is currently constrained by the presence of bends and a dip in the road (see Plan 5).
15. In April 2019 a Section 73 planning permission (Ref: 8/19/00378/CMA) was granted to allow an increase in the maximum daily HGV movements permitted to access the site from 18 to 40 HGV movements per weekday (20 in 20 out) and from 8 to 20 HGV movements on a Saturday (10 in 10 out), subject to a cap of 392 HGV movements in any four-week period.
16. Planning permission 8/19/00378/CMA was implemented on the 29th November 2019 with a comparatively small quantity of waste material delivered to the site using LGV delivery vehicles and deposited in the north-eastern corner of the void since this time. The use of non-HGV delivery vehicles did not trigger the requirement under Condition 12 of the planning permission to undertake the junction improvements on Kinoulton Road. The comparatively small placement of waste was carried out under a waste exemption permit issued by the Environment Agency which allows up to 5,000 tonnes of waste to be deposited. Further importation of waste to the site to progress the restoration of the void will require a bespoke waste disposal permit from the Environment Agency.

Proposed Development

17. Planning permission is sought under a Section 73 (variation of planning condition) submission to vary Conditions 3 and 12 of Planning Permission 8/19/00378/CMA so as to allow a four-year extension for the completion of tipping operations beyond the current expiry date of the 28th November 2022 (Condition 3) and to remove the requirement to carry out highway improvement works at the site access on Kinoulton Road (Condition 12).

Modification to Condition 3

18. Condition 3 of Planning Permission 8/19/00378/CMA states:

Condition 3: Duration of Development

The importation of inert material into the site shall be completed no later than three years from the date of commencement of importation as notified to the Waste Planning Authority under condition 2 (b). The Waste Planning Authority shall be notified in writing of the date of cessation of the importation of inert material into the site within 14 days of its occurrence.

Reason: To ensure that the development is completed within an acceptable timeframe.

19. Given that the original planning permission was implemented on 28th November 2019, the existing consented period for tipping operations regulated under Condition 3 expired on 28th November 2022. Planning permission is sought to make modifications to Condition 3 to allow a four-year extension for the completion of tipping operations until 28th November 2026.
20. The applicant states that a further four-years is necessary because of a combination of delays linked to the Coronavirus outbreak, the inability to resolve technical requirements in relation to the improvement of the site access (discussed in more detail below) and the knock-on implications that these factors have had in restricting the ability to access the site with HGV deliveries making it impossible to make a meaningful commencement of the development due to deliveries being limited to LGV transport only.
21. The requested four-year extension for tipping operations takes account of the Environment Agency's decision period to process and issue a waste disposal permit for the operation of the site. The waste permit application process requires the applicant to monitor environmental baseline data of water quality and gas levels collected from borehole monitoring undertaken over a 12-month period. This borehole data is currently being collated with a formal submission of the permit application anticipated in the next month or two. Once submitted the Environment Agency have indicated that the permit decision period is likely to be 12 months.
22. The applicant therefore states that although a four-year extension to the planning permission is requested, in reality this equates to an additional three years for tipping operations when the time period for the decision of the permit is taken account of.
23. Maintaining a three-year period for the tipping operations ensures that vehicle movements would be undertaken in compliance with the originally projected schedule. These projections show that waste imports are anticipated to be contract driven with inert deliveries likely to be intermittent and deliveries undertaken on a campaign basis with some periods of inactivity between supply contracts.

Modification to Condition 12

24. Condition 12 of Planning Permission 8/19/00378/CMA states:

Condition 12: Site Access

No HGVs shall enter the site for the purpose of depositing waste materials as part of the development hereby approved unless and until the highway improvement works indicated on drawing F13073/02 have been carried out.

Reason: In the interests of highway safety and to accord with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

25. Planning permission is sought to modify Condition 12 to remove the existing requirement to improve the existing industrial estate/Kinoulton Road junction prior to it being used for HGV deliveries to serve the inert waste disposal facility and instead manage the movement of these vehicles with a competent banksperson overseen by a HGV Traffic Management Plan to direct HGV movements at the site access.
26. The applicant explains that there have been a number of complications and delays incurred in organising the improvement to the site access pursuant to Condition 12. Technical details for the junction improvement were submitted to NCC Highways in early 2020, however these were not progressed at this time owing to NCC highway engineers being deployed to deal with critical services connected to Covid 19 with subsequent delays resulting from Covid lockdowns in late 2020 and early 2021 further delaying the approval progress.
27. The Section 278 agreement which provides highways consent for works to be undertaken in the public highway was finally agreed in October 2021 along with an acceptable quotation from Via East Midlands to undertake the works. However, it subsequently came to light that there is a high-pressure gas main in the public highway which crosses the Canalside industrial estate road. The gas main is at a shallow depth in the ground and could potentially be impacted by construction works which are required to engineer the road improvement scheme to the south of the junction. Upon becoming aware of the gas main, VIA East Midlands requested further information from the applicant in terms of the depth and location of the gas main to ascertain whether it would be necessary to either move or lower it to engineer the road improvement scheme. Whilst some supplementary information was provided by the applicant, the information was not sufficiently detailed to make a definitive decision as to whether the gas main does need relocating or modifying to construct the road improvement scheme.
28. The relocation or lowering of the gas main has been explored by the applicant who has concluded that the additional costs of these works would be economically unviable for the development it serves. The applicant has therefore explored different solutions to provide safe access into the site with this applicant now favouring a banksperson arrangement to oversee the departure of the HGVs from the site in a safe controlled manner.

29. The applicant states that they will manage all deliveries in compliance with a Heavy Goods Vehicle Management Plan which has been supplemented during the course of processing the planning application to more clearly explain the management arrangements, including notification procedures, monitoring arrangements and disciplinary measures to be taken to ensure the safe access of the development site by HGV.
30. The objective of the Heavy Goods Vehicles Management Plan is to safely control the transport arrangements associated with the operation of the site, seeking to ensure that all vehicles associated with the development/importation of materials enter the Canalside Industrial Park by way of a left turn only from Kinoulton Road and follow the directional signs within the site to the point of waste discharge where they would be logged. Having discharged their load, the HGVs would be escorted back to Kinoulton Road by a site operative where they would be required to turn right on to Kinoulton Road once the banksperson has deemed it safe to do so. In addition, during periods of tipping, signage would be located on Kinoulton Road in both directions to advise oncoming motorists of slow lorries turning ahead.

Consultations

31. Rushcliffe Borough Council: *Object to the planning application.*
32. *Based on the information submitted, it is considered the proposal has not sufficiently demonstrated that varying condition 12 would be acceptable from a highway safety viewpoint. The development would therefore be detrimental to the amenity of residents and would increase the risk of accidents on the roads in the vicinity, including at the Kinoulton Road/Nottingham Road junction. It would, therefore, be contrary to the Policy 1 of the Borough Council's Local Plan Part 2.*
33. Cropwell Bishop Parish Council: *Raise no objection to the modification to Condition 3 to allow a further four-year period for tipping operations, but do raise an objection to the modifications to Condition 12 in respect of the modified access arrangements.*
34. *The Parish Council reference correspondence from the highways engineer and the planning officer when the planning application for the inert waste disposal facility was originally considered which set out concerns that the existing site access onto Kinoulton Road is inadequate in the context of its visibility to the left. The Parish Council consider the banksperson scheme now proposed to address this deficit in visibility instead of an engineered junction improvement scheme is not a robust or reliable solution having regard to the traffic flow along Kinoulton Road and the busy pedestrian activity around/adjacent to the entrance/egress point. The Parish conclude that the inevitable pitfalls of human error/reliability mean these arrangements are unacceptable.*
35. Environment Agency Midlands Region: *No objection.*
36. *The Environment Agency provides some generic advice in connection with the need to obtain a waste carriers licence for the transport of waste materials.*

37. NCC (Highways): No objection.
38. The Highway Authority is in receipt of additional information which relates to the deliverability of the junction works and a Heavy Goods Vehicle (HGV) Management Plan.
39. In terms of deliverability of the junction improvement works, communications with VIA East Midlands estimating department (who were requested by the applicant to undertake the junction improvement works) show that VIA EM currently have insufficient information to ascertain whether the junction improvement works could be carried out without diverting the gas main apparatus. For that reason, VIA EM were unwilling to start any works on site until further investigation had been carried out with regards to the exact depth of the gas and water main that ran through the area of works. Following this, VIA EM received photos from the Client as evidence of the depth of the utilities, however these were deemed unacceptable to form a definitive conclusion on whether the works were unachievable without diverting utilities. There is therefore still some continuing uncertainty as to whether the gas main would require lowering/relocation to facilitate the construction of the approved junction improvement works.
40. Notwithstanding the above, the Highway Authority has given consideration to the banksperson option for HGVs exiting the site proposed within this current planning application. The Highway Authority considers that the measures for controlling the access arrangements as set out in section 3 of the submitted HGV Management Plan are generally satisfactory, but consider the location proposed for the banksperson appears to be inappropriate. The positioning for the banksperson shown in the HGV Management Plan is approximately 250m from the Canalside junction in a location that drivers would not be able to see. Even if there was a clear line of sight, it is unlikely that hand signals would be interpretable to a satisfactory degree at this distance. The banksperson's role is not to stop traffic but to give drivers confirmation that there are no vehicles oncoming so that they are able to exit the site safely. In view of this, it is recommended that the banksperson location is moved closer to the site entrance so that they would be able to communicate clearly with HGV drivers.
41. Subject to a suitable alternative location being shown for the Banksman/Banksperson, the Highway Authority would have no objections to the variation of conditions, subject to the planning conditions being imposed to:
- ensure all HGV traffic accesses and egress the site in compliance with the HGV Management Plan (subject to revised banksman location);
 - All HGVs follow the approved delivery route to and from the site accessing from the A46 via Nottingham Road and Kinoulton Road;
 - All HGV deliveries are sheeted;
 - The deposit of mud and debris on the public highway is managed in compliance with the previously agreed management plan;
 - HGV movements are restricted consistent with previous agreed levels.

42. NCC (Nature Conservation): *No objection.*

Publicity

43. The application has been publicised by means of a site notice, a press notice in the Nottingham Post and neighbour notification letters to twelve residents who made representations in connection with the previous planning application for waste development at the site. The publicity has been carried out in accordance with the County Council's adopted Statement of Community Involvement. No representations have been received.
44. Cllr Neil Clarke MBE has been notified of the application.

Observations

Scope of issues to be considered

45. This planning application has been made under Section 73 of the Town and Country Planning Act to vary the requirements imposed under Conditions 3 and 12 of Planning Permission 8/19/00378/CMA to allow a four-year extension for the completion of tipping operations until the 28th November 2026 (Condition 3) and to remove the requirement to carry out highway improvement works at the site access on Kinoulton Road and instead put in arrangements where all HGV's departing the site would be supervised by a banks person (Condition 12).

Assessment of Condition 3 to permit a four-year extension to the completion of tipping operations

46. The existing planning permission providing consent for waste importation expired on 28th November 2022 and therefore if planning permission is not granted to allow this timeframe to be extended no further waste could be imported to the site resulting in the retention of the existing void.
47. The applicant has explained that they have been unable to make any meaningful implementation with the original planning permission due to a combination of reasons linked to delays from the Coronavirus outbreak, the inability to resolve the technical requirements of providing an improvement to the site access, and delays in obtaining a waste permit from the Environment Agency to import the full quantity of waste to the site. Officers have discussed these matters with the applicant and can confirm these issues have affected progress with infilling the void.
48. As part of the original decision to grant planning permission for the infilling of the existing void at Canalside the Planning Inspector considered the development would bring forward a series of benefits which he concluded supported a decision to grant planning permission for the development. The following considerations were taken into account:

- a) The capacity provided at Canalside would provide a greater choice of disposal sites for inert waste in reasonably close proximity to the greater Nottingham conurbation. The Inspector considered the development was consistent with Nottinghamshire and Nottingham Waste Core Strategy (WCS) Policy WCS3: Future Waste Management Provision which seeks to ensure that there is sufficient waste disposal capacity and WCS Policy WCS5: Disposal sites for hazardous, non-hazardous and inert waste which prioritises the development of new inert waste disposal facilities in close proximity to the Nottingham conurbation to address acknowledged shortfalls in existing capacity. The Inspector acknowledged that the disposal capacity provided within the Canalside void was comparatively small and therefore the facility would not play a major role in addressing wider capacity shortfalls, but did conclude that it would contribute to WCS policy objectives and therefore considered the need for the development should be given limited beneficial weight in the overall planning balance.
- b) The Inspector concluded the landscape benefits from the works were substantial in the overall planning balance, considering the existing void/ground depression was not in keeping with the surrounding landscape character and its infilling would restore the site back to its original ground contours.
- c) The implementation of the approved aftercare arrangements would provide ten years management for the site targeted at re-creating an ecologically beneficial habitat across the infilled void site, with the Inspector giving these benefits limited weight in the planning balance.
- d) The Inspector acknowledged that the infilling of the void with waste was inappropriate development in the context of Green Belt Policy, and thus harmful to the Green Belt as a matter of principle but considered there were very special circumstances to support a grant of planning permission. He considered the very special circumstances included the development bringing benefit to the Green Belt by removing the void which has visual characteristics of previously developed land with further limited weight given to identified benefits that would arise from the provision of a local waste disposal facility, the improvements to the site access and biodiversity. He also noted that the landfill of mineral voids in the Green Belt is supported by WCS Policy WCS7. Whilst it is no longer proposed to improve the site access and therefore this aspect of positive support towards demonstration of very special circumstances has been lost, it is considered that there is still very special circumstances to justify this inappropriate development in the Green Belt.
- e) The Inspector acknowledged that the improvements to the industrial estate access road would be permanent and would remain following the completion of waste importation, permanently benefiting other users of the industrial park and users of the wider public highway, giving these benefits limited weight in the overall planning assessment.

- f) The Inspector acknowledged that there would be no significant adverse amenity impacts from the development in terms of noise, dust, odour and vermin and there would be no unacceptable drainage/pollution concerns.

49. In terms of the current Section 73 planning application to vary Condition 3 and allow a further four years to complete the infilling of the Canalside void, the original planning assessment undertaken by the Planning Inspectorate remains largely relevant and appropriate to the current decision with Officers reaching the following conclusions:

- a) There have been no notable changes to planning policy since the original decision was made with the key development plan policies concerning waste development continuing to be the adopted WCS and WLP.
- b) Since the original 2016 planning appeal decision no significant additional inert waste disposal capacity has become operational in the Greater Nottingham inert waste shortfall area. There is therefore still a need for the development to address these shortfalls consistent with WCS Policies WCS3 and WCS5 and therefore the need for the facility is considered to continue to provide limited beneficial weight in the overall planning balance.
- c) A four-year extension to allow the completion of tipping operations will ensure that the benefits to the landscape following the completion of the development continue to be delivered with these benefits given substantial weight in the overall planning balance.
- d) The Nottinghamshire Biological and Geological Centre Records indicate that the ecological value of the site has deteriorated since the appeal decision in 2016 with the LWS status of the site being de-notified in Autumn 2020 on the basis that the habitat no longer reached the species threshold to meet LWS status. The deterioration of the habitat was attributed to the ecological succession of the previous grassland habitats from open grassland to impenetrable scrub, with other parts of the site being unvegetated. Without intervention the ecological succession is likely to continue, further deteriorating the ecological value of the site. The completion of the consented development will ensure that the site is restored in compliance with the originally approved scheme which will remove the impenetrable shrub and re-instate the grassland habitat utilising the original low nutrient soils which have been stockpiled at the site. Following restoration, the new habitat will receive ten years aftercare management and thus provide regulatory control to develop the replacement grassland habitat and provide management of scrub growth across the site which is the key reason why the original LWS designation was de-notified. The ecological benefits of the development were originally assessed by the Inspector to have limited benefit in the overall planning balance, but it is clear that the deteriorating ecological conditions of the site means that the level of ecological benefit derived from the restoration of the site will be greater when compared to the existing site conditions. This additional level of ecological enhancement in comparison to existing site conditions should be acknowledged in the

overall planning balance with the level of benefit now considered moderately beneficial in the planning balance.

- e) The original overall conclusions reached in terms of demonstration of very special circumstances to support inappropriate development within the Green Belt policy remain, but it is acknowledged that the level of benefit derived from the junction improvement scheme and ecological enhancements has been modified in this appraisal.
 - f) The modification to Condition 12 would mean that the originally approved junction improvements to Kinoulton Road would not be provided. It is acknowledged that as part of the original decision the Inspector gave some limited beneficial weighting to the wider benefits these junction improvements would provide to users of the industrial park and the wider public highway. If these benefits are no longer to be provided they should also no longer be acknowledged in the overall planning balance.
 - g) The original conclusions reached in terms of amenity impacts and pollution risks remain unchanged.
50. Overall, there have been minor changes to the planning merits of the scheme which affect the planning balance since the original appeal decision was made. Specifically, it is noted that the limited beneficial weighting derived from the proposed junction improvement would no longer be delivered if the modification to Condition 12 is consented, but balanced against this there would be greater levels of benefit from the ecological enhancements to the site. Overall, whilst acknowledging this slight change in the planning balance, it is concluded that the changes do not materially change the conclusions previously reached and the overall planning balance continues to be supportive of the development.
51. In terms of the duration of the extended period, the four-year period requested by the developer is one-year longer than currently regulated within the extant Condition 3. The additional one-year period is requested to take account of the period of time likely to be required by the Environment Agency to issue a waste permit and therefore the duration of waste disposal activity would effectively continue to be three years, consistent with the original planning permission. This would ensure that the anticipated daily and weekly HGV movements would continue to operate in compliance with the consented levels. The requested four-year extension period to allow for the completion of tipping is therefore considered to be appropriate.

Assessment of Condition 12 to remove the requirement to carry out highway improvement works at the site access on Kinoulton Road

52. Planning policies in respect of transport, access and road safety are incorporated in both the Nottinghamshire and Nottingham Waste Local Plan (WLP) and the Rushcliffe Local Plan Part 2: Land and Planning Policies RLP). Transport policy is also incorporated within the National Planning Policy Framework (NPPF). The following policies are relevant:

- WLP Policy W3.14 (Transport) states that planning permission will not be granted for waste management facilities where the vehicle movements cannot be satisfactorily accommodated on the highway network or would cause unacceptable disturbance to local communities.
 - RLP Policy 1 (Development Requirements) states that planning permission for new development will be granted where a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority.
 - NPPF paragraph 110 requires all new development to be served by safe and suitable access. Paragraph 111 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.
53. These policies seek to ensure that new development is served by a suitable and safe means of access having regard to the advice of the highway authority and that planning permission should only be refused on highway grounds if there are unacceptable impacts on highway safety, or the residual cumulative impacts on the road network would be severe.
54. The existing junction serving the Canalside industrial park has restricted visibility to the south along Kinoulton Road with the visible distance being limited to 32m to the left when viewed at a distance of 2.4m back from the road verge. The visibility is restricted due to the presence of bends and a dip in the road. The restricted visibility increases the risk that vehicles emerging from the industrial estate access road could pull into the path of oncoming vehicles on Kinoulton Road because they do not see them early enough. Notwithstanding this restricted visibility, the accident records for Kinoulton Road confirm that there have been no reported injury collisions at the junction of the industrial estate since 1990.
55. Concerns were raised about the restricted visibility at this junction when the original planning application was appraised by the County Council. To overcome these concerns the applicant's preferred solution at this time was to undertake a junction improvement which sought to re-align Kinoulton Road with the modification having the effect of enabling emerging vehicles at the Canalside junction to see further round the corner to the south, increasing the visibility in this direction to 2.4m by 82m (see Plan 5). The suggested junction improvement was considered to be acceptable in highway safety terms by NCC Highways and was therefore regulated under Condition 12.
56. When the applicant proposed the junction improvement scheme as part of the original planning application submission other options for access to the site were not appraised by the planning authority. The junction improvement scheme suggested by the applicant provided an acceptable in road safety terms and therefore there was no need to look at other options. Alternative junction

improvement options including the current proposed banksman arrangements have therefore not been previously explored and accepted or dismissed.

57. The applicant states that at the time they agreed to these junction improvement works they were unaware of the presence of a gas main in the road verge. The gas main is comparatively shallow in the ground and the applicant states it would be impacted by the road improvement works. VIA East Midlands are not so certain that the approved road improvement works would physically impact the gas main and their most recent correspondence with the applicant requested further assessment work to enable a final decision to be made in terms of whether the depth of the gas main would be a constraint to constructing the approved road improvement scheme.
58. Notwithstanding this, the developer has investigated the cost of either relocating or lowering the gas main to enable the approved highway improvement works to progress. The applicant states that the additional cost of undertaking these works to the gas main makes the road improvement no longer economically viable to the development project. The applicant has also investigated alternative solutions to constructing a more cost-effective junction improvement but has not identified an alternative junction improvement design which is economically viable to the business.
59. The National Planning Policy Guidance in connection with the use of planning conditions states that planning conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness. The costs of carrying out the road improvement scheme is therefore a material consideration in the determination of this planning application, however the weight that can be given to this issue in this planning decision is very limited/minimal because of the uncertainty as to whether the gas main actually needs re-locating or lowering.
60. The applicant's preferred solution in lieu of an improved access point is the provision of a banksperson to oversee the exiting of the HGVs from the site in a safe controlled manner with the access arrangements overseen by a wider traffic management plan for the three-year effective operational life of the planning permission for receiving waste deliveries.
61. The policy test in WLP Policy W3.14, RLP Policy 1 and the NPPF to assess the acceptability of these alternative access arrangements is whether the banksman arrangements provide safe access to the development site. The access arrangements do not have to be the optimum solution in terms of providing access to the site, but must maintain highway safety. This is clearly stated in NPPF paragraph 110d which confirms that planning decisions should ensure that where development has any significant impacts on the safety of the transport network the planning system should ensure these impacts are cost effectively mitigated to an acceptable degree. The advice of NCC Highways is key to informing the assessment as to whether the banksperson arrangements now proposed will maintain highway safety.
62. The use of a banksperson to oversee vehicle movements and safely direct HGVs accessing development sites is a common solution on construction

projects to ensure that road safety is maintained during vehicle movements connected with temporary development projects. The banksperson would be used to ensure they have a clear view of approaching traffic on the public highway and address the deficiencies in visibility at the junction.

63. NCC Highways have reviewed the banksperson arrangements and have provided clear advice to confirm these arrangements will ensure that HGV delivery vehicles associated with this construction project can safely access the public highway from the development site. NCC Highways recommend the banksman should be positioned closer to the Canalside junction than currently detailed within the submitted scheme to provide more satisfactory visibility for drivers using the junction with this minor modification recommended to be regulated by planning condition. The modifications to the site access will not change the effect the development would have on the wider amenity of the area from the levels previously assessed as being acceptable.
64. Since both the approved road improvement scheme and the banksperson scheme ensure the HGV delivery vehicles associated with this construction project can safely access the site from the public highway it is recommended that the original planning condition 12 is reworded to provide consent for HGVs to access the site by either an improved junction or under the supervision of a banksperson.
65. As part of the original appeal decision the Inspector acknowledged that the junction improvement scheme would provide wider benefits insofar that it would deliver a permanent junction improvement that would benefit the existing users of the industrial estate in the longer term. These benefits would no longer be delivered by the banksman arrangements now proposed. Whilst this is acknowledged, the emphasis of transport policy is to ensure that the development itself is served by a safe access, which it would be, and there is not an obligation on developers to address and overcome existing deficiencies in the highway network which are not connected to the development proposed.
66. Both Rushcliffe Borough Council and Cropwell Bishop Parish Council have objected to the revised access arrangements.
67. Cropwell Bishop Parish Council's concerns primarily relate to the robustness of the banksperson solution and potential that human error/unreliability could mean that some HGV movements are not safely supervised. Whilst these concerns are noted, NPPF paragraphs 55 and 56 encourage planning authorities to use planning conditions to make development schemes acceptable subject to the planning condition being necessary, relevant to planning, precise, reasonable and enforceable. The recommended new Condition 10 which replaces the existing Condition 12 is compliant with these tests and will regulate that all HGVs leaving the site are supervised in compliance with the HGV Traffic Management Plan by an appropriately trained banksperson. It is not appropriate for the planning authority to refuse planning permission for the development on the basis that the planning condition may be breached. If there were issues of human error/unreliability which meant that the HGV Management Plan was not being appropriately followed this should be regulated by

enforcement of the planning condition and not by refusing planning permission for the development on the basis of unquantified concerns that the planning condition may be breached sometime in the future.

68. The consultation response from Rushcliffe Borough Council raises objections to the development on the grounds that the Borough Council considers the modification to Condition 12 would have a detrimental impact to the amenity of residents and would increase the risk of accidents on the roads in the vicinity, including the Kinoulton Road/Nottingham Road junction. Examining these concerns, it is noted that the modification to Condition 12 would not result in any changes to the number of HGV's accessing the site or their routing on the wider highway network compared to that approved on appeal and therefore would not alter the pattern of vehicle movements from the levels previously examined in the original planning appeal decision. In his decision the Inspector closely examined the Kinoulton Road/Nottingham Road junction and concluded there would not be any significant detrimental impacts to the amenity of local residents, significant risk of accident or any severe impacts to the highway network associated with the traffic connected to the development. There has been no significant change since this appeal was determined to reach a different conclusion on these matters.
69. It is therefore concluded that the amended access arrangements provide a workable traffic management solution to regulate traffic accessing and exiting the development site which is acceptable in road safety terms and would not result in any significant detriment to the amenity of surrounding properties. The amended traffic management arrangements therefore satisfy the policy requirements within WLP Policy W3.14 and RLP Policy 1 which seek to ensure that developments are served by a suitable means of access which does not cause detriment to the amenity of adjacent properties and ensures there would be no severe residual cumulative impacts on the road network compliant with NPPF transport policy.

Schedule of Planning Conditions

70. The original planning permission incorporates a series of planning conditions which required the submission of various environmental protection schemes for the planning authority's approval prior to the commencement of the development.
71. Since these schemes have now been approved by the planning authority, the opportunity has been taken as part of this Section 73 submission to update and re-word the original planning conditions so that they reference the now approved schemes/documents. The opportunity has also been taken to generally update and tidy up the schedule of planning conditions into a more logical sequence with the updated recommended planning conditions being set out in Appendix 1.
72. Specifically, the new schedule of planning conditions incorporates the following modifications:

- Condition 1 and 2 have been updated to reflect the fact that the original planning permission has been commenced, referencing the extended date for the completion of tipping operations (28th November 2026) and the completion of the restoration (28th November 2027) reflecting the development sought planning permission in this current planning application submission.
- Condition 4 references the approved landscape protection scheme.
- Condition 7 references the approved dust management scheme.
- Condition 8 references the approved noise and vibration management scheme.
- Condition 10 introduces scope for the HGV departures from the site to be overseen by a banksperson under the arrangements of the wider HGV Management Scheme in addition to retaining scope for the developer to undertake the improvements to the Canalside/Kinoulton Road junction as originally approved.
- Condition 11 references the approved controls for managing mud entering the public highway.
- The restoration and aftercare planning conditions set out within conditions 17-24 have been updated to reference the approved biodiversity management plan with consequential changes to the wording/numbering of these planning conditions so that they follow a more logical sequence.

Other Options Considered

73. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. The report appraises alternative options to extend the duration of the planning permission and the approved junction improvements for the site.

Statutory and Policy Implications

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

Crime and Disorder Implications

75. In its present condition, the site could attract anti-social behaviour and it is considered that its restoration would help to alleviate any such issues.

Data Protection and Information Governance

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

Human Rights Implications

77. 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.

Implications for Sustainability and the Environment

78. These have been considered in the Observations section above.
79. There are no financial, human resource, public sector equality duty, safeguarding of children and adults at risk or service user implications.

Statement of Positive and Proactive Engagement

80. 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. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

81. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

DEREK HIGTON

Interim Corporate Director - Place

Constitutional Comments (JL 24/03/23)

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

Financial Comments (SES 17/03/2023)

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

Background Papers Available for Inspection

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at:
www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4492

Electoral Division(s) and Member(s) Affected

Bingham West

Cllr Neil Clarke MBE

Report Author/Case Officer

Mike Hankin

0115 9932582

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

V/4492

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RECOMMENDED PLANNING CONDITIONS

Duration of Development

1. This planning permission is for the continuation of inert waste disposal in the void area to the rear of Canalside Industrial Park within the area edged red on the Site Plan drawing received by the Waste Planning Authority (WPA) on 13th December 2022. The importation of inert waste material to the site shall be completed no later than 28th November 2026. The WPA shall be notified in writing of the date of cessation of the importation of inert material into the site within 14 days of its occurrence.

Reason: To ensure that the development is completed within an acceptable timeframe.

2. All restoration operations required in accordance with conditions 17-20 shall be completed no later than 28th November 2027.

Reason: To secure the proper restoration of the site within an acceptable timeframe in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.

Approved Plans

3. The development hereby permitted shall be carried out in accordance with the following approved plans and document.

a. Site Plan Drawing, received by the WPA on 13th December 2022

b. Drawing No. 11-58-05: Restoration Plan dated June 2014.

Reason: To define the scope of the development granted planning permission and enable the WPA to monitor compliance with the conditions of the planning permission.

Landscape Protection of Adjacent Land

4. The existing trees, hedges and areas of grassland surrounding the application site of the approved Canalside inert waste disposal area shall be protected from damage and encroachment in compliance with the scheme set out in document ref: EMS2.10: Protection of Surrounding Vegetation received by the WPA on 4th November 2019. No waste disposal operations including the operation of any associated plant, machinery or vehicle shall be carried out and no storage or excavation of materials shall take place outside the approved void tipping area. The temporary Heras fencing which has been installed to prohibit encroachment

onto adjoining land shall be retained for the duration of tipping operations and the subsequent restoration period of the site.

Reason: To protect adjacent areas of important habitat from disturbance throughout the development in accordance with Policy 16 of the Rushcliffe Core Strategy.

Working Hours

5. Operations shall only take place during the following times:

- Mondays to Fridays 07:00 to 18:00 hours; and
- Saturdays 07:30 to 12:30 hours.
- No operations shall take place on Sundays or on Bank or Public Holidays.

Reason: To minimise the impact of the development on residential amenity and highway safety in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

6. No HGVs shall enter or leave the site between the 08:30 to 09:00 hours and 15:30 to 16:30 hours on Mondays to Fridays during school term times:

Reason: To minimise the impact of the development on residential amenity and specifically to minimise any potential risks to school children in terms of highway safety in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

Dust Management

7. Dust shall be managed in compliance with the arrangements set out within Documents EMS 2.6 Carrying out in-house assessments of offsite dust and noise impacts and EMS 2.7 Dust Management Plan – Version Number 1 received by the WPA on 3rd September 2019.

Reason: To protect the amenities of neighbouring residential properties in accordance with Policy 10 of the Rushcliffe Core Strategy and Policies W3.9 and W3.10 of the Nottinghamshire and Nottingham Waste Local Plan and to prevent damage to adjacent habitats in accordance with the National Planning Policy Framework

Noise and Vibration Management

8. Noise and vibration shall be managed in compliance with the arrangements set out within Document EMS 2.1 Operation and maintenance on-site plant and Document EMS 2.6 Carrying out in-house assessments of offsite dust and noise impacts received by the WPA on 3rd September 2019.

Reason: To ensure the protection of wildlife in the interests of nature conservation in accordance with the National Planning Policy Framework.

9. In the event of a noise complaint being received by the WPA regarding the development hereby permitted which, in the opinion of the WPA may be justified, at the first practicable opportunity following a request from the WPA a noise impact survey shall be carried out by the site owner or operator and submitted to the WPA for its written approval. The free field noise level associated with the development, when measured in the curtilage of the complainant's property (or any alternative location which may be agreed with the Waste Planning Authority) shall not exceed the background noise level by more than 10dB(A), subject to a maximum of 55dB LAeq 1hr. Should the survey demonstrate that those noise limits are being exceeded the report shall specify additional mitigation measures and details of their timing. Any additional mitigation measures that may be approved in writing by the WPA shall be carried out immediately upon approval and thereafter maintained.

Reason: To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Management of Delivery Vehicles

10. No HGVs shall enter the site for the purpose of depositing waste materials as part of the development hereby approved unless and until either:
- a. the highway improvement works indicated on drawing F13073/02 have been carried out; or
 - b. All HGVs accessing and egressing the site in connection with the site re-landscaping works hereby approved shall be managed in compliance with the arrangements set out in document EMS2.9 Version Number 2: Heavy Goods Vehicle Management Plan dated 13th February 2023 and received by the WPA on 6th March 2023, subject to revised arrangements being agreed with the WPA for the positioning of the banksperson and associated signage prior to the commencement of HGV's accessing the site.

All HGV delivery traffic shall follow the approved delivery route to and from the site accessing from the A46 via Nottingham Road and Kinoulton Road. The pay load areas of HGVs travelling to the site shall be sheeted at all times.

Reason: In the interests of highway safety and the protection of amenity and to accord with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

11. The management arrangements to prevent the deposit of mud and debris on the public highway shall be implemented throughout the operational life of the site in compliance with Section 5.2 of Document EMS 2.7 Dust Management Plan – Version Number 1, received by the WPA on 3rd September 2019

Reason: In the interests of highway safety and to accord with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

12. There shall be no more than 40 HGV movements to and from the site (20 in, 20 out) in any one working day between Monday and Friday and no more than 20 HGV movements to and from the site (10 in, 10 out) on Saturdays – limited to a maximum number of vehicles within any four-week period to coincide with existing approved levels, that is 392 HGV movements (196 in and 196 out). Written records shall be maintained of all HGV movements into and out of the site and copies of those records shall be made available to the WPA within 7 days of a written request being made.

Reason: To minimise the impact of the proposed development on highway safety and residential amenity in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

Floodlighting

13. No floodlighting shall be erected on the site until details have been submitted to and approved in writing by the WPA. Floodlighting shall be angled downwards and suitably shielded to ensure that it does not result in glare or dazzle. Floodlighting shall not be used outside the following times: Mondays to Fridays 07:00 to 18:00 hours and Saturdays 07:30 to 12:30 hours. Outside those hours any external lighting shall only be operated individually and through a movement sensor switch with a maximum lighting cycle not exceeding 5 minutes.

Reason: In the interest of visual and residential amenity and to protect foraging bat habitat in accordance with the National Planning Policy Framework.

Operational Controls

14. No crushing or screening of waste shall take place on or adjacent to the site.

Reason: To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

15. Only one bulldozer or one 360 tracked excavator shall be operated on the site at any time. The mobile plant shall be fitted with white noise reversing warning devices and shall be fitted with silencers which shall be maintained in accordance with the manufacturer's recommendations and specifications.

Reason: To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the Waste Management Area and the Retained Area shall only be used for the authorised operations and for the use of the restored site for nature conservation and for no other use including any temporary use.

Reason: In the interests of amenity and to safeguard the Green Belt from encroachment.

Restoration

17. The restoration of the site shall deliver a nature conservation after-use and shall be carried out in compliance with Document EMS 2.11 Biodiversity Management Plan Version No. 2 dated 27th October 2019. The stored soil substrate which is to be used in the top layer of the restored site shall be sampled prior to its placement to ensure that the material is suitable for the proposed nature conservation habitat after-use with the results of the sampling and any further amelioration measures for the soils submitted to and approved in writing by the WPA prior to its placement.

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

18. Upon completion of inert waste disposal, the deposited inert waste shall be prepared for soil replacement. The WPA shall be notified in writing at least 5 working days before any soil replacement takes place to allow for inspection before further restoration is carried out.

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

19. Prior to the movement of soil substrate, the bunds should be inspected by an ecologist to identify the presence of any protected species within the bunds and the results of the survey submitted to the WPA for its written approval. The bunds shall not thereafter be disturbed until such time that the WPA's written approval has been obtained.

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

20. Soils shall only be replaced when they and the ground on which they are to be placed are in a dry and friable condition and no movements, respreading,

levelling, ripping or loosening of soils shall occur when it is raining or when there are pools of water on the surface of the receiving area.

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

Aftercare

21. The Waste Management Area shall undergo aftercare management for a 10-year period following completion of restoration. The date of commencement of the aftercare period shall be submitted to and approved in writing by the WPA before that period begins and the aftercare period shall run from the approved date.

Reason: To provide for the aftercare of the restored site, in accordance with Policy W4.9 of the Nottinghamshire and Nottingham Waste Local Plan.

22. Aftercare management of the site shall be carried out in compliance with Document EMS 2.11 Biodiversity Management Plan Version No. 2 dated 27th October 2019. The grass seed mix used for the re-establishment of the site shall be Emorsgate Seeds EL1.

Reason: To provide for the aftercare of the restored site, in accordance with Policy W4.9 of the Nottinghamshire and Nottingham Waste Local Plan.

23. Site management meetings shall be held with the WPA each year to assess and review the detailed annual programmes of aftercare operations referred to in Condition 22 above, having regard to the condition of the land; progress in its rehabilitation and necessary maintenance. Any supplementary management measures over and above the steps set out in Document EMS 2.11 which are agreed during the annual review of aftercare operations shall be implemented in the following 12-month aftercare period.

Reason: To provide for the aftercare of the restored site, in accordance with Policy W4.9 of the Nottinghamshire and Nottingham Waste Local Plan.

24. The area of land outside the tipping area within the applicant's ownership which is not used for industrial purposes shall be retained and allowed to mature. The scrub and bracken growth shall be managed & cut back on an annual basis throughout the ten-year aftercare period. This land shall be kept under review as part of the annual submission of management review and if it transpires that further management works are necessary within the retained area, these will be requested as part of this annual review.

Reason: To provide for the aftercare of the restored site, in accordance with Policy W4.9 of the Nottinghamshire and Nottingham Waste Local Plan.

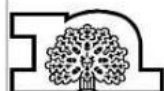
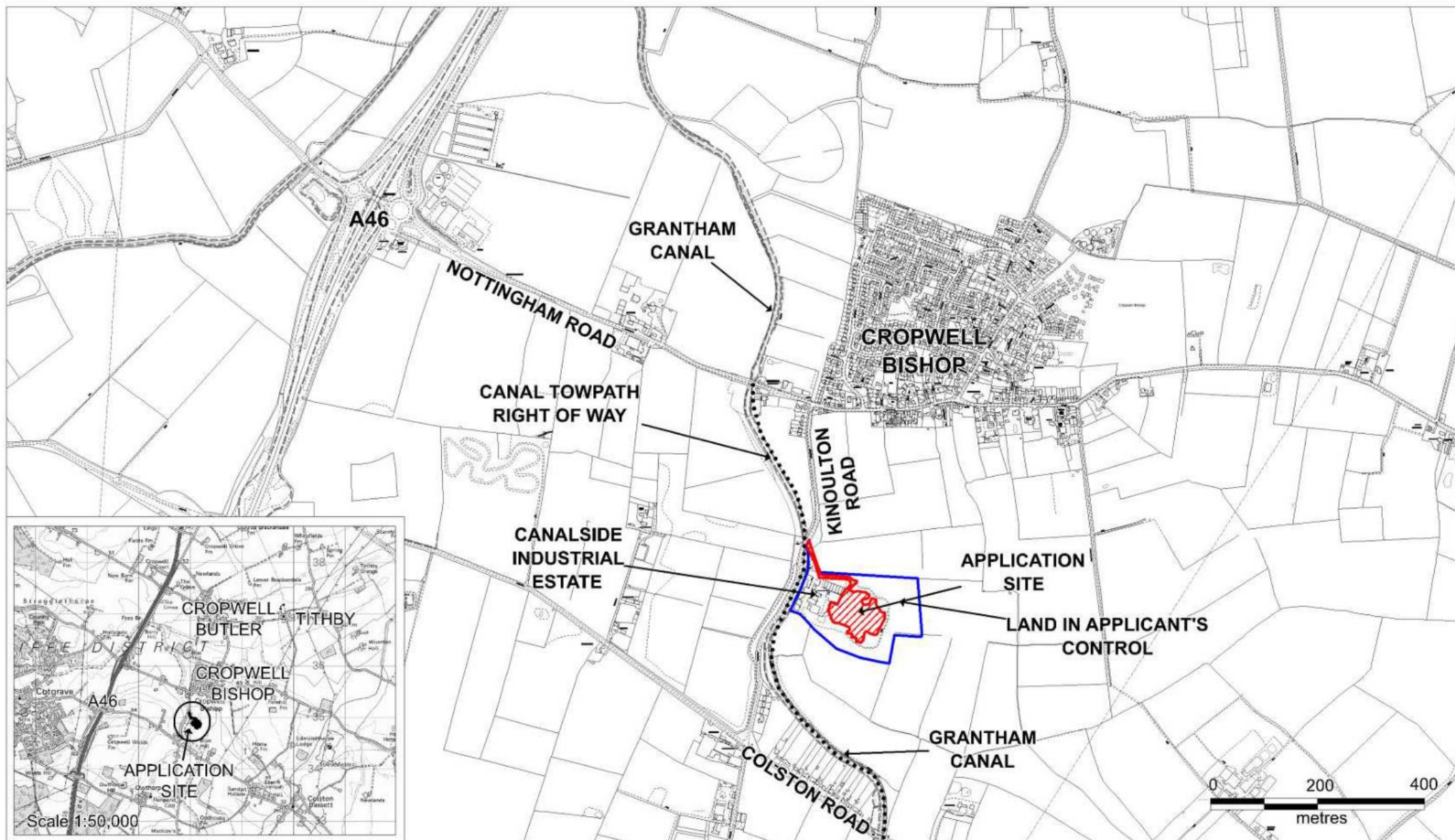
Early Cessation of Tipping Operations

25. In the event that inert waste disposal at the site ceases for a period in excess of 12 months, within three months of receipt of a written request from the WPA, a revised scheme for the restoration of the site shall be submitted to the WPA for its approval. Such a scheme shall include details of the final contours, provision of soils and seeding of the site. The scheme as may be approved shall be carried out in full within 12 months of its approval and shall be subject to the aftercare requirements of conditions 21-24.

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

Informatives/notes to applicants

None



**Nottinghamshire
County Council**

Section 73 planning application to vary Conditions 3 & 12 of Planning Permission 8/19/00378/CMA, to allow a four year extension for the completion of tipping operations beyond the current expiry date of the 28th November 2022 (Condition 3) and to remove the requirement to carry out highway improvement works at the site access on Kinoulton Road (Condition 12).

Canalside Industrial Park, Kinoulton Road, Cropwell Bishop, Nottinghamshire
Planning Application No. 8/23/00027/CMA

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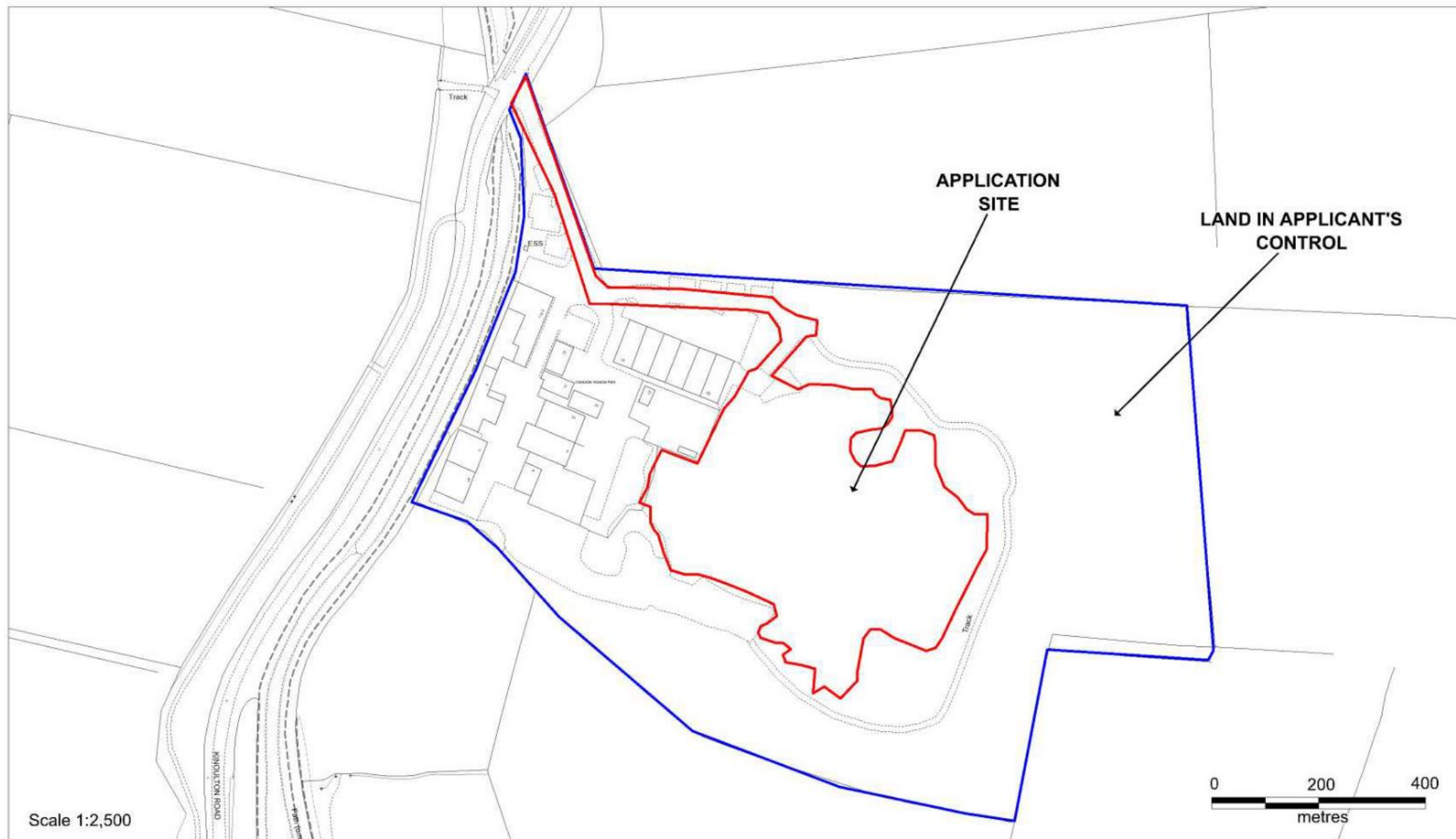


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PLAN 1



**Nottinghamshire
County Council**

Section 73 planning application to vary Conditions 3 & 12 of Planning Permission 8/19/00378/CMA, to allow a four year extension for the completion of tipping operations beyond the current expiry date of the 28th November 2022 (Condition 3) and to remove the requirement to carry out highway improvement works at the site access on Kinoulton Road (Condition 12).

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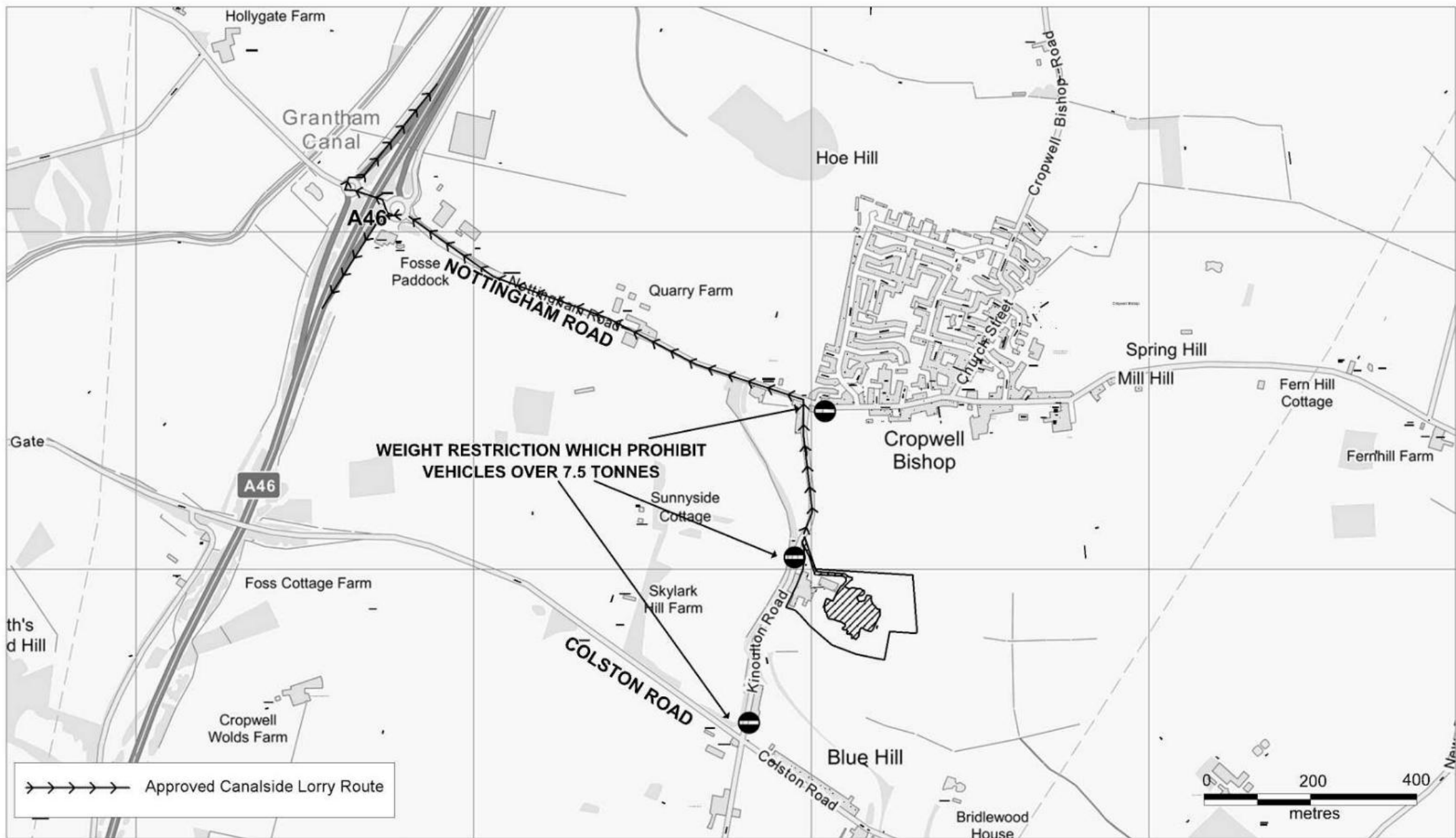


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Date: APRIL 2023

PLAN 2



**Nottinghamshire
County Council**

Section 73 planning application to vary Conditions 3 & 12 of Planning Permission 8/19/00378/CMA, to allow a four year extension for the completion of tipping operations beyond the current expiry date of the 28th November 2022 (Condition 3) and to remove the requirement to carry out highway improvement works at the site access on Kinoulton Road (Condition 12).

Canalside Industrial Park, Kinoulton Road, Cropwell Bishop, Nottinghamshire
Planning Application No. 8/23/00027/CMA

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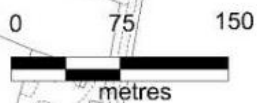
PLAN 3

**CROPWELL
BISHOP**

**NEAREST RESIDENTIAL
PROPERTIES TO NORTH
500 METRES**

**APPLICATION
SITE**

**NEAREST RESIDENTIAL
PROPERTIES TO SOUTH
300 METRES**



**Nottinghamshire
County Council**

Section 73 planning application to vary Conditions 3 & 12 of Planning Permission 8/19/00378/CMA, to allow a four year extension for the completion of tipping operations beyond the current expiry date of the 28th November 2022 (Condition 3) and to remove the requirement to carry out highway improvement works at the site access on Kinoulton Road (Condition 12).
Canalside Industrial Park, Kinoulton Road, Cropwell Bishop, Nottinghamshire
Planning application No: 8/23/00027/CMA

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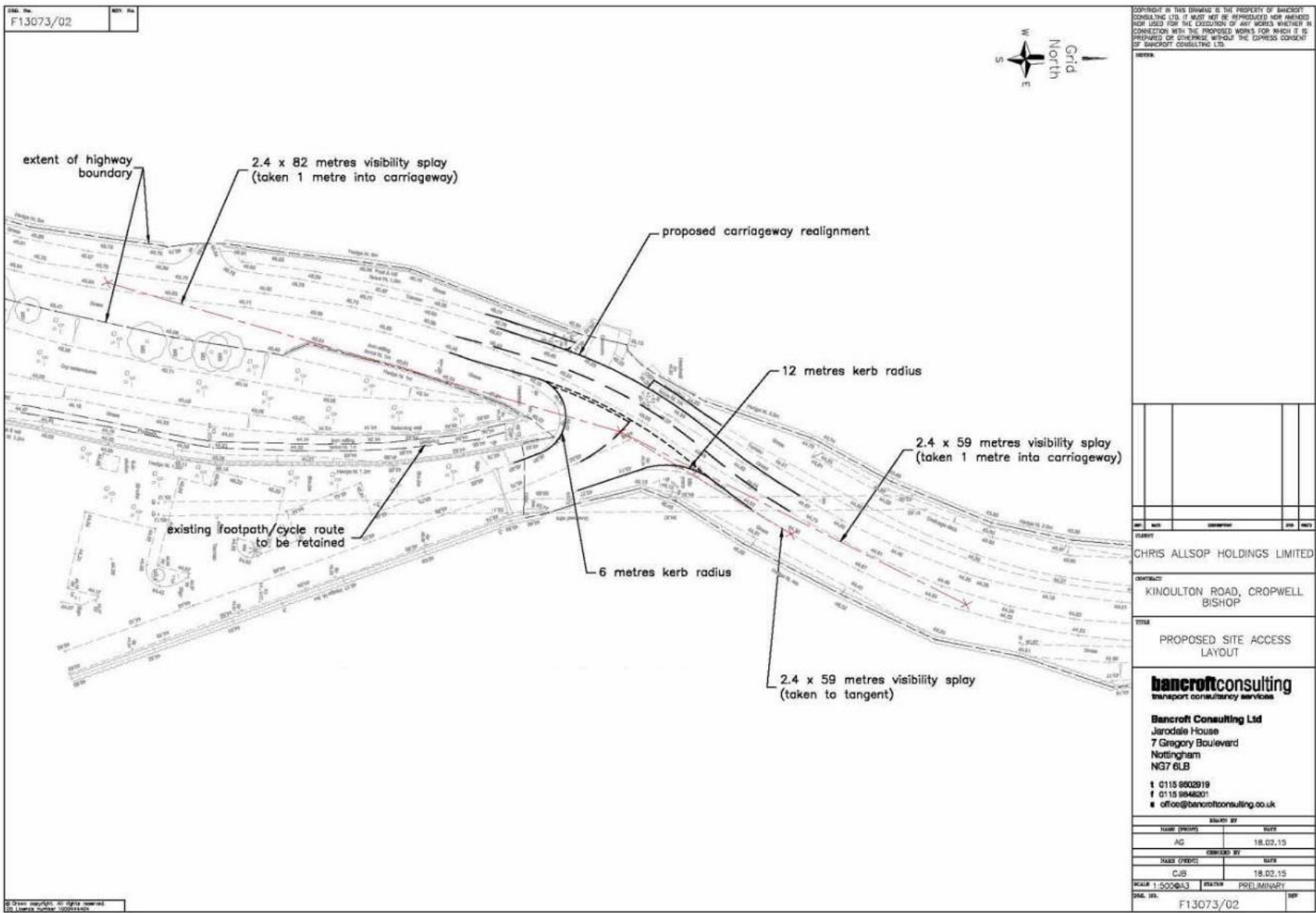
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18 April 2023**Agenda Item 6****REPORT OF THE INTERIM CORPORATE DIRECTOR FOR PLACE****BASSETLAW DISTRICT REF. NO.: 1/22/00867/CDM**

**PROPOSAL 1: PROPOSED WESTERN EXTENSION TO EXISTING MISSON GREY
SAND QUARRY INCORPORATING MODIFICATIONS TO
PREVIOUSLY APPROVED RESTORATION SCHEMES REFERENCED
1/15/01574/CDM AND 1/32/11/00020**

BASSETLAW DISTRICT REF. NO.: 1/22/00865/CDM

**PROPOSAL 2: THE APPLICATION SEEKS APPROVAL TO AMEND THE APPROVED
RESTORATION SCHEME THAT RELATES TO APPROVAL
1/32/11/00020. THE AMENDED SCHEME WILL ALLOW THE
IMPLEMENTATION OF THE PROPOSED WESTERN EXTENSION**

BASSETLAW DISTRICT REF. NO.: 1/22/00864/CDM

**PROPOSAL 3: THE APPLICATION SEEKS APPROVAL TO AMEND THE APPROVED
RESTORATION SCHEME THAT RELATES TO APPROVAL
1/15/01574/CDM. THE AMENDED SCHEME WILL ALLOW THE
IMPLEMENTATION OF THE PROPOSED WESTERN EXTENSION**

LOCATION: MISSON QUARRY, BAWTRY ROAD, MISSON

APPLICANT: MISSON SAND & GRAVEL CO LIMITED

Purpose of Report

1. To consider three planning applications for a proposed western extension of Misson Sand Quarry and associated site revisions. The applications are being reported to Planning and Rights of Way Committee in accordance with the Code of Best Practice because the expected annual level of output (80,000 tonnes per annum) exceeds the level that can be determined under delegated powers (30,000tpa). Proposal 1 seeks permission for a 3.4 hectare quarry extension whilst Proposals 2 and 3 seek to vary existing restoration schemes affected by the proposed extension area. The planning applications do not raise any significant environmental impacts.

2. The recommendation is to grant planning permission for all three planning applications, subject to the planning conditions set out in appendices 1, 2 and 3.

The Site and Surroundings

3. Misson Quarry is located within an isolated rural location midway between the villages of Misson and Newington. The area is characterised by flat low lying agricultural land incorporating large arable fields interspersed with hedgerow boundaries. Mineral workings associated with the extraction of sand and gravel within the River Idle valley are prevalent in the area including the workings of the Newington Quarry to the south which are undergoing final restoration operations and the restored Finningley Quarry to the north, in addition to the applicant's workings at Misson Quarry. Tunneltech (a mushroom growing substrate manufacturing company) is also based locally (see plan 1).
4. Misson Quarry is located on the north side of Bawtry Road from which vehicle access is obtained. The quarry opened in 2001 and is known for producing a grey coloured sand alongside incidental sands and gravels. Initial extraction operations were undertaken on land immediately adjacent to the road. Subsequently mineral extraction has progressed in a northerly direction under a series of planning permissions. Areas of worked out void have been restored to provide low lying agricultural pasture.
5. The quarry is remote from residential properties. A group of residential properties are located approximately 0.4km due west at Norwith Hill (600m to the processing area). The nearest residential property in Misson village is 0.4km to the east (800m to the processing area and 900m from the proposed western extension area). At a closer distance (within 10m) of the proposed western extension boundary is a solar farm (see Plan 2).
6. Misson Bridleway 2 (Holdin Causeway/Bryans Close Way) runs alongside the northern boundary of the quarry between Misson and Austerfield.
7. The application site for Proposal 1 incorporates 5.7ha of land, including some 3.4 hectares of arable farmland extending westwards from the existing quarry workings towards the solar farm and northwards up to the boundary of Holdin Causeway – Misson Bridleway 2. The agricultural land is of moderate quality with a grade 3b agricultural land classification. The sites for Proposals 1 and 2 incorporate the existing quarry workings and restored areas.

Planning History (see plan 3)

8. Mineral workings associated with the applicant's business commenced in 2001 (reference 1/32/00/4) on land immediately to the north of Bawtry Road. The land has now been restored at a low level to agricultural grazing use.

9. In 2005 planning permission (reference 1/32/05/00016) was granted for the extension of the quarry to extract 380,000 tonnes of mineral over a period of ten years on land to the west of the original workings. A small extension to the quarry (8,000 tonnes) was granted in 2007 (reference 1/32/07/00015). These permission areas have been superseded by later applications and now incorporate the processing area and restored areas south of the processing area. A further westerly extension was granted in 2011 for a 1.2ha extension to extract an additional 80,000 tonnes of grey sand over a three-year period (reference 1/32/11/00020) and this area has been fully restored and is four years into a five year aftercare period.
10. In 2013 planning permission was granted (reference 1/13/01145/CMM) for a further extension to the north of the existing workings yielding an estimated 130,000 tonnes of mineral over a five-year period. This area has now been largely restored.
11. In 2015 planning permission was granted (reference 1/15/01574/CDM) for a further extension to the north working up to Misson Bridleway 2. This remains the operational area and restoration operations have commenced in the eastern extent of the permission area.
12. Mineral within the consented planning permission areas has consistently been depleted at a quicker rate than the timescales originally set out within the planning application documentation (and reported above).

Proposed Development

13. Planning permission is primarily sought for a 3.4 hectare extension to the quarry (Proposal 1). The extension would enable the existing phase of workings consented in 2013 to progress laterally in a westerly direction. The planning application site also incorporates the existing access road and plant site, seeking consent for the continued use of these facilities for the duration of the extended extraction area and increasing the entirety of the application site to approximately 5.7 hectares.
14. It is anticipated that the extended area would yield around 400,000 tonnes of mineral, extending the life of the quarry by 5 years subject to continuity of mineral reserves and market conditions.
15. Mineral extraction would continue with existing practice utilising mechanical excavators and dump trucks to haul the material to the plant site where it would be screened prior to sale. Soils would be stripped from the site and stored for restoration purposes. Extraction would be undertaken to a similar depth to the existing workings and therefore maintaining quarry floor levels above the local ground water table. Operational policies and procedures already in place would be maintained to protect the environment including delivery patterns which would be capped at 15 HGV loads a day (30 movements) and would be routed in a westerly direction towards the A614, thereby ensuring HGVs do not travel through Misson village.

16. The extension would be worked in three phases (see plan 4) starting with the area immediately adjacent to the current consented area, moving in a northerly direction before working Phase 2 which runs north-south for the full length before Phase 3 works back up the eastern side of the proposed area to where this proposal initially started.
17. Restoration (see Plan 5) would be to a mix of agricultural grassland as well as areas for biodiversity and undertaken to a low level. Since extraction would be undertaken to a depth which does not penetrate the water table, save for the creation of two habitat pond areas, in the north and southern corners of the site, the restored site would be dry. The banked edges of the extraction area would be graded back to blend into the levels of the adjacent land.
18. These bankings are proposed to be restored to priority acidic grassland and heathland brashing. Three pockets of woodland would be created on the northern and southern boundary and extending the area created in the restoration in the north of Permission area 1/32/11/00020 which effectively separates the restored southern area (Proposal 2) from the current extraction areas in the north (Proposal 3).
19. The restoration of the site would provide approximately 760 linear metres of new native hedgerow along the western boundary, partly made up of hedgerow having been removed to facilitate the extraction where possible.
20. The approximate area in hectares of the various restored habitats (not including those parts of the red line area which are already subject to an approved restoration plan) will be:
 - 0.61ha of woodland & scrub
 - 0.44ha scrub
 - 0.18ha wildlife ponds
 - 0.7ha Mixed grassland
 - 1.5ha Acid grassland and heather brashing
 - 0.07ha hedgerow
21. The applicant has confirmed they would accept a 20-year aftercare period on the parts of the site restored to nature conservation, with 5-years for the land restored to agriculture.
22. The application for the western extension (Proposal 1), if granted, requires the variation to the final restoration scheme for two existing areas of the quarry to allow for the varied levels along the section where the Proposals interact with each other (Proposals 2 and 3).
23. Planning Permission area 1/32/11/00020 has been fully restored and in March 2023 completed the fourth year of a five-year aftercare period. This area has a 60m long sand martin bank, which has been unsuccessful in attracting sand-martins, and approximately 200m of hedgerow planted as

part of the previous restoration works. These features would be affected by Phase 3 of the proposed western extension and both are proposed to be replaced and relocated on the western flank of the proposed western extension.

24. Extraction under Planning Permission 1/15/01574/CDM has yet to be worked right up to the boundary for the proposed western extension area. The western extension would represent a continuation of the area with no impact upon any restoration works undertaken to date. A variation is however proposed to amend the final restoration levels to join up with the restoration plan submitted as part of Proposal 1 (the western extension). This amendment would also require the omission of approximately 470 metres of linear hedgerow from the approved 1/15/01574/CDM restoration scheme (to be replaced as part of the western boundary planting for the western extension (Proposal 1)).

Consultations

25. The responses below are to all three applications but primarily relate to Proposal 1, the proposed extension area.
26. **Bassetlaw District Council** – Raise no objection to all three applications.
27. **Misson Parish Council** – Object to the scheme *on grounds similar to those quoted by Nottinghamshire Wildlife Trust in their letter of 17th January 2023 (sic), and the NCC Conservation Team of Natural Environment in their email of 25th July 2022 (sic) as there is still the lack of information necessary to ascertain all the potential impacts of this scheme to the existing wildlife. No methods have been suggested to mitigate any foreseeable issues.*
28. (Further ecological reports have subsequently been submitted since the NWT response on 25 July 2022 and the Parish Council were reconsulted on the amended scheme, apart from confidential Ecology information which the Parish Council were advised was sent to NCC Nature Conservation and NWT for further consultation. The updated position of NCC Nature Conservation (17 January 2023) is reported below. At the time of the report's publication, NWT are still to further respond to the updated information.)
29. **Environment Agency** - Raise no objections subject to imposing a condition requiring land to be restored to no higher than that of existing ground levels.
30. **NCC (Nature Conservation)**- *No objection and welcomes amendments to the restoration scheme. Mitigation measures should be secured by condition.*
31. *The proposals will not directly affect any ecologically designated sites, although the application site does lie in close proximity to the Rugged Butts*

LWS (2/969). It also lies within the vicinity of (inside an Impact Risk Zone for) the River Idle Washlands SSSI.

32. *The application is supported by an Ecological Appraisal. Overall, NCC Conservation are satisfied that this confirms that the site is of relatively low ecological value, and given the relatively small area affected (extending the existing quarry), impacts will be minimised.*
33. *Regarding proximity of the working area to Rugged Butts LWS, the application site is separated by Bryan's Close Lane / Holdin Causeway and indirect impacts will be limited to noise and disturbance, which will be short-term and localised.*
34. *The application site is described as a strip of arable field. As would be expected, casual records of farmland birds have been made in the area, including Skylark, Yellowhammer and Grey Partridge. It is noted that no breeding bird survey has been carried out, however, given the relatively small area affected (a 60m wide strip) and the presence of extensive areas of arable farmland in the wider area, any significant short-term impact on farmland birds appears unlikely, and would be mitigated in the longer term by site restoration.*
35. *All conditions currently imposed on the existing quarry should apply to this extension area, should planning permission be granted. In addition, the mitigation measures listed in section 6.1 of the Ecological Appraisal should be conditioned.*
 - *The restoration plan marks a relocated Sand Martin bank. Provision of a permanent bank is welcomed, but further details will be required (e.g. height and maintenance).*
 - *A detailed restoration and aftercare scheme will be required providing details of species mixes, establishment methods and maintenance regimes, which should be secured by condition to be submitted within 6 months of the planning permission being enacted (if granted). The creation of the new western boundary hedge should occur at the earliest opportunity.*
 - *An aftercare period greater than 5 years should be proposed for areas of non-agricultural grassland, to ensure successful establishment and provide ongoing management to maximise biodiversity value.*
 - *NCC Conservation have nothing further to add in relation to the PEAR, other than to note that a pre-commencement survey for protected species should be conditioned, along with regular 6-monthly surveys.*
 - *Regarding the restoration plan, NCC Conservation welcome the inclusion of acid grassland seeding and heather brashing on the banks.*
36. **Nottinghamshire Wildlife Trust – Object to the planning applications.** NWT were reconsulted on the revised restoration scheme and updated

ecological information but have not responded. The comments below are therefore based on the initial consultation and any further comment will be reported orally.

37. *NWT comment the proposed extension is not allocated for sand and gravel extraction in the adopted Minerals Local Plan and so should be even more stringent in providing evidence of its potential impacts and how they might be mitigated or compensated.*
38. *In terms of birds NWT advise that a breeding bird survey should be undertaken across the proposed extension area and a 100m buffer. Impacts of habitat loss, dust and noise on margins of farmland which host red list Birds of Conservation Concern. This should be mitigated by managing unworked land for farmland birds and suggest using the farmland bird seed-rich buffer strip mixes recommended for agri-environment schemes on this compensatory habitat.*
39. *The Wildlife Trust requested more detail on how the replacement sand martin breeding bank is to be phased, constructed and maintained.*
40. *In terms of bats the Wildlife Trust note the impacts on older trees and hedgerows that act as feeding corridors and locations for bats and the impacts of this habitat loss, degradation and noise.*
41. *In terms of amphibians the impacts of habitat degradation and dust should be considered on ponds and marginal vegetation.*
42. *In terms of protected species, the report appears to have not surveyed the extension area, and so key information on the location and movements of certain protected species may be missing.*
43. *The Wildlife Trust consider that the loss of farmland habitat should be compensated by relaxing the management of other nearby hedgerows, to create suitable replacement breeding habitat in addition to the establishment of new hedgerows as early as possible.*
44. *There should be an assessment of potential increased nitrogen deposition and noise impacts on sensitive fauna including at locally sensitive habitats including the Misson Training Ground SSSI (4.2km away).*
45. *All efforts should be made through any de-watering and settlement processes on-site to maintain flows to the existing ponds.*
46. *In terms of the original restoration scheme the Wildlife Trust commented the proposed grassland is species-poor and of little ecological value, so is not compliant with Strategic Policy SP2: Biodiversity – Led Restoration which seeks to optimise biodiversity gain from mineral schemes. The mp2k allocation for this site has not been referenced within the restoration scheme.*

47. *The restoration/aftercare scheme should include full species mixes and substantially more habitat to meet the BAP and Sn41 priorities in the area, including species-rich grassland, woodland, ponds and hedgerows.*
48. *A biodiversity net gain assessment should be undertaken for a proper quantification of the losses and possible gains of habitats in both quality and quantity using the Defra metric 3.1.*
49. *The Wildlife Trust also request for the provision of an extended aftercare period.*
50. **Natural England** – *No objection as the proposed development will not have significant adverse impacts on designated sites, notably the River Idle Washlands SSSI and Misson Line Bank SSSI.*
51. **NCC (Highways)** – *No objections subject to specifying similar conditions to those imposed on the previous extension application reference 1/15/01574/CDM with respect vehicle numbers, access, routing, mud, and dust (conditions 19, 20, 21, 29 and 30).*
52. *It is recommended that condition 19, relating to vehicle numbers, be amended to include any existing operations if there is the possibility of other areas being worked simultaneously. With respect condition 19 and 30, it is recommended that reference to heavy goods vehicles be amended to include all vehicles above 7.5t gross laden weight such that plant and agricultural vehicles are captured by the condition for the avoidance of doubt.*
53. **NCC (Archaeology)** – *Satisfied to continue with the details set out in Condition 22 of 1/15/01574/CDM providing archaeological watching briefs during periods of soil stripping.*
54. **Via (Landscape)** - *No objection. This is a small scale extension and the proposed development will use the existing processing area, highway access and parking areas. Extracted overburden will be stored on existing mounds within the adjacent quarry.*
55. *The restoration proposals are already established on the adjacent site and are in keeping with the Idle Lowlands Landscape Character Type. The restoration will assist with overall biodiversity and landscape actions for the Idle Lowlands Policy Zone 02 - Misson, such as ‘Conserve the open rural character of the landscape and restore redundant mineral extraction sites, enhancing reclaimed spoil tips where appropriate’.*
56. *There are limited visual issues due to there being little residential settlement in the area. There is a small, isolated settlement to the west but this is screened by a small area of woodland. Adjacent Public Rights of Way such as Misson Bridleway 2 to the north, Misson Byway 7 to the south and Misson Footpath 13 are sufficiently distant and also screened by intervening hedgerow vegetation.*

- 57. **Via (Noise Engineer)** - *No objections subject to noise conditions 15, 16, 17, and 18 of the planning permission no. 1/15/01574/CDM being carried forward (and also applied to Proposal 1).*
- 58. **NCC (Flood Risk)** – *No objections to the proposals*
- 59. **Cadent Gas Limited, Severn Trent Water Limited, Western Power Distribution:** *No representations received. Any late representations that are received will be orally reported.*

Publicity

- 60. The applications have been publicised by means of site notices at/around the site and in the local vicinity (including within Misson village) as well as by local press notice in accordance with the County Council's Statement of Community Involvement. Due to the isolated nature of the site no neighbour notification letters have been necessary.
- 61. No public representations have been received for any of the three applications.
- 62. Councillor Tracey Taylor has been notified of the applications.

Observations

Introduction

- 63. In accordance with the statutory requirements, planning applications must be determined in accordance with the Development Plan, unless there are material considerations which indicate otherwise.
- 64. The primary part of the Development Plan in the context of these minerals proposals is the Nottinghamshire Minerals Local Plan (2021) (MLP) but policies within the Bassetlaw Core Strategy & Development Management Policies DPD are also of relevance.
- 65. The National Planning Policy Framework (NPPF) and supporting Minerals Planning Practice Guidance are not part of the local development plan but are important material considerations in the determination of planning applications on the basis that they set out the Government's planning policies for England and how these are expected to be applied.

Need for the minerals

- 66. Policy MP1 (Aggregate Provision) of the adopted Nottinghamshire Minerals Local Plan (MLP) states that the County Council should make provision for the maintenance of landbanks of at least 7 years for sand and gravel whilst maintaining a steady and adequate mineral supply over the plan period.

The National Planning Policy Framework (NPPF) has similar planning policy guidance relating to aggregate provision.

67. MLP Policy MP2 (Sand and Gravel Provision) states that an adequate supply of sand and gravel will be identified to meet expected demand over the plan period up to 2036. The policy identifies a series of site allocations including a western extension at Misson Quarry (site reference MP2k-Bawtry Road West).
68. The County can currently show a sand and gravel landbank of some 21.49 million tonnes (based on average 10-year sales of 1.37 mt p/a) equating to over 15 years of production (2022 Local Aggregate Assessment) therefore well in excess of the 7-year landbank minimum. Misson Quarry contributes to a limited extent to this total landbank and aggregate output and is now one of only two active aggregate quarries within the Idle Valley area of the county, after the recent closure of Newington Quarry (although other supplies are available from South Yorkshire).
69. The Minerals Local Plan makes a specific distinction for Misson Grey Sand which serves a niche market (for specialist mortars) which alluvial sand and gravels cannot meet. It has a premium value because most local mortar sands are red and yellow being derived from the Sherwood Sandstone. Although counted as sand and gravel in planning and landbank terms, it would be inappropriate to treat it as part of the normal sand and gravel resource when assessing 'need' because the grey sand serves a particular niche market. The Plan therefore allocates a western extension, the boundaries of which mirror that now being proposed. The allocation was made irrespective of the prevailing Countywide sand and gravel landbank due to this distinctive mineral.
70. The Minerals Local Plan states the reserves at the western site allocation (MP2k) are 180,000t and expected that this was to be worked from 2026 to 2031 at circa 30,000tpa.
71. The current quarry is however nearing the exhaustion of its existing consented mineral reserves. The current planning application (1) seeks to address this pending shortfall of mineral reserves by bringing forwards the allocated area now, and in so doing would enable the established quarry company to continue trading and maintain supplies to established markets in the local area.
72. The applicant has calculated there is approximately 400,000 tonnes of saleable sand and incidental gravel resource once processed from the extension area which is expected to provide reserves for five years based on the recent production/sales rates. Output at circa 80,000 tpa would provide a boost to supply over the 30,000 tpa previously expected through the Minerals Local Plan but would remain similar to output over recent years (66,000 to 90,000tpa). The increased extraction (against the Plan) is not expected to lead to any oversupply situation and this would remain a low volume operation in comparison with other aggregate producing quarries.

73. Consequently, in order to maintain a steady supply in line with the approach of the MLP, it is reasonable to allow continued production of this sand and permit the site extension at this time irrespective of the countywide sand and gravel landbank situation and the timescale and tonnage assumptions in the Plan. The site allocation matches that now proposed in the first planning application and in principle planning terms the extension can be afforded full support, subject to assessment of relevant environmental and amenity issues as considered within the following sections of the report.
74. This is consistent with the NPPF which states great weight should be given to the benefits of mineral extraction, including to the economy. The additional five years of consented reserves would allow for the continuation of employment for the site's permanent employees and those contracted in on a campaign basis.

Landscape and Visual Impact

75. MLP Policy DM1: Protecting Local Amenity states that proposals for minerals development will be supported where it can be demonstrated that any adverse landscape and visual impacts on amenity are avoided or adequately mitigated to an acceptable level.
76. MLP Policy DM5: Landscape Character states that proposals for minerals development will be supported where it can be demonstrated that they will not adversely impact on the character and distinctiveness of the landscape and that landscaping, planting and restoration proposals should take account of the relevant landscape character policy area as set out in the Landscape Character Assessments covering Nottinghamshire.
77. Similar policy requirements can be found within the Policy DM9: Green Infrastructure; Biodiversity & Geodiversity; Landscape; Open space and sports facilities of the Bassetlaw Core Strategy & Development Management Policies DPD and also within the NPPF.
78. The Bassetlaw Landscape Character Assessment places the site and surrounding area in the Idle Lowlands Policy Zone 02 - Misson which has a 'moderate' condition and an overall zone objective to 'conserve and restore'. The restoration principles have been established on the wider Misson Quarry site and the council's landscape advisors (Via) have confirmed the proposals for the small scale extension are in keeping with the Idle Lowlands Landscape Character Type.
79. Via Landscape confirms the scheme will assist with overall biodiversity and landscape actions for the Idle Lowlands Policy Zone 02 - Misson. Such as '*Conserve the open rural character of the landscape and restore redundant mineral extraction sites, enhancing reclaimed spoil tips where appropriate*'.
80. There are limited visual issues due to the isolated nature of the site and limited residential receptors in the immediate vicinity. The closest

residential properties are to the west of the proposed area but are screened by woodland.

81. In terms of local public rights of way quarrying would be visible from Misson Bridleway 2, immediately adjacent to the north, during the operational life of the site. However, this is consistent with previously worked areas with the magnitude of visual impact being minor in scale and temporary in duration. Misson Byway 7 to the south and Misson Footpath 13, are both sufficiently distant and/or screened by intervening vegetation.
82. The proposed development would utilise the existing highway access and processing area and soils stripped from the development would be stored in the existing dedicated soil stockpile area within the consented area prior to being used in the restoration of the site.
83. As areas are worked out and graded to final levels the soils would be used within the progressive restoration of the wider site thereby limiting the growth of soil stockpiles.
84. Whilst the restoration of the site would be a change from the existing arable use of the land, the restoration would integrate into the existing low level quarry restoration restored to or being restored to agricultural grazing land. Further hedgerows would be planted alongside other habitat areas being planted or created on the site. The proposed restoration and ecological features would be in keeping with the existing restoration and wider local landscape.
85. In terms of compliance with MLP Policy DM5, whilst acknowledging the short- term operational impacts, the longer-term effect once the site has been restored is consistent with the landscape character within the policy requirements. The development therefore is considered to be compliant with MLP Policies DM1 and DM5 and BDC Policy DM9.

Ecological Impact

86. MLP Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity provides support for minerals development where it can be demonstrated that the development is not likely to give rise to the loss or deterioration of Local Sites (Local Wildlife Sites or Local Geological Sites) except where the need for and benefits of the development in that location outweighs the impacts and the development would not result in the loss of populations of a priority species or areas of priority habitat except where the need for and benefits of the development in that location outweigh the impacts. The policy seeks to ensure that where there is an impact to a designated site or protected species, adequate mitigation relative to the scale of the impact and the importance of the resource must be put in place, with compensation measures secured as a last resort. The policy also seeks to ensure that minerals developments maintain and enhance ecology networks.

87. The approach within MLP Policy DM4 in terms of seeking to protect designated sites and protected species, mitigate any adverse impacts and secure ecological enhancements is generally consistent with Bassetlaw Local Core Strategy Policy DM9, and the NPPF.
88. The Preliminary Ecological Appraisal provided in January 2023 to update the Ecology Report (May 2022) contains but is not limited to:
- A Phase 1 Habitat Survey of the proposed extension;
 - Identification of Nature Conservation Sites Within 2km of the proposed development;
 - An assessment of suitability of the site to support Protected or Notable Species;
 - Identification of requirements for further (ongoing) surveys;
 - A preliminary assessment of potential impacts on any features of interest on the site;
 - Habitat enhancement recommendations, constraints and opportunities in line with the NPPF and MLP;
 - Mitigation measures;
 - Protected species surveys.
89. The submitted surveys indicate the baseline condition of the site in terms of site context and habitats and conclude that, long term, the impacts of the restoration would be positive with a low significance of impacts during the development phase.
90. There is one statutory designated wildlife site within 2 km of the application site, and Natural England have confirmed that the development would not result in any adverse impacts to the River Idle Washlands SSSI (c800k southwest) and Misson Line Bank SSSI (c3km east). There are a number of non-statutory locally designated sites in the vicinity of the site, the closest being Rugged Butts Local Wildlife Site immediately to the north of the application site.
91. The proposed western extension is predominantly arable agricultural land that is not designated for its ecological value and is generally considered to be of a comparatively low ecological value. The site boundary incorporates young hedgerow and some mature hedgerow and trees which have some habitat value.
92. The proposals would result in some limited hedgerow removal, and relocation where possible, of approximately 200m of hedgerow along the eastern edge of Proposal 1 Phase 3. This was planted four years ago as part of a previous restoration and its removal is necessary to facilitate the

proposed development. Translocation will be prioritised by Condition. A total of 760m of hedgerow would be planted along the western boundary to replace this 200m stretch and a 470m section which has yet to be planted representing a hedgerow gain of 90m across the scheme.

93. The proposals will lead to the loss of arable land. The most notable ecological impact from this is the loss of habitat used by farmland birds (including Skylark, Yellowhammer and Grey Partridge). NCC Nature Conservation note that given the relatively small area affected and the presence of extensive areas of arable farmland in the wider area, any significant short-term impact on farmland birds appears unlikely, and would be mitigated in the longer term by site restoration.
94. The Wildlife Trust request that a breeding bird survey should be undertaken across the proposed extension area and a 100m buffer. However, NCC Nature Conservation is comfortable that a breeding bird survey is not required, given the small size of the extraction area, the fact that it is extending an existing quarry, and the abundance of suitable habitat for farmland birds in the wider area. Officers are satisfied and accept this advice.
95. Managing unworked land in advance of mineral extraction for farmland birds would be beneficial (as suggested by NWT), however, it is the intention to keep unworked areas under cropping until required for each extraction campaign.
96. Early creation of the new western boundary hedge will provide some mitigation, as will phased working and subsequent restoration. It is proposed to require the establishment of the new hedgerows, on a phased basis, as early as practicable by condition.
97. Regarding the Nottinghamshire Wildlife Trust's comments on indirect impacts on Rugged Butts LWS, impacts from noise would be short term and localised to the very south-west part of the LWS. Overall, NCC Nature Conservation also believe a significant impact is unlikely, and in any event, quarrying adjacent to the LWS has already been permitted for previous applications and extraction remains ongoing.
98. Regarding the Wildlife Trust's comments on hydrological changes on the site, specifically the works potentially causing drying of the existing ponds, the quarrying would not breach ground water levels and do not involve any dewatering processes on site as per previous extractions. Existing planning conditions on the consented areas regulating this, and applied to the extended site, would protect these waterbodies.
99. NCC Nature Conservation also comment on proposed hydrological changes stating the quarry has allowed the creation of a number of new waterbodies, so it is difficult to see how further quarrying to the same level would affect these.

100. The Preliminary Ecological Appraisal provided to update the Ecology Report shows the presence of protected species in the wider site area and whilst confirming the application site itself to not be suitable, it acknowledges the site could form part of the protected species' foraging route. It is therefore recommended that a pre-commencement survey for protected species be imposed by condition in addition to the continuation of the submission of existing regular annual protected species surveys but at an increased 6-monthly frequency.
101. Regarding the need for a replacement sand face to accommodate the breeding sand martin population, the Wildlife Trust required more detail on how this would be phased, constructed and maintained.
102. The applicant has since confirmed the old nesting cliff will be left in situ until a permanent replacement cliff face has been created. It is therefore proposed to impose by condition that before the working of Phase 3, which would remove the existing sand-martin bank, the new alternative habitat should be prepared and in situ.
103. The sand martin bank provided in a previous restoration phase at the site has not been utilised by sand martins on the site over the last 5+ years. The extraction of this phase would allow an opportunity to reposition the sand martin bank on the western edge of the proposed extraction area. The chance to create a new bank gives an opportunity to provide a greater height along the 55m long vertical face and also incorporate the creation of waterbodies beneath the cliff face to further reduce the potential risk of access by predators.
104. The Preliminary Ecological Appraisal confirms the repositioning of the face offers an opportunity to provide more variety in the aspect of the sand cliff and an increase in the height of the permanent shear face (needed to reduce the risk of access by predators) and also to create waterbodies at the base of the nest cliff as requested in the initial consultation phase. These ponds will be created by local over-deepening to expose groundwater in the area below the cliff. Relocation of the nesting cliff will also allow the selection of the boundary where the sand horizons are most suitable for nest burrows.
105. It is recommended that conditions requiring the sand martin cliff face achieve a minimum 3m vertical face are continued to be imposed as well as the condition requiring annual maintenance ahead of the bird nesting season. A condition requiring a suitable sand face habitat at all times will also be imposed.
106. Nottinghamshire Wildlife Trust have commented that emissions from HGV/mobile plant exhausts could indirectly impact locally sensitive habitats with particular regard to NOx/nitrogen deposition and its effect on sensitive fauna and have requested an assessment of effects to the Rugged Butts LWS (as well as to the Misson Training Ground SSSI 4.2km away).

107. It is not agreed that an assessment of Nox emissions is required. In relation to emissions from site operations, Defra's TG16 publication 'Local Air Quality Management Technical Guidance', in paragraph 7.26, states that:

"Experience of assessing the exhaust emissions from on-site plant (NRMM) and site traffic suggests that, with suitable controls and site management, they are unlikely to make a significant impact on local air quality. In the vast majority of cases they will not need to be quantitatively assessed".

108. The level of HGV and mobile plant activity associated with the quarry extension will remain as currently occurs, and no significant adverse impacts are anticipated.
109. The Preliminary Ecological Appraisal concludes that restoration of the application site would augment the areas of permanent grassland scrub, pond and woodland habitats, providing buffering and expansion of an existing woodland copse and re-establishing an improved permanent sand cliff available for nesting sand martins.
110. On the overall balance, officers agree with this conclusion with opportunities sought to maximise the potential of the site whilst remaining in keeping with the local area and allowing the creation of linked habitats creating wildlife corridors and coherent habitats in accordance with policies set out within the MLP, the Bassetlaw Core Strategy and the NPPF.

Restoration and aftercare

111. Policy SP2 (Biodiversity led restoration) is a strategic policy which supports restoration schemes which seek to maximise biodiversity gains and achieve a net gain in biodiversity, in accordance with the targets and opportunities identified within the Nottinghamshire Local Biodiversity Action Plan.
112. Policy DM12 (Restoration, aftercare and after-use) of the MLP requires planning applications for minerals development to include an appropriate scheme for the restoration, aftercare and long term after use to enable long term enhancement of the environment.
113. Restoration on the quarry floor is planned predominantly to agricultural grassland to tie in with the adjacent restoration scheme and other areas, such as the bankings and margins, are set aside for a range of new wildlife habitats and ecological benefit. The MLP allocation seeks to maximise the biodiversity benefits from larger areas of priority habitat, notably wetland and open habitats but acknowledges the site's location in relation to the Rugged Butts LWS, a former quarry which is now a significant area of acid grassland, and therefore the allocation considers it appropriate to seek to create similar habitats.

114. Officers have negotiated with the applicant during the planning process which has resulted in significant improvements and gains proposed to the various planned habitats.
115. Following the completion of mineral extraction, the site would be restored to provide a mixture of habitats including woodland and scrub, acid grassland and heather brashing, mixed grassland, a sand face, hedgerow, and wildlife ponds. The restoration would complement the existing restoration schemes at the site and the wider local landscape character.
116. The revised scheme has improved from that as originally submitted and significantly contributes to and broadly accords with the aims of the MP2K allocation within the Minerals Local Plan and responds to Strategic Policy 3.
117. The proposed restoration scheme, whilst being consistent with the previously approved/restored scheme of the wider site, will provide additional ecological enhancement measures that will ensure that the long-term biodiversity interests of the site are maximised and therefore consistent with MLP Policy DM12.
118. The enhancements have been sought through the application process and include acid grassland and seeding and heather brashing on the bankings of the restored quarry which will contribute an additional 1.5 hectare representing around 44% of the worked area restored to acid grassland and heather brashing.
119. In addition to this, two ponds are to be created including one at the base of the proposed relocated sand martin face on the western edge of the proposal. The wildlife pond in front of the sand martin face will also act as a deterrent for predators and encourage sand martins to utilise the proposed sand martin bank once this phase has been extracted and the bank constructed.
120. The revisions have been welcomed by NCC's Nature Conservation Officer particularly in relation to the inclusion of acid grassland seeding and heather brashing on the banks in accordance with the MP2k allocation and the creation of the two ponds as requested in the initial consultation process. The enhancements are clearly over the baseline arable farmland, and it is not considered necessary to undertake a technical Biodiversity Net Gain calculation in this instance to confirm this, although such a requirement will become mandatory in due course.
121. The aftercare management for the restored Misson Quarry is regulated within the various planning permissions for the site and require the areas restored to agricultural use to be managed for a five-year period, which is recommended to be continued across to the proposed western extension.
122. The consultation process has identified concerns that this period is not sufficient to ensure successful establishment and provide ongoing management to maximise biodiversity value on the non-agricultural areas.

It is acknowledged that when biodiversity net gain becomes a mandatory requirement for planning applications (currently anticipated in November 2023) a 30-year post-restoration period will be required to maintain and manage the ecological enhancements. In this context, the suggested 5-year period does seem to be short and a 20-year period is considered more appropriate. The applicant has agreed to an extended aftercare period and this can be regulated through planning condition.

123. The implementation of the proposed restoration scheme and incorporating proposed mitigation and maintenance provisions will result in long term biodiversity benefits. The restoration is therefore compliant with MLP Policy SP2 in providing a restoration scheme in accordance with the Site Allocation Development Brief.

Agriculture/Conservation of soil resources

124. Whilst the land is not classified as best and most versatile land, MLP Policy DM3 (Agricultural Land and Soil Quality) is relevant in terms of protecting and maintaining the soil qualities throughout the lifetime of the development.
125. Moderate quality arable farmland would be lost through the extraction and subsequent restoration of the site as the proposed restoration scheme would not reinstate any arable agricultural land with predominantly pasture proposed. Furthermore, the area would be constrained by the inclusion of the ecological features and slopes on the land which would mean the area is not viable to be returned to arable. Whilst this area is affected, the loss of the arable land is considered to be outweighed by the need for the mineral and the site allocation within the MLP.
126. There would be no importation of soils which are to be stripped, stored and replaced during restoration in accordance with industry best practice to ensure the soil resource is appropriately safeguarded.

Traffic, Access and Parking

127. Policy DM9 of the MLP deals with Highways Safety and Vehicle Movements / Routeing. The policy is supportive of minerals development where the highway network can satisfactorily and safely accommodate the vehicle movements, where there would not be highway amenity issues, where appropriate vehicle routeing controls are put in place (as necessary) and where appropriate controls are put in place to prevent mud/detritus contaminating the public highway. Policy DM1 also requires minerals related development to avoid adverse residential impacts.
128. The extraction of mineral reserves from Misson Quarry currently benefits from planning permission and therefore the proposal will not result in any noticeable additional quantity of extraction, export or import of any material from Misson Quarry. The intended rate of extraction, processing and

export of mineral has increased over the last three years above what was originally expected in the MLP but this has been within the permitted vehicle movement numbers. Daily vehicle movements are controlled by planning condition to 15 HGVs leaving the site each day (30 in/out daily movements). The rate of output is proposed to remain broadly unchanged, with exported material proposed to be transported by the same means as at present, and there will be no change in the number of staff working at the site. Accordingly, the proposal will not result in any additional operational traffic movements, either in total or within any given period of time and no change to the vehicle movements numbers has been requested. The condition regulating vehicle numbers leaving the site is to be continued.

129. Vehicle access to the quarry will continue to be from Bawtry Road. Heavy Goods Vehicle routeing is currently regulated through planning condition and required to enter and leave the site in the direction of Newington and the A614 to the southwest and avoid the village of Misson. It is recommended that the condition continues to be imposed and replicated on Permission 1, if approved.
130. NCC's Highways have also requested that the condition referencing HGVs be amended to include all vehicles above 7.5t gross laden weights such that plant and agricultural vehicles are captured. This has been imposed by Condition 20. NCC Highways have also requested that the condition relating to vehicle numbers references existing permissions to ensure the movement limits are site wide. This has also been incorporated into Condition 20.
131. All HGVs departing the quarry will continue to be required to use the wheel cleaning rumble strip facilities and be sheeted with conditions on extant permissions requested to be continued across all these proposals.
132. On the basis of the above, it is concluded that there will not be any material transport impacts resulting from the proposals therefore complying with Policy DM9 and DM1 of the MLP and the NPPF.

Public Rights of Way

133. MLP Policy DM7: Public Access is supportive of minerals development where it can be demonstrated there would not be any unacceptable impacts on the rights of way network and its users.
134. The existing quarry area and the proposed site extension do not incorporate any public rights of way although Misson Bridleway No. 2 is located adjacent to the northern boundary of the complex. This is separated from the site by existing hedgerow, woodland and fencing. Users of the footpath would experience temporary visual and noise impacts during the extractive phase in the western extension of the quarry in a similar way to the currently consented areas which are being progressively restored. The strip of this extension amounts to a distance of approximately

60m. Following the completion of the restoration of the site visual impacts from this area would be neutralised and ultimately negated by the extension of the woodland block at the northern corner.

135. It is concluded that satisfactory protection measures will continue to be in place to maintain public access along Misson Bridleway No. 2 and that users would not be unduly affected by operational impacts when taken in context in compliance with MLP Policy DM7.

Noise

136. MLP Policy DM1: Protecting Local Amenity states that proposals for minerals development will be supported where it can be demonstrated that any adverse noise impacts on amenity are avoided or adequately mitigated to an acceptable level. The NPPF and its supporting Planning Practice Guidance (PPG) reflect the above requirements and contain guidance on appropriate noise levels for minerals development.
137. The nearest residential receptors to the site are those on Norwith Hill, Newington 400m to the west of the proposed extension and those within Misson village located around 900m to the east of the extension area.
138. The site has received no noise complaints to date and as operations are proposed to continue as currently approved any works in the western extension are not anticipated to create any significant adverse noise impacts. The hours of operation would remain unchanged from that on the existing permitted operations and conditions relating to this and the control of noise across the site should be applied to the extension area and carried forward for the remainder of the quarry.
139. Noise levels on the site, for normal day to day quarrying operations, are not permitted to exceed the background level by more than 10dB(A) subject to a maximum of 55dB(A) LAeq, 1h (free field) at noise sensitive properties. Temporary operations, such as soil stripping, the construction/removal of baffle mounds and aspects of site road construction and maintenance are permitted up to 70dB(A) LAeq 1h (free field) at noise sensitive properties, both in line with the PPG. In the case of a justified complaint showing either of these noise levels are breached the MPA can request further noise mitigation measures. Further noise conditions require all vehicles, plant and machinery be fitted with effective silencers and broadband (white noise) reversing alarms.
140. With the above noise mitigation measures in place, it is considered that the proposed development would comply with MLP Policy DM1 in respect of noise.

Air Quality/Dust

141. MLP Policy DM1: Protecting Local Amenity states that proposals for minerals development will be supported where it can be demonstrated that any adverse impacts on amenity including impacts from dust are avoided or adequately mitigated to an acceptable level.
142. Whilst the site is relatively isolated in terms of residential receptors, the proposed western extension is in close proximity to the solar farm which runs adjacent to the western boundary. Presently there is an offset of approximately 70m which would be reduced to 10m with the extension. A new boundary hedgerow is proposed to be planted as part of the restoration. The prevailing wind would assist in taking any potential dust impacts away from the solar farm and the quarry has a series of environmental management conditions including those relating to dust management and mitigation measures.
143. These measures include the use of water sprays to dampen down dust on road surfaces during dry and windy weather, restrictions of onsite speeds and minimisation of drop heights when unloading material. It is recommended that the implementation of these dust management controls are continued through a planning condition. Should these measures not adequately deal with dust and mud, then the MPA can request a further mitigation strategy in addition to the controls in place by planning condition. Subject to the implementation of these controls regulated by planning conditions, it is considered that dust impacts will not be significant or unacceptable and the development therefore is considered to be supported by MLP Policy DM1.

Flood Risk

144. MLP Policy DM2: Water Resources and Flood Risk supports proposals for minerals development where it can be demonstrated that there would not be any unacceptable flood risk impacts and no unacceptable impacts on surface and ground water quality and flows.
145. The applicant acknowledges that the western extension area is within flood zone 2 and therefore at a medium risk from river flooding with flood events affecting the site likely to occur in a 1 in 1000 down to 1 in 100 years event. Parts of the existing quarry including the access are at a high risk of flooding in flood zone 3.
146. The applicant believes the risk is lowered with the majority of the application site set at a higher level (avg. 7m AOD) than Bawtry Road (4.3m AOD), with previous workings (between the road and the application site) restored to a low level and a 8.25m AOD banking acting as a further defence of the application site. Furthermore, should an extreme flood event occur, the restoration scheme for this proposal would provide additional long term water storage capacity.
147. The NPPF acknowledges that sand and gravel extraction is classed as 'water compatible', and therefore appropriate in flood zones 2 and 3,

subject to the development not increasing flood risk to surrounding land or property.

148. The Environment Agency have reviewed the flood implications of the development of the western extension and have confirmed that they do not object, subject to a planning condition being imposed to ensure the area is restored no higher than the existing finished ground level to prevent flooding elsewhere and ensuring that there is no raising of ground levels within the floodplain.
149. At the Environmental Agency's request the site operators have also provided a flood risk emergency plan to allow safe evacuation during periods of flooding. Subject to the imposition of the planning conditions as recommended by the Environment Agency, along with a condition for a topographical survey to be submitted to demonstrate that restored levels across the site do not result in any land being raised and do not increase flood risk elsewhere, it is concluded that the proposed development complies with Policy DM2 of the MLP and the NPPF in terms avoiding unacceptable flood risk in the locality.

Archaeology/Heritage

150. An approved methodology for archaeological mitigation and supervision has been utilised across the previous permission areas. This requires a watching brief to be undertaken during all periods of soil stripping in accordance with the approved methodology. NCC's Archaeology team are happy to continue with this approach to deal with the archaeological potential of the extended site in compliance with MLP Policy DM6: Historic Environment and NPPF paragraph 205 which requires local planning authorities to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

Cumulative Impacts

151. MLP Policy DM8 states that proposals for minerals development will be supported where it can be demonstrated that there are no unacceptable cumulative impacts on the environment or on the amenity of a local community.
152. As noted above in the planning history section, this quarry has developed through successive, but relatively small site extensions and the current proposals would add a new, further extraction area laterally to the west. The existing areas, once worked out, are being progressively restored and further areas within the currently permitted areas are likely to have been restored before extraction would commence in this extension. Restoration is also continuing at nearby Newington quarry now that this has finished production and the traffic movements associated with this have largely

ceased. There are no other developments or proposals in the vicinity which are likely to have significant interactions with Misson Quarry.

153. Whilst these applications would result in the quarry being operational for a longer period, it is not considered that this gives rise to any materially different impacts upon the environment or amenity than currently experienced.
154. None of the individual environmental impacts are likely to be significant and therefore in combination it is unlikely to result in any unacceptable combined effects to the environment or local communities. Therefore, the development is supported by MLP Policy DM8.

Planning Applications 1/22/00864/CDM and 1/22/00865/CDM (Proposals 2 and 3)

155. These Section 73 planning applications are required to reflect changes that need to be made to the existing planning conditions imposed on the two planning permissions for the wider Misson Quarry site to enable the western extension mineral to be worked.
156. The requested changes would result in relatively minor changes to the western strips of both approved restoration schemes in order to tie in with levels which would be provided by the western extension.
157. In terms of the two applications, Application 1/22/00865/CDM (Proposal 2) relates to amending a section of restored land incorporating an existing sand martin face and approximately 200m of hedgerow planted as part of the original permission which is, along with the wider permission area, now four years into a five year aftercare period.
158. Proposal 2 seeks to primarily vary Condition 4 – Approved Plans to allow for the levels on the western edge to continue as shown on the restoration scheme for Proposal 1. The variation does have an effect upon Conditions 11 (hedgerow mix and management), 13 (sand martin face) and 50 (aftercare).
159. In terms of Condition 11, the hedgerow would be relocated further west to the western edge of Proposal 1 and reinforced with new plantings as part of the 760m linear hedgerow in Proposal 1. The species mix to be planted is consistent with the species mix planted as part of the extant planning permission. To ensure the successful establishment of the hedgerow the aftercare period would restart and be subject to the management procedures as before.
160. In terms of Condition 13, the sand martin face has failed to entice the birds and, during the four years of aftercare, the face has not been noted to support sand martins and relocation of the nesting cliff will allow for the selection of a new face where sand horizons are most suitable for nest burrows. During quarrying operations a sand martin cliff face would be

required to be retained by condition until the new permanent feature is provided.

161. In terms of Condition 50, the approved aftercare scheme, the sand martin face and the hedgerow are the only areas directly impacted by the proposals and following their implementation as part of Proposal 1 would be subject to aftercare provisions once again. The majority of this permission area would continue in aftercare in accordance with the approved scheme.
162. The conditions for Proposal 2 have been reviewed and those which are no longer deemed necessary, due to the status of the site, are to be removed from the schedule of conditions.
163. Application 1/22/00864/CDM (Proposal 3) relates to the northern area. The variation would impact Condition 4 (Approved Plans) in terms of the final contours and updating the restoration scheme to tie in with Proposal 1. A relatively small area along the edge of the permission area would be impacted.
164. Extraction has yet to reach the western boundary of the extant permission area, the restoration of which would be impacted by the western extension. Proposal 1 represents a continuation of quarrying operations from the extant area and therefore no restoration which has taken place to date, further to the east of this permission area, would be affected by the proposal. The restoration proposals for this section included the planting of hedgerow along the top of the banking, however, as the western extension would remove this banking, it is proposed to be planted approximately 60m further west on the western edge of Proposal 1.
165. Granting planning permission for these applications alongside the working of the western extension would allow the extension to be implemented and allow for the continued extraction of Misson Grey sand for continued supply of high quality local building products (primary aggregates), the continuation of working at an established mineral site, the maintenance of existing jobs at the quarry site and the prevention of economic sterilisation of the mineral on that basis. It would allow for a seamless restoration of the combined site providing also for an overall gain in biodiversity and habitats in accordance with the Minerals Local Plan and the site's formal allocation.
166. The modifications to the existing suite of planning conditions of these two planning applications to enable the extended western extension to be worked as part of the wider quarry are therefore supported.

Other Options Considered

167. The report relates to the determination of three interrelated planning applications. The County Council is under a duty to consider these planning applications as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

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

Crime and Disorder Implications

169. The development would be form part of the established Misson Quarry facility, continuing to make use of the existing security features within the site including the use of secured site building, security fencing and CCTV coverage.

Data Protection and Information Governance

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

Human Rights Implications

171. 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.

Public Sector Equality Duty Implications

172. 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 protected characteristics.

Safeguarding of Children and Adults at Risk Implications

173. The quarry would continue to comply with health and safety guidelines in terms of suitable boundary treatment to ensure the general public, and in particular young children, are safeguarded.

Implications for Sustainability and the Environment

174. The development would contribute a sustainable supply of mineral which would contribute to the country's economic growth and quality of life. The environmental issues arising from the development have been considered in the Observations section above including ecology (and beneficial site restoration), water resources and other such matters.
175. There are no implications arising in relation to Human Resources, Finance, or for Service Users.

Conclusion

176. Nottinghamshire Minerals Local Plan (MLP) Policy MP1 seeks to ensure there is a steady and adequate supply of minerals in Nottinghamshire over the plan period, primarily by the identification of suitable land in the form of site allocations for mineral extraction.
177. The development site is allocated and the MLP makes a specific distinction for Misson Grey Sand with the proposal maintaining a continuity of mineral supply. It is therefore concluded the development is supported by MLP Policy MP2 and national planning policy and these benefits should be given significant weight.
178. The restoration of the site would provide ecological benefits by creating a mix of new habitats including acidic grassland, waterbodies, retained sand faces for sand martins and new hedgerow consistent with the site's allocation and the targets of the Nottinghamshire Biodiversity Action Plan and MLP Policies SP2 and DM12.
179. Officers consider that the benefits provided by the extraction of a western extension at Misson Quarry in terms of continued mineral supply, economic gains, biodiversity gains upon restoration and broad compliance with planning policy in relation to protection of amenity (MLP Policy DM1), protection of ground water and flood risk (MLP Policy DM2), biodiversity (MLP Policy DM4), landscape character (MLP Policy DM5), highways safety and vehicle routeing (MLP Policy DM9) and restoration/aftercare (MLP Policy DM12) are supportive of a grant of planning permission, outweighing any short to medium term impacts with appropriate mitigation measures and providing longer term benefits.

Statement of Positive and Proactive Engagement

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

RECOMMENDATIONS

181. It is RECOMMENDED that:

- (a) Planning permission is granted for application 1/22/00867/CDM for a western extension to existing Misson Grey Sand Quarry incorporating modifications to previously approved restoration schemes referenced 1/15/01574/CDM and 1/32/11/00020 subject to the conditions set out in appendix 1;
- (b) Section 73 planning permission is granted for application 1/22/00865/CDM for approval to amend the approved restoration scheme that relates to approval 1/32/11/00020 and to allow the implementation of the proposed western extension, subject to the conditions set out in appendix 2;
- (c) Section 73 planning permission is granted for application 1/22/00864/CDM to amend the approved restoration scheme that relates to approval 1/15/01574/CDM and to allow the implementation of the proposed western extension, subject to the conditions set out in appendix 3.

182. Members need to consider the issues set out in the report and resolve accordingly.

DEREK HIGTON

Interim Corporate Director – Place

Constitutional Comments [JL 04/04/23]

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

Financial Comments [SES 28/03/2023]

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

Background Papers Available for Inspection

The application files are available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at: www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=F/4413

www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4426
www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4427

Electoral Division and Member Affected

Misterton

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F/4413, V/4426 & V/4427
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**RECOMMENDED PLANNING CONDITIONS FOR PROPOSAL 1 - WESTERN
EXTENSION TO EXISTING MISSON GREY SAND QUARRY ETC (APPLICATION
REF 1/22/00867/CDM)**

Commencement and notifications

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

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

2. The Minerals Planning Authority (MPA) shall be notified in writing at least 7 days, but not more than 14 days, prior to the commencement of the development.

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

Approved Documents

3. From the commencement of the development to final restoration, a copy of this permission, including all plans and documents, and any schemes or details subsequently approved in accordance with this permission, shall always be available at the site and the terms and contents thereof shall be made known to supervising staff at the site.

Reason: To ensure site operatives are conversant with the terms of the planning permission.

4. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application (as amended), documents and recommendations of reports, and the following plans:

- a. Drawing ref UKSD-00-10-0001, revision A02, dated 27 May 2022 and titled Site Location Plan, received by the MPA on the 27th May 2022
- b. Drawing ref UKSD-00-10-0002, revision A02, dated 27 May 2022 and titled Existing Site Block plan/Topographical Survey, received by the MPA on the 27th May 2022.
- c. Drawing ref UKSD-00-10-0003, revision A02, dated 27 May 2022 and titled Proposed Phasing and Workings Plan received by the MPA on the 27 May 2022.

- d. Drawing ref UKSD-00-10-0004, revision A05, dated 10th January 2023 and titled 'Proposed restoration plan' received by the MPA on 13th January 2023.
- e. Drawing ref UKSD-00-10-0005 A01, dated 10th January 2023 and titled Proposed Restoration Plan (Key areas) received by the MPA on 13th January 2023.

Reason: For the avoidance of doubt.

Duration of Mineral Extraction Operations

- 5 The extraction of mineral from the application site shall be completed no later than 5 years from the date of commencement, as notified under the requirements of Condition 2. Restoration of the site shall be completed to the landform shown on drawing ref UKSD-00-10-0004, revision A05, dated 10th January 2023 and titled 'Proposed restoration plan' received by the MPA on 13th January 2023 no later than one year following the completion of mineral extraction.

Reason: To ensure the period of disruption from mineral working is minimised and to ensure the restoration of the site as soon as possible in compliance with requirements of Policy DM12 of the Nottinghamshire Minerals Local Plan.

Extraction limits

- 6 Mineral extraction shall not penetrate into the underlying groundwater level and shall not be undertaken to a depth greater than the levels identified on Drawing ref UKSD-00-10-0004, revision A05, dated 10th January 2023 and titled 'Proposed restoration plan' received by the MPA on 13th January 2023.

Reason: To define the extent of minerals permitted to be worked and to protect groundwaters from potential contamination in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

Hours of Operation

- 7 No operations or movement of plant or machinery, or HGV movements on and off the site shall take place outside the hours of 7am to 7pm Monday to Friday, 7am to 1pm Saturdays, nor at any time on Sundays or Public/Bank Holidays, except in the case of emergency. The MPA shall be informed in writing within 48 hours of any emergency that occurs such as to cause working outside these hours.

Reason: To protect local residents from noise disturbance in accordance with the requirements of Policy DM1 of the Nottinghamshire Minerals Local Plan.

Storage Heights

- 8 Stockpiles of extracted mineral shall be stored within the quarry floor or within the storage and processing area and shall not be stored to a height which exceeds the ground level of the surrounding unworked land.

Reason: To minimise visual impact of quarrying operations in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Ecology

- 9 Prior to commencement a protected species survey shall be submitted to the MPA. A protected species population monitoring report shall thereafter be undertaken on a six- monthly basis and the results submitted to the MPA in writing. The report shall incorporate recommendations of mitigation works to support the protected species populations which shall be implemented as approved.

Reason: In the interest of protecting species and their habitats, in accordance with Policy DM4 of the Nottinghamshire Minerals Local Plan.

- 10 During all phases of mineral extraction, site restoration and aftercare the operator shall ensure that an accessible route is provided within the quarry workings for protected species to travel through the site and access adjoining land thereby ensuring that protected species do not become trapped within the site.

Reason: In the interest of ensuring the safety of protected species and to satisfy policy set out within the National Planning Policy Framework.

- 11 Operations that involve the removal and/or destruction of vegetation shall not be undertaken during the months of March to August inclusive except with the prior written approval of the MPA which shall only follow the submission and approval of a report to the MPA confirming that the vegetation to be removed and/or destroyed has been checked for nesting birds by a suitably qualified ecologist and that any necessary mitigation measures to protect active nests have been (or shall be) put in place, and provides for a further check immediately prior to the vegetation being removed and/or destroyed following the MPA's approval in writing.

Reason: In order to protect breeding birds.

- 12 The development hereby permitted shall be carried out in compliance with the statement approved on 22 May 2006 in discharge of Condition 6 of permission number 1/32/05/00006 detailing appropriate measures to be taken to either dissuade sand martins from using excavated areas or to temporarily work around nesting sand martins.

Reason: In order to protect sand martins.

- 13 In the event that breeding sand martins are present in any face to be worked during March-August inclusive, quarry excavations shall cease in the vicinity of the sand martins and a suitably qualified ecologist shall be employed to advise on an appropriate strategy that ensures that breeding birds are not adversely affected by the development. The strategy shall be submitted as part of a written report to the MPA for its approval in writing. Quarry excavations shall thereafter only recommence in the vicinity of the sand martins in accordance with the mitigation strategy as approved.

Reason: In order to protect sand martins.

- 14 The operator shall ensure that a sand martin cliff face is retained within the quarry area at all times during mineral extraction operations. Upon completion of mineral extraction within the quarry extension area hereby approved the operator shall ensure that the sand martin cliff face as detailed on drawing ref: UKSD-00-10-0004 A05 (Proposed restoration plan) is provided as part of the quarry restoration scheme so as to achieve a minimum 3m vertical face. If appropriate, the sand martin cliff may be excavated at its base to achieve the 3m vertical face to provide appropriate protection from predators for nesting sand martins.

Reason: In order to protect sand martins.

- 15 No later than the first planting season following the commencement of the development, the 200m linear hedgerow planted as part of Planning Permission Ref: 1/32/11/00020 shall be translocated to the western boundary of this permission adjacent to the solar farm as identified on Drawing ref UKSD-00-10-0004 "Proposed Restoration Plan". The section of translocated hedgerow shall be retained and maintained in accordance with the management arrangements to be approved under Condition 49.

Reason: In accordance with Policies DM4 and DM12 of the Nottinghamshire Minerals Local Plan

Noise

- 16 No supplementary plant and machinery shall be used for the extraction of sand and ancillary gravel on the site in addition to the equipment approved by the MPA in discharging Condition 8 of permission reference 1/32/05/00006, unless its specification and noise output is formally agreed in writing by the MPA.

Reason: To minimise visual impacts and noise emissions from quarrying operations in accordance with Policies DM1 of Nottinghamshire Minerals Local Plan.

- 17 Reversing alarms used on mobile plant operated in the site shall be fitted with broadband (white noise) warning devices.

Reason: To protect local residents from noise disturbance in accordance with the requirements of Policy DM1 of the Nottinghamshire Minerals Local Plan.

- 18 All vehicles, plant and machinery operated and used on site shall be fitted with effective silencers maintained in accordance with the manufacturers' recommendations and specifications.

Reason: To protect local residents from noise disturbance in accordance with the requirements of Policy DM1 of the Nottinghamshire Minerals Local Plan.

- 19 In the event of a noise complaint being received by the MPA regarding the development hereby permitted which, in the considered opinion of the MPA may be justified, the operator shall, within one month of a written request from the MPA, undertake a BS4142 noise survey to determine if the level of noise:

- For normal day to day quarrying operations the noise from the site does not exceed the background level by more than 10dB(A) subject to a maximum of 55dB(A)LAeq, 1h (free field) at noise sensitive properties.
- For temporary operations undertaken for a maximum 8 weeks in a year comprising soil stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance noise levels does not exceed 70dB(A) LAeq 1h (free field) at noise sensitive properties.

Details of the noise survey, including the position of noise monitoring equipment, the methodology to be used and the date(s) for the survey to be undertaken, shall have been agreed with the MPA prior to the survey taking place. In the event that the noise survey indicates that the noise criterion detailed above is being exceeded, the submitted report shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criterion, including a timetable for the implementation of these additional measures. The additional mitigation measures shall be implemented in accordance with the approved details and thereafter maintained for the life of the development.

Reason: To minimise the impact of noise from the site in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Access and Routing

- 20 Unless otherwise agreed in writing by the MPA, the total number of heavy vehicles (a vehicle >7.5t gross laden weight) leaving the site in connection with the development hereby permitted and any other operational areas within the wider quarry complex shall not exceed 15 vehicles each operational day.

The operator shall keep records of all HGV visits to the site and such records shall be supplied in writing to the MPA within two weeks of a request for such records being made by the MPA.

Reason: In the interest of highway safety and to protect local residents from disturbance caused by quarry traffic, in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.

- 21 The operator shall take all reasonable steps to instruct all delivery vehicles entering and leaving the site to access from the south towards Newington thereby avoiding trafficking through Misson village. These steps shall include the issuing of instructions to all drivers to advise of the required route and the retention of the turn right signage at the exit of the quarry access throughout its operational life.

Reason: In the interest of highway safety and to protect residents of Misson village from disturbance caused by quarry traffic, in accordance with Policy DM1 and DM9 of the Nottinghamshire Minerals Local Plan.

- 22 The existing access shown on plan JMH/RO6–3 (Scheme of Working) received on 16th November 2015 shall be used by all quarry traffic. No other access shall be used by traffic entering or leaving the quarry. All vehicles transporting minerals from the site shall be fully covered with sheeting prior to them leaving the application site and entering the public highway.

Reason: To ensure satisfactory access to and from the site and to minimise the impact of the development on the local highway network and to prevent mud and other deleterious material contaminating the highway in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.

Archaeology

- 23 During all periods of soil stripping an archaeological watching brief shall be undertaken. The archaeological watching brief shall follow the methodology set out within the written scheme of investigation for an archaeological watching brief (November 2011) received by the MPA on the 28th November 2011 in connection with Planning Application 1/32/11/00020, unless an alternative method statement is agreed in writing by the MPA.

Reason: In the interests of preserving, investigating and recording features of archaeological interest affected by the development in accordance with Policy DM6 of the Nottinghamshire Minerals Local Plan.

Groundwater Protection

- 24 The scheme for monitoring groundwater levels to discharge Condition 13 of planning permission 1/32/05/00006 shall be carried out in relation to the

development hereby permitted throughout the period of mineral extraction and restoration. The results of ground water monitoring shall be submitted to the MPA in writing within 4 weeks of the monitoring being undertaken, and the monitoring shall inform the depth of quarrying excavations within the limits specified within Condition 6 above.

Reason: To ensure that mineral workings are undertaken at a level above the normal groundwater level thus protecting groundwater from contamination, in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

- 25 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water, whether direct or via soakaways. The toilet facility serving the cabin office shall be of a sealed chemical type which shall be emptied at appropriate intervals by a licensed waste carrier for appropriate disposal.

Reason: To protect groundwater from contamination, in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

- 26 The mineral extraction operations shall not utilise ground dewatering. In the event that the restoration proposals incorporate groundwater charged pond habitats, any dewatering operations associated with the construction of these ponds shall be agreed in writing beforehand with the MPA.

Reason: To ensure that mineral workings are undertaken at a level above the normal groundwater level thus protecting groundwater from contamination, in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

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

Reason: In the interests of pollution control in accordance with Policy DM4 of the Nottinghamshire Minerals Local Plan.

Prevention of Flooding

- 28 All excavated materials shall be stored on land which is designated as Flood Zone 2.

Reason: To prevent increasing flood risk elsewhere within the River Idle floodplain in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

Buildings, fixed plant and machinery

- 29 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, replacing or re-enacting that Order), no buildings, fixed plant or machinery, structures, lights, fences or private ways shall be erected, installed or otherwise replaced within the application site without the prior written approval of the MPA.

Reason: To safeguard the amenities of the area.

Dust/Mud

- 30 Measures shall be employed to ensure that dust and mud generated within the site are kept to a minimum and contained within the site. These measures shall include, but not necessarily be restricted to:
- a. The use as appropriate of a dust suppression system throughout all working areas;
 - b. The use as appropriate of water bowsters and/or spray systems to dampen the access roads, vehicle circulation and manoeuvring areas;
 - c. The maintenance of the access road in a good state of repair and its regular sweeping to ensure that it is kept clean and free of mud and other debris;
 - d. The temporary cessation of processing during periods of extreme dry and windy weather.

In the event that a complaint is received regarding dust or mud arising from the operation of the site which the MPA consider may be justified the operator shall within 1 month of a written request of the MPA prepare and submit a mitigation strategy to remedy the nuisance. The site shall thereafter operate in compliance with the approved mitigation strategy throughout its operational life.

Reason: To minimise disturbance from mud and dust in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

- 31 No HGV shall leave the site without first using the wheel cleaning facilities/rumble strips to ensure that no mud or other deleterious material is deposited on the public highway. The wheel cleaning facilities/rumble strips shall be maintained in an effective state for the duration of the development. In the event that these measures are not effective, additional measures shall be installed to give effect to this requirement within 4 weeks of a written request from the MPA.

Reason: In the interests of highway safety, and to accord with Policy DM9 of the Nottinghamshire Minerals Local Plan.

Soil handling, stripping, and storage

- 32 The stripping, handling and replacement of topsoils and subsoils shall be implemented in accordance with the Soil Handling Strategy received by the MPA on 16th November 2015. Notwithstanding the generality of paragraph 3.14 of the soil stripping strategy, topsoils shall not be replaced within the areas of land to be restored to acid grassland.

Reason: To ensure proper restoration of the site conserving and managing all available soil resources in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

- 33 Prior to the commencement of soil stripping operations the operator shall submit to the MPA for its approval in writing a plan showing:
- a. the area to be stripped of topsoil and subsoil including the depths of soil excavation;
 - b. the location of soil storage stockpiles or direct placement for restoration purposes;
 - c. the quantity and nature of material to be stored or used for direct placement;
 - d. the areas where stored soils are to be replaced.

The development shall be carried out in accordance with the approved details.

Reason: To ensure proper restoration of the site conserving and managing all available soils resources in accordance with Policy DM3 and DM12 of the Nottinghamshire Minerals Local Plan.

- 34 At least 7 days written notice shall be given to the MPA prior to any soil removal or replacement operations within the application site.

Reason: To ensure proper restoration of the site conserving and managing all available soil resources in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

35. No turf, topsoil, subsoil or overburden shall be removed from the site and no soils or soil making materials shall be imported onto the site.

Reason: To ensure the proper restoration of the site, and to conserve and manage all available soils resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

- 36 No plant or vehicles shall cross any area of unstripped or replaced topsoil or subsoil except where such trafficking is essential and unavoidable for purposes of undertaking soil handling operations.

Reason: To ensure the proper restoration of the site and to conserve and manage all available soils resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

- 37 Stocks of topsoil shall not exceed 3m in height and stocks of subsoil shall not exceed 5m in height.

Reason: To ensure proper restoration of the site conserving and managing all available soils resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

- 38 No movement of soil shall take place except when the full volume of soil to be stripped or otherwise transported is in a suitably dry soil moisture condition i.e. the soil is in a non-plastic state such that damage to its structure shall be avoided. Conditions shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty. Soil handling and movement shall not be carried out between the months of October to March inclusive unless specifically agreed in writing by the MPA.

Reason: To ensure proper restoration of the site conserving and managing all available soils resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

- 39 All soil storage stockpiles that remain in situ for more than 6 months or over winter shall be vegetated in accordance with a scheme covering vegetation establishment and management that shall be submitted to and approved in writing by the MPA prior to mound construction.

Reason: To ensure proper restoration of the site conserving and managing all available soils resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

Restoration

- 40 Notwithstanding the generality of paragraph 3.14 of the soil handling strategy (received by the MPA on 16th November 2015), prior to the replacement of subsoils and topsoils within the quarry there shall be submitted to the MPA and approved in writing details of the depths of soils to be used across the site. The depth of subsoil and topsoil shall be varied across the restored site to reflect the aftercare planting proposals for the site. Thereafter soils shall be replaced in compliance with the details approved to an even depth across the re-laid area.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

- 41 Only low ground pressure machinery shall work on re-laid topsoil or subsoil to replace and level topsoil.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

- 42 Before any placement of subsoil and topsoil in accordance with the restoration scheme shown on drawing ref UKSD-00-10-0004, revision A05, titled 'Proposed restoration plan', the surface of the site shall be graded and cross-ripped so as to achieve, after placement of soils, the approved restoration contours, taking into account the proposed soil profiles.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

- 43 Following placement of topsoil, the surface shall be cross-ripped to an agreed depth and spacing that penetrates 150mm into the underlying layer or 500mm total depth, whichever is the greater, to remove compaction at the interface and loosen all material within the area and depth of operations. Stones and any other obstructions to cultivation greater than 100mm in any dimension shall be removed.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

- 44 All operations involving soil placement and cultivation treatments shall only be carried out when the full volume of the soil involved is in a dry soil moisture condition thereby avoiding damage to soils and maximising the effects of the subsoiling operations. Plant and vehicles shall not cross areas of replaced or loosened materials or areas spread with subsoil or topsoil except for the express purpose of restoration operations.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

- 45 For purposes of storage and placement of soils, topsoil shall only be mixed with topsoil and subsoil shall only be mixed with subsoil.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

- 46 The MPA shall be notified of the completion of soil replacement within 1 month of its completion.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

- 47 In accordance with the restoration requirements, all plant, machinery and buildings shall be removed from the site within 6 months of the date of cessation of mineral extraction.

Reason: In the interests of visual amenity and to enable satisfactory restoration of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

- 48 The development shall be carried out in accordance with the submitted proposed restoration plan (ref UKSD-00-10-0004, revision A05, dated 10th January 2023 and titled 'Proposed restoration plan' received by the MPA on 13th January 2023) and the following mitigation measures it details:

- Area restored no higher than the existing finished ground level [In reference to the area on the western boundary of the application site]. Existing finished ground levels are deemed to be as detailed on the existing site block plan /topographical survey drawing (ref UKSD-00-10-0002, revision A02, dated 27th May 2022 and compiled by UK Smart Design).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

The final levels shall be verified with the submission of a topographical survey upon completion of soil replacement.

Reason: To prevent flooding elsewhere by ensuring that there is no raising of ground levels within the floodplain.

- 49 Within 6 months of the commencement, as notified by Condition 2, a detailed restoration and aftercare scheme will be required providing details of species mixes, establishment methods and maintenance regimes. The scheme should include details for the establishment of the translocated hedgerow, including provision for any replanting where translocation is not successful, and the timescale of planting the new western boundary hedge.

Reason: To ensure the site is restored to a suitable condition at the earliest possible date in the interests of ecology and in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Aftercare

- 50 Prior to the commencement of restoration activities, an aftercare scheme incorporating a species schedule and written statement shall be submitted for the written approval of the MPA. The aftercare species scheme shall generally accord with the details set out within Section 10.6 of the Preliminary Ecological Appraisal Report, subject to amendment/alteration of the details set out below. The aftercare scheme shall outline the steps to be taken, and the period during which they are to be taken, and who will be responsible for taking those steps to bring the land to the required restoration standard. The aftercare scheme shall include but not be restricted to details of the following:
- a. cultivations;
 - b. weed control;
 - c. sowing of seed mixtures,
 - d. keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the MPA between 31 March and 31 May each year;
 - e. drainage and irrigation;
 - f. management practices to ensure that aftercare works are undertaken with an ecological emphasis and are integrated into the previous workings at the site;
 - g. remedial treatments;
 - h. fencing;
 - i. Before the end of the first year of aftercare, a survey shall be undertaken of the existing woodland planting undertaken in the restored area of the wider quarry area. The survey shall identify the species that have been planted and incorporate a strategy/timetable for thinning these woodlands prioritised at removing any non-native or locally inappropriate tree species.

The development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

- 51 Prior to restoration of acid grassland/lowland/heathland areas, a soil chemistry test shall be undertaken of the subsoil to ensure that the correct nutrient conditions are created for heather planting. The results of this testing and any proposed soil treatment shall be submitted to the MPA for its approval in writing prior to the restoration of these areas. The restoration of these areas shall be implemented as approved in the first available sowing season. Should these conditions not be suitable for heather planting then an alternative restoration scheme including timetable for this area shall be submitted to and approved in writing by the MPA. Any revised scheme shall be implemented as approved.

Reason: To ensure satisfactory landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

- 52 Following the replacement of soils over the application site, the aftercare scheme approved under Condition 50 shall be implemented throughout the five year period following the replacement of soils on the site. Areas of non-agricultural grassland shall undergo aftercare management for a 20 period. The date of commencement of aftercare of the site shall be submitted to and agreed in writing by the MPA and the 20 year aftercare period for non-agricultural grassland and 5 year aftercare period for that for the remainder of the restoration shall run from this date.

Reason: To ensure proper aftercare management of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Premature cessation of operations

- 53 Should, for any reason, extraction operations cease for a period exceeding 6 months, or in any other circumstances cease prior to the completion of the approved scheme, such cessation being in the reasoned opinion of the MPA a permanent cessation of operations, then within 3 months of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted to the MPA for approval in writing. Details to be submitted shall include the restoration landform, after-uses of the restored site, a program of restoration works with timings, provision of soil cover, grass seeding, tree and shrub planting, rights of way and associated drainage, fencing and after-care provisions, in a manner similar to those details submitted with this application and subsequently approved pursuant to conditions attached to this permission. The approved revised scheme shall be fully implemented within 12 months of the date of written approval by the MPA.

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

RECOMMENDED PLANNING CONDITIONS FOR PROPOSAL 2 – AMENDMENTS TO THE APPROVED RESTORATION SCHEME THAT RELATES TO APPROVAL 1/32/11/00020. (APPLICATION REF 1/22/00865/CDM)

Scope of the permission

1. This planning permission provides consent for the restoration of the Misson Quarry site as identified in red on Drawing No. JMH/R04-8 Extension to Misson Grey Sand Quarry: Site Plan and received by the MPA on 15th July 2011 in relation to granted planning permission reference 1/32/11/00020 with minor modifications made to the western boundary of the restoration scheme to facilitate the development of a further western extension. This permission comes into effect on the date of commencement of planning permission 1/22/00867/CDM

Reason To define the development as permitted and as varied under s73 of the Town and Country Planning Act 1990.

Approved Documents

2. From the commencement of the development to final restoration, a copy of this permission, including all plans and documents, and any schemes or details subsequently approved in accordance with this permission, shall always be available at the site and the terms and contents there of shall be made known to supervising staff at the site

Reason: To ensure site operatives are conversant with the terms of the planning permission.

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application (as amended), documents and recommendations of reports, and the following plans:
 - a. Drawing No. JMH/R04-1 Extension to Misson Grey Sand Quarry: General Arrangements received by the MPA on 15th July 2011.
 - b. Drawing No. JMH/R04-2 Extension to Misson Grey Sand Quarry: Proposed Restoration Contours received by the MPA on 15th July 2011.
 - c. Drawing No. JMH/R04 -3 Extension to Misson Grey Sand Quarry: Proposed Restoration Planting including supporting Drawing No. JMH/R04-3 Revision A: Planting Schedule received by the MPA on 15th July 2011, amended by e-mail from John Hunt dated 26th October 2011.
 - d. Drawing No. JMH/R04-5 Extension to Misson Grey Sand Quarry: Local Features Map received by the MPA on 15th July 2011.

- e. Drawing No. JMH/R04-6 Extension to Misson Grey Sand Quarry: Site Location Plan received by the MPA on 15th July 2011.
- f. Drawing No. JMH/R04-7 Extension to Misson Grey Sand Quarry: Plan showing extent of land holdings received by the MPA on 15th July 2011.
- g. Drawing No. JMH/R04-8 Extension to Misson Grey Sand Quarry: Site Plan received by the MPA on 15th July 2011.
- h. Amended by, Drawing Ref: UKSD-00-10-0004, revision A05, dated 10th January 2023 and titled 'Proposed restoration plan' received by the MPA on 13th January 2023

Reason: For the avoidance of doubt.

Hours of Operation

- 4. Unless otherwise agreed in writing by the MPA, no operations or movement of plant or machinery shall take place outside the hours of 7am to 7pm Monday to Friday, 7am to 1pm Saturdays, nor at any time on Sundays or Public/Bank Holidays, except in the case of emergency. The MPA shall be informed in writing within 48 hours of any emergency that occurs such as to cause working outside these hours.

Reason: To protect local residents from noise disturbance in accordance with the requirements of Policy DM1 of the Nottinghamshire Minerals Local Plan.

Ecology

- 5. During all phases of mineral extraction, site restoration and aftercare the operator shall ensure that an accessible route is provided within the quarry workings for protected species to travel through the site and access adjoining land thereby ensuring that protected species do not become trapped within the site.

Reason: In the interest of ensuring the safety of protected species and to satisfy policy set out within the National Planning Policy Framework.

- 6. Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved in writing by the MPA, to ensure that breeding birds are not adversely affected.

Reason: In order to protect breeding birds.

Plant and Machinery

- 7. The details of the location, type, design and external appearance of all plant and machinery, approved by the MPA on 15 August 2005 to discharge

Condition 8 of permission reference 1/32/05/00006 shall be used throughout the period of the development.

Reason: To minimise visual impacts and noise emissions from quarrying operations in accordance with Policy DM1 of Nottinghamshire Minerals Local Plan.

8. Reversing alarms to be use on mobile plant operating on site shall be fitted and used only in accordance with such details as may be approved in writing by the MPA.

Reason: To protect local residents from noise disturbance in accordance with the requirements of Policy DM1 of the Nottinghamshire Minerals Local Plan.

9. All vehicles, plant and machinery operated and used on site shall be fitted with effective silencers maintained in accordance with the manufacturers' recommendations and specifications.

Reason: To protect local residents from noise disturbance in accordance with the requirements of Policy DM1 of the Nottinghamshire Minerals Local Plan.

Access and Routing

10. Unless otherwise agreed in writing by the MPA, the number of heavy vehicles (a vehicle >7.5t gross laden weight) leaving the site in connection with the development hereby permitted and any other operational areas within the wider quarry complex shall not exceed 15 vehicles each operational day. The operator shall keep records of all HGV visits to the site and such records shall be supplied in writing to the MPA within two weeks of a request for such records being made by the MPA.

Reason: In the interest of highway safety and to protect local residents from disturbance caused by quarry traffic, in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.

11. The operator shall take all reasonable steps to instruct all delivery vehicles entering and leaving the site to access from the south towards Newington thereby avoiding trafficking through Misson village. These steps shall include the issuing of instructions to all drivers to advise of the required route and the retention of the turn right signage at the exit of the quarry access throughout its operational life.

Reason: In the interest of highway safety and to protect residents of Misson village from disturbance caused by quarry traffic, in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.

12. The existing access shown on plan JMH/RO4 – 1 (General Arrangements) received on 15th July 2011 shall be used by all quarry traffic. No other access shall be used by traffic entering or leaving the quarry.

Reason: To ensure satisfactory access to and from the site and to minimise the impact of the development on the local highway network in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.

13. All vehicles transporting minerals from the site shall be fully covered with sheeting prior to them leaving the application site and entering the public highway.

Reason: To prevent mud and other deleterious material contaminating the highway in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.

Groundwater Protection

14. The scheme for monitoring groundwater levels to discharge Condition 13 of planning permission 1/32/05/00006 shall be carried out in relation to the development hereby permitted throughout the period of mineral extraction and restoration. The results of ground water monitoring shall be submitted to the MPA in writing within 4 weeks of the monitoring being undertaken, and the monitoring shall inform the depth of quarrying excavations within the limits specified within Condition 6 above.

Reason: To ensure that mineral workings are undertaken at a level above the normal groundwater level thus protecting groundwater from contamination, in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

15. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water, whether direct or via soakaways. The toilet facility serving the cabin office shall be of a sealed chemical type which shall be emptied at appropriate intervals by a licensed waste carrier for appropriate disposal.

Reason: In the interests of protecting groundwater from contamination, in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

16. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of their aggregate storage capacity, whichever is the greater. All filling points, vents, and sight

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

Reason: In the interests of pollution control in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

Buildings, fixed plant and machinery

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, replacing or re-enacting that Order), no buildings, fixed plant or machinery, structures, lights, fences or private ways shall be erected, installed or otherwise replaced within the application site without the prior written approval of the MPA.

Reason: To safeguard the amenities of the area.

Dust/Mud

- 18 Measures shall be employed to ensure that dust and mud generated within the site are kept to a minimum and contained within the site. These measures shall include, but not necessarily be restricted to:

- a. The use as appropriate of a dust suppression system throughout all working areas;
- b. The use as appropriate of water bowzers and/or spray systems to dampen the access roads, vehicle circulation and manoeuvring areas;
- c. The maintenance of the access road in a good state of repair and its regular sweeping to ensure that it is kept clean and free of mud and other debris;
- d. The temporary cessation of processing during periods of extreme dry and windy weather.

In the event that a complaint is received regarding dust or mud arising from the operation of the site which the MPA consider may be justified the operator shall within 1 month of a written request of the MPA prepare and submit a mitigation strategy to remedy the nuisance. The site shall thereafter operate in compliance with the mitigation strategy throughout its operational life.

Reason: To minimise disturbance from mud and dust in accordance with Policies DM1 and DM9 of the Nottinghamshire Minerals Local Plan.

19. No HGV shall leave the site without first using the wheel cleaning facilities to ensure that no mud or other deleterious material is deposited on the public highway. The wheel cleaning facilities shall be maintained in an effective state for the duration of the development. In the event that these measures are not effective, additional measures shall be installed to give effect to this requirement within 4 weeks of a written request from the MPA.

Reason: In the interests of highway safety, and to accord with Policy DM9 of the Nottinghamshire Minerals Local Plan.

Aftercare

20. The aftercare scheme submitted on 11 April 2007, and approved on 23rd May 2007 to discharge Condition 71 of permission reference 1/32/05/00006, shall be implemented throughout the five year period following the replacement of soils on the site. The date of commencement of aftercare of the site commenced on 1 March 2019 following the planting of the last woodland block and the 5 year aftercare period for that phase shall run from this date.

Reason: To ensure proper aftercare management of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

RECOMMENDED PLANNING CONDITIONS FOR PROPOSAL 3 - AMENDMENTS TO THE APPROVED RESTORATION SCHEME THAT RELATES TO APPROVAL 1/15/01574/CDM. (APPLICATION REF 1/22/00864/CDM).

Scope of the permission

1. This planning permission provides consent for the continuation of quarrying operations, restoration operations and aftercare in the 'northern extension' of the Misson Quarry site as identified in red on Drawing No. JMH/R06-1: Site Location Plan and received by the MPA on 16th November 2015 in relation to planning permission reference 1/15/01574/CDM with minor modifications made to the western boundary of the restoration scheme to facilitate the development of a further western extension. This permission comes into effect on the date of commencement of planning permission 1/22/00867/CDM.

Reason: To define the development as permitted and as varied under s73 of the Town and Country Planning Act 1990.

Approved Documents

2. From the commencement of the development to final restoration, a copy of this permission, including all plans and documents, and any schemes or details subsequently approved in accordance with this permission, shall always be available at the site and the terms and contents thereof shall be made known to supervising staff at the site.

Reason: To ensure site operatives are conversant with the terms of the planning permission.

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application (as amended), documents and recommendations of reports, and the following plans:
 - a. Drawing No. JMH/R06-1: Site Location Plan received by the MPA on 16th November 2015.
 - b. Drawing No. JMH/R06-2: Site as Existing received by the MPA on 16th November 2015 as amended by NMA/3601 – Dwg JMH/R06-3a showing amendments to soil storage locations
 - c. Drawing No. JMH/R06-3: Scheme of Working received by the MPA on 16th November 2015.
 - d. Drawing No. JMH/R06-4: Restoration Scheme received by the MPA on 16th November 2015.

- e. Drawing No. JMH/R06-4A: Supplement to Restoration Plan shown proposed seating/viewing area, received by the MPA on 5th December 2016.
- f. As amended by; Drawing Ref: UKSD-00-10-0004, revision A05, dated 10th January 2023 and titled 'Proposed restoration plan' received by the MPA on 13th January 2023

Reason: For the avoidance of doubt.

Duration of Mineral Extraction Operations

- 4. The extraction of mineral from the application site shall be completed no later than 4th March 2031. Restoration of the site shall be completed to the landform shown on drawing number JMH/RO6-4 Restoration Scheme received by the MPA on 16th November 2015 and modified by UKSD-00-10-0004, revision A05, dated 10th January 2023 and that titled 'Proposed restoration plan' received by the MPA on 13th January 2023 no later than one year following the completion of mineral extraction.

Reason: To ensure the period of disruption from mineral working is minimised and to ensure the restoration of the site as soon as possible in compliance with requirements of Policy DM12 of the Nottinghamshire Minerals Local Plan.

Extraction limits

- 5 Mineral extraction shall not penetrate into the underlying groundwater level and shall not be undertaken to a depth greater than the levels identified on Drawing No. JMH/RO6-4 Restoration Scheme received by the MPA on 16th November 2015 and modified by UKSD-00-10-0004, revision A05, dated 10th January 2023 and titled 'Proposed restoration plan' received by the MPA on 13th January 2023.

Reason: To define the extent of minerals permitted to be worked and to protect groundwaters from potential contamination in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

Hours of Operation

- 6. No operations or movement of plant or machinery, or HGV movements on and off the site shall take place outside the hours of 7am to 7pm Monday to Friday, 7am to 1pm Saturdays, nor at any time on Sundays or Public/Bank Holidays, except in the case of emergency. The MPA shall be informed in writing within 48 hours of any emergency that occurs such as to cause working outside these hours.

Reason: To protect local residents from noise disturbance in accordance with the requirements of Policy DM1 of the Nottinghamshire Minerals Local Plan.

Storage Heights

- 7 Stockpiles of extracted mineral shall be stored within the quarry floor or within the storage and processing area and shall not be stored to a height which exceeds the ground level of the surrounding unworked land.

Reason: To minimise visual impact of quarrying operations in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Ecology

- 8 During all phases of mineral extraction, site restoration and aftercare the operator shall ensure that an accessible route is provided within the quarry workings for protected species to travel through the site and access adjoining land thereby ensuring that protected species do not become trapped within the site.

Reason: In the interest of ensuring the safety of protected species and to satisfy policy set out within the National Planning Policy Framework.

- 9 A protected species population monitoring report shall be undertaken on an six-monthly basis and the results submitted to the MPA in writing. The report shall incorporate recommendations of mitigation works to support the protected species populations which shall be implemented as approved.

Reason: In the interest of protecting species and their habitats, in accordance with Policy DM4 of the Nottinghamshire Minerals Local Plan.

- 10 Operations that involve the removal and/or destruction of vegetation shall not be undertaken during the months of March to August inclusive except with the prior written approval of the MPA which shall only follow the submission and approval of a report to the MPA confirming that the vegetation to be removed and/or destroyed has been checked for nesting birds by a suitably qualified ecologist and that any necessary mitigation measures to protect active nests have been (or shall be) put in place, and provides for a further check immediately prior to the vegetation being removed and/or destroyed following the MPA's approval in writing.

Reason: In order to protect breeding birds and to satisfy policy set out within the National Planning Policy Framework.

- 11 The existing hedgerows on the east, north and west perimeter boundaries, the section of hedgerow/trees incorporating Wych Elm in the south-western

corner of the site and the acid grassland bank along the northern boundary shall be retained and protected throughout the life of the quarry through the provision of temporary protective fencing, the detail of which shall have been previously approved in writing by the MPA. No quarry excavations or soil stripping shall be undertaken within 5m of the retained hedgerows/trees or 2m of the grassland bank.

Reason: In order to protect a locally important hedgerow species and maintain a potentially important bat feeding corridor in accordance with the requirements of Policy DM4 of the Nottinghamshire Mineral Local Plan.

- 12 The development hereby permitted shall be carried out in compliance with the statement approved on 22 May 2006 in discharge of Condition 6 of permission number 1/32/05/00006 detailing appropriate measures to be taken to either dissuade sand martins from using excavated areas or to temporarily work around nesting sand martins.

Reason: In order to protect sand martins and to satisfy policy set out within the National Planning Policy Framework.

- 13 In the event that breeding sand martins are present in any face to be worked during March-August inclusive, quarry excavations shall cease in the vicinity of the sand martins and a suitably qualified ecologist shall be employed to advise on an appropriate strategy that ensures that breeding birds are not adversely affected by the development. The strategy shall be submitted as part of a written report to the MPA for its approval in writing. Quarry excavations shall thereafter only recommence in the vicinity of the sand martins in accordance with the mitigation strategy as approved.

Reason: In order to protect sand martins and to satisfy policy set out within the National Planning Policy Framework.

Plant and Machinery

- 14 No supplementary plant and machinery shall be used for the extraction of sand and ancillary gravel on the site in addition to the equipment approved by the MPA in discharging Condition 8 of permission reference 1/32/05/00006, unless its specification and noise output is formally agreed in writing by the MPA.

Reason: To minimise visual impacts and noise emissions from quarrying operations in accordance with Policy DM1 of Nottinghamshire Minerals Local Plan.

- 15 Reversing alarms used on mobile plant operated in the site shall be fitted with broadband (white noise) warning devices.

Reason: To protect local residents from noise disturbance in accordance with the requirements of Policy DM1 of the Nottinghamshire Minerals Local Plan.

- 16 All vehicles, plant and machinery operated and used on site shall be fitted with effective silencers maintained in accordance with the manufacturers' recommendations and specifications.

Reason: To protect local residents from noise disturbance in accordance with the requirements of Policy DM1 of the Nottinghamshire Minerals Local Plan.

- 17 In the event of a noise complaint being received by the MPA regarding the development hereby permitted which, in the considered opinion of the MPA may be justified, the operator shall, within one month of a written request from the MPA, undertake a BS4142 noise survey to determine if the level of noise:

- For normal day to day quarrying operations the noise from the site does not exceed the background level by more than 10dB(A) subject to a maximum of 55dB(A)LAeq, 1h (free field) at noise sensitive properties.
- For temporary operations undertaken for a maximum 8 weeks in a year comprising soil stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance noise levels does not exceed 70dB(A) LAeq 1h (free field) at noise sensitive properties.

Details of the noise survey, including the position of noise monitoring equipment, the methodology to be used and the date(s) for the survey to be undertaken, shall have been agreed with the MPA prior to the survey taking place. In the event that the noise survey indicates that the noise criterion detailed above is being exceeded, the submitted report shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criterion, including a timetable for the implementation of these additional measures. The additional mitigation measures shall be implemented in accordance with the approved details and thereafter maintained for the life of the development.

Reason: To minimise the impact of noise from the site in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Access and Routeing

- 18 Unless otherwise agreed in writing by the MPA, the number of heavy vehicles (a vehicle >7.5t gross laden weight) leaving the site in connection with the development hereby permitted and any other operational areas within the wider quarry complex shall not exceed 15 vehicles each operational day. The operator shall keep records of all HGV visits to the site and such records shall

be supplied in writing to the MPA within two weeks of a request for such records being made by the MPA.

Reason: In the interest of highway safety and to protect local residents from disturbance caused by quarry traffic, in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.

- 19 The operator shall take all reasonable steps to instruct all delivery vehicles entering and leaving the site to access from the south towards Newington thereby avoiding trafficking through Misson village. These steps shall include the issuing of instructions to all drivers to advise of the required route and the retention of the turn right signage at the exit of the quarry access throughout its operational life.

Reason: In the interest of highway safety and to protect residents of Misson village from disturbance caused by quarry traffic, in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.

- 20 The existing access shown on plan JMH/RO6-3 (Scheme of Working) received on 16th November 2015 shall be used by all quarry traffic. No other access shall be used by traffic entering or leaving the quarry. All vehicles transporting minerals from the site shall be fully covered with sheeting prior to them leaving the application site and entering the public highway.

Reason: To ensure satisfactory access to and from the site and to minimise the impact of the development on the local highway network and to prevent mud and other deleterious material contaminating the highway in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.

Archaeology

- 21 During all periods of soil stripping an archaeological watching brief shall be undertaken. The archaeological watching brief shall follow the methodology set out within the written scheme of investigation for an archaeological watching brief (November 2011) received by the MPA on the 28th November 2011 in connection with Planning Application 1/32/11/00020, unless an alternative method statement is agreed in writing by the MPA.

Reason: In the interests of preserving, investigating and recording features of archaeological interest affected by the development in accordance with Policy DM6 of the Nottinghamshire Minerals Local Plan.

Groundwater Protection

- 22 The scheme for monitoring groundwater levels to discharge Condition 13 of planning permission 1/32/05/00006 shall be carried out in relation to the

development hereby permitted throughout the period of mineral extraction and restoration. The results of ground water monitoring shall be submitted to the MPA in writing within 4 weeks of the monitoring being undertaken, and the monitoring shall inform the depth of quarrying excavations within the limits specified within Condition 6 above.

Reason: To ensure that mineral workings are undertaken at a level above the normal groundwater level thus protecting groundwater from contamination, in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

- 23 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water, whether direct or via soakaways. The toilet facility serving the cabin office shall be of a sealed chemical type which shall be emptied at appropriate intervals by a licensed waste carrier for appropriate disposal.

Reason: To protect groundwater from contamination, in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

- 24 The mineral extraction operations shall not utilise ground dewatering. In the event that the restoration proposals incorporate groundwater charged pond habitats, any dewatering operations associated with the construction of these ponds shall be agreed in writing beforehand with the MPA.

Reason: To ensure that mineral workings are undertaken at a level above the normal groundwater level thus protecting groundwater from contamination, in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

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

Reason: In the interests of pollution control in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

Prevention of Flooding

- 26 All excavated materials shall be stored on land which is designated as Flood Zone 2.

Reason: To prevent increasing flood risk elsewhere within the River Idle floodplain in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

Buildings, fixed plant and machinery

- 27 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, replacing or re-enacting that Order), no buildings, fixed plant or machinery, structures, lights, fences or private ways shall be erected, installed or otherwise replaced within the application site without the prior written approval of the MPA.

Reason: To safeguard the amenities of the area.

Dust/Mud

- 28 Measures shall be employed to ensure that dust and mud generated within the site are kept to a minimum and contained within the site. These measures shall include, but not necessarily be restricted to:
- a. The use as appropriate of a dust suppression system throughout all working areas;
 - b. The use as appropriate of water bowsters and/or spray systems to dampen the access roads, vehicle circulation and manoeuvring areas;
 - c. The maintenance of the access road in a good state of repair and its regular sweeping to ensure that it is kept clean and free of mud and other debris;
 - d. The temporary cessation of processing during periods of extreme dry and windy weather.

In the event that a complaint is received regarding dust or mud arising from the operation of the site which the MPA consider may be justified the operator shall within 1 month of a written request of the MPA prepare and submit a mitigation strategy to remedy the nuisance. The site shall thereafter operate in compliance with the approved mitigation strategy throughout its operational life.

Reason: To minimise disturbance from mud and dust in accordance with Policy DM1 and DM9 of the Nottinghamshire Minerals Local Plan.

- 29 No HGV shall leave the site without first using the wheel cleaning facilities/rumble strips to ensure that no mud or other deleterious material is deposited on the public highway. The wheel cleaning facilities/rumble strips shall be maintained in an effective state for the duration of the development. In the event that these measures are not effective, additional measures shall be installed to give effect to this requirement within 4 weeks of a written request from the MPA.

Reason: In the interests of highway safety, and to accord with Policy DM9 of the Nottinghamshire Minerals Local Plan.

Soil handling, stripping, and storage

- 30 The stripping, handling and replacement of topsoils and subsoils shall be implemented in accordance with the Soil Handling Strategy received by the MPA on 16th November 2015. Notwithstanding the generality of paragraph 3.14 of the soil stripping strategy, topsoils shall not be replaced within the areas of land to be restored to acid grassland.

Reason: To ensure proper restoration of the site conserving and managing all available soil resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

- 31 Prior to the commencement of soil stripping operations the operator shall submit to the MPA for its approval in writing a plan showing:
- a. the area to be stripped of topsoil and subsoil including the depths of soil excavation;
 - b. the location of soil storage stockpiles or direct placement for restoration purposes;
 - c. the quantity and nature of material to be stored or used for direct placement;
 - d. the areas where stored soils are to be replaced.

The development shall be carried out in accordance with the approved details.

Reason: To ensure proper restoration of the site conserving and managing all available soils resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

32. At least 7 days written notice shall be given to the MPA prior to any soil removal or replacement operations within the application site.

Reason: To ensure proper restoration of the site conserving and managing all available soil resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

33. No turf, topsoil, subsoil or overburden shall be removed from the site and no soils or soil making materials shall be imported onto the site.

Reason: To ensure the proper restoration of the site, and to conserve and manage all available soils resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

34. No plant or vehicles shall cross any area of unstripped or replaced topsoil or subsoil except where such trafficking is essential and unavoidable for purposes of undertaking soil handling operations.

Reason: To ensure the proper restoration of the site and to conserve and manage all available soils resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

35. Stocks of topsoil shall not exceed 3m in height and stocks of subsoil shall not exceed 5m in height.

Reason: To ensure proper restoration of the site conserving and managing all available soils resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

36. No movement of soil shall take place except when the full volume of soil to be stripped or otherwise transported is in a suitably dry soil moisture condition i.e. the soil is in a non-plastic state such that damage to its structure shall be avoided. Conditions shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty. Soil handling and movement shall not be carried out between the months of October to March inclusive unless specifically agreed in writing by the MPA.

Reason: To ensure proper restoration of the site conserving and managing all available soils resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

37. All soil storage stockpiles that remain in situ for more than 6 months or over winter shall be sown with the seed mix submitted on 22 March 2016 and approved on 4 April 2016.

Reason: To ensure proper restoration of the site conserving and managing all available soils resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

Restoration

38. Notwithstanding the generality of paragraph 3.14 of the soil handling strategy (received by the MPA on 16th November 2015), prior to the replacement of subsoils and topsoils within the quarry there shall be submitted to the MPA and approved in writing details of the depths of soils to be used across the site. The depth of subsoil and topsoil shall be varied across the restored site to reflect the aftercare planting proposals for the site. Thereafter soils shall be replaced in compliance with the details approved to an even depth across the re-laid area.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

39. Only low ground pressure machinery shall work on re-laid topsoil or subsoil to replace and level topsoil.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

40. Before any placement of subsoil and topsoil in accordance with the restoration scheme shown on drawing number JMH/RO6-4 (Restoration Scheme), the surface of the site shall be graded and cross-ripped so as to achieve, after placement of soils, the approved restoration contours, taking into account the proposed soil profiles.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

41. Following placement of topsoil, the surface shall be cross-ripped to an agreed depth and spacing that penetrates 150mm into the underlying layer or 500mm total depth, whichever is the greater, to remove compaction at the interface and loosen all material within the area and depth of operations. Stones and any other obstructions to cultivation greater than 100mm in any dimension shall be removed.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

42. All operations involving soil placement and cultivation treatments shall only be carried out when the full volume of the soil involved is in a dry soil moisture condition thereby avoiding damage to soils and maximising the effects of the subsoiling operations. Plant and vehicles shall not cross areas of replaced or loosened materials or areas spread with subsoil or topsoil except for the express purpose of restoration operations.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

43. For purposes of storage and placement of soils, topsoil shall only be mixed with topsoil and subsoil shall only be mixed with subsoil.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

44. The MPA shall be notified of the completion of soil replacement within 1 month of its completion.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

45. In accordance with the restoration requirements, all plant, machinery and buildings shall be removed from the site within 6 months of the date of cessation of mineral extraction.

Reason: In the interests of visual amenity and to enable satisfactory restoration of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Aftercare

- 46 Aftercare details received by the Minerals Planning Authority on the 12th October 2020 and supplemented by a revised aftercare scheme V2 incorporating a species mix for a hedgerow planting within the site received on the 20th October 2020 in respect of Condition 47 of Planning Permission 1/13/001145/CDM and Condition 47 of planning permission 1/15/1574/CDM. The aftercare scheme shall include but not be restricted to details of the following:

- a. cultivations, which shall be revised to omit Scots Pine and Ash from the tree and shrub planting mix indicated in Section 7 of the Ecological Appraisal including percentages/proportions;
- b. weed control;
- c. sowing of seed mixtures, which shall be revised from the mix indicated in Appendix 1 of the supporting statement to include a number of herb species including birds foot trefoil (*Lotus corniculatus*), sheep's sorrel (*Rumex acetosella*), self heal (*Prunella ulgaris*) and Lady's bedstraw (*Galium verum*);
- d. measures to encourage the creation of standing water areas within the grassland areas and the creation of additional ponds within south-west corner of the restored site to compliment the pond facility within the adjoining land;
- e. keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the MPA between 31 March and 31 May each year;
- f. drainage and irrigation;
- g. management practices to ensure that aftercare works are undertaken with an ecological emphasis and are integrated into the previous workings at the site;
- h. remedial treatments;
- i. fencing;
- j. Before the end of the first year of aftercare, a survey shall be undertaken of the existing woodland planting undertaken in the restored area of the wider quarry area. The survey shall identify the species that have been planted and incorporate a strategy/timetable for thinning these woodlands prioritised at removing any non-native or

locally inappropriate tree species.

The development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

47. Prior to restoration of acid grassland/lowland/heathland areas, a soil chemistry test shall be undertaken of the subsoil to ensure that the correct nutrient conditions are created for heather planting. The results of this testing and any proposed soil treatment shall be submitted to the MPA for its approval in writing prior to the restoration of these areas. The restoration of these areas shall be implemented as approved in the first available sowing season. Should these conditions not be suitable for heather planting then an alternative restoration scheme including timetable for this area shall be submitted to and approved in writing by the MPA. Any revised scheme shall be implemented as approved.

Reason: To ensure satisfactory landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

48. Following the replacement of soils over the application site, the aftercare scheme approved under Condition 47 shall be implemented throughout the five year period following the replacement of soils on the site. The date of commencement of aftercare of the site shall be submitted to and agreed in writing by the MPA and the five year aftercare period for that phase shall run from this date.

Reason: To ensure proper aftercare management of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Provision of Seating/Viewing Area

49. The seating/viewing area, accessed off Bryans Close Lane, shall be maintained for the lifetime of the development.

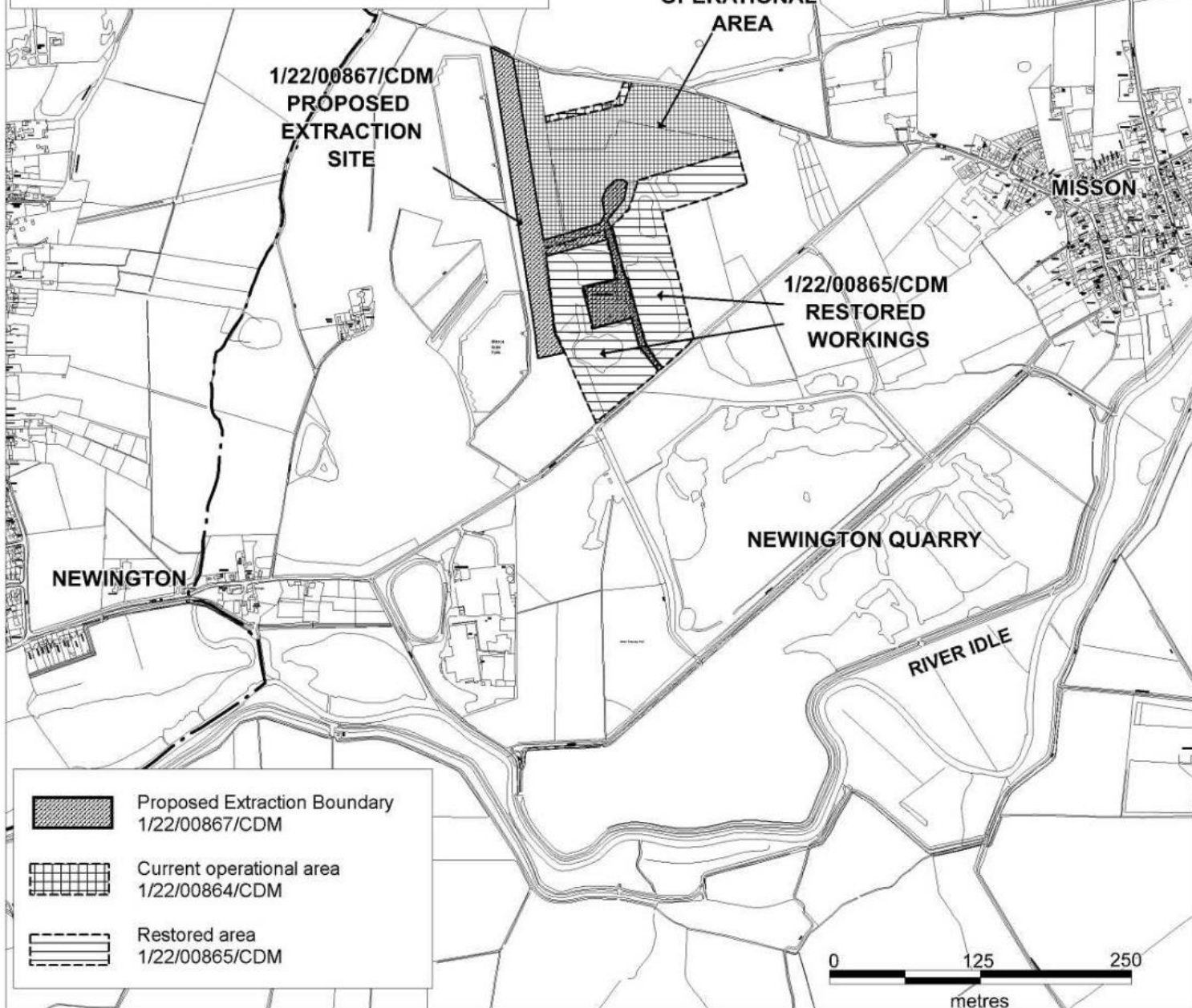
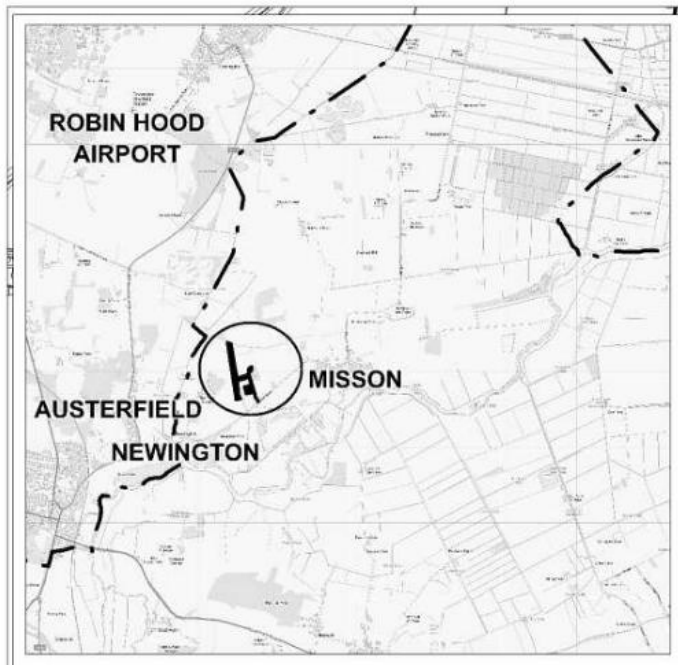
Reason: To enhance public accessibility to the quarry.

Premature cessation of operations

50. Should, for any reason, extraction operations cease for a period exceeding 6 months, or in any other circumstances cease prior to the completion of the approved scheme, such cessation being in the reasoned opinion of the MPA a permanent cessation of operations, then within 3 months of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted to the MPA for approval in writing. Details to be submitted shall include the restoration landform, after-uses of the restored site, a program of

restoration works with timings, provision of soil cover, grass seeding, tree and shrub planting, rights of way and associated drainage, fencing and after-care provisions, in a manner similar to those details submitted with this application and subsequently approved pursuant to conditions attached to this permission. The approved revised scheme shall be fully implemented within 12 months of the date of written approval by the MPA.

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



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County Council**

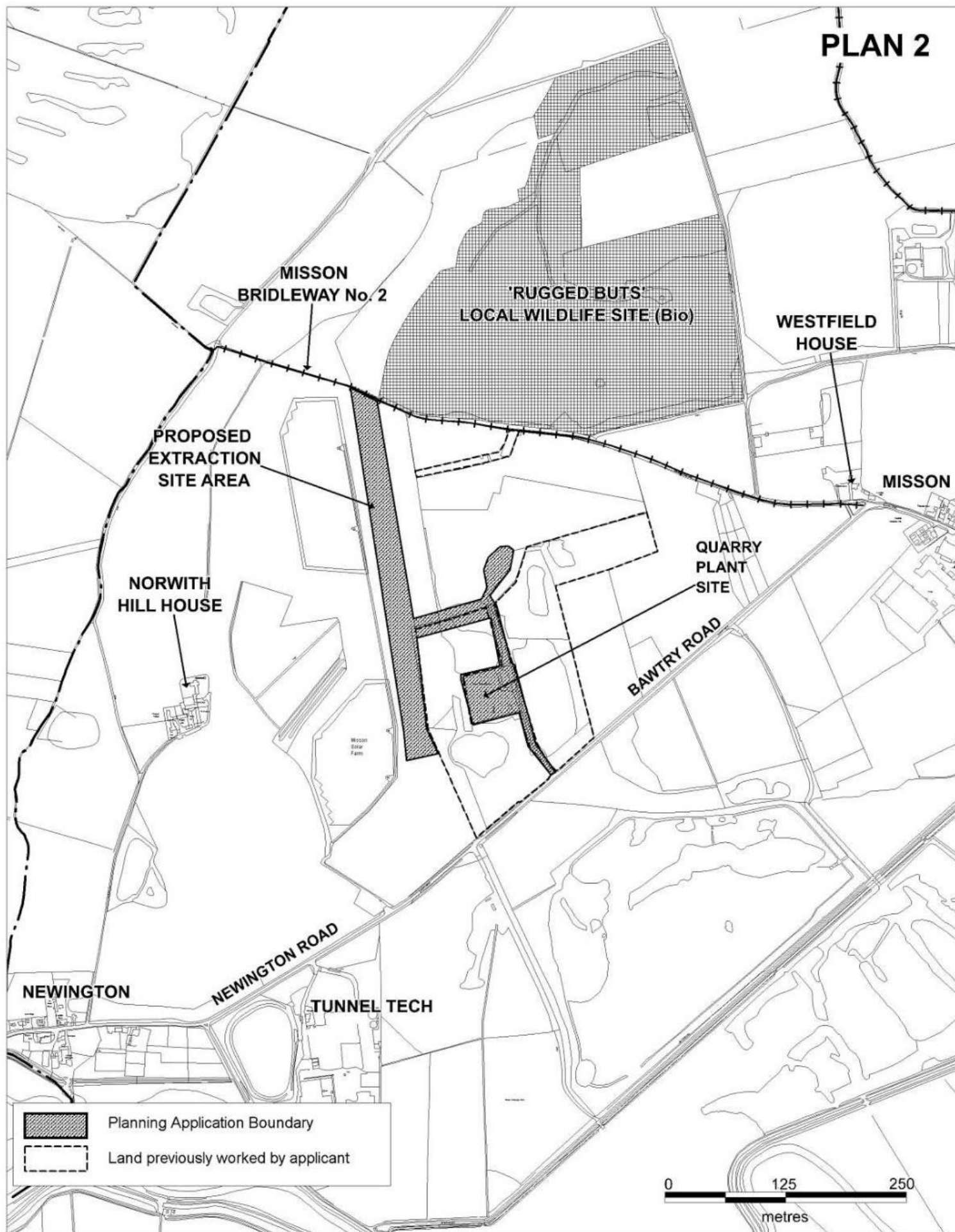
Proposed western extension to existing Misson Grey Sand Quarry
incorporating modifications to previously approved restoration schemes
Misson Sand and Gravel, Bawtry Road, Misson, Nottinghamshire.
Application No. 1/22/00864/CDM and 1/32/11/00020

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Date: APRIL 2023



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County Council**

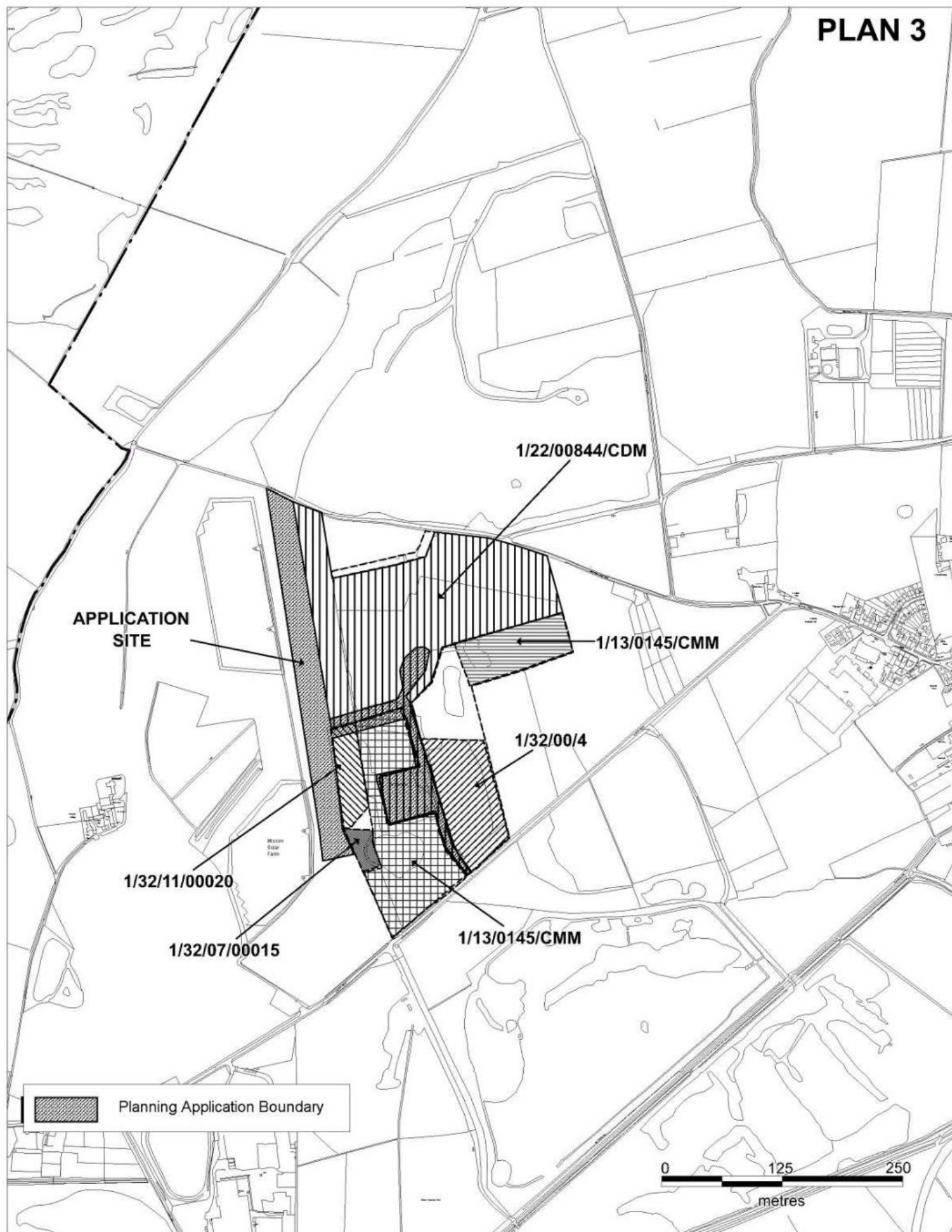
Proposed western extension to existing Misson Grey Sand Quarry
incorporating modifications to previously approved restoration schemes
Misson Sand and Gravel, Bawtry Road, Misson, Nottinghamshire.
Application No. 16/0150/15/240DM and 1/32/11/00020

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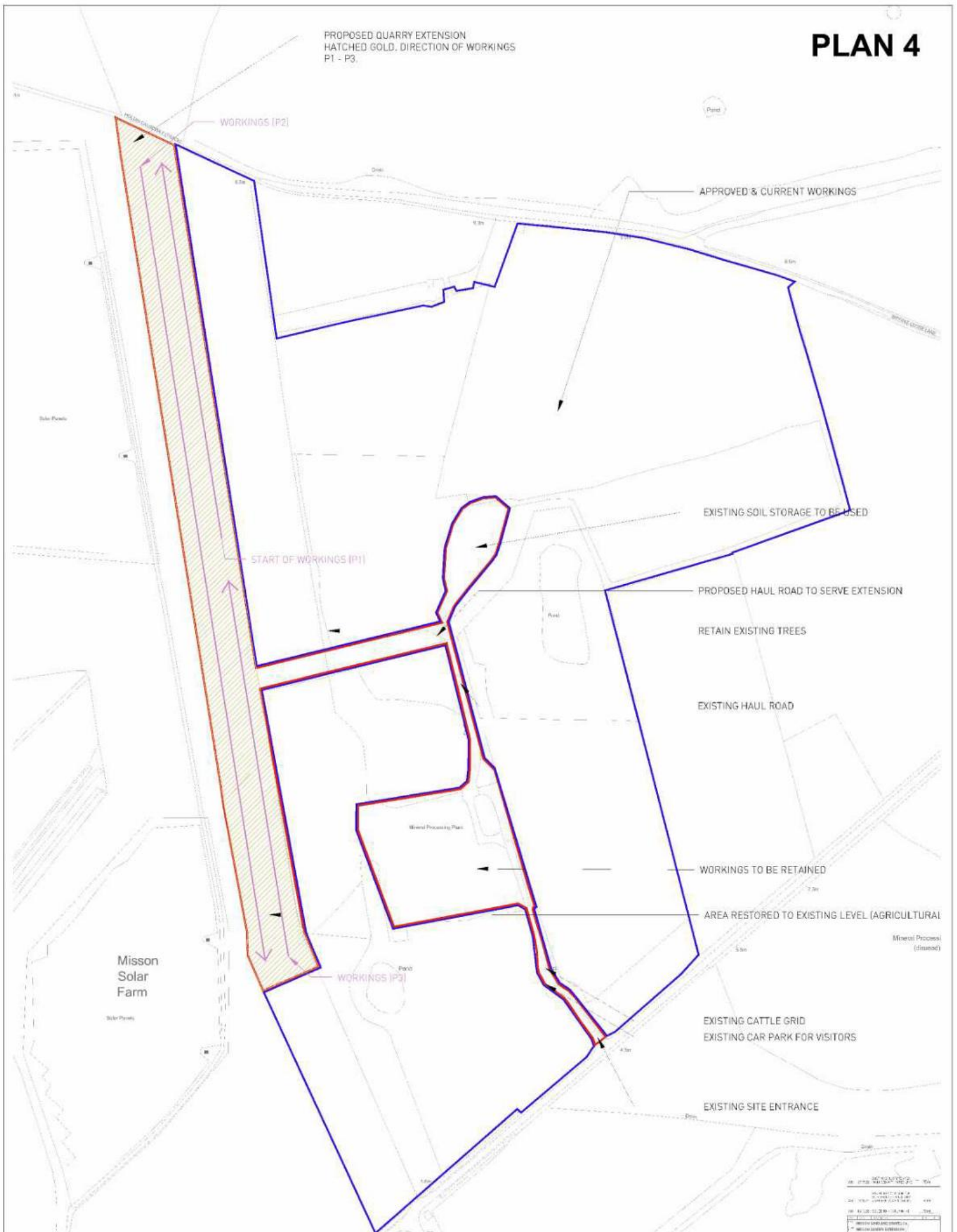


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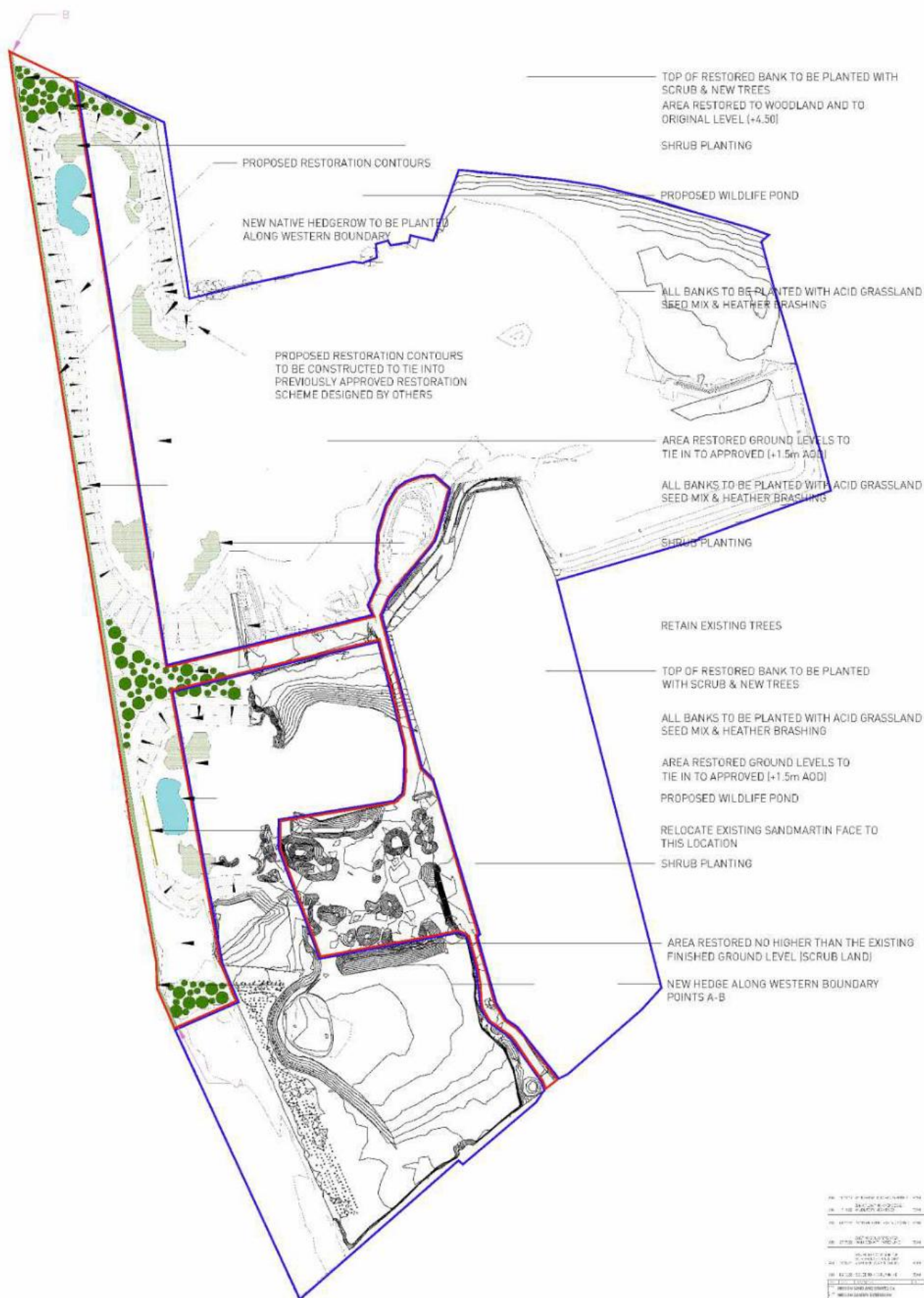


PROPOSED QUARRY EXTENSION
HATCHED GOLD. DIRECTION OF WORKINGS
P1 - P3.

PLAN 4



PLAN 5



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REPORT OF THE INTERIM CORPORATE DIRECTOR FOR PLACE**RESPONSE TO THE DEPARTMENT FOR LEVELLING UP, HOUSING AND COMMUNITIES
ON THE TECHNICAL CONSULTATION ON INCREASING PLANNING FEES AND
PERFORMANCE****Purpose of Report**

1. To seek Members approval for the Council's proposed response to the Department for Levelling Up, Housing and Communities (DLUHC) on the technical consultation paper entitled "Stronger performance of local planning authorities supported through an increase in planning fees".

Background

2. The consultation, which was published on 28 February 2023, seeks views on the proposals to increase planning application fees and to improve capacity, capability, and performance within local planning authorities. The consultation closes on 25 April 2023. This report summarises the main proposals set out in the consultation and the proposed response is set out in Appendix A to this report.

Information and AdviceProposed changes to planning application fees

3. Planning application fees provide local planning authorities with an income that contributes to their costs of providing a planning service. However, most fees do not cover the costs to the local planning authority of processing the application. Planning fees are set nationally and were last increased in 2018 (and prior to that in 2012). The proposal set out in the consultation paper is to increase fees for major applications (which includes minerals and waste applications) by 35%, and planning fees for all other applications by 25%. The objective behind this is to ensure that the planning system is funded by the main beneficiaries of planning gain – developers and landowners – rather than the taxpayer. The consultation states that for all planning applications the proposed increased fee levels represent a small proportion, less than 1%, of overall development costs.
4. The consultation paper also proposes to introduce an annual adjustment of planning fees in line with inflation, so that they maintain their value year on year. This will be brought in following the introduction of new legislation when

Parliamentary time allows. Additionally, to discourage unauthorised development, the doubling of planning fees for retrospective applications is proposed.

5. Subject to the outcome of this consultation and Parliamentary approval, the proposed fee increase will come into effect in summer 2023. Fee levels will then be reviewed within three years to allow an assessment of the effectiveness and impact of the fees increase to be undertaken, and to ensure that a reliable and up-to-date evidence base for costs of the planning system is available that also considers the outcome of planning reform measures including greater digitisation of the planning system.
6. The consultation also states the intention to introduce a new fee structure for the variation of planning permissions to take account of the proposed new route to make minor variations to permissions in the Levelling Up and Regeneration Bill once the provisions come into force. A separate consultation on this detail will be made following the passage of the Bill.
7. The consultation also refers to the ability that local planning authorities have to charge for bespoke or additional services, so long as these charges do not exceed the cost of providing the service. Such services include pre-application advice and Planning Performance Agreements (which the Council already provides), and 'fast track' planning application services. These services are encouraged where it adds value and speed to the overall process and the experience of the applicant. The consultation welcomes the ability to retain the flexibility that local planning authorities have to set their own fees for these services. The Government want local planning authorities to be more transparent in the discretionary fees that they charge and the service that applicants can expect in return and are interested in expanding options around planning fees if these would facilitate a more expedited service.
8. To ensure that the proposed additional fee income directly supports increased resourcing of local authority planning departments, it is sometimes suggested that planning fees should be ring-fenced to planning services only. This would enable direct improvements in service delivery but does undermine the general flexibility afforded to local authorities on their wider financial management. The consultation seeks views on whether the additional income arising from the proposed fee increase should be ringfenced for spending within the local authority planning department. Past increases have required a written commitment from all local planning authorities in advance of implementation. Members should note that planning fees are ring-fenced to the planning services at Nottinghamshire, and it is anticipated that the same would apply to any increase in fee levels.
9. When development is undertaken either deliberately or inadvertently without first obtaining planning permission, applicants are able to submit a retrospective planning application. Currently, the fee for such an application is the same as it would have been if the application had been submitted before the development had taken place. However, local planning authorities may incur additional costs in respect of these types of application. This is because local planning authorities may have started down the route of investigating the

suspected breach of planning control and considering the need for enforcement action.

10. Where a local planning authority serves an enforcement notice in respect of unauthorised development a fee is charged if the notice is subsequently appealed on the ground that planning permission ought to be granted (known as a ground a) appeal). The fee is currently double that which would apply for a corresponding planning application. The consultation proposes to double the fee payable for **all** retrospective applications. This should discourage unauthorised development and would reflect the additional work carried out by local planning authorities.
11. Currently, where applicants reapply within 12 months of submitting an application, subject to certain conditions, they can do so without paying a fee. In some cases, the existence of the 'free go' is a useful quality driver as there is a greater incentive for the applicant to act on the authority's advice and resubmit an improved application. However, there remain instances where a "free go" is used as a substitute for pre-application discussions, as a first attempt to get an application through with limited information or as an attempt to test lower quality or larger proposals. This is a growing cost burden for local planning authorities who still incur costs for processing revised applications but receive no fee.
12. In order to encourage applicants to engage in pre-application discussions and support the submission of high-quality applications first time round, consideration is given to whether there would be any scope for increasing cost-recovery in this area by a partial or full removal of the 'free go' for repeat applications. This would have to carefully balance the costs and benefits of the 'free go' to applicants and local planning authorities as well as consider any potential adverse consequences, for example an increase in the number of applications that might go to appeal. The consultation considers a number of options including charging the full fee for all applications, regardless of when they are submitted, or charging a reduced fee for re-applications within 12 months.

Local Planning Authority performance

13. The proposals to increase planning fees will help local planning authorities to meet their costs and provide a better service for applicants. However, many bodies representing the planning profession have stated that increasing fees will not be enough to address the capacity and capability challenges faced by local planning authorities. Recent surveys undertaken with the planning profession have confirmed that there are significant challenges in recruiting and retaining planning professionals and other technical experts with the right skills and experience, most acutely at senior and principal planner level.
14. The consultation also states the need to consider how to create a more diverse and inclusive planning profession. The consultation seeks views and experience of the specific challenges in recruiting and retaining planning professionals with the right skills and experience and the best ways in which Government, working with professional bodies, can boost the capacity and capability of local planning authorities.

15. Increasing planning fees will bring additional resources to planning services and should bring with it continued improvements to the performance of local planning authorities. The consultation also includes proposals to amend the existing metrics that measure performance of local planning authorities for speed and quality of decision-making so that local planning authorities are primarily held to account for the number of applications that are determined within the statutory determination periods rather than through an extension of time agreement. Subject to the responses received to this consultation, further consideration will be given to the specific performance thresholds for each metric, appropriate assessment periods, the process for data collection and transitional arrangements from the current performance regime. Further consultation will be undertaken on these details.
16. Specific proposals include tightening the Planning Guarantee, which allows for an applicant to secure a refund of the planning fee where a planning decision has not been made within 26 weeks of submitting a valid application if an extension of time has not been agreed with an applicant. It is proposed that, where the statutory determination period is 8 weeks, the Planning Guarantee should be set at 16 weeks and where the statutory determination period is 13 weeks (or 16 weeks for Environmental Impact Assessment developments) the Planning Guarantee should be retained at 26 weeks.
17. The consultation acknowledges that extension of time agreements and Planning Performance Agreements can serve a valid purpose to support constructive negotiations between the local planning authority and an applicant. However, they are also sometimes used in a way that masks poor performance by a local planning authority. It is proposed that the performance of a local planning authority for speed of decision making should be primarily assessed on the percentage of applications that are determined within the statutory determination period, not an agreed extended period of time. It is proposed that the performance of local planning authorities for speed of decision-making should be assessed separately for the following application types: Major applications, non-Major applications, Householder applications, Discharge of conditions, and County matters applications.
18. When considering a local planning authority's performance, the consultation states that it would be better to base the assessment on a wider range of metrics beyond just the speed and quality of decision-making. This would provide a more comprehensive and balanced picture of the planning service being provided. Views are sought on the proposed quantitative metrics that could be used in a broader performance framework as follows.
 - Average speed of decision- making,
 - Quality of decision- making,
 - Extensions of time,
 - Backlog,
 - Planning enforcement,

- Planning committee decisions.
19. In order to provide a more holistic picture of a local planning authority's performance, proposals being considered are whether to include a qualitative measure as part of any new planning performance framework through a 'customer experience' metric. This could allow for satisfaction of recent users of an authority's planning service to be captured. A 'customer experience' measure could be based on a standardised customer satisfaction survey which focuses on the overall quality and timeliness of both the pre-application service and the decision-making service. It could also be used as a measure for community engagement, including the volume and diversity of people who participate in the planning application process.

The next stage

20. Proposed responses to the questions as contained within the consultation paper are set out in the Appendix to this report and officers would be grateful for any Member input into those responses.
21. The period for responses to this technical consultation paper ends on 25 April 2023. It is expected that the DLUHC will review the responses and advise on the results and any changes to be adopted by local planning authorities as a consequence. The new fee levels are expected to come into effect in summer 2023. Members will be kept informed of any significant changes to the Council's planning processes as a consequence of this consultation.

Other Options Considered

22. The Council could choose not to respond to this consultation but would so miss the opportunity of raising specific issues affecting it as the minerals, waste and county planning authority, so this option is discounted.

Statutory and Policy Implications

23. 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.

Finance Implications

24. The implementation of the proposed planning application fee increases would result in additional fee income being received by the Council. This would help support the authority's planning function, for which existing fee income does not cover costs.

Public Sector Equality Duty Implications

25. Planning application fees are waived for a disabled person who is living or intending to live in a dwelling and who wishes to undertake certain types of development such as creating an access; and/or providing for their improved safety, health, or comfort. Similarly, there is no fee paid for applications seeking to provide a means of access for disabled persons to or within a building to which members of the public are admitted.
26. There is no reference in the consultation as to whether changes are proposed to these exemptions, but it is considered appropriate to keep them in place.

Implications for Service Users

27. In terms of service users, i.e., applicants, agents, consultees, and all other parties involved in the planning application process, the Council is continuously reviewing and adapting its working practices in order to provide a planning service that meets the Government's priorities whilst at the same time provides a fair and professional development management service.

Human Rights Implications

28. 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

29. It is RECOMMENDED that the Committee considers the Council's response to be sent to the Department for Levelling Up, Housing and Communities, as set out in Appendix A to this report, on the technical consultation paper entitled "Stronger performance of local planning authorities supported through an increase in planning fees" and, subject to any amendments agreed by the Committee, that the submission of the response prior to the closing date of 25 April 2023 is approved.

Derek Higton

Interim Corporate Director – Place

Constitutional Comments (JL 04/04/23)

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

Financial Comments (SES 28/03/2023)

31. The financial implications are set out in paragraph 24 of the report.
32. The implementation of the proposed planning application fee increases would result in additional fee income being received by the County Council. This would help support the authority's planning function, for which existing fee income does not cover costs.

Background Papers Available for Inspection

Stronger performance of local planning authorities supported through an increase in planning fees: www.gov.uk/government/consultations/increasing-planning-fees-and-performance-technical-consultation

Electoral Divisions and Members Affected

All

Jane Marsden-Dale
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For any enquiries about this report, please contact the report author.

Appendix A

Proposed response to the questions set out in the consultation paper “Stronger performance of local planning authorities supported through an increase in planning fees”

Question 1. Do you agree that fees for planning applications should be increased by 35% for major applications?

Nottinghamshire County Council welcomes the proposed 25% and 35% increase in planning fees. Fees have not increased since 2018 and therefore this uplift is considered to be timely. We are also supportive that this measure is to be brought in swiftly, i.e., this summer. It is welcomed that the increases will go some way to closing the deficit gap between fee income and processing cost so that developers (particularly of major developments) mostly pay for the system, not taxpayers. Additionally, as a minerals and waste planning authority we are required to advertise the majority of our applications (including all minerals and waste applications due to them all being classed as major development) in local newspapers. For many applications, such as Section 73 applications, there is a significant mismatch between the fee received and the cost of processing the application which has an impact on our resources.

We would like to seek clarity that all minerals and waste development will be classed as “major development” (as set out in the Development Management Procedure Order) and that these types of development, no matter what scale, would receive the 35% uplift. However, it is recognised that if the 35% uplift applies to major applications, including all minerals and waste, then this will impact even the smallest proposals e.g., new buildings, kiosks, or site infrastructure, albeit that these applications only attract relatively small fees so the uplift would be minimal.

We would also like clarification as to whether other applications such as non-material amendments, Lawful Development Certificates, discharge of conditions, change of use of the land will be increased as there is no specific reference to these in the consultation paper.

Question 2. Do you agree that the fee for householder planning applications should be increased by 25%?

No comments as the County Council do not deal with householder applications.

Question 3. Do you agree that fees for all other planning applications should be increased by 25%? If not, please include in the comments box the particular application types where you believe the proposed increase is too high or too low. Your comments should be accompanied with evidence/costs if possible.

Fees for s73 variation applications are too low and a 25% increase on the current fee level would be inadequate. See further comments in response to question 4 below.

Question 4. Are there any other application types or planning services which are

not currently charged for but should require a fee or for which the current fee level or structure is inadequate?

No current fee:

Review of Old Minerals Permissions (ROMPS) do not incur any fee at all. This is a historic anomaly due to this falling separately under the Environment Act 1995. The work involves technical environmental assessment (often EIA) and consultation and the finalising of new planning conditions. Effectively the level of work is similar to assessing a full planning application and the fees for such reviews should be reflective of this.

Inadequate fees:

s73 variations - the consultation states a new fee structure is being considered for the variation of planning permissions, including for the new power coming through the Levelling up and Regeneration Bill and that this will be subject to a future consultation. This is welcomed but this could result in delays with no guarantee it will happen.

As a minerals and waste planning authority overseeing many large scale and long-term developments such as quarries, we deal with a significant number of s73 applications seeking changes to conditions including physical changes, changes to restrictive conditions, time limits for completion etc. The scope of these applications can vary, and some can be complicated and time consuming (including time/life extensions) and some can also be EIA development.

Some sites will have had their original permission granted years ago and since then there may have been a chain of multiple s73 permissions. As well as dealing with the changes being proposed there is then a need to review and update the planning conditions which can be a significant task in its own right.

We do look forward to the future consultation on this and perhaps we can suggest that the fee for s73s is again split into major development and minor/other development categories. Further clarity is also needed on the new s73B.

Monitoring fees - were included in the last 2018 increase in fees where fees were all raised by 20% across the board. We note that there is no express mention for monitoring fees for mining and landfill sites in the consultation. We would like to see monitoring fees included in the current proposed uplift.

Also, the limitations to just mining and landfill sites is now outdated, too narrow and so does not cover monitoring visits for the whole range of waste management sites we now have to deal with although landscaping/restoration tends to be minerals and landfill led and the Environment Agency is the main regulator for waste.

Fee for discharging conditions - The ability to group a number of submissions and submit them with a single £116 fee makes no sense with regards to the work required to discharge each condition. There should be a separate fee for each condition, irrespective of when it is submitted for discharge.

Alternatively, we would like to see the 25% uplift and then perhaps a limit of the number of conditions or a limit on the different topics being discharged in one submission. The submission of a group of conditions on the same topic is efficient for us in discharging/processing them, in terms of consultations we undertake etc.

Question 5. Please can you provide examples of bespoke or ‘fast track’ services which have worked well, or you think could be introduced for an additional fee? Are there any schemes that have been particularly effective?

As some public sector infrastructure applications now have to be determined within 10 weeks, such as new schools, a higher fee for such applications may be appropriate. However, for Regulation 3 applications this may have wider financial implications for the County Council budget.

Question 6. Do you agree with the proposal for all planning fees to be adjusted annually in line with inflation?

Yes, because of the longer-term stability that this would provide rather than having ad hoc reviews every few years, the last one being five years ago. We would prefer to see any inflationary increase taking place at the start of each new financial year (along with the provision of an updated schedule of fees).

We are concerned that the consultation paper mentions that any inflationary increase would require new legislation and therefore the need for parliamentary time and does not form part of the immediate package coming in to affect this summer. A lack of parliamentary time could well mean this is not legislated for.

Question 7. Do you consider that the additional income arising from the proposed fee increase should be ringfenced for spending within the local authority planning department?

Yes. Planning application fees sit in the County Council’s Development Management Team’s budget (so effectively the fees are already ringfenced) and it makes sense for this to remain the case.

Question 8. Do you agree that the fee for retrospective applications should be doubled, i.e., increased by 100%, for all applications except for householder applications?

Yes, retrospective applications are not viewed favourably by many members of the public and elected Members. Our elected members have raised concerns about retrospective applications for some time. The Chair of Planning and Rights of Way Committee wrote to our Leader of the Council (also the Member of Parliament for Mansfield) who raised this matter at parliamentary level. This measure would be welcomed if the threat of a doubling of fees leads to less of these applications being submitted, with them instead being made before the development commenced.

This measure may also help to financially compensate for any enforcement work undertaken to investigate unauthorised development.

Question 9. Do you consider that the ability for a ‘free-go’ for repeat applications should be:

- (a) removed**
- (b) reduced for re-applications within 12 months**
- (c) retained**
- (d) none of the above**
- (e) don’t know**

Please give your reasons.

Removed or reduced. If the level of fees for applications are considered to be appropriate with regards to the size of the fee in relation to the scale of the development, then it does not make sense for applications to be resubmitted without any fee given the work involved for the LPA. Repeat applications still require to be advertised and processed in the normal way.

One possible suggestion is that a full fee should be required for the resubmission of a refused or withdrawn application, with a reduced fee (such as 50%) for resubmitted applications that have been granted. The same timeframe (12 months) to apply.

Question 10. Do you agree that a fee of £96 (or £120 if the proposed fee increase comes forward) should be charged for any prior approval application for development by the Crown on a closed defence site?

No comments.

Question 11. What do you consider to be the greatest skills and expertise gaps within local planning authorities?

Minerals and waste planners are particularly difficult to recruit. The Planning Officers Society is presently doing some work on this issue as most university planning courses having no minerals and waste planning content.

Also, the imminent requirements of the Environment Act regarding Biodiversity Net Gain and Local Nature Recovery Strategies is likely to highlight a lack of ecological expertise available to LPAs.

Question 12. In addition to increasing planning fees, in what other ways could the Government support greater capacity and capability within local planning departments and pathways into the profession?

Maybe more could be done at Government level to support and promote the importance of the role of the planning system in terms of meeting the nation’s economic, social, and environmental objectives. This may help with recruitment and retention of professional planners.

Question 13. How do you suggest we encourage people from under-represented groups, including women and ethnic minority groups, to become planning professionals?

As above, raising the profile of planning as a profession and undertake appropriate marketing of university courses and planning jobs.

Question 14. Do you agree that the Planning Guarantee should better mirror the statutory determination period for a planning application and be set at 16 weeks for non-major applications and retained at 26 weeks for major applications?

We have no issues with the current system and therefore consider that there is no need for any change.

Question 15. Do you agree that the performance of local planning authorities for speed of decision-making should be assessed on the percentage of applications that are determined within the statutory determination period i.e. excluding extension of times and Planning Performance Agreements?

No. Additional time over and above the statutory timeframes is often essential to deliver planning permissions which are of high quality and robust. So long as developers are agreeable to the time extension, then applications which require extensions should not be penalised in terms of Government performance. Certainly, from Nottinghamshire County Council's point of view, there is no suggestion that the use of time extensions is frustrating the delivery of new development.

Question 16. Do you agree that performance should be assessed separately for

(a) Major applications - Yes / no / don't know

(b) Non-Major applications (excluding householder applications) - Yes / no / don't know

(c) Householder applications - Yes / no / don't know

(d) Discharge of conditions - Yes / no / don't know

(e) County matters applications - Yes / no / don't know.

No major objections to this and perhaps some separate recognition is needed for the category of EIA proposals due to the specific legal requirements around them. It would be useful if the Government could once again make these statistics more easily available, as was the case up to around 2019.

Question 17. Do you consider that any of the proposed quantitative metrics should not be included?

We would not wish to see the introduction of quantitative metrics such as reliance on time extensions, committee versus delegated decisions being used to define the authority as underperforming. There are always reasons why these take place including the receipt of poor-quality applications with insufficient information, and the Council's scheme of delegation.

From an administrative viewpoint this may require a significant increase in work in reporting these aspects through the CPS1 and 2 returns. Problems could arise obtaining the relevant data, e.g., measuring the average time taken from receipt of applications to validation etc.

Question 18. Are there any quantitative metrics that have not been included that should be?

No comments.

Question 19. Do you support the introduction of a qualitative metric that measures customer experience?

Some authorities already do this, and this measurement was regularly used as part of the Best Value Performance Indicators undertaken in the past. However, we found that results about satisfaction levels often depended on the outcome of the planning application, i.e., those in receipt of a refusal were usually the least satisfied.

Introducing this is likely to create more work for already busy and under resourced planning teams. Further clarification is needed on the definition of “customer”. We have taken this to include applicants, agents, consultees etc but we would welcome further clarification on the definition of “customer”.

Clarity also needed as to whether this would involve sending a customer feedback form with every decision. We would have no control over whether they responded unless legislated for.

Question 20. What do you consider would be the best metric(s) for measuring customer experience?

Again, it depends on who the ‘customer’ is.

Question 21. Are there any other ways in which the performance of local planning authorities or level of community engagement could be improved?

More resources to local planning authorities through increased planning fees for instance.

Question 22. Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?

No comments

18 April 2023**Agenda Item 8**

REPORT OF THE CORPORATE DIRECTOR FOR PLACE DEVELOPMENT MANAGEMENT PROGRESS REPORT

Purpose of the Report

1. To detail the applications likely to come before the Committee in the coming months.

Information

2. **Appendix A** sets out the Committee's work programme for forthcoming meetings and members are asked to give consideration to the need for any site visits that would be beneficial on any application scheduled to be reported to Committee in the near future. The usual details of applications received and determined since the last Committee meeting is not available currently, so the information covering two cycles will be reported to the Committee when it meets next on 6 June 2023.

Other Options Considered

3. To not produce a work programme for the Committee: this option is discounted as the work programme is important in keeping members fully informed on Planning matters, particularly where a site visit for an upcoming application may be beneficial in advance of the Committee meeting where it will be considered.

Reasons for Recommendations

4. To keep members informed of Planning activity and to assist the Committee in carrying out its responsibilities and preparation its future work effectively.

Statutory and Policy Implications

5. 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.

RECOMMENDATIONS

- 1) That the Committee reviews the Development Management Progress Report and considers whether any further actions are required, including the arrangement of any site visits.

Derek Higton
Interim Corporate Director for Place

For any enquiries about this report, please contact:

Rebecca Kirkland, Planning Support Officer
development.management@nottsc.gov.uk

Constitutional Comments (JL 05/04/2023)

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

Financial Comments (KRP 05/04/2023)

7. There are no specific financial implications arising directly from 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 Divisions and Members Affected

- All.

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

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

Target Committee	Planning App No.	Location	Development	Current Progress
6 th June 2023	3/22/01790/CMA	Ness Farm and Cromwell Quarry, The Great North Road, Cromwell, Nottinghamshire, NG23 6JE	Proposed southern extension to the quarry for the extraction of approximately 550,000 tonnes of sand and gravel with restoration to agriculture and nature conservation	The applicant has modified and re-calculated their Biodiversity Net Gain calculation and is currently reviewing/re-appraising their flood risk assessment with a view to a revised submission to address issues raised by the Environment Agency regarding the original submission. Once this information is formally lodged the planning authority will need to carry out further consultations under EIA Reg. 25 prior to reporting to committee.
6 th June 2023	3/22/01788/CMA	Cromwell Quarry, The Great North Road, Cromwell, Nottinghamshire, NG23 6JE	To allow for amendments to the working scheme and restoration plan, to facilitate working a southern extension at Ness Farm	This planning decision is linked to the timetable for the determination of Planning Application 3/22.01790/CMA.
6 th June 2023	3/22/01787/CMA	Cromwell Quarry, The Great North Road, Cromwell, Nottinghamshire, NG23 6JE	To allow an update to the method of working plans and the retention and use of the plant site, access, haul road and silt lagoons in order to work a proposed extension at Ness Farm	This planning decision is linked to the timetable for the determination of Planning Application 3/22.01790/CMA.
6 th June 2023	4/V/2022/0643	Parts Emporium Ltd, Sidings Road, Kirkby in Ashfield, Nottinghamshire, NG17 7JZ	Part retrospective change of use of land and buildings for the acceptance, storage and treatment of end-of-life vehicles including ancillary storage of salvaged parts Page 125 of 128	Further mitigation measures have been requested regarding ground remediation following re-consultation. Following re-consultation further noise survey work has been requested to address concerns that the noise impact assessment does not provide a representative assessment of the noise impacts associated

				with operations.
6 th June 2023	FR3/4513	Land off Gatekeeper Way, Gateford, Worksop, Nottinghamshire	Construction of new 315 (1.5FE) place primary school with 26 place nursery	Planning Application recently received and currently out for consultation
6 th June 2023	7/2022/0752NCC	Calverton (Burntstump) Quarry, Ollerton Road, Arnold, NG5 8PR	Variation of conditions 7, 8 and 50 of permission 7/2005/0263 so to extend the time to work the remaining mineral reserves until 7 Jan 2042 with restoration by 7 Jan 2043	There have been further delays in receiving details of the revised site restoration and related information.
6 th June 2023	7/2022/0751NCC	Calverton (Burntstump) Quarry, Ollerton Road, Arnold, NG5 8PR	Variation of condition 2 of permission 7/2003/1323 to retain the weighbridge, associated buildings and soil mound for the proposed duration of mineral extraction operations to 7 Jan 2042	The determination of this planning application is linked to 7/2022/0752/NCC (above) and will be determined at the same planning committee.

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

Planning Application: 3/23/00239/CMW
 Location: The Yard, Great North Road, Newark On Trent, Nottinghamshire, NG24 1DP
 Proposal: Reconfiguration and extension of existing recycling yard including raising ground levels, new/extended buildings, weighbridge, external walls and new access
 Current Progress: Objection received from Environment Agency on flood risk grounds. Queries arising on highways, contamination and heritage issues. All matters still under consideration.

Planning Application: 3/19/00100/CMM
 Location: Cromwell North Quarry, Land Between Carlton on Trent and Cromwell, Newark
 Proposal: Proposed extraction of 1.8 million tonnes of sand and gravel together with the erection of mineral processing plant and associated ancillary infrastructure. the provision of a new access, and the progressive restoration of the site to nature conservation over a period of 9 years
 Current Progress: A request for the submission of supplementary environmental information was made under Reg. 25 of the EIA Regs in May 2019. This request for information covered air quality, transport, access, quarry dewatering, floodlighting,

landscaping, ecology, noise, protection of River Trent, contaminated land and archaeology. The planning application raises key planning issues in respect of need and mineral supply within Nottingham. The applicant initially delayed their response to the Reg 25 request to allow decisions to be made regarding site allocations as part of the review/examination of the Replacement Minerals Local Plan. The Cromwell North site has not been allocated as part of this process. Officers have recently met with the applicant who has confirmed that they are now in the process of compiling the additional information that has been requested with a view to submitting this information over the next couple of months and progressing the planning application for determination.

Planning Application:	3/20/01244/FULR3N
Location:	British Sugar Corporation Ltd Sports Ground, Great North Road, Newark On Trent, NG24 1DL
Proposal:	Change of use from former sports field to land to be used for conditioning (drying by windrowing) of topsoil material recovered from sugar beet delivered and excavated from soil settlement lagoons onsite, and engineering works to construct an internal access route to serve the soil conditioning area and excavate a flood storage compensation area.
Current Progress:	A supplementary flood risk assessment has been requested from the applicant. British Sugar are currently considering the scope of information required to provide their flood risk response.
Planning Application:	3/22/00059/CMM
Location:	Land south of Church Street, Southwell, Nottinghamshire, NG25 0HG
Proposal:	Flood alleviation works including construction of an earth bund, flow control structure, and related ground works, landscape planting, boundary works including fencing, and ancillary operations.
Current Progress:	Revisions to scheme have been made and the applicant is currently preparing a revised flood risk assessment to consider the flood impacts of this revised scheme.
Planning Application:	ES/4518
Location:	Former ash disposal lagoons south of Lound, Retford. DN22 8SG
Proposal:	The extraction, processing and export of pulverised fuel ash from former ash disposal lagoons and their progressive restoration, and associated development including earthworks, dewatering and soil storage, ponds and excavations, hard and soft surfacing and landscaping and boundary treatment, buildings and structures, plant, conveyors, utility connections, roadways, parking, drainage, and ancillary development.
Current Progress:	Consultations have recently been sent out in connection with the planning application.

