

Planning and Licensing Committee

Tuesday, 21 January 2020 at 10:30

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

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|---|--|-----------|
| 1 | Minutes of the last Meeting 10 December 2019 | 3 - 14 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Declarations of lobbying | |
| 5 | Change of Use of Buildings from Waste Transfer Station to Plastic Recycling, Colwick Business Park | 15 - 48 |
| 6 | Construction of Two Highway Junctions to Allow Access to Development Site at Top Wighay Farm, Hucknall | 49 - 76 |
| 7 | Habitat Enhancement and Provision of Open Space through Sustainable Use of Material from the Construction of the GAR | 77 - 122 |
| 8 | Adoption of the County Council's Local Requirements for the Validation of Planning Applications | 123 - 152 |
| 9 | Development Management Progress Report | 153 - 170 |

Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

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

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Peter Barker (Tel. 0115 977 4416) or a colleague in Democratic Services prior to the meeting.

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

Meeting PLANNING AND LICENSING COMMITTEE

Date Tuesday 10 December 2019 (commencing at 10.30am)

Membership

Persons absent are marked with 'A'

COUNCILLORS

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

Pauline Allan	Rachel Madden - A
Richard Butler	John Ogle
Kevin Greaves	Tracey Taylor
Tony Harper	Keith Walker
Paul Henshaw	Andy Wetton
John Longdon	

OTHER COUNTY COUNCILLORS IN ATTENDANCE

Roger Jackson

OFFICERS IN ATTENDANCE

Pete Barker – Chief Executive's Department
Rachel Clack – Chief Executive's Department
Sally Gill – Place Department
Ruth Kinsey – Place Department
Neil Lewis – Place Department
Stephanie Lock – Place Department
David Marsh – Place Department
Joel Marshall – Place Department
Jason Mordan – Place Department
Jonathan Smith – Place Department
Clive Wood – Place Department

ALSO IN ATTENDANCE

Assad Raoof – Arc Partnership
Joseph Starkey – Arc Partnership

1. MINUTES OF LAST MEETING HELD ON 3rd September 2019

The minutes of the meeting held on 3 September 2019, having been circulated to all Members, were taken as read and were confirmed and signed by the Chair.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Madden (illness).

Councillor Butler replaced Councillor Brown, Councillor Greaves replaced Councillor Fielding and Councillor Ogle replaced Councillor Neil Clarke, all for this meeting only.

3. DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

Councillor Ogle declared an interest in Item 7, Erection of Hall, Kitchen and Classroom at East Markham Primary School, as he was the local member and wished to speak. Councillor Ogle undertook to take no part in the debate or to vote on the item.

4. DECLARATIONS OF LOBBYING OF MEMBERS

Councillor Barnfather referred to an email received by himself and other members of the Committee from a parents' group regarding Item 7, Erection of Hall, Kitchen and Classroom at East Markham Primary School.

This declaration did not preclude members of the Committee from speaking or voting on that item.

5. CONSIDERATION OF AN APPLICATION TO DIVERT A PUBLIC FOOTPATH IN THE PARISH OF SOUTHWELL

A plan was circulated to members before this item was discussed indicating the points from which the photos in the presentation were taken.

Mr Lewis introduced the report which concerned a request from the landowner to divert part of Southwell Footpath No. 69 in order to allow him to better manage his land, reduce any health and safety issues and increase the security of his property by diverting the footpath away from the boundary of his garden.

Following the introductory remarks of Mr Lewis, Mr Kevin Heath, the landowner, was given the opportunity to speak and a **summary** of that speech is set out below:

- My wife and I moved into our new home in Southwell with our two young boys 18 months ago.
- The previous owners had lived there for over 40 years and were very elderly when they passed away.
- The public footpath had not been a concern for them as they had no young children and were unable to make the best use of the garden.

- I am here today out of concern for the safety and security of my family.
- We have three main concerns with the existing footpath which can be within 20-35 metres of the house:
 - The path at ground level and the proximity of it to the both the rear house windows and garden means that the children can be seen and faces recognised both inside and outside the house (20/20 vision means that facial recognition does not blur until a distance in excess of 50 metres)
 - The open plan conservation area means that there are currently no defined boundaries (and cannot be above 1m) and so animals and people regularly stray into the garden and this is unsafe for the family and unsecure for the property.
 - The noise levels from the public due to the path proximity interferes with our peace, comfort and convenience.
- Clearly, we knew the footpath was a concern when purchasing the house but had been advised that diversions were possible. As my wife and I work in retailing and brand management, we have no experience in planning and so spent much of 2018, under the guidance of NCC Officer Angus Trundle, consulting with the local community, relevant bodies and the County and Parish councils.
- Having found what was felt by all parties to be a compromise for a proposed diversion that would firstly, ensure the safety and security of my family and home, and, secondly, be no less convenient, enjoyable and be the same length and an open area for the public, I formally applied to the County Council for the tabled diversion.
- I would like to highlight a few of the specific written consultation approvals to this proposal:
 - Alan Wilson – Nottingham Footpath Preservation Society
 - James McGill – Nottingham Area Ramblers
 - Councillor Scorer – Southwell Town Planning Chair
 - Councillor Roger Jackson – Nottinghamshire County Council
- The diversion proposed is an adjustment to the curve of the footpath and so moves the path a further 15 metres away from the house while remaining in open space and being no less enjoyable or convenient.
- There is no impact on grassland, trees or wildlife (as confirmed by the NCC Conservationist) as the proposed path crosses the same adjacent grassland and passes through the same trees.

- Thank you again for your time this morning and I trust you can see that I am trying to find the appropriate balance for our family home and have consulted with all parties to ensure the public can still enjoy this public right of way.

There were no questions.

Councillor Roger Jackson, the local County Council member, was then given the opportunity to speak and a **summary** of that speech is set out below:

- Mr Heath has set out the issues very well.
- Footpath 69 is just a short cut across the garden and leads to Gallows Hill, so perhaps in the past was the route for the hangman!
- There is an argument that Footpath 69 is not required at all, but Mr Heath is only seeking a diversion for the privacy and safety of his family.
- The diversion will have no detrimental effect on the area, and officers have advised that the former route will regenerate quickly once abandoned so that in time no difference will be seen.

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

- Officers could only recall a handful of similar diversions being made in the past, not only for privacy reasons, but also for health and safety reasons around farm yards and to aid land management. The Chair informed members that he had attended three recent meetings to discuss similar cases, so this application was not unprecedented.
- The legal cost of the application is £1,535 and would be met by the landowner. This sum also covers officers' time. There would also be further costs of approximately £500 associated with publicising the application. The landowner would also incur costs in removing the stile and relocating fencing.
- As the Highway Authority the County Council is responsible for maintaining the surface of the footpaths. The surface of Footpath 69 is grass but not on a slope and away from trees, so it is not steep and should not suffer from the presence of mulch. The new route will be as safe as the one that exists currently.
- The Chair informed members that he had sat on the Planning & Licensing Committee and its predecessors for number of years, as well as on the Rights of Way Committee when it existed, and that he could recall similar applications being approved, this application was not a precedent.

The Chair stated that the landowner had a right to apply for such a diversion and the Committee had a duty to determine it, irrespective of the costs.

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

RESOLVED 2019/025

That Officers make a legal Order to divert part of Southwell Footpath No.69 and to bring a further report back to Committee should objections be received to that Order and not withdrawn.

6. RIGHTS OF WAY MANAGEMENT PLAN (2018 – 2026) PROGRESS REPORT

Mr Lewis introduced the report which updated members on the progress of Nottinghamshire's Rights of Way Management Plan (2018-2026).

Following the introductory remarks of Mr Lewis, Members debated the item and the following comments and questions were responded to: -

- The Countryside and Rights of Way Act (CROW) 2000 required all Highway Authorities to produce a Rights of Way Improvement Plan. There was also a requirement to review this plan, and when Nottinghamshire reviewed its Improvement Plan its name was changed to Management Plan. There are not two different Plans.
- The Chair reminded members that the Communities & Place Committee sets the policies in respect of Rights of Way issues, with the Planning & Licensing Committee responsible for implementing those policies. The Chair informed Committee that he and Mr Lewis do discuss the proposals before they go before Communities & Place Committee and that because the Planning & Licensing Committee does implement the policies, it was felt that the report should be brought before this Committee.
- The Chair informed Committee that the report demonstrated how much work goes on behind the scenes and that he met Mr Lewis regularly to keep up to date with developments. The Chair informed members that he also met the Ramblers' Association, landowners and other relevant parties regularly in an effort to resolve issues on the ground with the aim of obviating the need to bring reports to Committee for decision. The Chair stated that the Rights of Way Team is a small one, but they have to deal with a large number of applications.

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

RESOLVED 2019/026

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

7. ERECTION OF HALL, KITCHEN AND CLASSROOM AT EAST MARKHAM PRIMARY SCHOOL

Mr Smith introduced the report which concerned an application for the erection of a hall, kitchen, and classroom building and the retention of containerised storage at

East Markham Primary School. The key issues relate to the siting and design of the building and the highway impacts arising from the expansion of the school.

Following the introductory remarks of Mr Smith, Mrs Duggin, the acting head of East Markham Primary School, was given the opportunity to speak and a **summary** of that speech is set out below:

- Everyone that visits our school immediately realises the desperate need we have for more teaching and learning space. I understand that this is not what is in question this morning but felt it important to highlight a number of key points in support of our application.
- Our school strives to provide an environment which offers the best possible education to its pupils. Our staff are driven and dedicated, delivering an inspiring and challenging ethos which allows our children to thrive. In 2018, our Year 6 SATs results were in the top 1% nationally, meaning we were a top performing Nottinghamshire school. This is something we are determined to uphold, the only thing holding us back is space.
- For nearly a decade the school and its community have been striving for an expansion. Due to a steady increase in actual pupil numbers, we now have 7 classes in our school, one per year group. We have constantly adapted our existing building but have now reached the absolute limit of its potential. We have no hall, no library and no spare working space for groups or interventions.
- Our children have to learn, take assembly, eat dinner, and exercise in the same room. For too long our children have been adapting to these circumstances. The school is already utilising temporary accommodation which was donated by a local company, and although this was incredibly generous and very much appreciated, it is an old shipping container which is not fit for purpose. Furthermore, Bassetlaw District Council has mandated that it must be removed by July 2020. Published figures show that by September 2021 the school will be unable to accommodate projected pupil numbers.
- The heritage of the existing school building is important to our community and we appreciate the sensitive nature in which this has been considered and reflected. However, this project was highlighted in the Basic Need Programme over 2 years ago, yet today we are still fighting for planning permission. We have worked closely with architects, the planning team, heritage and conservation teams during this time to address concerns, ensuring the building meets educational demands whilst addressing multiple viewpoints.
- The village of East Markham is seeing significant housing growth supported by Bassetlaw District Council. It would not be unfair to say that other local projects seem to achieve the relevant permissions with ease, within the same East Markham conservation area, even within very close proximity to our school. It is important that this village housing growth is sustainable - a fundamental requirement of this growth is to ensure that the strategic infrastructure in the village can support the additional children moving to East Markham. Therefore, the school must grow, and it needs the facilities to do so.

- This is the last chance to ensure that new starters in September 2020 will have a school hall and, more crucially, that Year 6 are not spending their last year of primary school in a large mixed-year group class unnecessarily, or in a space which is not fit to be a classroom. It is time that our children are able to access their PE lessons regardless of the weather.
- This project has been championed by Parliamentary support (Robert Jenrick MP), Councillor support (John Ogle), the East Markham Parish Council and Askham Parish Meeting. It would not just benefit everyone in our school, but the local community too.
- We believe this design meets the needs of the school, it has rightly been adjusted on a number of occasions to address concerns of different parties and is fully supported by Nottinghamshire County Council. I now implore you to support this essential development for the future of the children of East Markham Primary School.

Following Mrs Duggin's speech the following comments and questions were responded to: -

- The Published Admission Number (PAN) can be exceeded if parents successfully appeal for a place at the school.
- Bassetlaw District Council stated in their comments that planning consent for the temporary classroom had been granted until 2021 to tie in with the timetable for the construction of the new building.

The local member, Councillor John Ogle, was then given the opportunity to speak and a **summary** of that speech is set out below:

- Much needed facilities will be provided if this application is approved.
- The school is highly valued locally but is let down by a lack of provision, for example the arrangements for PE and the fact that events for more than 30 pupils have to take place off-site and involve the use of transport to get the pupils there.
- Pupils have to eat their lunch in the classrooms.
- The kitchen facilities are very cramped.
- The school as a whole is over-crowded which must have held the pupils back, though the standard of education is high.
- There is a wide range of support for the proposals including from the local MP, parents, teachers, the children and the Parish Council.
- The impact of the proposals will be wholly positive and will be good news for everyone in East Markham.

There were no questions.

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

- Victorian schools enhance the areas which they are in.
- The suitability of Bassetlaw District Council's alternative design was questioned.
- Welsh slate is available to be used on the new building's roof but is expensive.
- Metal roofs are high quality and complementary to schemes such as the one under consideration. They have been used on churches where the lead has been stolen.
- Rosemary tiles are another option for the roof of the new building, but they are not used in this area of Nottinghamshire where the use of pantiles predominates.
- The metal roof looks like lead, though without the value, and will blend in with the sky/horizon, especially after it has weathered, and even more so ifterne coated steel is used. The time taken for the roof to fade depends on the location and weather, but the oxidisation process will take approximately 2 years.
- The provision of solar power on site is a separate project.
- As there are no concerns about the air quality in the area, the planting of trees to improve the situation is not an issue.
- Lighting in the evening and at night is a school management issue, but it is assumed that it will be appropriate for a conservation area.

At the invitation of the Chair, Assad Raoof from the Arc Partnership made the following observations:

- Members are welcome to visit the Arc offices at any time to see the work of the Partnership.
- There had been many challenges and difficulties to overcome on this project.
- I agree with the views expressed about the alternative design suggested by Bassetlaw District Council, with the large windows in particular causing a distraction, especially at night when they would be illuminated.
- A simple, contemporary design was chosen in order to fit in with the existing building.
- Architecture can be an emotive topic with people's views being subjective.

- Design details such as glazing and coping will be looked at very carefully with samples also being used before final decisions regarding materials are taken.
- Future maintenance costs will be taken into consideration by specifying long lasting materials.

The Chair summed up by stating that the phrase 'beauty is in the eye of the beholder' is one with which the Committee could all agree. The Chair informed members that he could understand Bassetlaw District Council's point of view, but felt that their suggested design would detract from the existing building, with a view of the adjacent industrial area being afforded through the extra side windows.

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

RESOLVED 2019/027

That planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 2 of the report.

8. VARIATION OF CONDITIONS AT TWO OAKS QUARRY, SUTTON IN ASHFIELD

Mr Smith introduced the report which considers two separate planning applications seeking to vary conditions on the current planning permission governing Two Oaks Quarry.

The first application seeks to vary the provision and layout of various silt lagoons in Phase 1 of the mineral extraction area, and thereafter for approval of a revised site restoration design and landform in this phase. Permissions to operate a second motor scraper to transport mineral internally is also sought.

The second application seeks permission to increase the permitted daily, weekly and annual HGV movements serving the quarry.

Following the introductory remarks of Mr Smith, Mr Mark Oldridge, the agent for the applicant, was given the opportunity to speak and a **summary** of that speech is set out below:

- Two Oaks Quarry is unique in that it is the sole quarry producing specialist silica sands within the County of Nottinghamshire. It is a relatively new operation which was first developed in 2013/14 following conditional approval by Nottinghamshire County Council following officer's recommendation for approval. The quarry is the County's sole producer of high-quality silica sand and it makes a significant contribution to the local economy by way of rate contributions, day to day purchases of supplies, the use of local specialist contractors for quarry plant repair and the use of local hauliers to deliver quarry products.

- The quarry produces a range of specialist industrial and sports construction and renovation sands including specialist "fibre sand" products for football, rugby and equestrian use and top dressing for golf, bowls and football pitches within the UK. Output at the quarry varies on a month to month basis with the winter months being relatively quiet and the summer months being extremely busy. When the quarry was first developed, internal transport studies considered potential HGV movements but, due to inaccurate estimates, were incorrect. In terms of the request for increased HGV movements this effectively became essential due to an over estimation of average load size when the quarry was first developed. The Managing Director at the time based his assessment of output, and HGV movements, on a typical average load size of 26-27 tonnes. This effectively assumed all vehicles leaving the quarry would be articulated in nature. However, in reality a variety of vehicles are used including a number of four axle tippers which carry an average load size of 20 to 21 tonnes and four wheelers carrying 16 tonnes. Including all other vehicles this gives an average load of 22 - 23 tonnes per vehicle.
- Over the year this reduction of around 4 tonnes per wagon dramatically affects sales and hence there is a need to revise the current HGV movements. Another key factor is the importation of other materials to the quarry and in particular soils, compost and pallets. As there is a very sophisticated and new bagging plant on site, sales for bagged products have increased and hence there is a greater number of pallets brought to the site. As all HGV movements are taken into account for the daily, weekly and annual movements, this further impacts, in a negative manner, upon the removal of quarry products.
- The Applicants are now looking to "future proof" output and HGV movements at the site and do not wish to come back again to increase HGV movements but wish to establish a firm base to take the quarry through the various phases of approved development.
- The highway studies have shown that in the opinion of the Company's consultants the increased HGV movements have little or no impact. However, they recognise that your own highways department have commented on the possible effect on the light controlled junction on Coxmoor Road and have confirmed their willingness to fund CCTV improvements to the traffic light system.
- It is considered that the development is acceptable and that there will be no environmental harm associated with the increase in traffic movements proposed each year.
- The Applicant has a first-class relationship with the local community, through the quarry liaison group, and meetings are relatively infrequent at the request of those that attend the meetings as the quarry seems to operate within the localised environment without disturbance or concerns. This relationship will continue throughout the life of the quarry development.

- It is therefore hoped that members will follow the officer's recommendation for approval, linked to the existing legal agreement, to ensure that all HGV traffic continues to be managed when travelling to and from the site.

There were no questions.

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

- Under the Highways Act 1980, the Authority has a duty to maintain the highway to a standard fit for the vehicles using it. Funds to repair any damage to the highway will be sought if the cause of that damage can be attributable. As part of the conditions, an annual dilapidation survey of the B6139 Coxmoor Road will be undertaken and maintenance requested if required.
- Details of the routing for HGVs is contained in the legal agreement and the usual sanctions are in place if breached ie written warnings and the power to ban hauliers from the site. Officers are not aware of any breaches currently, indicating that the conditions in place are working.

The Chair stated that some members may be able to recall the initial application and the large number of objections that it attracted. The Chair stated that it was significant that these two applications had not attracted any objections. The Chair informed Committee that he travels close to the quarry on a regular basis and has yet to see a lorry either entering or leaving the site.

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

RESOLVED 2019/028

1. That planning permission be granted for Planning Application 4/V/2019/0614 (Proposal 1), subject to the conditions set out in Appendix 1 of the report.
2. That planning permission be granted for Planning Application 4/V/2019/0300 (Proposal 2), subject to the conditions set out in Appendix 2 of the report.

9. OUTSIDE BODIES

Mrs Gill introduced the report and informed Committee that following a report to Policy Committee, a similar report had been submitted to all Committees to inform members of the relevant outside bodies and to provide the opportunity to request further information on those bodies if required.

The Chair stated that many members attended various liaison groups but that such bodies were part of the planning process and outside the scope of this report. The Chair offered to inform members about the Constable's Field Foundation and stated that the Local Access Forum of which he, the Vice Chair and Councillor Madden were members, met quarterly to consider issues related to Rights of Way and whose members also included representatives from such relevant organisations as

the Ramblers' Association. The Chair offered to share more details if required and extended an invitation for members to attend a meeting of the Forum if they so wished.

RESOLVED 2019/029

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

10. DEVELOPMENT MANAGEMENT PROGRESS REPORT

Mrs Gill introduced the report, informing members that it was the usual report brought to Committee, though this one was longer than normal because of the length of time that had passed since the last meeting of the Committee.

In response to a question, Mr Smith informed members that the number of applications regarding waste storage sheds were from the same applicant and were largely retrospective.

RESOLVED 2019/030

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

Before closing the meeting, the Chair informed members that on their way out they could collect a reduced-size copy of the Code of Best Practice as discussed at the previous meeting and that copies would be distributed to all County Council members.

The Chair also informed Committee that he had recently spent the morning at the offices of the Arc Partnership and had found it informative in terms of the scale and scope of the work undertaken. Given that the Arc Partnership plays a significant part in a large number of applications, the Chair informed members that he had spoken to the Partnership's Chief Executive who had agreed to deliver a presentation of 30-40 minutes to a future Committee meeting when the agenda was light.

The meeting closed at 12.16pm.

CHAIR

21st January 2019**Agenda Item: 5****REPORT OF CORPORATE DIRECTOR – PLACE****GEDLING DISTRICT REF. NO.: 2019/0017NCC****PROPOSAL: CHANGE OF USE OF EXISTING BUILDINGS FROM WASTE
TRANSFER STATION AND B1, B2, AND B8 TO PLASTIC RECYCLING****LOCATION: COLWICK BUSINESS PARK, ROAD NO 2, COLWICK, NG4 2JR****APPLICANT: BENTARKA LTD****Purpose of Report**

1. To consider a retrospective planning application for the change of use of buildings and associated land from a mixed industrial/warehousing and waste transfer station and to allow its use in connection with a plastic recycling facility.
2. The planning consultation process has resulted in significant numbers of objections being raised from the local residents and Colwick Parish Council concerning the location of the site, its suitability for waste management having regard to its proximity to residential properties, concerns relating to potential environmental impacts from the operation of the site and concerns relating to alleged breaches of regulatory controls imposed on the applicant's existing waste processing facility at the business park including concerns that any controls imposed on this development would not be complied with. These matters are examined in the assessment of the merits of the planning application.
3. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

4. The site is situated within Colwick Industrial Estate, approximately four kilometres east of Nottingham City Centre (See Plan 1). Colwick Industrial Estate is extensive and incorporates a variety of uses including light and general industry, warehousing and waste transfer facilities.
5. The application site is located within the Chris Allsop Business Park which is on the south western edge of Colwick Industrial Estate (see Plan 2). The business park is adjoined by residential properties on its south-western boundary, a waste transfer station on the north-eastern boundary, the River Trent on its

south-eastern boundary and industrial units on the north western boundary on the opposite site of Private Road No. 2.

6. The business park was established following the closure of a sugar processing factory which formerly operated at the site in the 1970s. A large warehouse building was constructed at the site in the late 1980s and many of the open areas have been used for general and vehicular storage since this time. Other parts of the site remained vacant including many of the former sugar factory buildings which fell into disrepair and became increasingly derelict.
7. The site was purchased by the current owner about ten years ago and underwent extensive site clearance works including the removal of a structurally unsound chimney stack and a number of the factory buildings, whilst the structurally sound buildings which were capable of being re-used were retained.
8. Planning permission was obtained from the County Council to develop a waste transfer/metal recycling facility in 2011. The consented waste transfer site incorporated approximately 40% of the wider former sugar factory site. This planning permission was implemented shortly afterwards and is currently operational at the site.
9. The current planning application site extends to 6,291 square meters, incorporating land within the business park including an existing private roadway from Private Road No. 2 which provides access to the site, two parcels of land incorporating existing buildings which the applicant refers to as Buildings A and B, and a connecting roadway linking the two.
10. Building A is a former sugar warehouse building measuring approximately 70m x 50m x 10m to the eaves. It is constructed with a steel frame and red brick walls and a steel sheet roof. The adjoining yard area to the north west of the building measures 63m by 55m and is currently enclosed by shipping containers stacked two high. The Building and associated yard are located outside the operational waste transfer site consented in 2011. Their historic lawful use is for industrial and warehouse/storage purposes. At its shortest distance the building is located approximately 45m away from the rear façade of properties on Fox Covert.
11. Building B is a part steel frame and part concrete frame construction and is clad in red brickwork and roofed in asbestos cement sheets. The building measures approximately 45m x 15m x 7m to the eaves. Half of the building is full height and half is separated with a mezzanine floor. The building has the benefit of planning permission as a waste transfer station. The application site also incorporates an area of open yard to the front (east) of the building.

Proposed Development

12. Retrospective planning permission is sought to continue operating a plastics recycling facility. The planning application has been submitted at the request of the County Council following monitoring visits made by NCC Planning Staff during summer 2018. There were no complaints received from the public about

the plastic recycling activities before the planning application was submitted and publicised by the County Council.

13. The facility manages polythene sheeting originating from agriculture where it is used as a cover to protect crops in fields. The polythene sheeting comes off the fields in long lengths and is delivered to the site, normally by farmers using their own vehicles. Delivery vehicles access the site via the established access road which serves the business park. Deliveries are unloaded onto the hardstanding area immediately outside Building A where it is sorted by colour, most of the polythene being clear but some black polythene is also received. The polythene is then immediately moved into Building A where it is stored.
14. External storage in the area in front of Building A is restricted to baled plastic waste only. The application has been modified so as to no longer seek permission to store sheet plastic materials in this open area. This open area is currently enclosed by mixed shipping containers stacked two high to mitigate the impacts of noise. These will be taken down and the enclosure will be reconstructed utilising uniform containers stacked three high to provide an overall height of 7.8m.
15. The planning application has also been modified to no longer undertake the initial shred of the plastic within Building A. Building A therefore would only be used for storage purposes.
16. Plastic is transferred from Building A to Building B in a trailer where it is deposited on an 'as needed' basis. It is not proposed to stockpile any significant quantity of plastic in this area with storage limited in this area to a small quantity sufficient to feed the daily feed of the plant.
17. The initial shred of the plastic is now undertaken on the area of hardstanding immediately in front of Building B. The shredder is fed by a hopper which is loaded using a mechanical grab. Once shredded the plastic is loaded by a grab onto a conveyor which takes the plastic into the main processing plant located within Building B.
18. The main processing plant utilises a system of conveyors, a granulator (a second stage of shredding which further reduces the particle size of the plastic) and washing system to remove the soil from the plastic utilising a friction and drum washing process. After this series of wet washes, the granular material passes to a sink/float tank where the heavy residue (soil and grit) drops out, and the plastic is floated off the top. The plastic is then dried using a screw drive to drain water and a press. The plastic is baled and wrapped in film prior to its onward transportation for reprocessing.
19. The system is capable of producing between 800 and 1000 Kg of reclaimed plastic per hour. The small quantity of soil and grit is periodically removed from the base of the settlement tank and disposed of.
20. The maximum throughput per annum would not exceed 20,000 tonnes. Deliveries of plastic to the site are distinctly seasonal, happening when the plastic is stripped off the fields between May and July. During the plastic delivery season it is estimated that a maximum of 20 vehicles per day arrive on site

carrying plastic (40 movements). At other times of the year the number of delivery vehicles would be around half this level.

21. The hours of operation are requested to be Monday to Friday 0700 to 1800, Saturday 0730 to 1230 with no operations on a Sunday or Bank Holiday. The proposed operation will employ up to four people.
22. The planning application is supported by a noise assessment report and an air quality report. The noise assessment has been updated so that it incorporates measurements of the revised configuration of the operational plant including the installation of a shredding machine in the open yard outside of Building B. The content and conclusions of these reports are considered within the planning observations section of this report.

Consultations

23. Gedling Borough Council: *No objection.*
24. Colwick Parish Council: *Object to the planning application.*
25. *The Parish raise the following concerns regarding the current planning application:*
 - a. *Are the works within the licensed area for waste management or does this application represent an expansion of the site?*
 - b. *The company does not adhere to its hours of operation or its noise levels.*
 - c. *Dust and noise from shredding will be a major issue, particularly since the warehouse is open fronted. Continual movement of shredded plastic from one part of the site to the other will distribute dust and plastic particles into the air.*
 - d. *How will water from the shredding plant be managed and disposed of safely. No run-off should enter the River Trent.*
 - e. *The 'wall' adjacent to residential properties has large gaps.*
26. *The Parish Council raise concerns about the level of public consultation carried out with previous planning applications at the business park and that planning conditions imposed on the planning permission for metal recycling are not being complied with. The Parish is concerned that this is another retrospective planning application and question what monitoring the County Council undertake of operational sites.*
27. Environment Agency: *Raise no objections.*
28. *The operation of the plastics recycling facility benefits from a Waste Exemption Permit. This exemption permit limits the maximum level of storage to 500 tonnes at any one time and restricts plastic storage to be undertaken within a building.*

29. *The EA advise that any material found escaping from site would be in breach of the waste exemption Permit and therefore would be controlled and enforceable by the Environment Agency as the regulatory authority. For the exempt site a requirement of the Exemption is that the plastic material is kept within a building so this will minimise the risk of material escaping off site. In the unlikely event any material did escape from site it would be contained by the Colwick Sluice gates and removed via mechanical screen grab so is unlikely to impact on flood risk due to the automatic operation of this plant on the sluice gates. Plastic and any mud / earth residues attached to the farm plastics would have minimal impact on the aquatic environment.*
30. NCC Flood Risk: *No objections*
31. *There are no issues with regards to the surface water flood risk from these proposals. The potential discharge of plastic into the receiving watercourse is expected to be considered by the EA as an industrial discharge as part of their licensing/permitting procedures.*
32. NCC (Highways): *No objection.*
33. *It is noted that the site is already trading as a waste transfer station but is intending to recycle plastics. The location is within the industrial area and as stated within the supporting documents there will only be an average of 8 vehicles per day in and out, but there will be seasonal fluctuations when there would be a maximum of 20 vehicles per day. The Highways Authority would not have any concerns to the traffic flows including the seasonal increase. The location is on Colwick Industrial Estate, together with a weight restriction preventing HGVs to access the site from Mile End Road, where the housing developments will not be affected.*
34. NCC (Planning Policy): *No objection*
35. *The proposals would help increase the recycling capacity for plastics within Nottingham and Nottinghamshire and therefore move waste management up the waste hierarchy in accordance with paragraph 7.10 and Policy WCS3 in the Nottingham and Nottinghamshire Waste Core Strategy (WCS).*
36. *WCS Policy WCS7 is supportive of waste developments on industrial land. WCS Policy WCS13 is supportive subject to it being demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby.*
37. Via (Noise Engineer): *Raise no objections, based on the amended scheme which no longer includes any shredding operations within Building A and a revised configuration of the operational plant including the installation of a shredding machine in the open yard outside of Building B.*
38. *The noise calculations indicate that there will be no overall change to the cumulative noise levels being emitted from the site and that the operations will comply with currently conditioned noise limit for operations of L90+5dB including any penalties for tonal and impulsive noise. If granted planning permission it is requested the following conditions be imposed:*

1. The noise level at any residential receptor shall not exceed the background noise level (L90) by more than 5 dB including the addition of penalties for tonal/impulsive when assessed in accordance with BS4142:2014.
2. No shredding and washing of plastic waste shall be undertaken anywhere on the site except inside Building B.
3. A new 8m high noise barrier shall be installed around the perimeter of the reception and sorting area as shown on drawing no. J1472-009. It shall be free from gaps and maintained for the life of the development.
4. All vehicles/plant under the operator's control shall employ broadband reverse alarms.
5. Operating hours should be regulated to Monday to Friday 0700 to 1800, Saturday 0730 to 1230 with no operations on a Sunday or Bank Holiday.

39. NCC (Nature Conservation): No objections

40. Public Health England: Do not object to the planning application.

41. Public Health England originally raised concerns that there was lack of an adequate environmental risk assessment to consider the hazards of emissions to air from point sources such as machinery and the plastic process and fugitive emissions from particulate matter (dust) and from transport.

42. To address these concerns, the applicant has submitted an air quality assessment for dust, particulate matter and nitrogen dioxide emissions from the plastic reclamation process and traffic movements on site and associated deliveries. The document has been reviewed by Public Health England who make the following comments:

- The report states that particulate matter (PM10) and nitrogen dioxide (NO2) has been modelled to be within UK Air Quality Standards in the vicinity of the site. PHE agree with this but note that no actual air monitoring for PM10 and NO2 was carried out. Given the process on site the air pollutant contributions from the site are unlikely to exceed Air Quality Standards.
- However, it is PHE's position that for air quality, reducing public exposures to non-threshold pollutants (such as particulate matter and nitrogen dioxide) below the air quality standards has potential public health benefits. We support approaches which: minimise or mitigate public exposure to non-threshold air pollutants, address inequalities (in exposure), and maximise co-benefits (such as physical exercise) and encourage their consideration during development design, environmental and health impact assessment, and development consent.
- The report states local complaints from the public have been received about the site. PHE recommends the site engages with the local community to understand, investigate and seek to address their concerns. Given the close proximity to residents, there is the potential for nuisance of noise, odour, water run-off effects to the community which could be addressed by good communication, management and practice

on site, e.g. delivery times, delivery vehicle engine anti-idling guidelines to prevent noise and air pollution.

- The report refers to temporal (seasonal) processing, particularly an increase during the months of May to July where it is estimated that a maximum of 20 (farm) vehicles per day arrive on site carrying plastic. Prior and during this period proactively engaging with the community may be beneficial to address their concerns. The Regulator of the site should be able to advise further on this.*

43. NCC (Public Health): Agree with the comments and recommendations made by Public Health England.
44. Severn Trent Water Limited, Via (Reclamation) and Gedling Borough Environmental Health Officer have not responded. Any response received will be orally reported.

Publicity

45. The application has been publicised by means of site notices, press notice and 51 neighbour notification letters sent to the nearest occupiers on Cottage Meadow, Crosslands Meadow, Egling Croft and Fox Covert, Colwick, and the nearest business in Colwick Business Park, LEEC Development Site, Road No. 2, Colwick, in accordance with the County Council's adopted Statement of Community Involvement.
46. Thirty-one letters of objection have been received, three of which are from the same householder in Egling Croft, two are from the same householder in Cottage Meadow, two are from the same householder in Fox Covert and a further two are from the same householder in Colwick Manor Farm. The following concerns have been raised:
 - a. Noise
 - The proposed plastics site is too close to residential property and will generate excessive levels of noise.
 - The noise assessment does not accurately calculate the level of noise, in particular concerns are expressed that the survey periods utilised in the report are too short and the magnitude of noise emissions is considered excessive.
 - Concerns are expressed regarding increased potential for noise in the early morning and at weekends.
 - Noise from road transport would be excessive.
 - The noise generated by the existing waste metals facility is excessive and affects the quality of life of local residents.
 - b. Dust/Air Pollution/Health
 - It is understood that the building to be used for recycling operations has large sections open to the outside, and also that the plastic waste will be transported about the site, increasing the likelihood of substantial dust blown nuisance.

- Dust emissions from the existing metal recycling site are already bad.
 - Residents of Fox Covert and Egling Croft state that dust and bad air emissions increased last summer when the plastic recycling plant was operational.
 - Questions are raised about the long-term health issues for the Colwick area from the inhalation of plastic particles and the risks this creates in terms of developing chronic lung conditions and cancer. One resident reports that residents in the area have experienced a range of illnesses.
 - Individual bits of plastic and microplastic will be very light and so are prone to being picked up by any wind.
 - Questions are asked whether the employees are required to wear breathing apparatus.
- c. Drainage
- Dust and plastic particulates would contaminate the adjacent drainage ditch which runs into the River Trent.
 - Concerns are raised about what would happen to the water which is used for washing the polythene and potential for pollution.
 - Questions are asked about the chemicals used in the process and how these would be disposed of.
 - There is potential for accidental water pollution.
- d. Odour and litter
- Concerns are raised about the potential for odour releases and its potential to impact nearby residential properties.
 - The building has open sides which would allow the escape of litter.
 - The movement of shredded plastic from Building A to Building B will potentially generate windblown litter.
- e. Wildlife
- The development has potential to negatively impact wildlife including habitats in Colwick Park and the River Trent.
- f. Fire Risks
- A fire risk assessment does not appear to have been undertaken yet the handling of plastic is a major fire hazard.
 - If there was a fire, burning plastic releases large quantities of dioxins, hydrochloric acid, sulphur dioxide, furans, heavy metals and particulates which are highly polluting and very harmful, particularly in the context of the close proximity of the site to residential property.
- g. Visual Appearance
- Visual impact of external storage of waste material; when the recycling process was taking place last year, a huge mountain of waste material could clearly be seen from the residential property, with waste material being stacked over 20 metres high against the side of the building. The Environment Agency served notices on the operator to comply with the permit controls (which do not allow external storage). During this time, the site operator delayed as long as possible, causing residents further distress and suffering before finally having to comply with the notices.

- The shipping containers surrounding the open yard are just blocks and are not designed for screening the site.
- h. Publicity Arrangements
- Concerns are expressed that the application is mis-leading. The Council and the applicant are cheating the people of the area, in particular it was not clearly stated the application was retrospective.
 - The County Council is failing to perform in a righteous manner.
 - Concerns are expressed with how the Council display information on their website.
 - Concerns are expressed that the use of site notices does not satisfactorily notify residents and letters should be sent to all residents.
 - Some of the residents adjacent to the site on Fox Covert have not been consulted.
 - Concerns are expressed that the Council did not undertake satisfactory publicity in connection with previous planning applications at the business park.
- i. Breaches of Planning Permission
- The development has already commenced, it is not clear from the planning application that the submission is retrospective.
 - There is evidence that the applicant has worked outside the permitted hours.
 - The operator does not use the access route shown on the plans. An alternative access running parallel to the footpath and residential properties has been used. This access route is visible from a number of residential properties.
 - The operator has regular bonfires at the site.
 - The existing waste transfer station operates in breach of its planning permission, in particular it was required to erect a 5m wall around its perimeter, which it has not.
 - How can residents have any confidence that the company will comply with any restrictions that may be imposed on any planning approval when they have not adhered to them in the past?
 - Concerns are expressed with how the County Council and the Environment Agency have investigated complaints regarding the operation of the wider Allsop Business Park. It has been stated that the Council have been unhelpful and dismissive with residents regarding their concerns.
- j. Other issues
- The development would affect property values.
 - Residents are surprised that the planning application seeks consent for external storage of plastic when this is not permitted by the waste permit for the site.
47. Councillor Nicki Brooks objects to the planning application. Councillor Brooks shares the concerns expressed by the residents regarding noise, dust, air pollution and drainage pollution in the nearby drainage ditch and the River Trent.

48. The issues raised are considered in the Observations Section of this report.

Observations

49. Retrospective planning permission is sought to retain a plastic recycling facility operated from land and buildings at the Chris Allsop Business Park, Colwick Industrial Estate. The development utilises existing buildings with all waste processing undertaken within and adjacent to Building B which already benefits from planning permission for waste transfer activities. The development would operate independently of the existing consented waste transfer station and therefore the planning application seeks to establish a new planning unit.
50. The planning consultation process has resulted in significant numbers of objections being raised from the local residents and Colwick Parish Council concerning the location of the site and its suitability for waste management having regard to its proximity to residential properties, concerns relating to potential environmental impacts from the operation of the site and concerns relating to alleged breaches of regulatory controls imposed on the applicant's existing waste processing facility at the business park including concerns that controls that may be imposed on this development would not be complied with. These matters are examined in the assessment of the merits of the planning application.

Planning policy concerning the establishment of new waste management facilities.

51. Policy WCS3 (Future Waste Management Provision) of the Nottingham and Nottinghamshire Waste Core Strategy (WCS) aims to provide a network of waste management facilities which assist with the movement of waste up the hierarchy. The policy promotes the development of new waste management facilities which contribute towards increasing the levels of waste recycling.
52. The plastic sheeting used on farms is single use, after it has served its purpose to cover crops for a month or two the plastic sheeting is removed from the land. This plastic cannot be re-used and traditionally has been disposed to landfill or sent to incineration.
53. The process sought planning permission seeks to shred, wash and granulate the plastic sheeting making it suitable for recycling and diverting it from disposal or landfill recovery. The development enables the waste plastic to be managed at a higher level in the waste hierarchy. The facility therefore is supported by WCS Policy WCS3.
54. In terms of the location of the site, the WCS does not make specific site allocations for waste management facilities, but Policy WCS7 (General Site Criteria) establishes the broad principles to assess the suitability of a potential site for the purposes of assessing a planning application. The policy incorporates a criteria-based approach to identify the character of locations that are likely to be suitable for different types of waste management facility. The criteria in Policy WCS7 sets out that employment land is an appropriate location for recycling waste management facilities.

55. The site selection approach incorporated within Policy WCS7 reflects policy within the National Planning Policy for Waste (NPPW) which gives preference to industrial sites and previously developed land for the development of waste infrastructure.
56. The planning application site is located within Colwick Industrial Estate which is an area identified for retention of employment under Policy LPD44 in the Gedling Borough Council Local Plan Part Two and its Policies Map (Adopted July 2018).
57. Overall, considering the location of the proposed waste management facility within employment land and that parts of the site already benefit from planning permission as an active waste management facility, the location of the site is supported by WCS Policy WCS7, subject to it being demonstrated that the environmental and amenity impacts of the development are not unacceptable.

Assessment of environment effects

58. WCS Policy WCS13 (Protecting and Enhancing our Environment) requires that all waste related development should take account of their surroundings and be located, designed and operated to minimise any potentially harmful impacts. The policy states:

Policy WCS13 Protecting and enhancing our environment

New or extended waste treatment or disposal facilities will be supported only where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby and where this would not result in an unacceptable cumulative impact. All waste proposals should seek to maximise opportunities to enhance the local environment through the provision of landscape, habitat or community facilities.

59. The representations received from the local community identify a series of concerns in relation to the development and its potential environmental impacts. These concerns have been examined against the saved environmental protection policies incorporated within chapter 3 of the Nottinghamshire and Nottingham Waste Local Plan (WLP). The matters are considered below:

Noise

60. Paragraph 170 of the NPPF states that planning decisions should prevent development that results in unacceptable levels of noise pollution to existing development. WLP Policy W3.9 (Noise) seeks to minimise noise emissions associated with waste developments through the imposition of planning conditions to reduce potential noise impacts including the enclosure of noise generating uses; stand-off distances between operations and noise sensitive locations; restrictions over operating hours; using alternatives to reversing beepers and setting maximum noise levels.

61. The planning application is supported by a noise assessment which has been carried out in compliance with the legislative requirements of BS.4142:2014 "Methods for Rating and Assessing Industrial and Commercial Sound". The noise assessment has considered the full range of operational plant that will be used in the processing operations as well as haul routes used by vehicles to transport the material between the buildings and incorporates measurements of the 'as built' configuration of the operational plant which includes a shredding machine sited outside of Building B. The assessment provides a calculation of the level of noise emissions at the nearest residential properties at Fox Covert and Cottage Meadow.
62. The noise assessment has been reviewed by the County Council's noise engineer who is satisfied that the noise assessment has been undertaken using the appropriate methodology and therefore it accurately calculates the level of noise emission from the development and the magnitude of impact at the nearest noise sensitive residential properties.
63. The noise calculations indicate that there will be no overall change to the cumulative noise levels being emitted from the site and that the operations will comply with the currently conditioned noise limit for operations of L90+5dB including any penalties for tonal and impulsive noise. The Council's noise consultant agrees with these conclusions and recommends the inclusion of the following planning conditions to regulate the level of noise emissions in accordance with the approach set out within WLP Policy W3.9:
- a. The noise level at any residential receptor shall not exceed the background noise level (L90) by more than 5 dB including the addition of penalties for tonal/impulsive when assessed in accordance with BS4142:2014.
 - b. No shredding and washing of plastic waste shall be undertaken anywhere on the site except inside or immediately adjacent to Building B.
 - c. A new 8m high noise barrier shall be installed around the perimeter of the reception and sorting area as shown on drawing no. J1472-009 and shall be free from gaps and maintained for the life of the development.
 - d. All vehicles/plant under the operator's control shall employ broadband reverse alarms.
 - e. Operating hours should be restricted to Monday to Friday 0700 to 1800, Saturday 0730 to 1230 with no operations on a Sunday or Bank Holiday.
64. The noise assessment therefore demonstrates that the predicted level of noise emissions would not result in significant noise emissions at the surrounding residential properties. Site inspections carried out by NCC staff confirm that the operation of the plastics recycling facility from the site boundary adjacent to residential properties at Cottage Meadow is barely audible and not intrusive. The predominant noise in this location was observed to be from traffic on the A52 to the south-west of the site in the direction of the prevailing wind.

Litter and Dust

65. Paragraph 170 of the NPPF states that planning decisions should seek to prevent development that results in unacceptable levels of dust and air pollution.
66. WLP Policy W3.8 (Litter) seeks to minimise nuisance from litter by imposing planning conditions on planning permissions to control litter including the use of perimeter litter catch fencing, the enclosure of waste storage areas, sheeting of lorries and collection of wind-blown litter.
67. WLP Policy W3.10 (Dust) seeks to minimise dust associated with waste development through the imposition of planning conditions to reduce potential dust emissions. Measures include the use of water bowsers on haul roads, enclosing dust generating fixed plant and machinery, siting dust generating operations away from sensitive areas and the temporary suspension of operations when necessary.
68. The management of plastic polythene sheeting has a significant potential to generate windblown litter, particularly when the waste has been shredded and the smaller size of the plastic is more liable to be picked up in the wind. The process therefore is most appropriately carried out within buildings which provide shelter and containment for the plastic and this is a requirement of the waste permit for the operation of the site. The planning submission has been amended to remove scope for the external storage of unbaled plastic waste which was originally proposed within the open yard area adjacent to Building A and it is recommended that this is regulated by planning condition.
69. The open yard would be used to receive plastic deliveries and carry out an initial sort. These activities would be undertaken in the open rather than within enclosed spaces and therefore potentially susceptible to wind blow. To minimise the potential for these activities to generate litter the applicant has confirmed that the sheet characteristics of the plastic deliveries minimises the potential risk of wind blow and deliveries will be managed to ensure they are moved into the building promptly upon receipt. These controls can be regulated by planning condition together with a requirement to temporarily cease the receipt of deliveries in windy conditions which pick up and disperse the plastic.
70. The scheme has also been amended to limit all plastic processing and shredding to Building B and its adjacent hardstanding, altering the original working scheme which incorporated an initial shred of the plastic waste in Building A and the transportation of shredded waste across the site to Building B. This will provide improved litter control by ensuring that plastics transported across the site are larger and bulkier and therefore less likely to become mobilised in the wind. A planning condition is recommended to regulate this.
71. The buildings to be used in connection with the development are of a brick construction with roofs. They provide good containment of waste materials from wind-blow, but they do incorporate a number of openings within their walls which compromise their potential to provide full containment for fugitive litter and dust emission. The applicant has confirmed that these openings will be repaired to close them up and this can be regulated by planning condition requiring the operator to submit a scheme for improvement works and their implementation.

72. The existing doorway openings in the buildings do not appear to be significantly compromising the dust and litter containment of the buildings, but a planning condition can maintain this under review with scope for further improvement works if considered necessary.
73. The initial shredder and feed conveyor for the processing plant is located outside Building B in the open. Although there is an existing litter catch fence installed on the south-western boundary and some shelter is provided by the Building A to the south east, these existing features provide only limited containment of waste and there is potential for fugitive windblown emissions from these area of the process. There is scope to improve the containment of waste in this area by installing additional catchfences including a fenced roof. The applicant has confirmed they are agreeable to making this modification to improve the containment of waste and this can be regulated by planning condition in the form of a submission of a scheme of works.
74. The proposed litter controls would generally minimise dust emissions from the site. The only additional dust control considered necessary relates to the site surfacing of the external areas of the site including the open area adjacent to Building A and the haulage route between the two buildings. These areas are surfaced in crushed stone and have potential to generate windblown dust. To minimise this risk it is recommended that these areas are dampened down during periods of dry and windy conditions to suppress dust emissions.
75. Subject to the implementation of the identified mitigation measures it is concluded the operation of the site would not generate significant levels of litter or dust therefore the development is compliant with WLP Policies W3.8 and W3.10.

Health Concerns

76. Public concerns have been raised about potential health risks from the inhalation of small plastic particles incorporated in any dust emission from the site and their potential implications in terms of residents developing chronic lung conditions and cancer.
77. To investigate these matters, advice has been taken from Public Health England and Nottinghamshire County Council Public Health. They state that the main concern from an environmental public health perspective is that the original planning submission did not incorporate an environmental risk assessment to consider the hazards of emissions to air from point sources such as machinery and the plastic process and fugitive emissions from particulate matter (dust) and from transport, for example potentially idling in public areas.
78. This information has now been submitted by the developer as part of an air quality assessment report. The report incorporates an assessment of dust emissions from the process including the collection of samples from inside and outside the two buildings and gives consideration to Nitrogen dioxide (NO₂) and Particle Mass – Dust (PM₁₀) levels in the area. The assessment of potential health effects of dust and NO₂ references National Air Quality Objectives and European Directive limits and target values for the protection of human health, which state:

- The UK objective and European Obligation for Nitrogen dioxide and PM10 are both the same at 40 micrograms per cubic metre of air (g/m³). There is a further National Air Quality Objective and European Directive limit and target values for the protection of vegetation and ecosystems. This is applied to Nitrogen dioxide at 30 g/m³.
 - The UK Environment Agency set Environmental Assessment Levels for Air (for the protection of human health). These are based on the Occupational Exposure Limits published by the HSE, the limit for nitric acid in air is 52g/m³, and the derived figure for nuisance dust as 100g/m³. The World Health Organisation reviewed their Air Quality Guidelines for Europe in 2005, and their figure for nitrogen dioxide is 40g/m³ and for PM10 their figure is 20g/m³.
79. The highest recorded figure of total inhalable dust in the open air outside the industrial estate was 10g/m³, when the plastic reclamation plant was working. This would disperse to a much lower level at Crossland Meadow. The effect of the increased traffic flows taking an extreme worse case scenario would be to increase the concentration of nitrogen dioxide at Ozier Holt from 15.96 to 16.94 g/m³, and to increase the concentration of PM10 at Ozier Holt from 14.58 to 14.87g/m³. Increases at other locations would be much less. The report concludes that the plastic reclamation plant does not represent any significant hazard to human health at residential receptors.
80. Public Health England and NCC Public Health have reviewed the findings of the report. Whilst the health agencies note that the modelling has been informed from published DEFRA data on background concentrations rather than actual field samples, they are satisfied with the methodology used and agree with the report's conclusions that particulate matter – Dust (PM10) and nitrogen dioxide (NO₂) would be within UK Air Quality Standards in the vicinity of the site and therefore the process does not raise any significant health concerns. The health agencies encourage the operator to take any actions they can to reduce emission levels further and encourage the company to more proactively engage with the local community. This advice can be provided to the applicant as an informative note as part of the decision notice.

Drainage and Flood Controls

81. Concerns have been raised that plastic waste could enter the local drainage system and cause environment damage. There are two potential pathways for this to occur, either by windblown litter/dust or by drainage discharges from the site.
82. Environmental controls to manage litter and dust will ensure that the risks of plastic emissions beyond the site boundary by airborne releases are low.
83. The Environment Agency has confirmed that the level of risk from plastic entering a watercourse is low in respect of its impact on the aquatic environment. It also confirms that if plastic was released beyond the site boundary this would be classed as pollution and would be in breach of the permit authorisation. The Environment Agency would be the regulatory authority for controlling and enforcing this matter.

84. In terms of concerns relating to potential contaminated drainage discharges from the plastic washing plant, this facility utilises a closed water system which recycles the process water for reuse and ensures there is no liquid discharges from this process to the wider water environment.
85. Improved flood defences have been made as part of the Nottingham Left Bank Flood Alleviation Scheme to provide additional flood protection for the site. In the interests of business continuity, efficiency and staff safety the Environment Agency request a planning condition is imposed at a level which is either 300mm above the 1 in 100 year plus 50% climate change flood level or 300mm above the 1 in 100 year plus 30% climate change breach flood level, whichever is highest.

Highway Considerations

86. WLP Policy W3.14 (Road Traffic) states that planning permission will not be granted for waste management facilities where vehicle movements cannot be satisfactorily accommodated on the highway network or where they would cause unacceptable disturbance to local communities.
87. WLP Policy W3.15 (Road Traffic) states that when planning permission is granted for a waste management facility controls will be imposed, if appropriate, to regulate the routeing of delivery traffic to and from the site.
88. Deliveries of plastic to the site are distinctly seasonal, happening when the plastic is stripped off the fields between May and July. During the plastic delivery season it is estimated that a maximum of 20 vehicles per day arrive on site carrying plastic (40 movements). At other times of the year the number of delivery vehicles would be around half this level.
89. The application site is located within the wider Colwick Industrial Estate area. Colwick Industrial Estate is served by a network of purpose-built industrial roads which in turn provide access to the A612. A weight restriction on Mile End Road to the west prohibits vehicles over 7.5 tonnes using this road and provides regulatory control to ensure that all HGV delivery traffic associated with the development does not travel by residential properties on Mile End Road and therefore ensures levels of residential amenity in this area are not adversely impacted by HGV traffic.
90. WLP Policy W3.11 encourages the hard surfacing of haul roads within waste sites to minimise the potential for mud and other deleterious material contaminating the highway network. The development site is predominantly hard surfaced. Vehicles would enter and leave the site using demarcated roadways therefore minimising the potential for mud and detritus to get dragged onto Private Road No. 2. The regular sweeping of haul roads to ensure they are kept clean can be secured by planning condition. A planning condition can also be imposed to require further measures to minimise nuisance from mud in the event that the above steps prove inadequate.

Odour

91. The plastic waste processed at the site incorporates a small quantity of soil from the agricultural land it originates from. These materials are not odorous and therefore the development would not impact on the level of odour in the local area.

Fire Risk

92. Whilst the concerns regarding potential fire risk are noted, these matters are regulated for within the Environmental Permitting regulations and not through the planning system since they relate to process control rather than land-use matters. The Environment Agency provide guidance on the preparation of fire prevention plans to support environmental permits on their website.

Visual Impact

93. WLP Policy W3.3 and W3.4 seek to minimise the visual impact of waste management developments by siting all plant, buildings and storage areas in locations which minimise impacts on adjacent land, grouping facilities together to prevent sprawl and providing landscaping/screening to reduce visual impacts.
94. The operation of the site has been amended to ensure that the storage and processing of waste is undertaken within the existing buildings at the site and external storage is limited to baled waste and delivered waste prior to its loading into Building A. The area used for these activities would be enclosed by steel containers stacked three high to an overall height of 7.8m, and therefore screen views of these activities from residential properties to the west, subject to a restriction on external storage heights to a maximum 6m.
95. There is some visibility of the screen containers from residential properties on Fox Covert and Egling Croft, but views are filtered by the presence of mature landscape screening. The containers are located on industrial land and would not be out of context with the character of the area. Nevertheless, the containers would benefit from being painted a dark green colour to assist in reducing their visual impact further and this can be regulated by planning condition. The containers could arguably be lawfully placed on the land if they were stored in connection with the existing open storage use of the site.
96. The external works adjacent to Building B are limited to the siting of a shredder and associated small stockpile. This area is located centrally within the existing waste transfer station and would be fully screened from residential properties by the adjacent building.
97. Vehicles servicing the site would have a limited and transient visual impact.
98. Overall it is concluded that the development would not result in any significant visual impacts and the waste development benefits from satisfactory screening and landscaping to ensure compliance with the requirements of WLP Policy W3.3 and W3.4.

Publicity of Planning Application

99. Concerns have been raised regarding the extent of the publicity carried out in connection with this planning application and previous development at the Chris Allsop Business Park.
100. The Council's publicity of the planning application has met its statutory consultation requirements and has been undertaken in compliance with the adopted Statement of Community Involvement. The County Council has consulted the public on the application by press advert, the erection of site notices and the posting of 51 letters sent to the nearest occupiers on Cottage Meadow, Crosslands Meadow, Egling Croft and Fox Covert, Colwick, and the nearest business in Colwick Business Park, LEEC Development Site, Road No. 2, Colwick. This has resulted in the receipt of 31 letters being received from the local community. The County Council is satisfied that its consultation requirements have been met.

Breaches of Planning Permission

101. The concerns raised by the local community in respect of the retrospective nature of the planning submission and alleged non-compliance issues at the adjacent metal waste transfer station which is also operated by the applicant are noted. It is understandable why this has undermined confidence with the local community in any future proposals for waste related development at the site. Officers take these non-compliance issues very seriously and have sought to work with the operator to resolve this matter through the submission of this planning application.
102. The decision of officers to request a planning application in an attempt to regularise unauthorised works on the site is consistent with the approach set out in the Government's Planning Practice Guidance (PPG) 'Ensuring Effective Enforcement'. This document sets out national policy and expectations in terms of planning enforcement policy. It advises that planning authorities have discretion to take enforcement action when they consider it is reasonable to do so and any action taken should be proportionate to the breach of planning control. Paragraph 011 of this PPG states that '*local planning authorities should usually avoid taking formal enforcement action where... development is acceptable on its planning merits...and in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.*' This approach is reflected in the County Council's adopted Local Enforcement Plan (May 2015) which identifies retrospective planning applications as being an appropriate method of dealing with breaches of planning control to regularise unauthorised works.
103. The National Planning Policy Framework (NPPF) (paragraph 80) states that planning decisions '*should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity*',
104. The submission of this planning application to regularise unauthorised development gives no guarantee that a planning permission will be forthcoming.

The planning application needs to be considered on its own merits and follow the same procedures as a normal planning application. But, the fact that this planning application is retrospective should not affect the judgement of the Council in this case.

105. The assessment of this planning application identifies that satisfactory environment controls can be put in place through the recommended planning conditions and Environmental Permit issued by the Environment Agency to ensure the site operates in an environmentally acceptable manner.
106. In terms of breaches of the planning permission at the adjacent metals recycling facility, there have been compliance issues with the operation of this site principally concerning the phasing of the development and the requirement to undertake prescribed works before entering new phases. Officers have investigated these matters and changes have been made to the working practices at the site. The situation has also been addressed by the granting of a minor material amendment planning application which regularised issues in respect of the configuration of the site layout, an amended drainage scheme, alterations to car parking facilities, alterations to plant and machinery used on the site, increasing the storage heights and phasing for providing boundary enclosures. Further discussions are ongoing with the developer regarding the construction of boundary enclosures adjacent to the River Trent and industrial units to the east and the floodlighting of the site which currently are not compliant. Concerns expressed about breaches of operating hours, excessive noise and bonfires have been investigated but there is no evidence that the site is currently breaching these controls.
107. Concerns have been raised that the business is utilising an alternative access which runs adjacent to residential properties in Crosslands Meadow and not using the access route identified in the planning application submission. The site inspection identifies that it is not possible to obtain access to the application site from this access route and all deliveries are made following the approved route.

Other Issues

108. There is concern that the development would affect house prices. Planning is concerned with land use and the protection of private interests such as the sale of property is not a material consideration.

Other Options Considered

109. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered, but the working practices of the scheme have been modified during the processing of the planning application to ensure its environmental impact is minimised .

Statutory and Policy Implications

110. 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

111. The development would be located within an established industrial estate benefiting from perimeter security fencing and site security.

Data Protection and Information Governance

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

Financial Implications

113. None arising.

Human Resources Implications

114. None arising.

Human Rights Implications

115. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered. The proposals have the potential to introduce impacts such as noise and dust upon adjacent residential properties. However, these potential impacts would be minimised by environment controls exercised at the site and regulated through the planning conditions and need to be balanced against the wider benefits the proposals would provide in terms of providing sustainable waste management. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Public Sector Equality Duty Implications

116. None arising.

Safeguarding of Children and Adults at Risk Implications

117. None arising.

Implications for Service Users

118. None arising.

Implications for Sustainability and the Environment

119. These have been considered in the Observations section above.

Conclusion

120. The development contributes to the sustainable management of waste by diverting single use plastic from disposal/incineration and enabling this waste to be recycled, thereby managing the waste at a higher level in the waste hierarchy in compliance with WCS Policy WCS3.
121. The location of the site being on allocated employment land is supported by WCS Policy WCS7. The development also utilises part of a site already benefiting from planning permission as an active waste management facility.
122. Although the planning consultation process has resulted in a significant number of objections from the local community in terms of the proximity of the site to residential properties and the potential for adverse environment effect, the examination of these issues has identified that the design of the site and the environmental controls that would be implemented ensure that no significant adverse environmental effects would result from the development.
123. A series of planning conditions are recommended in Appendix 1 to ensure appropriate regulation for the site.

Statement of Positive and Proactive Engagement

124. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework, including the accompanying technical guidance. The Waste Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application. Issues of concern have been raised with

the applicant, such as impacts from dust, litter and air quality and have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

125. 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.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [RHC 19/11/2019]

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

Financial Comments [SES 15/11/19]

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.

Electoral Division(s) and Member(s) Affected

Carlton East Councillor Nicki Brooks

Report Author/Case Officer

Mike Hankin

0115 9932582

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

APPENDIX 1

RECOMMENDED PLANNING CONDITIONS

Scope of Planning Permission

1. This planning permission is for the continued operation of a plastic waste recycling facility at the Colwick Business Park, Road No.2 Colwick. The development shall be carried out in accordance with the submitted application (as amended by Revision E), documents and recommendations of reports including noise assessment report (Ref: 1072 Colwick – Allsops (2019) (Rev E), and the following plans, unless otherwise required pursuant to the conditions of this permission:
 - a. Location Plan (Bentarka Ltd – OS Plan 1) received by the Waste Planning Authority (WPA) on 23rd November 2018.
 - b. Drawing No. J1472 008 Rev.1: Location Plan received by the WPA on 23rd November 2018.
 - c. Drawing No. J1472-009: Compound Area Plan received by the WPA on 23rd January 2018.

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

Improvement Works to Site

2. Within 2 months of the date of this planning permission there shall be submitted to the WPA for its approval in writing a survey of Buildings A and B to identify any holes or openings within the structure of the buildings and a scheme to infill these holes or openings. The scheme to infill the holes or openings in the buildings shall be fully implemented within 28 days of its approval in writing by the WPA.

Reason: To ensure the buildings provide appropriate enclosure of plastic materials and safeguard against the escape of fugitive windblown litter in accordance with the requirements of Nottinghamshire and Nottingham Waste Local Plan Policy W3.8 (Litter).

3. Within 2 months of the date of this planning permission there shall be submitted to the WPA for its approval in writing a scheme to improve the litter catchment fencing around the plastic shredder and associated daily stockpile area on the open area adjacent to Building B. The scheme shall be fully implemented within 28 days of its approval in writing by the WPA.

Reason: To ensure the areas provides appropriate enclosure of plastic materials and safeguard against the escape of fugitive windblown

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litter in accordance with the requirements of Nottinghamshire and Nottingham Waste Local Plan Policy W3.8 (Litter).

4. Within two months of the date of this planning permission, the existing containers positioned around the open yard area to the north west of Building A shall be taken down and a new screen enclosure installed in accordance with the details shown on Drawing No. J1472-009: Compound Area Plan received by the WPA on 23rd January 2018 so as to provide full enclosure of the area to a height of 7.8m (three containers high). The containers shall be assembled to ensure they are free from gaps. Thereafter, the outward (south-west and north west) facing side of the containers shall be painted a dark green colour within four months of the date of this planning permission. The containers shall thereafter be retained throughout the operational life of the site.

Reason: To provide satisfactory screening of the site and to *safeguard against the escape of fugitive windblown litter in accordance with the requirements of Nottinghamshire and Nottingham Waste Local Plan Policy W3.4 (screening) and Policy W3.8 (Litter).*

Control over Waste Deliveries

5. Only sheet plastic waste originating from the cover of crops used on agricultural land shall be received for processing at the site. All incoming deliveries shall be inspected prior to them being unloaded. If this inspection identifies the delivery incorporates materials other than sheet plastic waste originating from the cover of crops, the delivery shall be rejected, not unloaded and immediately removed off site.

Reason: *To define the scope of waste materials that are appropriate to be managed at the facility and ensure that non-conforming wastes which may result in potential adverse environmental effects are not received, in accordance with Nottinghamshire and Nottingham Waste Core Strategy Policy WCS 13 (Protecting and enhancing our environment).*

6. Notwithstanding the controls imposed within Condition 5, in the event that a waste delivery is unloaded which is found to incorporate a quantity of non-conforming waste then the non-conforming waste shall be immediately removed from the unloaded waste, deposited in a skip/refuse container and shall be removed from the site within 7 days of its receipt.

Reason: *To define the scope of waste materials that are appropriate to be managed at the facility and ensure that non-conforming wastes which may result in potential adverse environmental effects are not received, in accordance with Nottinghamshire and Nottingham Waste Core Strategy Policy WCS 13 (Protecting and enhancing our environment).*

APPENDIX 1

7. Waste deliveries shall only be deposited either within Building A or the uncovered area of hardstanding area immediately to the north west of this building. Any deliveries which are unloaded onto the hardstanding area shall be transferred into Building A at the earliest practical opportunity and no later than the end of the working day on which the delivery is made.

Reason: To safeguard against the escape of fugitive windblown litter in accordance with the requirements of Nottinghamshire and Nottingham Waste Local Plan Policy W3.8 (Litter).

8. The loads of all vehicles transporting waste to the site shall be fully covered by sheeting.

Reason: To minimise litter arising from the transport of material in accordance with Policy W3.8 of the Nottinghamshire and Nottingham Waste Local Plan.

9. No more than 20,000 tonnes of sheet plastic waste shall be imported to the site in any one calendar year. Records shall be kept by the operator of all imports of waste to the site. These records shall be made available to the WPA within seven days of a written request.

Reason: To ensure that the site operates within the limits which have been assessed within the planning application submission as appropriate and would not generate any significant adverse environmental effects, in accordance with Nottinghamshire and Nottingham Waste Core Strategy Policy WCS 13 (Protecting and enhancing our environment).

Controls relating to Storage of Plastic Waste

10. All waste and processed plastic shall be stored internally within either Building A or Building B, except in the following circumstances:
- a. Waste plastic deliveries unloaded onto the hardstanding immediately in front of Building A, subject to compliance with the environmental controls set out within Condition 6.
 - b. A stockpile of plastic sheeting outside Building B within the netted area approved under Condition 4 above. The quantity of stored waste shall be no greater than that required to complete the days processing and ensure that at the end of each working day no plastic waste is stored in this location overnight.
 - c. The use of a plastic shredding machine on the open yard immediately outside Building B, as documented in Revision E of the noise assessment report.

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- d. Storage of bales of plastic on the hardstanding area to the north-west of Building A, subject to the bales being wrapped to an adequate standard to avoid any windblown releases and subject to a maximum storage height of 6m.

The operator shall carry out a daily site inspection to ensure waste plastic is being satisfactorily contained and any fugitive plastic identified within the site shall be picked up and returned to its authorised storage location. In the event that the litter controls do not provide satisfactory containment of plastic, or upon the written request of the WPA, the operator shall investigate the source of the plastic emissions and implement further litter controls to provide improved containment of plastic waste across the site in accordance with a scheme which shall have previously been submitted to the WPA for approval in writing.

Reason: To safeguard against the escape of fugitive windblown litter in accordance with the requirements of Nottinghamshire and Nottingham Waste Local Plan Policy W3.4 (screening) and Policy W3.8 (Litter).

Noise Controls

11. The noise level at any residential receptor shall not exceed the background noise level (L90) by more than 5 dB including the addition of penalties for tonal/impulsive when assessed in accordance with BS4142:2014.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby residential occupiers and land users in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

12. No shredding and washing of plastic waste shall be undertaken anywhere on the site except inside or immediately adjacent to Building B, as set out within Revision E of the noise assessment report.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby residential occupiers and land users in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

13. All vehicles/plant under the operator's control shall employ broadband reverse alarms.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby residential occupiers and land users in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Hours of Operation

14. Operating hours should be restricted to Monday to Friday 0700 to 1800, Saturday 0730 to 1230 with no operations on a Sunday or Bank Holiday.

Reason: To protect local residents from noise disturbance in accordance with the requirements of Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Dust Controls

15. Measures shall be employed to ensure that dust generated within the site is 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 haul roads to and from the permitted area during dry days, vehicle circulation and manoeuvring areas;
 - c. The regular sweeping of haul roads;
 - d. The temporary cessation of waste processing during periods of extreme dry and windy weather.

In the event that a complaint is received regarding dust arising from the operation of the site which the WPA considers may be justified, the operator shall within one month of a written request from the WPA, prepare and submit for the WPA's approval in writing a mitigation strategy to remedy the nuisance. The site shall thereafter operate in compliance with the approved 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 dust in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

Operational Controls

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 the aggregate

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17. storage capacity of all storage containers. All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or wall.

Reason: To protect ground and surface water from pollution in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

18. No materials may be burned or otherwise incinerated on the site. Any fire occurring shall be regarded as an emergency and immediate action taken to extinguish it.

Reason: To ensure satisfactory operation of the site in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.

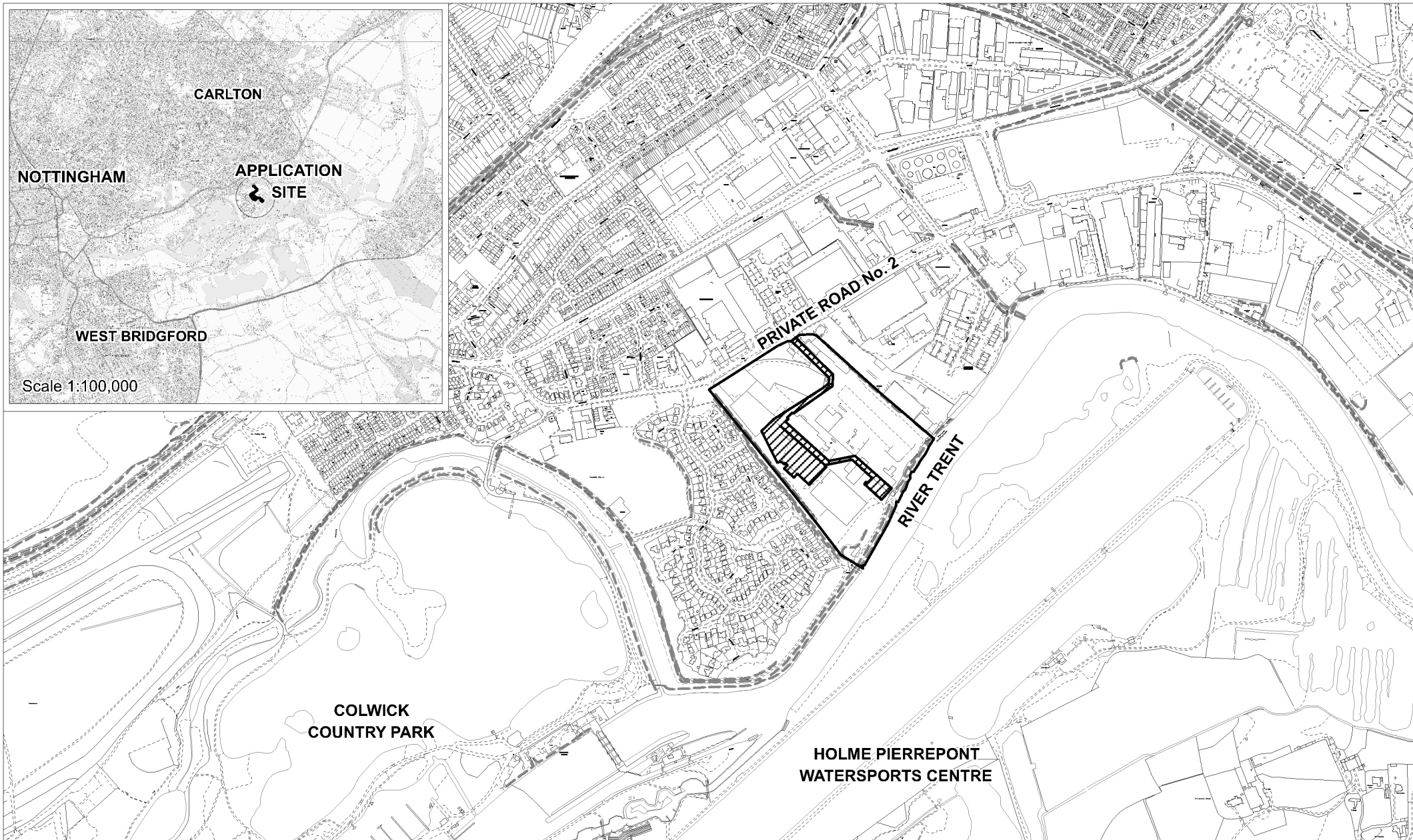
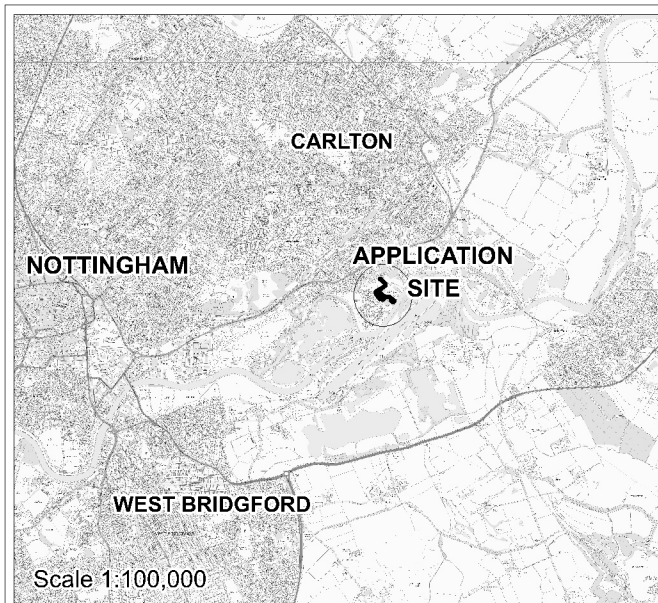
Flood Protection

19. The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (FRA) dated January 2011 and received by the WPA on 23rd November 2019 compiled by Charnwood Property Consultants and Developers Ltd. The operator shall ensure that the flood mitigation measures detailed on pages 13 and 14 of the FRA are incorporated into the proposed development. Any operational equipment to be stored outside shall be placed at or above the level outlined for finished floor level and flood proofing and resilience measures employed to mitigate the risk of damage to the equipment. This level is 300mm above the 1 in 100 year plus 50% climate change level or 300mm above the 1 in 100 year plus 30% climate change breach flood level, whichever is highest.

Reason: To reduce the impact of flooding on the proposed development and future users of the site in accordance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.13 (Flood Defences).

Informatives/notes to applicants

1. The Environment Agency advises that:
 - Under the Environmental Permitting (England and Wales) Regulations 2016, any permanent or temporary works in, over or under a designated main river will require an Environmental Permit for Flood Risk Activities from the Environment Agency.
 - Any permanent or temporary works within 8 metres of the top of the bank of a designated main river, or landward toe of a flood defence may require an Environmental Permit for Flood Risk Activities from the Environment Agency. In addition, any permanent or temporary works within the floodplain of a designated main river may also require an Environmental Permit for Flood Risk Activities.
 - To find out whether the activity requires a permit or falls under a relevant exclusion, exemption or standard rule please follow the link below:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
2. Public Health England state that reducing public exposures to non-threshold pollutants (such as particulate matter and nitrogen dioxide) below the air quality standards has potential public health benefits. They support approaches which; minimise or mitigate public exposure to non-threshold air pollutants, address inequalities (in exposure), and maximise co-benefits (such as physical exercise) and encourage their consideration during development design, environmental and health impact assessment, and development consent. Public Health England recommend the site engages with the local community to understand, investigate and seek to address their concerns which could be addressed by good communication, management and practice on site, e.g. delivery times, delivery vehicle engine anti-idling guidelines to prevent noise and air pollution.



**Nottinghamshire
County Council**

Change of Use of existing buildings from waste transfer station and B1, B2, and B8 to plastic recycling.
Colwick Business Park, Road No 2, Colwick, Nottinghamshire.
Planning application No. 2019/0017NCC

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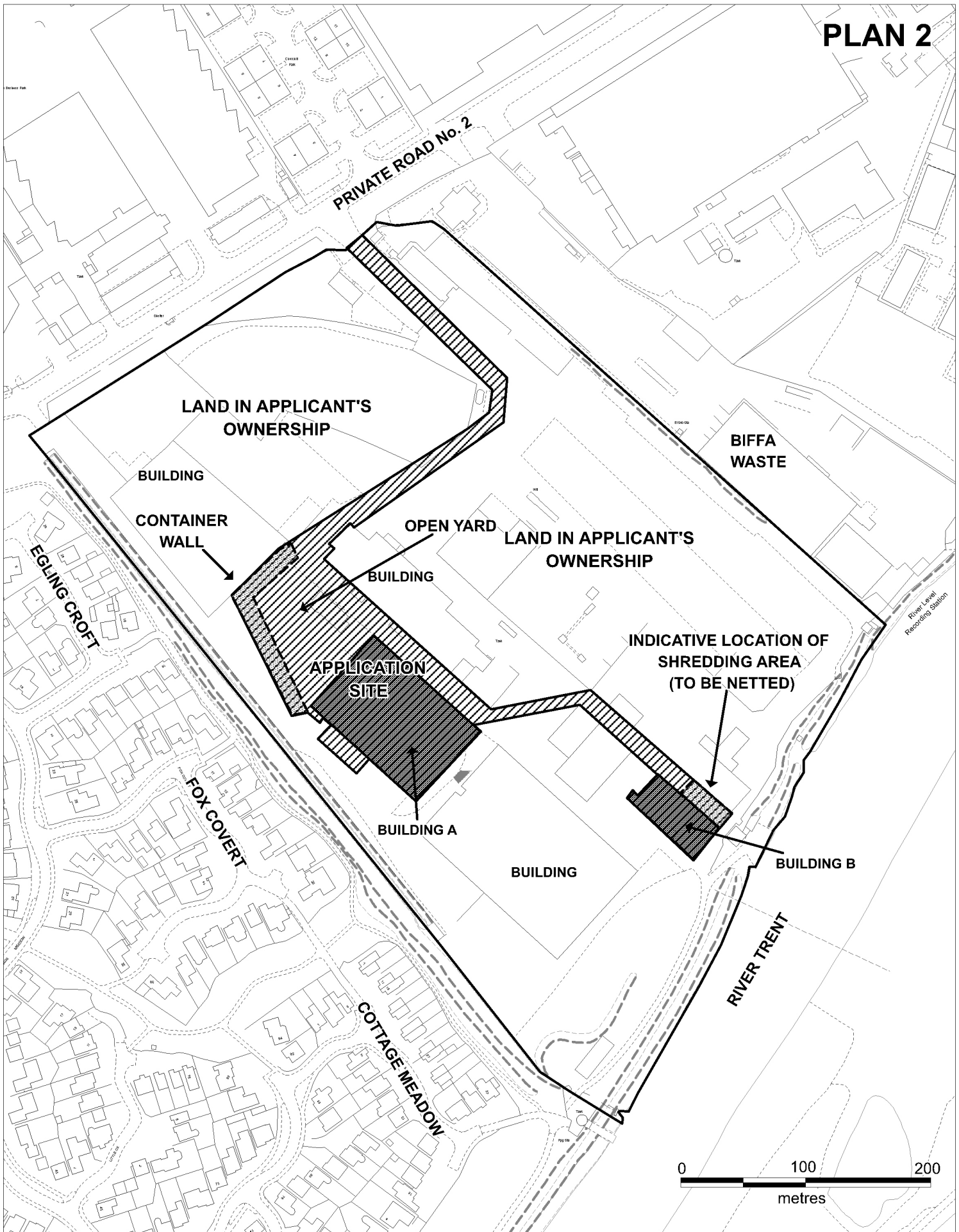
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PLAN 1



21 January**2020 Agenda****REPORT OF CORPORATE DIRECTOR – PLACE****Item: 6****GEDLING DISTRICT REF. NO.: 7/2019/1000NCC****ASHFIELD DISTRICT REF. NO.: 4/V/2019/0680**

**PROPOSAL: CONSTRUCTION OF TWO HIGHWAY JUNCTIONS WITH ASSOCIATED
INFRASTRUCTURE TO ACCESS DEVELOPMENT SITE:**

- A) A611/ANNESLEY ROAD - FOURTH ARM TO ROUNDABOUT**
- B) A611 - NEW THREE ARM SIGNAL CONTROLLED JUNCTION**

**CONSTRUCTION OF A 3M WIDE SHARED USE FOOTWAY/
CYCLEWAY ALONG THE NORTHERN SIDE OF THE A611**

LOCATION: TOP WIGHAY FARM, ANNESLEY ROAD, LINBY, HUCKNALL

APPLICANT: NCC PLACE DEPARTMENT

Purpose of Report

1. To consider a planning application for the construction of a fourth arm to an existing roundabout and to form a signalised junction on the A611 at Annesley Road, Linby. The key issue relates to the acceptability of the highway design to serve planned development. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

2. The application relates to a roundabout junction and length of carriageway on the A611 Annesley Road to the north of Hucknall and to the west of Linby. The application site extends along the highway to include the south-east and south-west arms to the roundabout and for 710m along the A611 Annesley Road to the north-west. Agricultural land to the north-east of the A611 is included in the site. Two hedges on the agricultural land are included in the application site boundary which is 9.8ha. in area (Plan 1).
3. There is a cycle-way/footway and drainage ditch on the north-east side of the A611 carriageway with a field boundary hedge which demarks the current

highway boundary running in parallel. The hedge is composed principally of hawthorn and holly (Category C). A mixed group of trees is established to the north of the roundabout and extends around its eastern side.

4. The site lies 1.6km to the south-west of Linby Quarry SSSI which is a designated broadleaved mixed and yew woodland. Top Wighay Farm Drive Local Wildlife Site, noted as a rich limestone grassland, adjoins the site (Plan 1). The site is also at closest approximately 200m from a possible potential Special Protection Area (ppSPA) for breeding populations of nightjar and woodlark at Wighay Wood within Park Forest.
5. The site is mostly in Gedling Borough but also partially in Ashfield District (Plan 2).

Background

6. Greater Nottingham Aligned Core Strategies Part 1 Local Plan (September 2014) (Aligned Core Strategy) identifies land at Top Wighay Farm for development of 1,000 homes and employment as a Sustainable Urban Extension to the north of Hucknall on a site of 35.6ha., including 8.5ha allocated for employment development. Safeguarded land is identified to the north of the allocated site. Top Wighay Farm Development Brief Supplementary Planning Document (SPD) was adopted by Gedling Borough Council in February 2017 and states that *the planning and design process informing this Development Brief has indicated that the most sustainable dwelling capacity for the Aligned Core Strategy allocation is around 805 dwellings, rather than 1,000 as indicated by the Aligned Core Strategy.*
7. Gedling Borough Local Planning Document Part 2 Local Plan (July 2018) (Gedling Local Plan) identifies land for housing and employment consistent with the Aligned Core Strategy, as amended by the SPD (Plan 2). A further 46.8ha. of land has been removed from the Green Belt and allocated as Safeguarded Land to be protected from development for the plan period up to 2028 (Gedling Local Plan Policy LPD 16 – *Safeguarded Land*).
8. The County Council has secured grant funding of £5.8 million from the Homes England Local Authority Accelerated Construction fund with additional funding provided by the County Council to finance the provision of highway infrastructure into the site.
9. The original bid to Homes England was based on infrastructure designs that originally gained planning permission from Gedling Borough Council in May 2009. This permission has lapsed and a new planning permission is required.
10. A master plan for development of the Top Wighay Farm site allocated in the Gedling Local Plan is being developed by the applicant in consultation with Gedling Borough Council.

Proposed Development

11. Planning permission is sought for alterations to the highway to provide a fourth arm to the existing roundabout on the A611, and to provide a signalised junction 380m to the north, both providing vehicular access into the land allocated for development in the Gedling Local Plan. The highway junctions have been designed to accommodate the planned growth (Plan 3 and Plan 4).
12. The existing carriageway 315m to the north of the signalised junction along its length to the roundabout would be widened on its northern side to accommodate an additional right-turn lane (northbound), left-turn lane (southbound) and re-aligned central reservation. The supporting Planning Statement states that the design of the highway infrastructure improvements and development access points has been undertaken in line and to the relevant standards in the Design Manual for Roads and Bridges (DMRB). Having regard to the downhill approach from the north-west to the proposed traffic signal-controlled junction, it is proposed that the speed limit would be reduced from the national speed limit (70mph on dual carriageway) to 50mph, which would require a Traffic Regulation Order to be made.
13. A 3.0m wide cycleway/footway would be provided to replace the existing route removed to accommodate the widened highway, with a new highway ditch provided on the north-eastern side. The existing drainage ditch would be culverted beneath the new arm to the roundabout. The cycleway/footway would be sited so as not to be affected by future carriageway widening needed to accommodate development of the safeguarded land.
14. 610m of the existing field boundary hedge would need to be removed to accommodate the highway works. A 1.4m high timber post and rail fence would be erected on the new highway boundary with a replacement hedge planted in front, in addition to a highway drainage ditch and the cycleway/footway along the frontage to the A611.
15. The proposed design would allow for the provision of additional lanes at the signalised junction when the safeguarded land is developed without impacting on the post and rail fence and replacement hedge.
16. The field to the north-east of the A611 would be used for construction compounds and waste storage. Fences would be erected during construction to safeguard against damage to retained boundary hedges (Plan 5).
17. Separate planning applications for development would follow and would fall for determination by Gedling Borough Council, other than applications for development to be undertaken by the County Council. The scope of the planning application being prepared for the Top Wighay Farm site comprises:
 - up to 805 residential dwellings
 - B1 employment use with a gross floor area of 34,802sqm
 - B8 employment use with a gross floor area of 14,501sqm
 - identification of a site for a primary school for up to 315 pupils

- a local centre with a gross floor area of 2,769sqm
18. The proposed works to, and adjacent to, the highway would not increase traffic flow. Although designed to accommodate future flows, the adequacy of the junctions to serve development would be checked when considering detailed planning proposals for development of the Top Wighay Farm site. Alterations would be required to the roundabout in the event of development of the safeguarded land, but is not for consideration in this application.

Construction

19. Planned construction would take place between April 2020 – March 2021, although hedge and tree removal along the A611 would be undertaken in advance of the bird nesting season. The nearest residential receptors lie 200m to the south-east of the roundabout where the fourth arm would be constructed. The application notes that the existing noise climate at these receptors is dominated by road traffic noise.
20. Construction would predominantly take place during day-time hours when traffic would remain the dominant noise source. Some night-time working would be required, but with the exception of planing and milling the road surface which would be of limited duration, the night-time works should not be particularly noisy. A communication plan would give the public advanced warning of any night-time operations.

Consultations

21. **Gedling Borough Council** – No objection.
22. **Ashfield District Council** - No objection.
23. **Linby Parish Council** – Draws attention to NPPF Paragraphs 108 and 109 which require: that all new developments should ensure that safe and suitable access could be achieved for all future users; and that applications should demonstrate there would be no unacceptable impact on highway safety and that the residual cumulative impact of a scheme should not be severe.
24. *Current planning policy requires ‘access to new development’ to be all encompassing rather than simply focused on addressing the impact of predicted traffic movements. Policy guidance seeks to prioritise the predicted movement of pedestrians, cyclists and public transport users above that of normal road traffic. The application has presented two junction improvement schemes that on the face of it operate at the limits of their theoretical capacity with no supporting independent technical safety audits to support the approach. These results are based on a modelling exercise that includes significantly reduced trip rates and do not accurately reflect a realistic build out rate for the scheme and the consequences of traffic growth that would occur. Neither does the design exercise make any allowance for the way in which demand for pedestrian and cyclist activity will change in the area following implementation of any subsequent mixed-use development. This*

should be addressed in detail and incorporated within any highway improvement proposals such that the priority users of the network are considered accordingly, and the optimum infrastructure levels achieved.

25. *Whilst it is noted that the application is being made to determine vehicular access only in advance of a full application being made for mixed-use development, concern is raised that the assumptions used for trip modelling leave little scope for fluctuation in any future junction design where capacity issues are predicted.*
26. *Having regards to anticipated housing build rates, the choice of 2028 as the base year for traffic modelling is questioned. As a planning application for the land that would be opened up for development has not yet been submitted development may not commence for three years and the base line for a Future Year model should be 2031. As a worst case, a Future Year modelling exercise of 2039 should be undertaken before any absolute conclusions can be drawn on the suitability of any Local Plan led infrastructure improvements.*
27. *Whilst it is accepted that the results of the modelling exercise for 2028 should be an acceptable position for planning, the scope for variation in the trip rates and probability of this scheme not being completed until a future year of 2039, may result in a highway layout that regularly experiences severe congestion and delays, potentially with corresponding highway safety problems.*
28. *A development of this type and size will materially alter the way the current highway layout operates by changing its current function of primarily traffic movement to that with a sense of place, with far more demand for movement by all modes of travel. The proposed highway layouts are very much focused on vehicular movement and do not take account of how future conditions may require greater consideration of non-car modes.*
29. *The proposed signal-controlled junction-drawing layout includes crossings of the A611 at the western edge of the junction. Pedestrians will follow direct desire lines and this layout presumes anyone wishing to arrive at the south-eastern corner of the junction from the eastern side of the access road, perhaps to connect with a bus stop or take the most direct route to employment development to the south on Waterloo Road, will take the arduous route of crossing the site access arm and then onto the opposite edge of the A611 via the western side of the junction. This is not the desire line and there is a clear risk of dangerous crossings taking place as a result of this arrangement. The scheme should be including provision for pedestrians and cyclists to safely cross at all arms. The proposed improvements do not accommodate increased crossing demand by pedestrians and cyclists at the roundabout.*
30. *Any consideration of the suitability of these improvements must be accompanied by a detailed assessment of potential pedestrians and cyclist crossings to determine the appropriate form of crossings at or in the vicinity of the junction. The operation of safe crossings at junctions can have a major*

impact on the available capacity, so should be considered before determining the suitability of the proposed layouts.

31. *Highway safety is a key determinant in assessing proposals for highway improvements. The principle of the junction improvements has been established from a previous consent, but the current proposed layouts differ significantly from that position. An independent safety review has not been carried out.*
32. *The ability of large vehicles to satisfactorily complete manoeuvres through the signalised junction is questioned. Whilst it is accepted that lorries may be an occurrence at present, it cannot be ignored that the intensity of large HGV turning movements at the roundabout would increase as a result of the future employment uses. The proposals include some tight entries and exits to the roundabout and the applicant should demonstrate how additional HGVs (and other users) could be safely accommodated within their lanes without the risk of conflict. The impact of a parked bus on junctions should be assessed.*
33. *The Parish Council supports the comments made by NCC Nature Conservation and that the proposal is contrary to Linby Neighbourhood Development Plan Policy NE1 - Habitats, Trees and Hedgerows which deals with the loss of hedgerows in development. [Comment: Additional information has been received that has addressed initial ecological concerns raised by NCC Nature Conservation.]*
34. **NCC Highways Development Control** – No objection subject to a condition to require the highway junction and footway/cycleway works to be carried out in accordance with the County Council's Highway Design Guidance. The plans submitted for the purpose of the planning application are indicative only.
35. *The design is considered acceptable to serve the proposed future scale of development referenced in documentation supporting the planning application.*
36. **NCC Safer Highways** – are actively involved in the project and have prepared a Stage 2 Road Safety Audit. *Changes to the proposed lane allocations at the roundabout; improved pedestrian/cycle crossing facilities to cross the A611 at the proposed new signals junction; and careful design of sign posts and lighting columns etc. with regard to safety fence provision have been recommended.*
37. **Natural England** – No objection. *The proposed development will not have significant adverse impacts on designated sites. Appropriate mitigation and/or avoidance measures to reduce the likelihood of significant impacts which might adversely affect breeding nightjar and woodlark populations occurring should be considered.*
38. *The proposal falls within the relevant air quality and water dependency impact risk zones for Linby Quarries SSSI. The development is 2km distant and does not appear to be hydrologically linked to the SSSI. The development is also over the 200m screening threshold for air quality impacts from road schemes.*

39. Amongst other criteria the consultation response draws attention to the need to consider acoustic disturbance to breeding nightjar and woodlark arising from construction.
40. **NCC Nature Conservation** – No objection subject to conditions to: protect retained hedges from damage; planting to mitigate the removed hedge and re-seeding of road verges ; and a requirement to follow the submitted method of working in relation to reptiles.
41. *No Air Quality Assessment or noise assessment appears to have been carried out for the road in use. Significantly, the application boundary lies within 150m of the boundary of part of the Sherwood Important Bird Area, which is a component of the area identified as the 'prospective' Sherwood potential Special Protection Area. It is understood that impacts arising from increased traffic will be assessed as part of the wider development as the realignment works in themselves will not lead to an increase in traffic.*
42. **NCC Project Engineer (Noise)** – No objection. *The submission discusses the impact of construction noise on nearby receptors from the works which will be undertaken primarily during the daytime with some limited evening and night time working. Given existing traffic flows and therefore noise levels, noise associated with construction activities is unlikely to cause a significant adverse impact during the daytime at the nearest receptors during traffic free-flow. Suitable measures have been proposed in relation to evening/night time working in the form of scheduling the noisiest activities for the early evening, ongoing communication with residents and liaison with the Local Authority Environmental Health Officer.*
43. *The A611 is a national speed limit dual carriageway and noise at nearby sensitive receptors such as ecological receptors to the west will be dominated by road traffic noise under normal conditions. As such, noise due to construction operations associated with the widening works along this section are unlikely to exceed the prevailing traffic noise levels, and assuming the works will require a temporary reduction in speed limit and lane restrictions, will more likely result in an overall reduction in noise levels for periods during the construction phase.*
44. **Western Power Distribution** – *Two 33kv Cables with Pilot Cables have been identified on the north side of the road to be widened, and around the roundabout. Changes will need to be agreed with Western Power and cables, if necessary, may need to be diverted.*
45. **NCC Flood Risk, Severn Trent Water Limited and Cadent (Gas)** – No response received.

Publicity

46. The application has been publicised by means of site notices and a press notice in accordance with the County Council's adopted Statement of Community Involvement. In the course of considering the application the red line of the application site has been revised. This has not resulted in material changes

requiring the application to be re-advertised. However, all consultees have been re-consulted.

47. Councillor Chris Barnfather, Councillor Ben Bradley and Councillor Kevin Rostance have been notified of the application.
48. No representations have been received.

Observations

49. The proposed development would facilitate the delivery of the development of the planned development at Top Wighay Farm set out in the Aligned Core Strategy and Gedling Local Plan (Paragraphs 6-7). Gedling Local Plan Policy LPD 61 – *Highway Safety* will allow development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of all people.
50. Gedling Local Plan Policy LPD 58 – *Cycle Routes, Recreational Routes and Public Rights of Way* will seek contributions for new cycle or recreational routes and facilities on or off site where new development is proposed.
51. Linby Neighbourhood Development Plan (March 2019) (LNDP) Policy TRA1 – *Traffic and Transport* supports new development that (amongst other criteria) provides new roads with sufficient capacity to accommodate the scale of new development and associated traffic movements; provides for the needs of pedestrians and cyclists; cycle and footpath connectivity where new networks form part of the development; and demonstrate no detrimental impact on traffic safety, no severe impact in terms of capacity and congestion, and provide necessary infrastructure to accommodate the development.
52. NPPF Paragraph 109 advises that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*. NPPF Paragraph 108c) states that it should be ensured *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree*.
53. Subsequent applications to develop the Top Wighay Farm site would set out the distribution and mixture of uses (including a local centre and Primary school) and density of development in different areas of the site. The highway proposals have been designed to accommodate modelled traffic flows, and further alterations to the carriageway and at the signalised junction can be satisfactorily accommodated without significant further works when the safeguarded land is developed. Although not for consideration in this application, additional modifications to the roundabout will need to be undertaken to accommodate traffic generated by development of the safeguarded land.
54. There may be a need to subsequently amend the submitted design to accommodate cycling and pedestrian movements once detailed proposals

come forward but these should not impact on the geometry and layout of the planned junctions. If modifications to cycle or pedestrian routes are required these may be funded through developer contribution in compliance with Gedling Local Plan Policy LPD 58 – *Cycle Routes, Recreational Routes and Public Rights of Way* as applications for the build out of the site come forward.

55. In response to matters raised by Linby Parish Council the applicant has commented that:

“The methodology used for the access appraisal supporting the application has been approved by NCC Highways, as such the Highway Authority are content with the approach taken. On specific points raised:

The adoption of an 85th percentile residential trip rate [an accepted cautious statistical measure for traffic modelling] provides a robust assessment which allows the junction assessment work to account for suggested fluctuations in junction design.

The 2028 assessment year has been chosen to be consistent with previous Greater Nottingham Transport Model associated work. It has also resulted in a future year assessment to be undertaken for a period longer than the five years post-planning submission, which is typically adopted for such assessment work. The difference in growth between 2028 and 2031 would be nominal. However, a suggested assessment year of 2039 is so far in the future, that whilst future growth to such a point could still be estimated, traffic flows in 20 years cannot be accurately forecast.

The build out rate is not something over which the applicant has control. The planning application is for highway infrastructure improvement works. The development of the land itself is to be considered under a separate application.

Linby Parish Council raises valid issues in relation to proposals for pedestrian and cyclist proposals. However, the provision of facilities for non-motorised users are to be addressed under the separate application for the wider development. Any identified improvements to facilities for pedestrians and cyclists, are currently being assessed as part of the Transport Assessment for the development and will be incorporated into the proposals and planning application. This planning application is for the highway infrastructure improvement works that include: shared use ped/cycle facilities adjacent to the southbound A611; Toucan crossing facility at the new traffic signal junction; uncontrolled crossing points at the new spur of the roundabout, consistent with provision at other junction arms; pedestrian and cycle direction signing; and shared use pedestrian/cycle facilities which extend from each junction into the development area itself.

In the event of the need for additional facilities being identified in the planning application for the wider development, these facilities can be

incorporated into the current design proposals and are likely to be picked up by a S106 agreement and conditions imposed.

The detailed design of the highway infrastructure improvements has been subject to Road Safety Audit at Stage 1 and Stage 2 in accordance with Via's Road Safety Audit policy. The findings of the Road Safety Audit have been considered and where appropriate, have been incorporated into the design. The Road Safety Audit information is not currently in the public domain.

The movements of larger vehicles including HGVs and buses, at both junctions, have been tracked during detailed design of the proposed improvement work. The designers are confident that the proposed designs can be safely negotiated by all types of vehicles expected to use the junction. Because no detailed design has been undertaken on the proposed infrastructure works associated with the safeguarded land, a tracking exercise on the bigger junction has not been undertaken at this time, as the safeguarded land is not relevant to this planning application.

It is proposed that buses will service the wider development. The impact is to be addressed in the planning application for the wider development. In the interim, it is anticipated that buses will use an existing bus stop on the A611 which will stop within the main carriageway."

56. The Parish Council have written in response questioning the traffic methodology in respect of residential trip rates, the date used for traffic assessment, build-out rate, the level of detail provided to take account of movements by pedestrians and cyclists, public availability of the Road Safety Audit, adequacy of submitted vehicle tracking and implication of buses stopping on the A611. The applicant has responded to the technical issues raised and has emphasised that provision for cyclists and pedestrians, and the provision of bus stops, will be formally assessed in the Transport Assessment for development of the Top Wighay Farm site. The applicant has stated that this planning application relates to junction improvement work only and cannot provide the specific detail that will support a planning application for the development of the adjacent site as it is not presently available. A high-level masterplan has been developed which shows illustrative locations of crossing points etc. although it is noted that the locations are not definitive. NCC Highways Development Control is satisfied that the submitted Transport Assessment is robust and the methodology suitable for the purpose of determining this planning application.
57. The proposed junctions will need to be designed to meet Nottinghamshire County Council's Highway Design Guidance and is the subject of recommended Condition 7. The final design will be the subject of a satisfactory Road Safety Audit with account taken of any matters raised. Additional works by the Highway Authority that may be required within the highway would be permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 Part 9 *Development Relating to Roads – Class A - Development by Highway Authorities* not requiring an express grant of planning permission.

58. LNDP Policy NE1 – *Habitats, Trees and Hedgerows* requires that where hedgerows and trees are unavoidably lost they must be replaced with the same species and type as close as possible to where the loss occurs, unless demonstrated to be not practicable or viable.
59. Although of low ecological value, the proposal would affect a significant length of hedge. The hedge would be replanted on an alignment taking account of the future widening when the safeguarded land is developed, along with the proposed highway drainage ditch. The hedge will need to be provided in accordance with an approved specification, and planted in the first available planting season following the completion of the construction of the signalised junction (Condition 8). Tree planting will be required in proximity to the roundabout to replace trees removed to accommodate the works (Condition 9) and would be in compliance with LNDP Policy NE1 – *Habitats, Trees and Hedgerows*.
60. Retained hedges adjacent to the construction compounds can be satisfactorily safeguarded and are the subject of recommended Condition 5.
61. BS5228-1 *Code of Practice for the Control of Noise and Vibration on Construction and Open Sites* provides guidance on good practice during construction works to ensure that noise impacts are minimised and identifies a noise limit of 65dB for daytime construction noise. The supporting Planning Statement identifies that daytime construction noise is unlikely to exceed pre-construction ambient noise levels by 5dB at the nearest residential receptors due to existing traffic noise. For night time operations the noise limit is 45dB and works are to be planned to ensure compliance. Noise complaints related to construction would be investigated by the Local Authority Environmental Health Officer as a statutory nuisance.
62. The supporting statement does not make a specific reference to potential noise impacts on the possible potential Special Protection Area for breeding populations of nightjar and woodlark. Natural England in an advice note issued in March 2014 advises that reasonable and proportionate steps should be taken in order to avoid or minimise, as far as possible, any potential adverse effects from development in the Sherwood Forest area.
63. The consultation response from NCC Project Engineer (Noise) considers it unlikely that breeding nightjar and woodlark will be impacted having regard to existing noise levels from traffic using the A611. However, in the absence of a formal assessment of the suitability of Wighay Wood as breeding habitat for nightjar and woodlark, it is recommended that a precautionary approach is taken and that a formal assessment is carried out to screen out the need for mitigation to safeguard breeding bird populations (Condition 6). In the unanticipated event that adverse impacts on nightjar and woodlark are identified development would need to proceed in accordance with agreed mitigation measures.

Other Options Considered

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

Statutory and Policy Implications

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

Data Protection and Information Governance

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

Financial Implications

67. There are no additional financial implications arising from the proposal. Funding for the highway works has already been secured, as set out in Paragraph 8 above.

Human Rights Implications

68. 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

69. The proposal would facilitate delivery of the planned Sustainable Urban Extension in accordance with the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (September 2014) and Gedling Borough Local Planning Document Part 2 Local Plan (July 2018).

There are no Crime and Disorder, Human Resources, Public Sector Equality Duty, Safeguarding of Children and Adults at Risk implications or implications for Service Users.

Statement of Positive and Proactive Engagement

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

RECOMMENDATIONS

It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [SJE – 20.12.2019]

Planning & Licensing Committee is the appropriate body to consider the content of this report by virtue of its terms of reference.

Financial Comments [SES 07.01.2020]

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

The County Council has secured grant funding of £5.8 million from the Homes England Local Authority Accelerated Construction fund with additional funding provided by the County Council to finance the provision of highway infrastructure into the site.

Background Papers Available for Inspection

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

Electoral Divisions and Members Affected

Newstead	Councillor Chris Barnfather
Hucknall North	Cllr Ben Bradley
Hucknall West	Cllr Kevin Rostance

Report Author/Case Officer

David Marsh

0115 9932574

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

FR3/4054
W002020.doc

RECOMMENDED PLANNING CONDITIONS

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

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

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

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

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

- (a) Red Line Plan (Drawing HW30750/005 Rev 3) received by the CPA on 17 December 2019.
- (b) General Arrangement Sheet 1 (Drawing HW30750/003 Rev 1) received by the CPA on 17 December 2019.
- (c) General Arrangement Sheet 2 (Drawing HW30750/004 Rev 0) received by the CPA on 16 October 2019.
- (d) Proposed Compound and Storage Area (Drawing HW30750/006 Rev 1) received by the CPA on 19 December 2019.
- (e) Hedgerow Removal and Replacement (Drawing Design Sketch HR1 Rev 2) received by the CPA on 19 December 2019.

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

4. Development shall proceed in accordance with the method of working to reduce the likelihood of the accidental killing of reptiles, set out in Sections 2(ii) and 2(iii) of the RammSanderson letter reference RSE_2138_L3_V1 received by the CPA on 17 October 2019.

Reason: For the avoidance of doubt as to the development that is permitted in the interest of ecological fauna that may be encountered.

5. Prior to the construction compounds for the development first being brought into use, fencing in the positions shown on Drawing HW30750/006 Rev 1

(Condition 3d)) shall be erected to the satisfaction of the CPA and shall be so retained for the duration of the highway construction works.

Reason: In order to safeguard the ecology of the site.

6. Prior to the commencement of construction works:

- a) A noise assessment to establish whether noise levels on the boundary of Wighay Wood closest to the application site would increase as a result of construction noise shall be submitted to and approved in writing by the CPA.
- b) If noise levels identified (Condition 6a)) would increase as a result of construction works, an assessment of the suitability of Wighay Wood as breeding habitat for nightjar and woodlark shall be submitted to and approved in writing by the CPA.
- c) In the event of suitable habitat for nightjar and woodlark being identified within areas of Wighay Wood (Condition 6b)) that would experience increased noise levels, measures to mitigate impacts shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

Reason: In order to minimise risk to target breeding bird populations and safeguard the ecology of the site.

7. The highway junction and footway/cycleway works as shown for indicative purposes on the approved plans shall be constructed in accordance with the County Council's Highway Design Guidance (or as may be subsequently amended) to the satisfaction of the County Planning Authority.

Reason: To ensure that the junctions are constructed to a satisfactory specification in the interests of highway safety and the free flow of traffic on the highway.

8. Within two months of the commencement of development, a scheme of landscaping for the replanting of the hedge removed to accommodate the signalised junction and grass verge seeding shall be submitted to and approved in writing by the CPA. The hedge and grass verge shall be planted/seeded in the first planting and seeding seasons following the completion of the approved signalised junction highway works in accordance with a specification to include:

- a) location;
- b) species;
- c) planting density/pattern;
- d) planting size; and
- e) a schedule of maintenance for five years until the hedge is established; and

- f) a specification for grassed verge seeding.

Development shall be carried out in accordance with the approved details. Any part of the hedge or verge which fail to become established shall be replaced/re-seeded to the satisfaction of the CPA until such time as the land on which the hedge/verge is situated is adopted as highway.

Reason: To ensure the satisfactory replacement of a grass verge and hedgerow in compliance with Linby Neighbourhood Development Plan (March 2019) Policy NE1 – Habitats, Trees and Hedgerows.

- 9. Within two months of the commencement of development, a scheme of landscaping for the planting of trees to replace those removed to accommodate the roundabout fourth arm and grass verge seeding shall be submitted to and approved in writing by the CPA. The trees and grass verge shall be planted/seeded in the first planting and seeding seasons following the completion of the approved roundabout highway works in accordance with a specification to include:

- a) location;
- b) species;
- c) planting size; and
- d) a schedule of maintenance for five years until the trees are established; and
- e) a specification for grassed verge seeding.

Development shall be carried out in accordance with the approved details. Any tree or verge which fails to become established within 5 years shall be replaced/re-seeded to the satisfaction of the CPA.

Reason: To ensure the satisfactory replacement of a grass verge and hedgerow in compliance with Linby Neighbourhood Development Plan (March 2019) Policy NE1 – Habitats, Trees and Hedgerows.

Informatives/notes to applicants

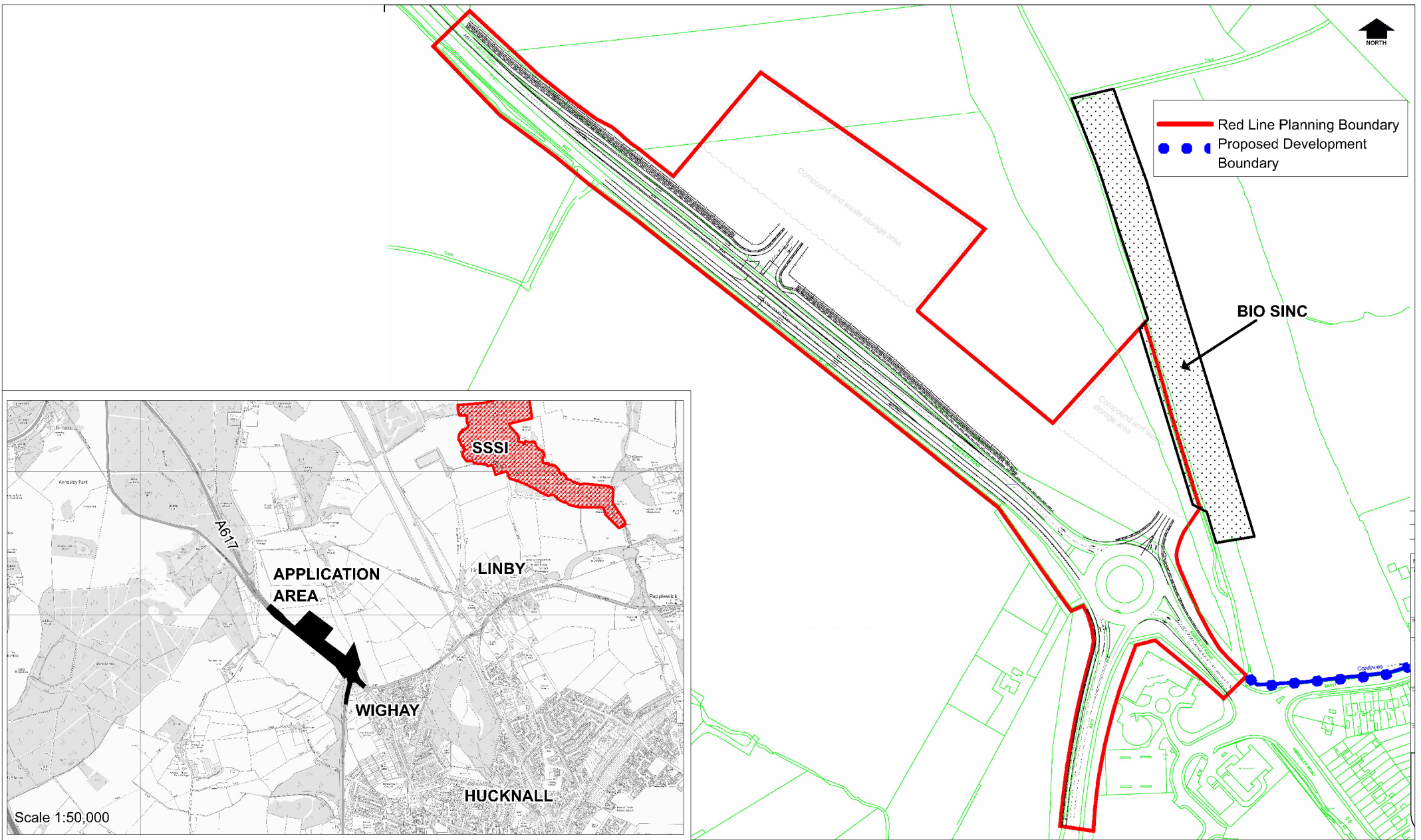
1. NCC Highways Development Control advises that carrying out the off-site works required will entail work in the public highway and land to be dedicated as highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Highways Act. Please contact Nottinghamshire County Council Highway Development Control (email: hdc.south@nottsc.gov.uk) for details.

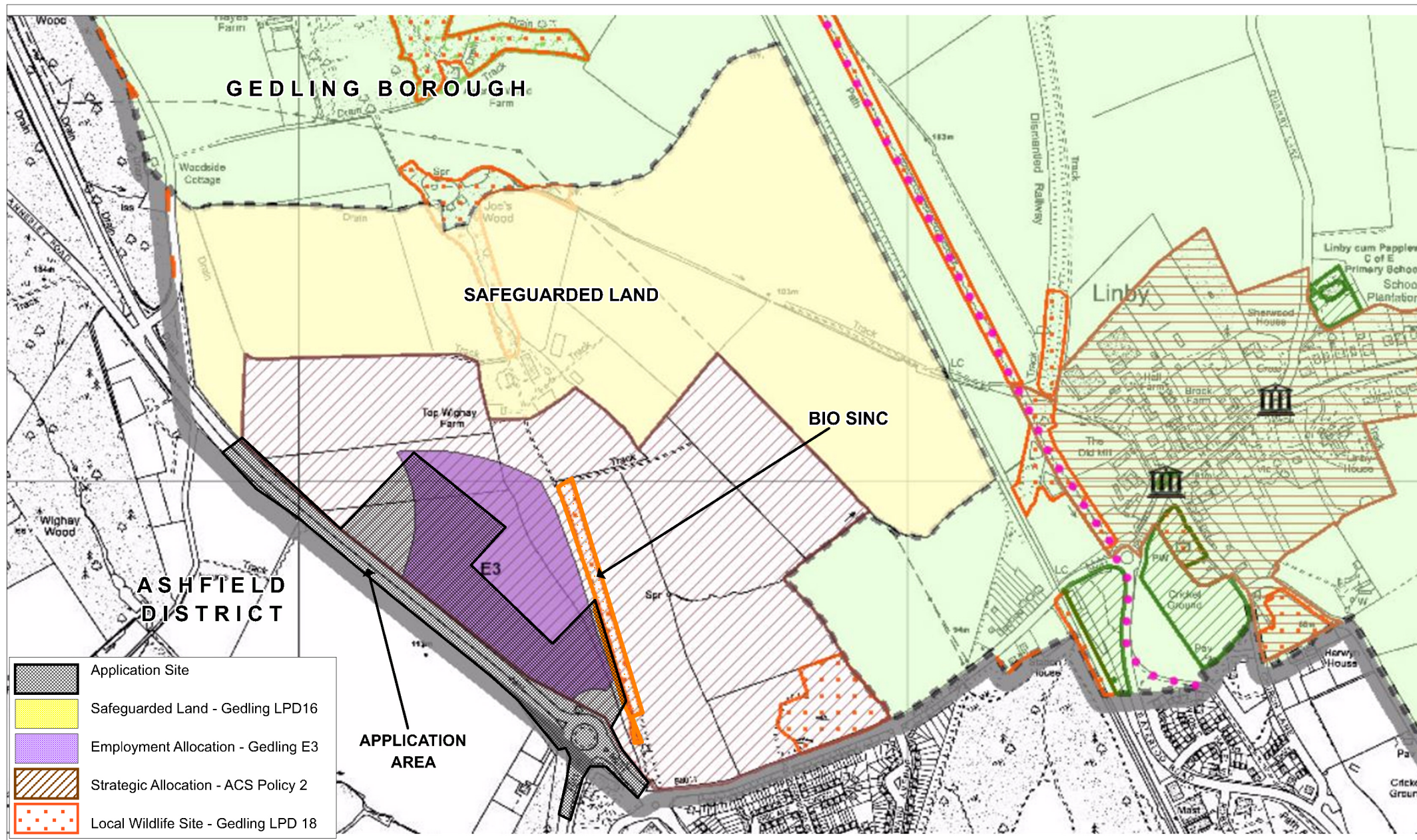
It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site.

All correspondence with the Highway Authority should be addressed to:-

NCC Highways (Development Control, Floor 3)
Nottinghamshire County Council
County Hall
Loughborough Road
West Bridgford
Nottingham
NG2 7QP

2. Western Power Distribution advises that there are two 33kv cables and pilot cables affected which may need to be diverted. A copy of the consultation response from Western Power Distribution received by the CPA on 28 October 2019 is enclosed.
3. NCC Nature Conservation advises that Design Manual for Roads and Bridges guidance identifies the distance within which the contribution of traffic emissions to local pollutant concentrations is considered to be more than negligible is 200m, and that an 'affected road' is one where:
 - Road alignment will change by 5 m or more; or
 - Daily traffic flows will change by 1,000 Annual Average Daily Traffic (AADT) or more; or
 - Heavy Duty Vehicle flows will change by 200 AADT or more; or
 - Daily average speed will change by 10 km/hr or more; or
 - Peak hour speed will change by 20 km/hr or more.





**Nottinghamshire
County Council**

Construction of two highway junctions with associated infrastructure to access development site:
a) A611/Annesley Road - fourth arm roundabout. b) A611 - new three arm signal controlled junction.
Construction of a 3M wide shared use footway / cycleway along the northern side of the A611.
Top Wighay Farm, Annesley, Linby, Hucknall, Nottinghamshire.
Planning Application No. 7/2019/1000NCC / 4/V/2019/0680

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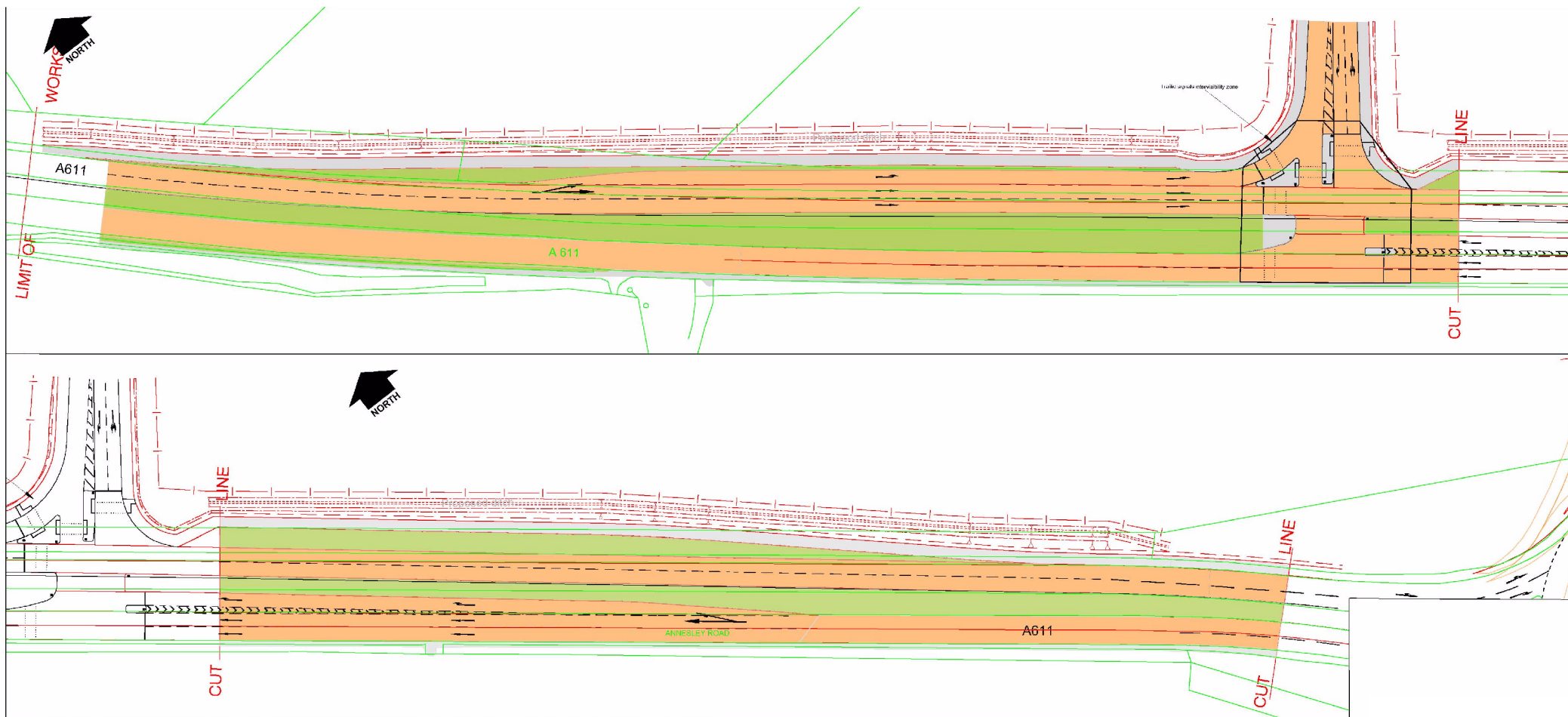
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Date: JAN 2020



PLAN 2



**Nottinghamshire
County Council**

Construction of two highway junctions with associated infrastructure to access development site:
 a) A611/Annesley Road - fourth arm roundabout. b) A611 - new three arm signal controlled junction.
 Construction of a 3M wide shared use footway / cycleway along the northern side of the A611.
 Top Wigham Road, Annesley Road, Linby, Hucknall, Nottinghamshire.
 Planning Application No. 7/2019/1000NCC / 4/V/2019/0680

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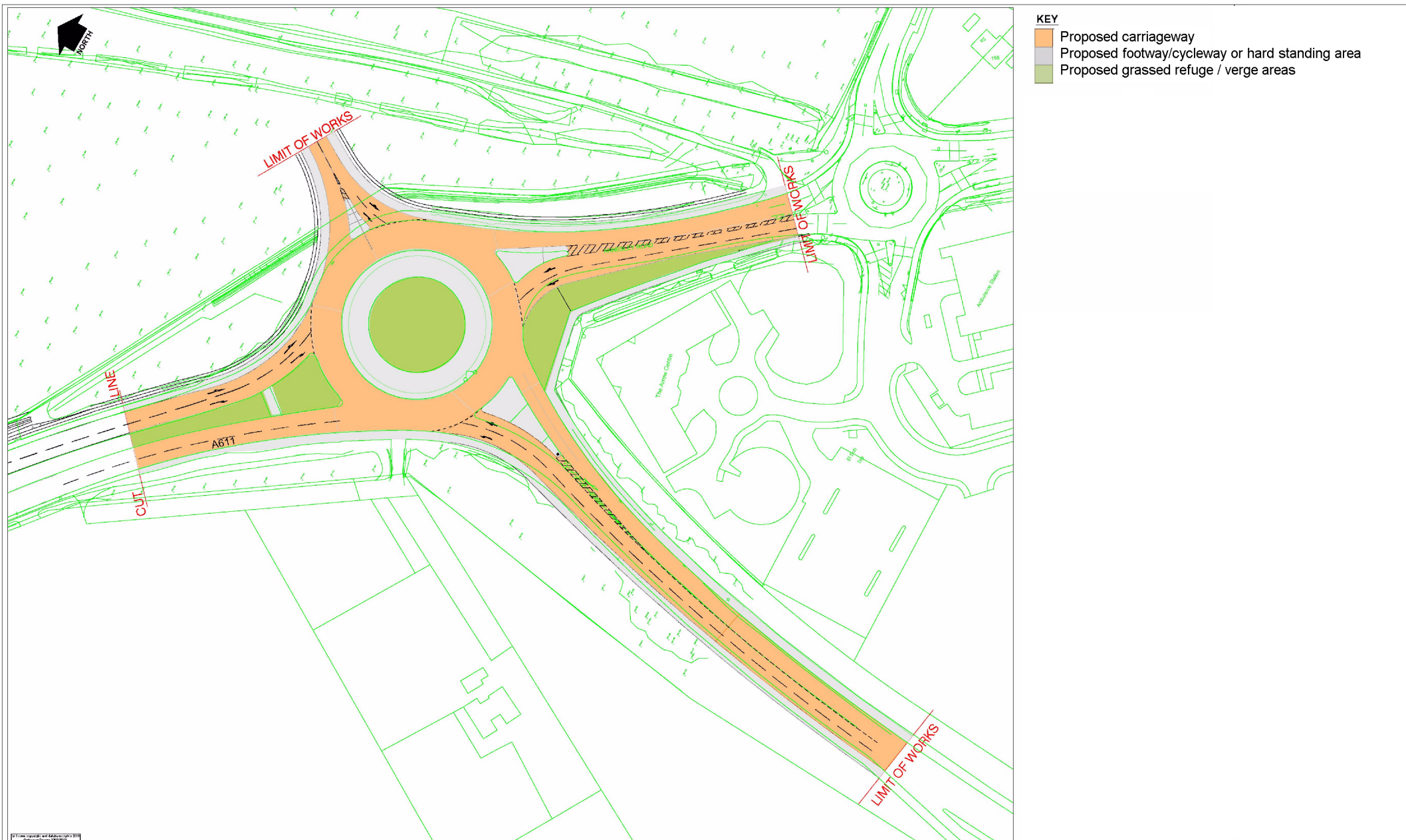
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Date: JAN 2020



PLAN 3



**Nottinghamshire
County Council**

Construction of two highway junctions with associated infrastructure to access development site:
 a) A611/Annesley Road - fourth arm roundabout. b) A611 - new three arm signal controlled junction.
 Construction of a 3M wide shared use footway / cycleway along the northern side of the A611.
 Top Wigham Road, Annesley Road, Linby, Hucknall, Nottinghamshire.
 Planning Application No. 7/2019/1000NCC / 4/V/2019/0680

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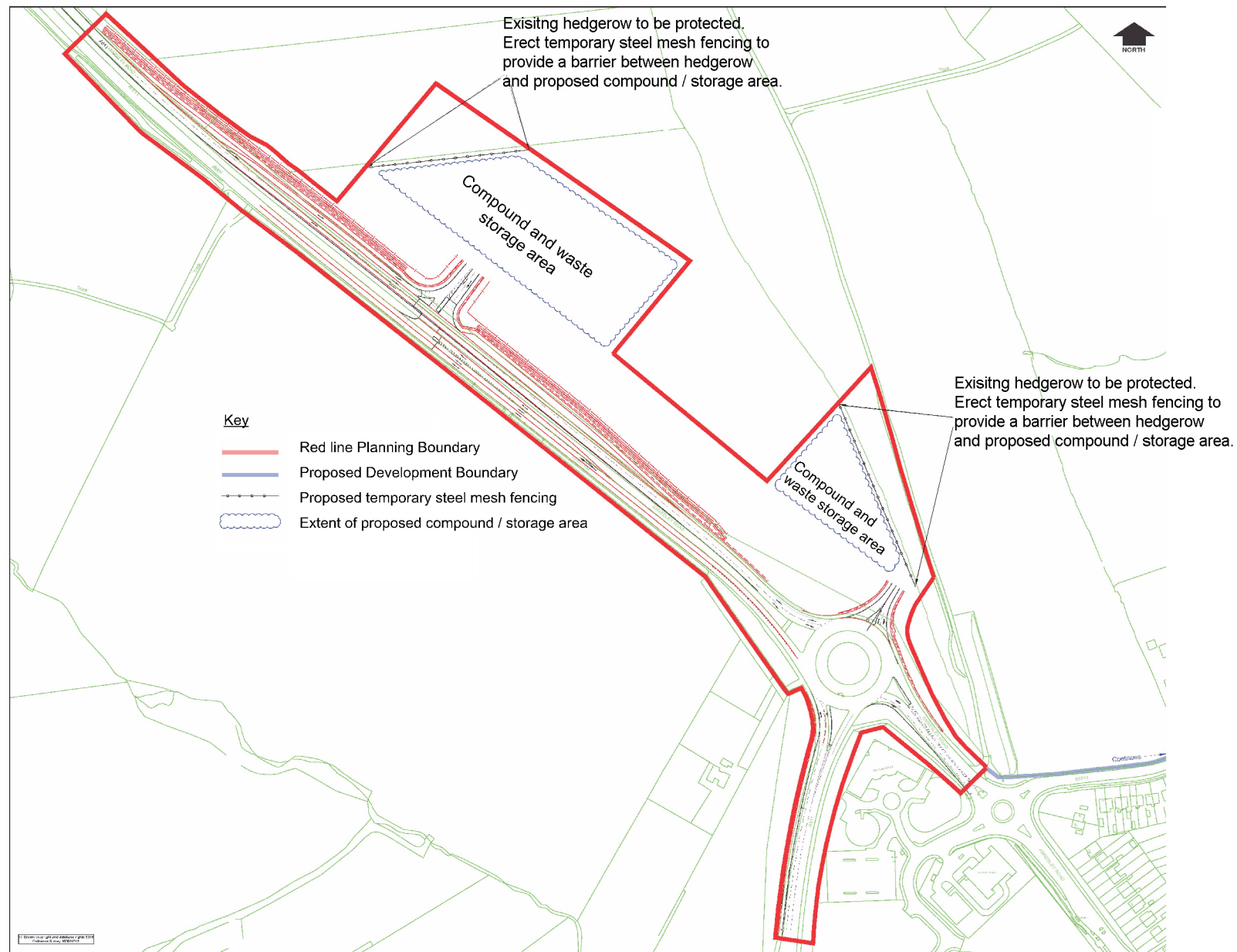
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Date: JAN 2020



PLAN 4



**Nottinghamshire
County Council**

Construction of two highway junctions with associated infrastructure to access development site:
a) A611/Annesley Road - fourth arm roundabout. b) A611 - new three arm signal controlled junction.
Construction of a 3M wide shared use footway / cycleway along the northern side of the A611.
Top Wigham Farm, Annesley Road, Linby, Hucknall, Nottinghamshire.
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Planning Application No. 7/2019/100NCC / 4/V/2019/0680

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PLAN 5

21 January 2020**Agenda Item: 7****REPORT OF CORPORATE DIRECTOR – PLACE****GEDLING DISTRICT REF. NO.: 7/2019/1089NCC**

PROPOSAL: APPLICATION FOR HABITAT ENHANCEMENT AND PROVISION OF OPEN SPACE THROUGH SUSTAINABLE USE OF MATERIAL ARISING FROM THE CONSTRUCTION OF THE GEDLING ACCESS ROAD

LOCATION: GEDLING ACCESS ROAD - LAND OFF ARNOLD LANE, GEDLING

APPLICANT: NCC PLACE DEPARTMENT

Purpose of Report

1. To consider a planning application for the use and deposition of surplus excavation materials arising from the adjacent Gedling Access Road project for the creation of enhanced habitats and open space thereafter, on land to the east of Arnold Lane, Gedling. The key issues relate to the sustainability of the waste deposition at this site, having regard to the waste hierarchy, the proximity principle and alternatives, and impacts on the local landscape and views. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

2. The site comprises an area of disused grazing land situated at the northern end of Arnold Lane (A6211) before its junction with Mapperley Plains/Plains Road. This is a busy local road connecting Mapperley Plains, Gedling and Carlton, along the eastern side of the Greater Nottingham area. The northern part is relatively undeveloped in character and framed by Mapperley Golf Course to the west, and various areas of pasture and woodland to the east. This area is undulating, and the road dips before rising up a notable gradient on its approach to Mapperley Plains. Further to the east is the prominent landform of the former colliery tip which is now the new Gedling Country Park and a Local Nature Reserve. Parts of the former Gedling Colliery and its dismantled railway line are also designated as a Local Wildlife Site lying 120m to the east. The new Chase Farm housing development is being built out across various fields to the south east, including on some of the former colliery land.

3. The application site comprises a 2.5 ha area of semi-improved grassland, part of a disused farm holding to the side of Arnold Lane. It also includes a small part of scrubby woodland alongside a former railway tunnel. A 19thC ventilation shaft known as a 'Pepper Pot' stands at the corner of the site. The site slopes steeply from north west to south east (a difference of about 28m) and is also undulating in nature. Sporadic hedgerows and trees fringe the roadside. The site and surroundings are shown on the appended plan 1.
4. The new alignment for the Gedling Access Road (GAR) passes through this field (above the old tunnel) and its planning boundary partly overlaps with the application site. This project is being delivered by the County Council and its partners. The early stages of this are now underway. When completed the road will pass through on a raised embankment, continuing south towards Burton Joyce to provide a new 3.8 km link to the A612. The route is shown on plan 2.
5. The nearest properties are situated at Clementine Drive, situated 100m to the north, at a higher level, with views overlooking the wider area, and those within Bailey Drive, Swindell Close and Howieson Court – particularly those end-on and adjacent to Arnold Lane, to the west. The former Chase Farm buildings to the north have now been cleared for the new GAR project. The 3rd Woodthorpe (St. Mark's) Scout Group have a base and campsite located to the north west, off Mapperley Plains.
6. There is currently an outline planning application lodged with Gedling Borough Council for residential development on part of the former Chase Farm site to the south east of Clementine Drive, to the north of the site.

Background

7. This application is associated with the GAR project as a means of dealing with the surplus excavation spoil which is expected from the construction works.
8. The GAR has been a longstanding local highway and regeneration project intended to provide part of an eastern loop road around Nottingham (linking in to the earlier A612 Gedling Major Integrated Transport Scheme) and providing relief to Gedling village. Importantly it also forms part of the enabling infrastructure for the further development at Chase Farm/Gedling colliery and for other local development sites.
9. The road project was taken through planning by the Homes and Community Agency, with Gedling Borough Council granting planning permission in 2014 (Ref 2014/0915). This was later varied under planning permission 2015/0110 and varied again under permission 2015/1033 granted in June 2016 which is the permission being enacted.
10. Over more recent time the County Council, and its partner Via East Midlands have taken on the project delivery, including all necessary land assembly,

legal orders and tendering. The discharge of the remaining planning conditions is being completed through Gedling Borough Council. Enabling works including clearance/demolition and drainage works took place in 2019. Main construction works started earlier this month and the new road is scheduled to be completed by Autumn 2021.

Proposed Development

11. It is estimated there will be a surplus of circa 79,000m³ of spoil materials arising from the construction of the GAR, equating to circa 165,900 tonnes. The application proposes that this material be deposited and used to re-sculpt the adjoining land forming the application site to provide a more gradual slope down from the new road embankment and upon which additional native woodland habitat would be created as well as a new area of level grassland for the local Scout group as compensation for the loss of part of their current site. The application describes this as a sustainable use of the surplus materials and it is not anticipated that any other materials would need to be imported to the site.
12. Prior to the deposit of construction spoil, top and sub soils would be stripped and formed into temporary stockpiles in accordance with good practice soil handling techniques. As construction works progress on the GAR, surplus clean materials would be transported overland to the site using plant such as dump trucks, thereby avoiding the need to use the highway. The applicant calculates that this could negate the need for 9,300 HGV movements (18,600 two-way) on the public highway which would otherwise be required to transport the material elsewhere.
13. Works would take place concurrently with the GAR project and in daytime hours: 07.00-18.00 Mondays to Fridays and 07.00 to 13.00 on Saturdays. Materials would be progressively used to re-profile the site, with an average depth of 3.1m across the 2.5ha. site. However due to the current undulations, the depth of the deposit would range from 0m up to approximately 10m deep. The main change would be the creation of an engineered slope, starting at the top of the GAR embankment and providing a more gradual, but longer slope down to Arnold Lane.
14. Two broad areas with two differing after-uses are set out on the submitted plans. The north-western and smaller section would be created as a suitable piece of grassland as compensatory land to the Scouts. The plans indicate this area would be created as a roughly level plateau and which would be accessed internally from the current Scouts land.
15. The second and larger area comprising the south-eastern section would be set aside for additional habitat areas, primarily a new native woodland, along with some species rich grassland wildlife corridors. This would be upon the new sloping landform leading down to Arnold Lane. The planting schedules details 3,300 new trees would be planted with a selection of 10 native species. A network of sustainable drainage channels/swales is included in

the design to slow down surface water run-off and promote natural infiltration. The proposed site plan and cross section are included as plans 3, 4 and 5 with points A to D annotated to show the change in the land profile.

16. The primary justifications put forward for the proposal appears to be the need to support the timely delivery of the GAR project by providing a suitable site, in close proximity, which can take the surplus materials. The road project in turn unlocks notable housing growth in the area, including at Chase Farm/Gedling Colliery (1,050 homes) and also allocations at Willow Farm (110) and Linden Grove (115).
17. Also, as part of the GAR project the Council, the road developer is required by a legal agreement to agree a land exchange and replacement facilities for the 3rd Woodthorpe Scouts group and part of this proposal seeks to meet this requirement.
18. Further benefits are set out in the application, particularly the expanded area of landscaping and new habitats alongside the GAR and also the reduction in the slope gradient between the GAR and Arnold Lane. The proposal also identified the benefits of avoiding circa 9,300 HGV movements (18,600 two-way) on the public highway and its consequent traffic and emissions which would otherwise be required to transport the spoil elsewhere. It also states there would be a benefit in formalising the surface water drainage system towards the Ouse Dyke by holding and slowing down surface water run-off to facilitate natural infiltration.

Consultations

19. **Gedling Borough Council** - *No objection.*
20. **NCC Planning Policy** - *Considering the proposal and use of the waste material, this application would be seen as a land raising scheme through the disposal of waste and therefore Policy WCS5: Disposal sites for hazardous, non-hazardous and inert waste, is relevant to consider. Policy WCS5 outlines the preference for disposal sites is:*
 - a) *extensions to existing sites*
 - b) *the restoration and/or re-working of old colliery tips and the reclamation of minerals workings, other man-made voids and derelict land*
 - c) *disposal on greenfield sites where there are no other more sustainable alternatives.*
21. As the site is within the open countryside and is a greenfield site, this proposal would fall into the last preference and so will need to demonstrate that other alternatives have been considered. The applicant has within their supporting documents outlined five alternative permitted sites that the waste generated could be taken to for disposal. This includes the approved Dorket Head inert landfill site which is the closest site. Here inert waste is imported to restore the land which is excavated for brick clay and so would fall under preference b of

Policy WCS5. A southern extension to the quarry was permitted in 2018 and due to a housing allocation in Gedling Borough Councils Local Plan Part Two (2018) adjacent to this extraction area, the operator is required, through planning conditions, to have fully extracted and restored the site through the import waste by 2023 for phase 1,2 and 3 and 2026 for phase 4.

22. Considering Policy WCS5 preference for material to be disposed in mineral workings and the obligation to restore the mineral workings site, the case officer will need to be satisfied that Dorket Head is not a sustainable, suitable nor viable alternative for the disposal of the waste and that if the proposed development is approved, this does not hinder/prevent the restoration of the Dorket Head site through a lack of availability of suitable material.
23. In terms of a land raising disposal scheme being appropriate at this open countryside location, Policy WCS7: General Site Criteria indicates that a land raising disposal proposal can be appropriate in such a location, subject to there being no unacceptable environmental impacts.
24. With the proposal only using waste material generated from the construction of the GAR the importing of waste material from other sources will not take place. A key benefit of the proposal is that it will reduce/eliminate a substantial amount of HGV movements. Strategic Objective 5 and the latter part of Policy WCS11 in the Waste Core Strategy does seek to minimise the distance waste travels so to minimise the impact of waste development. This benefit of a reduction in HGV movements will need to be balanced with the policies mentioned above and any other impacts highlighted by other respondents.
25. Overall, the proposal to use waste material arising from the construction of the GAR to create open space and habitat enhancement will need to demonstrate, to the case officer's satisfaction, that this is the most suitable use of the waste and that there are no sustainable alternatives for the disposal of waste. This will need to be balanced with the benefits of the scheme, which include fulfilling the applicant's obligation to the Scout Group to provide adequate land, reducing the number of HGV movements, providing biodiversity enhancement and ultimately allowing this major project to begin construction.
26. **NCC Highways Development Control** – No objection. *The material will be sourced from the Gedling Access Road scheme. As the works will be carried out internally it means that the need for approximately 9300 HGV movements [18,600 two-way] is eliminated. The Highway Authority considers that the proposal has no negative highway related implications so subsequently has no objections.*
27. **NCC Nature Conservation** – No objection, subject to conditions relating to construction mitigation measures, the use of biodegradable tree guards, and extended aftercare of the woodland for 15+ years.
28. An Ecology Report indicates that the area affected by the proposals is of low ecological value, being an area of poor semi-improved grassland with no evidence of, and limited potential for, protected or notable species.

29. NCC Nature Conservation has accepted the proposed landscaping works in consultation with Via (Landscape) and the applicant. The inclusion of linear 'rides' within the planting area is welcomed, as these will provide sheltered areas for foraging bats (and their prey).
30. The 'Mitigation Recommendations' listed in section 6.1 and section 5.2.2 (e) of the report should all be secured through condition(s);
31. A condition should require the use of biodegradable and compostable tree guards. to avoid plastic tree guards lying around for decades,
32. It appears that only a basic 5-year aftercare period is offered, after which time the area will be managed 'by NCC'. Recognising that the woodland is likely to need ongoing management, including thinning, a longer aftercare period of 15+ years (in total) is suggested and should be secured through an appropriate mechanism.
33. **Via Landscape - Maintenance** *is outlined in the planning statement as a 5-year establishment maintenance period as part of the GAR construction works followed by management by NCC. These operations and longer-term management carried out by NCC have not been outlined and so this should be conditioned as part of any planning consent. The applicant should also be aware that the management of the species rich grassland will require grazing and/or hay cut with removal of arisings on a yearly basis to maintain species diversity and that the woodland will require thinning as it matures.*
34. **Via Project Engineer (Noise)** - No objection. *The works will be relatively short duration (several months) during the earthworks stage of the overall Gedling Access Road construction. Given works will only be conducted during daytime hours and that the development site is separated from the nearest noise sensitive receptors by the A6211 - Arnold Lane, it is expected that noise at these receptors will continue to be dominated by road traffic noise.*
35. **Environment Agency** – *No objection, subject to a condition governing remediation.*
36. The previous use of the site is farmland adjacent to an historic landfill which presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 3 and is located upon a secondary B aquifer.
37. The application's 'Phase 1 – Geo-Environmental Desk Top Study' demonstrates that it will be possible to manage the risks posed to controlled waters by this development.

38. The proposed development will only be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be *carried out by a competent person in line with the NPPF.*
39. Advice is provided to the applicant in relation to whether the works would require an Environmental Permit, or whether they would be an exempt activity.
40. **NCC Flood Risk** - *No objection and recommends the approval of the surface water management for the site.*
41. **NCC Built Heritage** - *On the basis of the information provided, it is not considered that the proposals will have any impact on the built heritage in the vicinity, beyond that already considered as part of the GAR development.*
42. **NCC (Archaeology)** - *The archaeological issues of the wider scheme have been dealt with. There are no outstanding archaeological issues with regard to the current application site.*
43. **Western Power Distribution** – *No objection, however notes the presence of electricity lines within the site that may be directly affected. (These have now been removed.)*
44. **Via Land Reclamation** and **Nottinghamshire Wildlife Trust** have not responded. Any response received will be orally reported.

Publicity

45. The application has been publicised by means of three site notices, a press notice and 16 neighbour notification letters sent to the nearest occupiers (including the Woodthorpe Scouts Group) in accordance with the County Council's adopted Statement of Community Involvement. No representations have been received.
46. Councillors Boyd Elliott, Michael Payne and Pauline Allan have been notified of the application.

Observations

Responsibilities

47. In this case the County Council is the determining planning authority in two respects. Firstly the applicant is a department of the County Council and the application has been prepared by Via East Midlands on its behalf. It is therefore a 'Regulation 3' application pursuant to the Town and Country Planning General Regulations 1992 allowing the County Council as the County Planning Authority (CPA) to determine its own development proposals. Secondly the proposal involves waste and so the County Council

is therefore also the prescribed planning authority in its remit as the Waste Planning Authority (WPA).

Principle of the development

48. In accordance with the statutory requirements, this planning application must be determined in accordance with the Development Plan, unless there are material considerations which indicate otherwise.
49. The Development Plan in the context of this proposal comprises:
 - The Greater Nottingham Aligned Core Strategy (2014)
 - The Gedling Local Planning Document – Part 2 Local Plan (2018)
 - The Nottinghamshire and Nottingham Waste Core Strategy (2013)
 - The Nottinghamshire and Nottingham Waste Local Plan (saved chapter 3 policies) (2002)
50. The following are material considerations:
 - The National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG);
 - National Planning Policy for Waste
51. As noted in the background section above, this application must be seen in the context with its specific relationship with the Gedling Access Road project. This additional land has been put forward in order to support the timely delivery of this important local highway project, which has been a longstanding regeneration and growth priority.
52. In turn the GAR is a prerequisite for further phases of housing at the nearby Chase Farm/Gedling Colliery development, which is also a major regeneration priority and forms a key part for the Borough's housing land supply. The Greater Nottingham Aligned Core Strategy (2014) identifies this area for a strategic location for circa 600 houses, an employment area and local centre served by the GAR. A subsequent outline planning permission for the Chase Farm development increased this to 1,050, however construction is limited to 315 being occupied until the full GAR is complete. The Gedling Local Planning Document (Part 2 of the Local Plan) (2018) includes the committed Chase Farm development within its housing and regeneration strategy. Two other housing allocations also depend on the completion of the GAR. It is clear therefore that a solution for the material is an important and pressing issue, upon which much else depends.
53. In terms of the current status of the application site, the Local Plan does not allocate or designate this for development. The accompanying policy map shows the indicative alignment of the GAR passing through the area. The site

is shown within the urban boundary and therefore does not form part of the open countryside or Green Belt. Though now disused, the land remains as agricultural pasture.

54. Turning now to waste planning policy, it is necessary to consider the sustainability merits of the selected site and of the proposed use of the surplus waste materials.
55. A key plank of waste planning policy is the waste hierarchy. This is encompassed in Policy WCS3 of the Waste Core Strategy. This policy sets out that future waste management proposals should accord with the Council's aim to achieve 70% recycling and composting rates. Priority is therefore afforded to the development of these facilities, followed by energy recovery and lastly new disposal where it can be shown that this is necessary to manage residual waste which cannot be economically recovered or recycled.
56. Policy WCS 5 (Disposal Sites) states that where it is shown that additional inert landfill capacity is necessary, priority will be given to sites within the main shortfall areas (including around Nottingham) and preference will be given to sites in the following order:
 - a) the extension of existing sites
 - b) the restoration and/or re-working of old colliery tips and the reclamation of mineral workings, other man-made voids and derelict land where this would have associated environmental benefits;
 - c) disposal on greenfield sites will be considered only where there are no other more sustainable alternatives.
57. Policy WCS7 (General Site Criteria) indicates that disposal by land raising is likely to be suitable on agricultural land (not subject to any environmental designation) and land which is derelict, previously developed, or abandoned, including poorly restored colliery or railway land as examples.
58. The proposed development appears to have elements of disposal and elements of beneficial reuse from that disposal. In particular it is relevant to take into account the extant planning requirements placed upon the Council, as the road developer, to provide compensatory land to the 3rd Woodthorpe Scouts group. Through the provisions of a legal agreement pursuant to the planning permission for the GAR, the County Council, as developer, is required to agree a land swap and replacement facilities for the Scouts. Approximately a third of the site would therefore be given over to them and the material would be used to create a roughly level plateau of species rich grassland suitable for their needs. At the time of producing this report Policy Committee on 15th January is due to consider a land acquisition/disposal agreement with the Scouts group whereby 0.71ha forming part of the application proposal would be transferred in exchange for 0.34ha of their current site which is required for the GAR.

59. However, the majority of the site, and where the levels are proposed to be raised the most (up to 10m), would form an enlarged landscaping and habitat area next to the GAR primarily comprising woodland. Whilst this is of apparent benefit to the environment, the new woodland area could be undertaken without the deposition of the remaining materials in that situation.
60. Taking the above policies together, it is considered that there is tension with some of the sustainability objectives of waste planning policy. Whilst there is some policy support for land-raising on such greenfield sites under WCS7, the proposal first needs to demonstrate that the waste material cannot be viably recovered or recycled at a more sequentially preferable alternative location such as for restoration works under WCS5 part b) as opposed to the use of this green field location falling under part c). This is notwithstanding that the application site itself is currently unused and not subject to any environmental designations and so could be suitable if the test under c) is satisfied. For this reason, the applicant has investigated a number of alternative disposal solutions/sites, both locally and further afield in order to show that there are no other more sustainable alternatives to the proposal.

Alternatives

61. An obvious potential alternative would be to transport the material to Dorket Head quarry which is only 3.5 km to the north via Mapperley Plains. This clay quarry has planning permission for a southern extension, with restoration requirements to backfill using inert waste materials. Furthermore a nearby housing allocation on Killisick Lane is dependent on the timely prior extraction of clay, followed by a rapid backfilling as part of the phased delivery and stand off requirements expected for this housing allocation.
62. Enquiries with the quarry operator confirm that the site is currently not importing material as there is insufficient void space at this point of working. Void space will start to become available in Autumn 2020 following further clay extraction, but the infilling operations will be contracted to a third party operator. It is therefore not immediately available to coincide with the main works now under way. Unfortunately therefore, the site has to be adjudged as unviable at this time.
63. Other sites considered have been ruled out for various reasons including lack of short term capacity, low rates of waste acceptance, timings or restrictions on their planning permissions, developer risk and haulage distances. Officers agree in all cases that these are not viable to use for the reasons summarised in the following table.

Alternative site	Distance from GAR by road	Constraints and/or reason not viable
Springwater Golf Club, Calverton.	7.7 km north	Time limited planning permission for the importation of materials and grading works to remodel the golf course expired in July 2019 and the operator does not intend to apply to extend this any further. The site is therefore unavailable.
Various waste operators at Wigwam Lane, Hucknall	14.8km from the site	Operations typically undertaken include crushing and screening of a variety of inert wastes, including soils, at various waste transfer stations. However there is no final disposal at these sites and the surplus material is not suitable for recycling and only suitable for engineering fill, capping or inert cover. The sites are unlikely to have sufficient storage capacity to take all the material that would arise from the proposed development, or the markets to then move the material on to allow more to be accepted. Therefore, other outlets would also be required.
Coneygre Farm, Hoveringham	14.2km east	The farm has permission and accepts inert waste. Permit allows for up to 60,000 tonnes to be recovered per annum (but generally accepts much less). The site therefore has insufficient capacity and it would take 2 to 3 years to accept the materials which goes beyond the GAR project timescales
Canalside Industrial Park, Cropwell Bishop	23.5km to the south east	Planning permission has now been implemented for the reclamation of this site through the importation of inert materials. However only 60,000 tonnes is to be imported and the permission limits it to 40 HGV movements per day (20 on Saturdays) and further limited to 392 in any 4 week period. The site therefore has insufficient capacity.
Bentick colliery, Kirkby in Ashfield	23.1km north-west	Time limited planning permission to import inert waste materials has expired and the site is currently closed.
Other distant sites: Vale Road Quarry, Mansfield Woodhouse, Welbeck Colliery, Styrrup Quarry	25km, 35km +	These are active inert landfill sites but are distant from the GAR project site. The haulage distances have fuel and emissions considerations which render these sites less sustainable in the round.

64. One further alternative considered was to utilise and remodel a portion of former farmland to the north, beyond the former railway tunnel, but still next to

the GAR. However this is of insufficient size to accept all the expected material (only 18%) and is not large enough to offer to the scouts at 0.25 ha. In policy terms this also has much the same considerations as the application site.

Conclusions on site selection

65. Officers are satisfied that the applicant has considered and made appropriate enquiries into a range of alternative sites and agree that whilst the Dorket Head site would be sequentially preferable in terms of the waste hierarchy, it is not available during the main works for the GAR. The future restoration of Dorket Head is not dependent on this material and given its proximity to the major population centre, it should not have difficulties in sourcing appropriate restoration materials in subsequent years. Other sites would involve greater transport requirements, with a consequent increase in fuel and transport emissions, which could be avoided.
66. The application site is therefore considered an appropriate and sustainable solution when considered against waste planning policy. The particular facts in this case justify the use of this site. This is in the context that it is to accept a clearly defined and one-off source of waste, from a neighbouring infrastructure project (which does not require road haulage), hence it meets a further facet of waste planning policy – the proximity principle from waste source to its destination. The site is not subject to any environmental designation and is suitable for accepting the clean waste materials. On this basis, the proposal is considered to accord with WCS Policies WCS3, WCS5 and WCS7 after considering alternative options.
67. A grant of permission on this basis will not create a precedent for other greenfield disposal sites, as there are particular and unique circumstances in this case which justify the proposed approach. On the merits of the application it would not be considered appropriate to permit the site to operate on an open market basis and any grant of planning permission should be restricted to receiving only materials arising directly from the GAR construction works.
68. Furthermore, the proposed end uses would provide community and environmental benefits in terms of a new level site for the Scouts and an enlarged area of woodland planting to buffer the GAR. This should result in benefits for ecology, climate change, and local amenity. In the wider context of the new road, ultimately the additional works area is small and comparable to other areas of landscaping and engineering works along the route.
69. In principle therefore, the use of the application site for the proposed works can be supported, subject to assessing impacts to the environment and local amenity, as further considered below.

Transport and Access

70. WCS Policy WCS11 (Sustainable Transport) states that waste management proposals should seek to maximise the use of alternatives to road transport, make the best use of the existing transport network and minimise the distances travelled in undertaking waste management. This policy embodies the 'proximity principle' in undertaking waste management. Policy WCS14 (Managing Climate Change) states all new or extended waste management facilities should be located, designed and operated so as to minimise any potential impacts on, and increase adaptability to, climate change.
71. The NPPF states that the environmental impacts of traffic and transport should be identified, assessed and taken into account, including appropriate opportunities for avoiding and mitigating any adverse effects, and providing net environmental gains (para 102).
72. Unusually this application does not propose or require direct access to the highway in order to receive the waste materials or undertake the land shaping and landscaping works. Instead it is intended that the site be incorporated into the wider construction site for the GAR works, which will have its own access arrangements for construction vehicles elsewhere. During this time all the material would be internally hauled to the application site using mobile plant such as dump trucks.
73. The avoidance of HGV movements is a key part of the site selection and sustainability justification as presented in the application. It states that utilising this land adjacent to the GAR construction site would negate the need for approximately 9,300 HGV movements (18,600 two-way) which would otherwise be required to transport the material to an alternative destination. This additional heavy traffic, whilst temporary, would nonetheless impact negatively through the surrounding areas and is a factor to be weighed when considering the assessment of possible alternatives as set out above.
74. The benefits of the site's proximity to the source of the materials along with the avoidance of any associated transport requirements (and the associated adverse environmental effects) should be afforded significant weight in the overall planning and sustainability balance and is clearly supported by policy WCS11, WCS14 and national planning policy. The closest alternatives sites are not viable for the GAR project requirements, leaving more distant alternatives which would entail long distance road haulage to the north of the County and the associated emissions and fuel use that would entail.
75. It also warrants reiterating that the proposed project is critical to the timely completion of the GAR, which is a priority local transport project for the County Council and the Gedling Local Plan.

Landscape and Visual Impact

76. Saved WLP policies W3.3 and W3.4 seek to limit the visual appearance of waste management facilities and requires the provision or maintenance of screening and landscaping which should retain, enhance protect and manage existing features of interest and value for screening and provide further measures such as fencing, or landscaped bunds as may be required to reduce a site's visual impact.
77. Policy LPD 19 – Landscape Character and Visual Impact states that planning permission will be granted where a proposal would not result in a significant adverse visual impact or significant adverse impact on the character of the landscape. Where practicable, development should enhance the qualities of the landscape character type in which it is situated, including the distinctive elements, features and other characteristics, as identified in the Greater Nottingham Landscape Character Assessment. Proposals will be required to respond to the recommended landscape strategy and landscape actions for the policy zone within which it is situated.
78. The site lies within the Mid-Nottinghamshire Farmland policy zone MN043 (Gedling Colliery Green Space) as designated in the Greater Nottingham Landscape Character Assessment. The Landscape Condition for this policy zone is assessed as “moderate” and the Landscape Strength is assessed as “weak”. The overall landscape strategy for the area is “Enhance and Restore”.
79. In considering effects to local landscape character, the application identifies there would be a **substantial adverse** impact to the landscape character as a result of the works (this is further assessed as **‘major adverse’** during the actual works). The impact stems from the change from the natural, undulating rural landform (as seen in passing on Arnold Lane) to one featuring a prominent engineered slope as is proposed. After 15 years the landscape impact would **slight adverse**, particularly as the woodland upon this slope would have become established by then, helping to soften the wider road project.
80. In terms of visual impacts, views will forever be changed as a result of the GAR passing by the site along a raised embankment up to 14m high. Impacts will be prominent during the construction works and cumulative with the proposed additional works on this additional area of land.
81. The main impact would be to passing traffic, particularly those heading north-bound/west bound (and pedestrians utilising the footway on that side). Such impacts during construction and up to 15 years post completion would be *substantial adverse* due to the visual prominence of the engineered slope and the presence of a substantial gap in the roadside hedgerow, which otherwise provides a good degree of screening to passing traffic when travelling southbound. After 15 years the woodland (and grassland) would have developed to soften the view leading to a *slight to moderate adverse* visual impact when seen in the context of the GAR. It is also worth noting that the current speed limits are planned to be reduced from the current 60mph

national limit to 40mph past the site (and then 30mph on approach to the new roundabout as part of the GAR to the south), meaning passing views will be prolonged.

82. Some nearby properties such as those at Clementine Drive which overlook the area, will primarily be affected by a view of the GAR, particular during its construction and the additional impact is considered *slight adverse* as a result and improving to negligible impact upon restoration. Properties at Swindell Close and Howieson Court, situated to the north-west, although closer, benefit from a good degree of vegetation screening and therefore would be affected to a similar slight degree.
83. Both in terms of landscape and visual effects the proposal has to be considered in the context with the new GAR and also the local housing developments. Currently the site has a certain rural attractiveness when travelling northbound with open views across the undulating fields and framed by the woodland beyond. The GAR will permanently change this, cutting through part of the site on an elevated embankment and later joining Arnold Lane at a 5-arm roundabout further to the south.
84. It is acknowledged that the proposed additional works and land take would lead to the further erosion of this natural and interesting landform. However, the plans for the new road show that there would be quite extensive areas of engineered cuttings, embankments and landscaped mounds along the route and the additional works now proposed would in effect be no different in this context. It would also be across a relatively small and contained area which will become a remnant parcel of land after the new road is complete and which would be of little practical agricultural use. The plans would deliver a new area of native woodland of some 3,300 trees, (as well as grassland for the Scouts), responding to some of the landscape improvement recommendations in the Landscape Character Assessment and which would help to screen the new road. When seen in this context, the additional engineered slope down to Arnold Lane would not appear incongruous.
85. The retention of the roadside hedgerow (to be enforced by a recommended condition) is required to reduce adverse visual impacts to residents and passing road users, particularly during the works. There is scope to reinforce a gap in the hedgerow under planning condition as part of the restoration planting. Any temporary soil bunds can be required to be seeded if they are to be left longer than 6 months. These measures satisfy policies WLP W3.3 and W3.4 but cannot completely overcome the identified impacts to local landscape character and also in terms of the visual prominence of the proposed engineered slope. However, this level of impact is relatively temporary, the physical works would coincide with the wider GAR construction, and its condition will continually improve as the new woodland and grassland develops, such that after 15 years the impact is slight. Therefore, in the context of the proposed planting, and taken in the context of the GAR project, it is considered that the proposals are compliant with Policy LPD19 and would not lead to a substantial adverse impact.

Residential amenity

86. WLP Policy W3.9 seeks to ensure noise is appropriately controlled. Requirements could include setting maximum noise levels when measured at nearby sensitive receptors, controls on plant and machinery, restrictions on the hours of operation, and alternative types of reversing alarms.
87. Policy WCS13 supports development proposals where it can be demonstrated that there would be no unacceptable impact on the quality of life of those living or working nearby.
88. With the works planned concurrently with the wider construction of the Gedling Access Road, a level of local disruption is already anticipated in order to deliver this ultimately beneficial infrastructure project. The proposed development would bring such earthworks closer to properties off Bailey Drive at the top of Arnold Lane, however there would still be a good degree of separation and works would only take place during daytime hours, with half day working on Saturdays and no working on Sundays or public and bank holidays.
89. The works would employ 'best practicable means' including use of well-maintained plant, fitment of broadband reversing alarms, and minimising engine idling. The works would be temporary and relatively short term during the construction of the GAR and any grant of planning permission could require the site to only accept materials from that project, thereby ensuring impacts are not prolonged.
90. The County Council's noise advisor raises no objection, noting in particular that road traffic noise along Arnold Lane is the dominant noise source during the day and that the additional works now proposed would be of short duration. As such, noise from earthmoving plant is not likely to cause undue impacts to the occupants of the nearest properties.
91. On completion of the works and implementation of the after uses, it is not expected that these would result in any unacceptable impacts to residential or local amenity. Over time the new woodland planting would assist in buffering impacts from the GAR.
92. It is also worth noting that the proposal negates the need for any HGV haulage operation, which itself would cause additional traffic noise, vibration and related emissions, if the material had to be transport elsewhere.
93. Therefore, subject to conditioning the hours of works, and other construction management measures, the proposed application is considered in accordance with policies W3.9 and WCS13.

Ecology /biodiversity considerations

94. Policy 17 of the Aligned Core Strategy sets out to increase biodiversity by:

- (a) protecting, restoring, expanding and enhancing existing areas of biodiversity interest, including areas and networks of habitats and species listed in the UK and Nottinghamshire Biodiversity Action Plans;
 - (b) ensuring that fragmentation of the Green Infrastructure network is avoided wherever possible and improvements to the network benefit biodiversity, including at a landscape scale, through the incorporation of existing habitats and the creation of new habitats;
 - (c) seeking to ensure new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate; and
 - (d) supporting the need for the appropriate management and maintenance.
95. National planning policy seeks to conserve and enhance the natural environment through minimising impacts on and providing net gains for biodiversity. Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged (para 175).
96. WLP Policy W3.22 states that planning permission for a waste management facility which would harm or destroy a species or habitat of county importance will only be granted where the need for the development outweighs the local conservation interest of the site.
97. The overarching environment policy WCS13 supports proposals where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality. All waste proposals should seek to maximise opportunities to enhance the local environment through the provision of landscape, habitat or community facilities.
98. An Ecology Survey to inform the works was undertaken by the same ecologists overseeing the GAR construction. The survey indicates the area affected is of generally low ecological value, primarily comprising poor, rough, semi-improved grassland with limited potential for protected or notable species.
99. There are a small number of trees on site including two semi-mature Ash trees and a stand of hawthorn, which would be lost. There would also be a loss of scrubby woodland around the former railway alignment and Pepper Pot, some of which is already scheduled for removal under the GAR works. The Pepper Pot is a known bat roost /access point and would be retained. A Natural England Licence has been granted in relation to the GAR works and its effects to bats in the area and which has required construction of a Bat House elsewhere, as well as other measures including a planned 'bat hop-over' across the GAR.
100. A range of mitigation measures have been identified to limit impact to ecology during works. These include set methodologies for site clearance to avoid

harming nesting birds, or common amphibians or reptiles that may be present. The hedgerow beside Arnold Lane would be retained and it is recommended that this be protected by fencing during works. The County Ecologist raises no objection to the proposals subject to securing these measures under planning condition.

101. A major aim of the project is to maximise the site's value for biodiversity once all material importation and soil replacement works are complete. The majority of the site would be planted as native woodland comprising a greater range of woodland species to that currently present including, field maple, silver birch, dogwood, hazel, hawthorn, holly, crab apple, wild cherry, blackthorn and oak. Grassland strips or 'linear rides' would be run through the woodland and would be sown using a species rich grassland mix which will provide foraging corridors for wildlife, particularly bats. All this would expand on the existing landscaping strip planned to run alongside the GAR and connect into features such as the bat hop-over and a mammal tunnel.
102. It is clear therefore, that the proposed works can be undertaken on site without causing unacceptable impact to biodiversity, and which upon completion of the site's restoration would provide for a much-enhanced site for wildlife and the environment generally. The works would be undertaken in conjunction with the GAR construction, which itself is requiring careful ecological mitigation measures as detailed above.
103. The additional habitats would help minimise the fragmentation of local habitats which will result from the GAR corridor and help the recovery of priority species such as bats. Appropriate management can also be secured, as discussed further in this report. As such the application is considered to accord with the aims and objectives of ACS Policy 17, WLP Policy W3.22, WCS Policy WCS13 and national planning policy seeking to deliver ecological net gains.

Air Quality/Dust

104. WLP Policy W3.10 seeks to ensure fugitive dust generation is suppressed. Measures may be required including the use of water bowsers, dust screens, and the siting of dust generating operations away from sensitive areas. The overarching Policy WCS 13 is also relevant.
105. The proposed works are likely to generate dust, particularly during periods of dry and windy weather where areas of spoil/soils are left bare of vegetation. The movement of plant and machinery and the unloading of materials may also generate dust.
106. As the works would effectively be an extension of the GAR construction project, dust emissions would be managed and mitigated across the sites. A variety of mitigation measures have been identified. The applicant correctly identifies the need to revegetate exposed areas at the earliest opportunity and to seed any top soil bunds which remain in situ for longer than 6 months. The

existing hedgerow vegetation along Arnold Lane would be retained, thereby providing a buffer to the road and to the nearest properties off Bailey Drive/Arnold Lane. A water bowser would be used to damp down as and when required and if conditions are particularly unfavourable, operations can be temporarily suspended.

107. It is considered that the dust mitigation measures, as will be employed on the GAR construction are equally applicable to the additional works and area as proposed. A condition is recommended to embed these measures into the project. Subject to this, the development proposal is considered to comply with WLP Policy W3.10 and the general WCS Policy WCS13 with respect to limiting dust emissions.

Agriculture/Conservation of soil resources

108. Policy W3.18 of the WLP seeks to prevent waste management development on Best and Most Versatile (BMV) agricultural land (grades 1, 2 and 3a) except where proposals will not affect its long-term agricultural potential; or there is no available alternative and the need for development outweighs the agricultural interest; or available alternative land of lower quality has certain environmental considerations.
109. Policy W4.5 of the WLP requires waste disposal schemes to include measures for the proper striping, storage and replacement of original or alternative, suitable soil profiles, in order to achieve a satisfactory restoration.
110. The NPPF states that the planning system should contribute and enhance the natural environment by protecting and enhancing valued landscapes, biodiversity and soils in a manner commensurate with their status/quality (paragraph 170) and recognise the wider benefits from natural capital and ecosystem services including the economic and other benefits of BMV agricultural land.
111. Defra mapping indicates that the possible presence of Grade 3a BMV soils on site. However the site was previously grazing pasture and this use has now ceased in advance of the GAR construction. The land will be permanently severed by the new road and the remaining parcels such as this which do not form part of the Chase Farm development will unlikely be viable to return to any commercial agricultural use. The agricultural potential of this land has therefore already been affected to the degree that this proposal does not prejudice the aims and objectives of Policy W3.18. The soils can however be reused for the proposed after uses and so should be handled appropriately in any event.
112. The application has set out how soils would be handled in accordance with the established industry best practice – Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009) and the MAFF Good Practice Guide for Handling Soils (2000). Working this way will help

maintain soil structure and minimise its compaction so that it can be used for the restoration.

113. Top soils and sub soils across the site would first be stripped (when dry and friable) utilising tracked excavators or dozers and placed in temporary stockpiles no higher than 3m. These would be seeded if left longer than 6 months. Machinery would avoid unnecessary movement on unstripped or replaced soils and haul routes would be formed as required. Soils would be replaced atop the GAR spoil in sequential strips to the required thickness.
114. Subject to conditions relating to soil handling, and the locations for any temporary soil stockpiles, the proposal makes appropriate provision to safeguard soil resources for their beneficial reuse on site as required by WLP Policy W4.5.

Contamination issues

115. WLP Policy W3.5 states that planning permission will not be granted for a waste management facility where this is an unacceptable risk of pollution to ground or surface waters, unless the impact can be mitigated by engineering measures and/or operation management systems. WCS Policy WCS13 as the general policy to protect environmental matters also applies. Gedling Policy LPD6 also affords protection to aquifers from possible contamination.
116. The NPPF states that the planning system should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. Development should, wherever possible, help to improve local environmental conditions (para 170). Planning decisions should ensure that new developments are appropriate for its location taking into account ground conditions and any risks arising from land instability and contamination (through adequate site investigation information). Decisions should also take into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area (paras 178-180).
117. In terms of the baseline, a Geo-Environmental Desk Top Study has been undertaken by the contaminated land officers within Via East Midlands to support the application. The site overlays a secondary aquifer and there is also a surface drainage network across the site. The site itself is undeveloped, and unlikely to pose a contamination risk but the ground conditions should nonetheless be proven through intrusive testing which in this case can be secured under planning condition. Due to historic surrounding land uses (notably the colliery) there are potential contaminant sources in the locality which could be mobilised through earth works, however due to their distance and lack of pathways to the application site, the desk top study considers this not to pose any risk to the project or to the environment as a result.

118. The Environment Agency confirms that the site is sensitive in terms of the ground water resource and notes the potential for contaminants to be mobilised from the works. It considers the development proposal to be only acceptable if a remediation strategy is secured under planning condition. This is not considered unreasonable or disproportionate and would provide confidence to protect the environment.
119. In terms of the waste composition, this would all be natural earth materials sourced from the GAR construction and would be subject to geo-technical testing and recording to confirm it is clean and suitable for the proposed after uses. The strict waste acceptance criteria would also ensure the protection of the underlying aquifer. Whether this would be additionally controlled through an Environmental Permit process, or whether it would be an exempt activity has yet to be determined and the Environment Agency has provided guidance to the applicant to assist this process. In this situation it is appropriate to control the management and acceptance of the waste materials through the planning system via planning conditions, primarily by means of a Materials Management Plan (MMP).
120. Subject to conditions for the MMP and remediation strategy the proposal is considered to accord with WLP Policy W3.5, WCS Policy WCS 13, Gedling Policy LPD6 and national planning policy with respect to safeguarding the environment from contaminative pollution.

Drainage

121. Policy LPD 4 (Surface Water Management) of the Gedling Local Plan Part 2 sets out to require measures to pro-actively manage surface water including through Sustainable Drainage Systems in order to minimise surface water flooding on site or elsewhere.
122. The drainage proposals include a swale and a series of timber check dams alongside Arnold Lane to capture excess surface water runoff from the planned slope down to the road and to hold and slow down this water so to promote natural infiltration and plant take-up. Excess water would then continue, as now, into an existing ditch (Ouse Dyke). A further stone filled ditch is planned beside the GAR embankment to deal with run off which also connects into the dyke. Beyond this the Dyke will be substantially diverted to form part of the wider surface water drainage system for the GAR which will provide a betterment to local land drainage, subject to the approval of the County Council as Lead Local Flood Authority (LLFA). This system has the capacity to accommodate the flows from the application site and the County Council Flood Team is satisfied with the arrangements. Consequently they comply with the requirements of Policy LPD4.

Restoration

123. WLP Policy W4.5 requires landscaping proposals to detail an overall landscape concept or masterplan; details of the final landform which should harmonize with the existing landscape character; and planting/preparation details and any necessary measures for replacing plant material which fails following initial planting.
124. Planting and landscape proposals have been submitted with a high degree of detail, including the numbers of trees (over 3,300), the selection of tree species and their planting spaces, and seed mixes for the species rich grassland. A total of 12,980m² of new woodland would be created, of which 8,382m² falls within the GAR planning boundary. An area totalling 10,590m² of species rich grass areas would be created, of which 1,703m² is within the GAR planning boundary.
125. As discussed in the landscape considerations above, the restoration planting is important to naturalise the appearance of the sloping landform which would be created from the spoil materials. Both the woodland and the species rich grassland would provide benefits for wildlife and local amenity as they develop. The planting details have been agreed with the County Ecologist.
126. The use of biodegradable tree guards, as requested by the County Ecologist has also been accepted by the applicant. These are now available on the market and last long enough to protect a young tree from pest damage, but ultimately removes them over time. With these, the restoration proposals are appropriate in accordance with WLP Policy W4.5.

After-use and Long-Term Management

127. WLP Policy W4.9 states that aftercare conditions will be imposed upon all planning permissions for waste disposal where reclamation is to be to agriculture, forestry, or amenity.
128. Policy W4.10 states that where planning permission involves the reclamation of a waste disposal site the scheme shall include full details of the proposed after-use and be designed to maximise opportunities to enhance the environment.
129. The proposed after-uses in this case are aligned with the environmental and community objectives of 'sustainable development'. Not only does the development deliver a new native woodland area beside the new GAR, but it also provides a new site for the local Scout group (this part being on a level plateau).
130. As considered above the proposed restoration and landscaping plans are acceptable and are supported by the County Ecologist. The new woodland in particular will assist in reducing the landscape and visual prominence of the new landform to be created from the spoil disposal. It is important that this successfully establishes itself. Standard practice in minerals and waste

planning would be to control this period of aftercare for 5 years, during which the new planting would be checked and replaced in the event of disease or tree death. As highlighted by the County Ecologist however, new woodlands require ongoing management. The woodland planting would require thinning out and the 'rides' and open grass corridors need to be kept free from encroaching vegetation, so to maintain them for foraging wildlife. The County Ecologist requests that extended aftercare arrangements for the ongoing management of this area be secured through the planning process.

131. The applicant advises that the landscaping and its maintenance would form part of the wider GAR project and that for the first 5 years, responsibilities for the maintenance and establishment of the habitat area would be through the landscape contractor, after which the maintenance passes to the County Council as part of a 25 year maintenance programme. Such a programme covering the GAR landscaping is in place and has approval from Gedling Borough Council and a similar and supplementary strategy can be drawn up to cover the additional land and works now proposed.
132. It is therefore considered that 5 years of initial aftercare should be secured through planning conditions covering both parts of the site - the Scout land and the woodland. It is further considered that additional aftercare and management be secured for the woodland habitats through requiring a long term management strategy under condition. Extended aftercare can be secured under planning condition, in accordance with statutory planning provisions. The long term management of the Scout land would fall outside of the planning conditions and would ultimately be their responsibility. On this basis it can be ensured that the long term benefits from the new woodland are secured and the application complies with WLP Policies W4.9 and W4.10 and also Gedling Policy LPD 19.

Other issues- heritage

133. The works would take place next to the standing Pepper Pot ventilation shaft, part of the former GNR Mapperley railway tunnel. Whilst not listed, it is of local heritage value. The application proposal would leave it physically unaffected and retained next to the GAR. There are no objections from the heritage consultees.

Overall Conclusions

134. After considering the proposal against sustainable waste management objectives, including alternative disposal sites and the objective of minimising transport requirements, and after assessing impacts to local landscape, soils, ecology and amenity, the proposal is considered to be an appropriate and sustainable form of development, within its specific context of supporting the timely delivery of the new Gedling Access Road, which is an important local highway and regeneration project.

135. Works would take place concurrently with the road project and the use of this site would negate the need for road haulage. On completion it would provide environmental and community benefits from the use of the waste material, through the creation of an extended area of new native woodland (with some 3,300 new trees) and replacement grassland for the local Scouts, enabling them to remain at their current base. Over time the area would assimilate into the wider landscaping buffer alongside the road and provide ecological net gains and benefits for tackling climate change.
136. The proposal is therefore viewed as sustainable development, supporting environmental, community and economic elements. It complies with local and national planning policy, particularly Waste Core Strategy Policies 3, 5, 7, 11 and 13, relevant saved policies of the Waste Local Plan, Gedling Aligned Core Strategy Policy 17 and is supported by paras 170 and 175 of the NPPF. It is therefore recommended that planning permission be granted.

Other Options Considered

137. The report relates to the determination of a planning application. Alternative disposal options have been considered in the report. The County Council is under a duty to consider the planning application as submitted.

Statutory and Policy Implications

138. 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

139. The development of the site would be undertaken as part of the wider construction project for the Gedling Access Road. Construction sites will be subject to security arrangements arranged by the main contractor, but are likely to include perimeter security fencing, an onsite security presence and the secure storage of plant and machinery at night.

Data Protection and Information Governance

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

Financial Implications

141. The works form part of the overall Gedling Access Road project budget. In recommending planning permission, conditions governing initial and long term aftercare/management are recommended. The initial 5 years of aftercare management for the site including for the portion to be transferred to the 3rd Woodthorpe Scouts group would be the responsibility of the County Council, through its landscaping contractor and this is already accounted for in the GAR budget. Thereafter extended management is sought for the woodland habitat area only and the applicant has confirmed that its future management would be the responsibility of the County Council.

Human Rights Implications

142. 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

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

Implications for Service Users

144. The Gedling Access Road is priority highway and regeneration project for the Council. The report details how the sustainable use of excavation materials would enable construction of the new road to proceed according to current schedules.

Implications for Sustainability and the Environment

145. These have been considered in the Observations section above including an assessment of the sustainability merits of the chosen site against alternatives, as well as consideration of any impacts to local ecology and landscape. The planting of over 3,300 trees and their future management would be of benefit to local air quality and for tackling climate change.
146. There are no implications in relation to human resources; children/adults at risk safeguarding.

Statement of Positive and Proactive Engagement

147. In determining this application the County 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

It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments (SG 10/01/2020)

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

Financial Comments (SES 10/01/2020)

The financial implications are set out in the report. The initial 5 years of aftercare management for the site including for the portion to be transferred to the 3rd Woodthorpe Scouts group would be the responsibility of the County Council, through its landscaping contractor and this is already accounted for in the GAR budget.

Background Papers Available for Inspection

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

Electoral Divisions and Members Affected

Calverton	Councillor Boyd Elliott
Arnold North	Councillor Pauline Allan
Arnold North	Councillor Michael Payne

Report Author/Case Officer

Joel Marshall

0115 9932578

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

RECOMMENDED PLANNING CONDITIONS

Commencement/notification

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

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

2. The County and Waste Planning Authority (CWPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

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

Approved plans/details

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application documents and recommendations of reports, and the following plans all received by the CWPA on 23/10/19 unless otherwise stated:

- (a) HW00590/230 Rev A 'Application Location Plan' dated 10/01/19;
- (b) HW00590/231 Rev A 'Application Boundary Plan' dated 10/01/19;
- (c) HW00590/232 Rev A 'Existing Site Plan' dated 10/01/19;
- (d) HW00590/233 Rev A 'Proposed Site Plan' dated 10/01/19;
- (e) HW00590/234 Rev A 'Cross Sections Plan 1 of 2' dated 10/01/19;
- (f) HW00590/235 Rev A 'Cross Sections Plan 2 of 2' dated 10/01/19;
- (g) HW00590/236 Rev A 'Long Section' dated 10/01/19;
- (h) HW00590-237 'Proposed Drainage' dated 10/01/19;
- (i) HW00590-238 'Proposed Landscape Works' dated 05/09/19;
- (j) HW00590_239 Rev 1 'Landscape Specification' dated 11/12/19 and received by the CWPA on 06/01/20;
- (k) HW00590-328 'Section Plan' dated 02/11/19 and received by the CWPA on 04/11/19.

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

Waste Acceptance / Materials Management

4. Only inert spoil materials arising directly from the Gedling Access Road project shall be permitted to be imported and deposited into the site and there shall be no importation of unrelated waste or soil/restoration materials, unless a further approval or variation is first given from the CWPA.

Reason: The proposal, as submitted, is for the re-grading of the land using materials arising from the adjacent Gedling Access Road project and has not been considered as an open disposal site where sequentially more appropriate and sustainable locations may be available when considered against Policy WCS5 of the Nottinghamshire and Nottingham Waste Core Strategy.

5. All materials shall be transported directly to the site via internal haul routes from the road project with no material being transported via the public highway.

Reason: The application has been considered and supported on the sustainability merits of proposing no highway access or requiring any off-site haulage movements to undertake the development.

6. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the CWPA. This strategy will include the following components:

- (a) A site investigation scheme, based on the recommendations of the Phase 1 Geo-Environmental Desk Top Study received by the CWPA on 23/10/19 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
- (b) The results of the site investigation and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures that may be required and how they are to be undertaken.
- (c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the CWPA. The scheme shall be implemented as approved.

Reason: The remediation strategy is required prior to commencement to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

7. A Materials Management Plan (MMP) shall be submitted to the CWPA for its written approval prior to the importation of any materials to the site. The MMP shall detail the acceptance criteria for materials, taking into account the groundwater sensitivities and end users of the land (including children/young adults) along with the means of testing materials for their compliance with the criteria. Records shall be kept of all imported materials for the inspection of the CWPA upon its written request. No non-compliant material shall be permitted to be deposited in the site, but in the event that unexpected

contaminated or non-compliant materials are encountered, such materials shall be subject to remediation in accordance with the remediation strategy under condition 6.

Reason: To ensure that only non-contaminative materials are utilised in the works permitted in the interests of protecting the underlying secondary aquifer and the wider environment and also in the interests of human health in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy and paragraph 170 of the National Planning Policy Framework.

8. A verification report demonstrating the completion of works in accordance with the MMP under Condition 7 and the effectiveness of the remediation shall be submitted to, and approved in writing, by the CWPA prior to the first use of the land for the Scouts and prior to restoration planting taking place. The report shall include results of sampling and testing to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

9. Soils and soil making materials shall be handled in accordance with the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites 2009 (CCoP) and the MAFF Good Practice Guide for Handling Soil 2000 and following the methodology and stages set out within section 10 of the supporting Planning Statement received by the CWPA on 23/10/19 including, but not restricted to:

- a) All operations involving soil stripping and replacement and cultivation treatments shall only be carried out when the full volume of soil involved to be transported is in a suitably dry and friable condition;
- b) Plant and vehicles shall not unnecessarily cross areas of in-situ undisturbed or replaced subsoil and topsoil or traverse mounds of topsoil, subsoil and soil making materials, except where such trafficking is essential and unavoidable for purposes of undertaking permitted operations;
- c) Taking of all reasonable precautions to prevent the mixing of topsoil, subsoil, and fill materials during soil stripping and replacement operations along with their separate storage;
- d) Storage areas and haul roads shall first be stripped of all available topsoils and subsoils.

Reason: In the interests of conserving and managing all available soil resources, for the purposes of completing a satisfactory site restoration in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

10. The location of any temporary soil stockpiles/bunds shall be submitted for the written approval of the CWPA. Any temporary soil stockpiles/bunds which are to be left in situ longer than 6 months shall be seeded with a deep rooting grass/legume seed mix.

Reason: In the interests of visual amenity and in the interests of conserving and managing all available soil resources in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

11. No sub soils or top soils shall be removed from the site, unless with the prior written approval of the CWPA and only following evidence that these soils are not required for the site's restoration.

Reason: In the interests of conserving and managing all available soil resources, for the purposes of completing a satisfactory site restoration in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

12. Soil forming materials, subsoil and topsoil shall be spread in sequence over the area to be restored such that the final restoration levels as shown on Dwgs HW00590-233-A 'Proposed Site Plan'; HW00590/234 Rev A 'Cross Sections Plan 1 of 2'; HW00590/235 Rev A 'Cross Sections Plan 2 of 2'; HW00590/236 Rev A 'Long Section'; and HW00590-328 'Section Plan' dated 02/11/19 are achieved and the soil/grading depths as set out in dwg HW00590_239 Rev 1 are met in advance of seeding and planting works.

Reason: In the interests of conserving and managing all available soil resources, for the purposes of completing a satisfactory site restoration in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

Construction management

13. Measures shall be taken to control and limit impacts of construction activities, including noise and dust, through employing best practicable means as set out in section 9 of the supporting Planning Statement received by the CWPA on 23/10/19. Furthermore construction management shall be undertaken in accordance with the Construction Environmental Management Plan (Report Number – HW00590/Planning/8&9) approved pursuant to planning conditions 8 and 9 of planning permission 2015/1033 in relation to the construction of the Gedling Access Road.

Reason: In the interests of the amenity of nearby residential occupiers and to accord with policies W3.9 and W3.10 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1 – Waste Core Strategy.

14. Except in the case of an emergency when life, limb or property are in danger (with such instances being notified in writing to the CWPA within 48 hours of

their occurrence), or with the prior written approval of the CWPA, all works shall take place within the hours specified below:

- 07.00 hours to 18.00 hours Mondays to Fridays;
- 07.00 hours to 13.00 hrs on Saturdays
- No works shall take place on Sundays and Public or Bank Holidays.

Reason: In the interests of the amenity of nearby residential occupiers and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part1-Waste Core Strategy.

Tree/hedgerow protection

15. Hedgerows and trees along the site boundaries shall be protected during the course of the works by means of a barrier or fence in accordance with BS 5837:2012 – Trees in relation to design, demolition and construction. The protection measures shall be retained on site until all material grading and soil placement operations have been concluded and mobile plant removed from the site.

Reason: In the interests of achieving an acceptable restoration of the site by retaining and safeguarding mature hedgerows during the course of earth moving works and to accord with the objectives of Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.

Ecological mitigation

16. The development shall be undertaken in accordance with the recommendations in section 6.1.2 and paragraph 2.2.2 (e) of the Ecology Report (EMEC Ecology dated May 2019- Updated October 2019) received by the CWPA on 23/10/19. In accordance with this Programme the operator must:
- (a) Undertake a precautionary approach to possible faunal and reptile species that may be present on the site by mowing the field prior to works commencing in the manner as described in para 2.2.2 (e) in order to encourage any faunal species including reptiles to move out of the works area;
 - (b) Undertake site clearance operations that involve the removal and destruction of vegetation outside of the months of March to August inclusive except where preceded by the carrying out of a walkover survey of the affected area by a suitably qualified ecologist to ensure that no active birds nests will be affected;
 - (c) Follow good working practice to prevent animals from becoming trapped in any deep trenches or excavations or pipes over 200mm diameter overnight; and
 - (d) Follow good practice if any common amphibians are encountered on site during the works.

Reason: In the interests of protecting species and their habitats in accordance with Policy W3.22 of the Nottinghamshire and Nottingham Waste Local Plan, Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy and the objectives of the National Planning Policy Framework.

Drainage

17. The surface water drainage scheme, incorporating sustainable Swales and timber check dams shall be completed in accordance with the details on dwg HW00590/237 'Proposed Drainage' received by the CWPA on 23/10/19 to connect into the wider Gedling Access Road over-land drainage system. The scheme shall ensure that the surface water run off rate leaving the site is not increased.

Reason: To provide appropriate surface water management which is sustainable and which does not increase the risk of flooding to the highway or property.

Restoration

18. In the first available planting and/or sowing season following completion of top soil replacement works, each part of the site shall be seeded and planted in accordance with the details, methodologies and landscaping schedules contained within dwgs HW00590-238 and HW00590_239 Rev A received by the CWPA on 23/10/19 and 06/01/20 (which confirms use of biodegradable rabbit guards).

In addition:

Details for the strengthening / gapping up of the south-eastern portion of the hedgerow along Arnold Lane (taking account of the approach to the future 5-arm roundabout) shall be submitted to the CWPA for its prior written approval. Thereafter the hedgerow works shall be completed concurrently with the wider landscaping works.

Details of fencing shall be first submitted for the written approval of the CWPA and thereafter erected in accordance with such approval.

Reason: To ensure the site is restored at the earliest possible date to the standards as set out in the application and to provide the new woodland habitats and grassland in the interests of biodiversity, landscape, and local amenity in accordance with the objectives of policies W3.4, W4.1, W4.6, W4.9 and W4.12 of the Nottinghamshire and Nottingham Waste Local Plan and Policies WCS13 and WCS15 of the Nottinghamshire and Nottingham Waste Core Strategy.

Aftercare and long-term management

19. Both the grassland (for the local Scout Group) and the woodland habitat area shall undergo aftercare management for a 5-year period following the

restoration of each area and the date(s) of entry into aftercare shall be agreed in writing with the CWPA.

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

20. An aftercare scheme/landscape management plan for the application site shall be submitted to the CWPA for its written approval no later than 3 months following completion of the landscaping works. The scheme/plan shall include the steps to be taken and the responsibilities to ensure the land is restored to the intended afteruses. The scheme shall include, but not be restricted to, details of the following:

- (a) Cultivations;
- (b) Weed control;
- (c) Sowing of seed mixtures;
- (d) Soil analysis;
- (e) Drainage provision;
- (f) Management practices including woodland management / thinning
- (g) Tree protection and replacement;
- (h) Remedial treatments;
- (i) Fencing;

Records shall be kept and an annual review and/or site meeting to assess the condition of the landscaping/planting and details of the aftercare works that are to take place in the forthcoming year shall be submitted to the CWPA between 31 March and 31 May each year or at an alternative point as may be agreed with the CWPA.

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

21. Upon expiration of the 5-year initial aftercare period for the woodland habitat area, that area shall subject to a long-term management regime for a minimum of 10 years (15 years in total) or a longer period as may be proposed to maximise its value and interest for biodiversity, in accordance with the full details of such arrangements which shall be submitted for the approval of the CWPA no later than the 4th year annual review in the initial aftercare period as determined under condition 20 above.

Reason: To provide for the extended aftercare of the wildlife habitats to ensure their benefits are realised and maintained in accordance with Policies W4.9 and W4.11 of the Nottinghamshire and Nottingham Waste Local Plan.

End of conditions

Informatives/notes to applicants

1. Attention is drawn to the following advice from the Environment Agency with respect to the application of the Waste Permitting regime.

If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.
- guidance on the recovery test can be viewed at: <https://www.gov.uk/guidance/waste-recovery-plans-and-permits#waste-recoveryactivities>

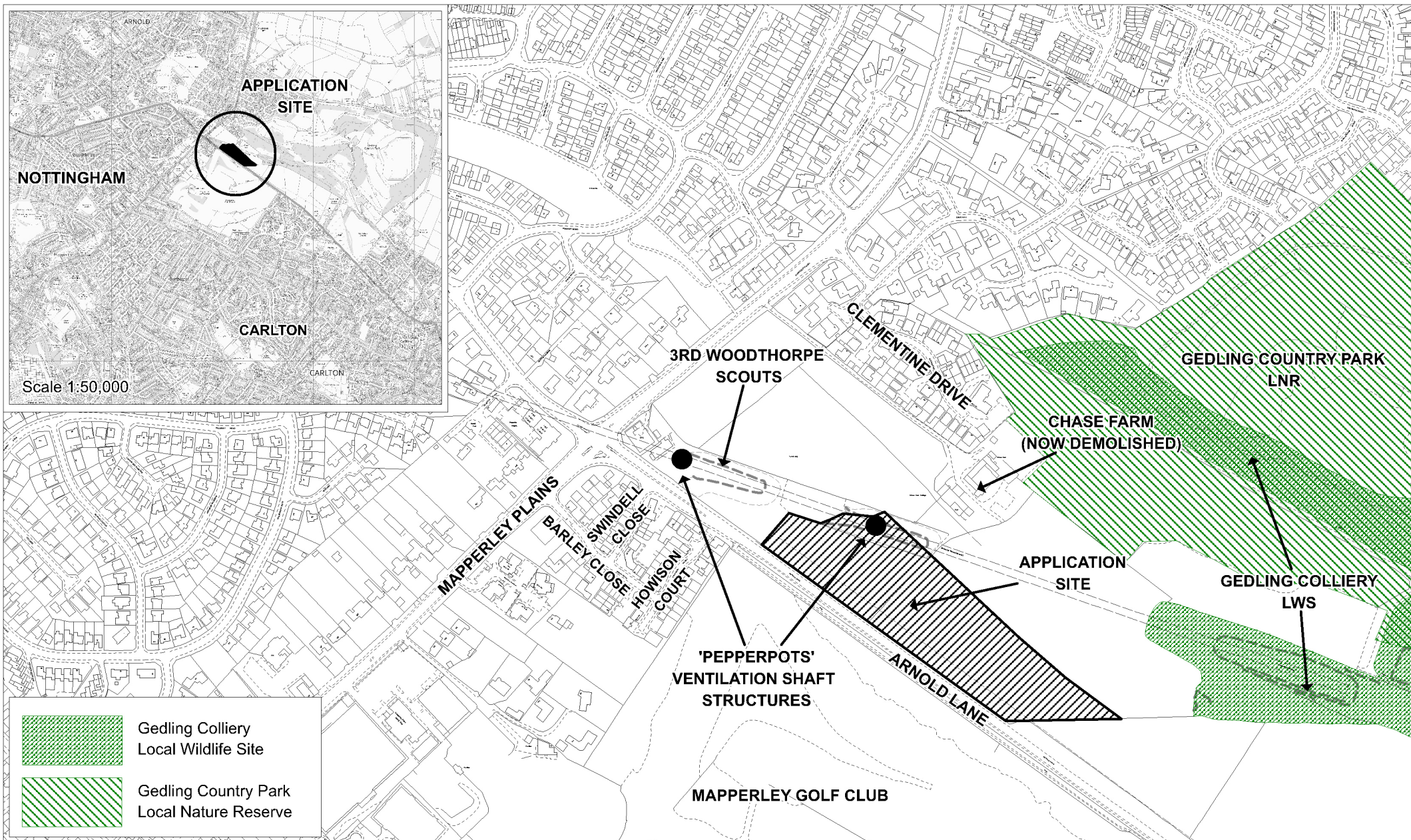
You can find more information on the Waste Framework Directive here: <https://www.gov.uk/government/publications/environmental-permitting-guidance-thewaste-framework-directive>

More information on the definition of waste can be found here: <https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

More information on the use of waste in exempt activities can be found here: <https://www.gov.uk/government/collections/waste-exemptions-using-waste>

Non-waste activities are not regulated by us (i.e. activities carried out under the CL:AIRE Code of Practice), however you will need to decide if materials meet End of Waste or By-products criteria (as defined by the WFD). The 'Is it waste' tool, allows you to make an assessment and can be found here: <https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-byproducts-and-end-of-waste-tests>

If you require any local advice or guidance please contact your local Environment Agency office on RegulatedIndustryDNL@environment-agency.co.uk



**Nottinghamshire
County Council**

Application for habitat enhancement and provision of open space through sustainable use of material arising from the construction of Gedling Access Road.
Gedling Access Road, Land off Arnold Lane, Nottinghamshire.
Planning Application No. 7/2019/1089NCC

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Scale 1:5,000

Produced by: JW

Date: JAN 2020



PLAN 1



KEY							
		Planning Red Line Boundary					
		Land Parcel Owned By NCC					
Rev	Description	Drawn	Checked	Auth	Date		
<table border="1"> <tr> <td colspan="2">Gedling Access Road</td> </tr> </table>						Gedling Access Road	
Gedling Access Road							
Project No.		Project No.					
Title							
NCC Land Required For GAR							
Scale	Drawn	Checked	Auth	Date	Rev		
1:2500	JW	KCC		Aug16			
Drawing No.		Title		Rev			
GAR/NCOL01							
Nottinghamshire County Council Trent Bridge House, Fox Road, West Bridgford, Nottingham, NG2 6BJ Tel: 0300 500 80 80							



**Nottinghamshire
County Council**

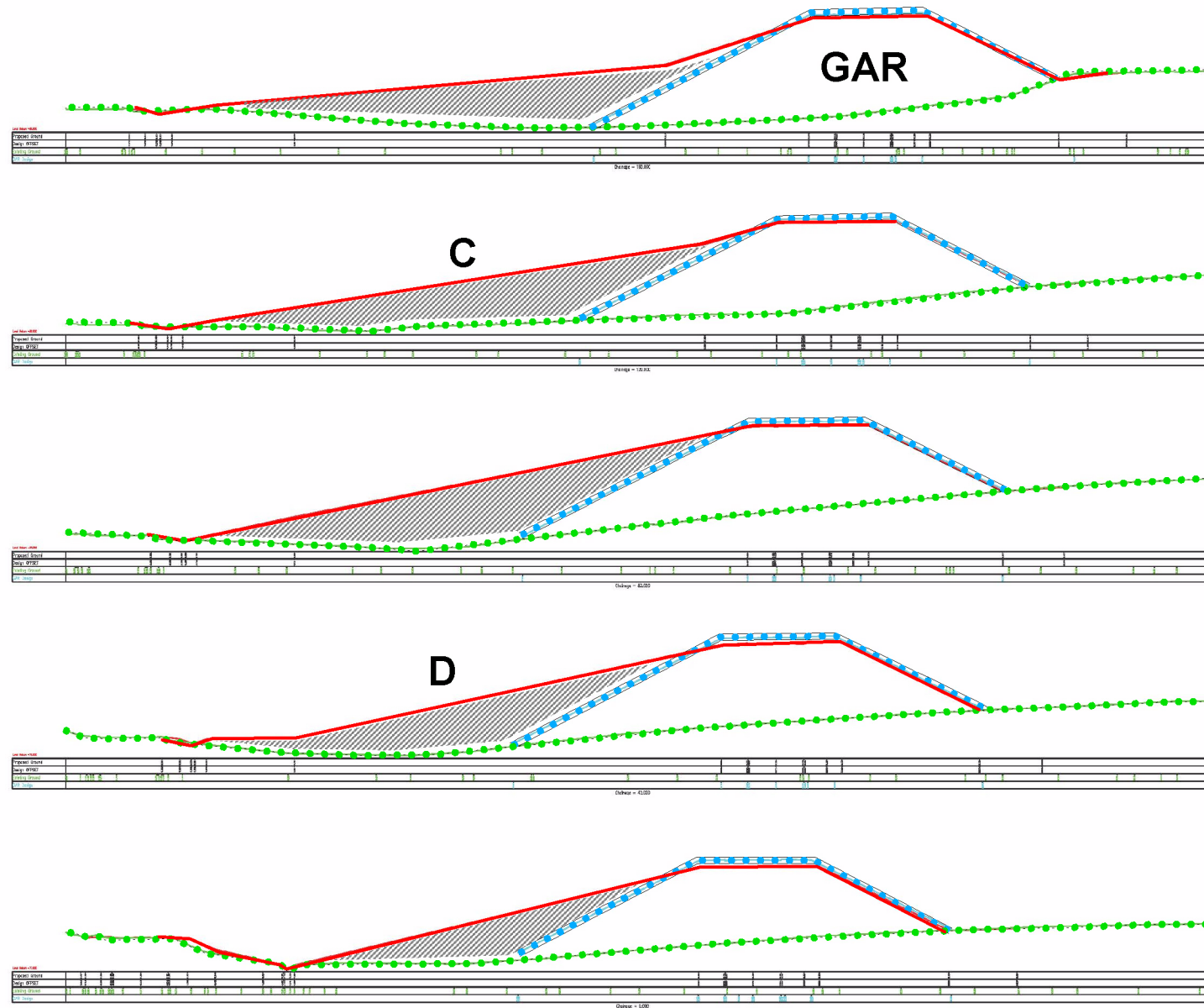
Application for habitat enhancement and provision of open space through sustainable use of material arising from the construction of Gedling Access Road.
 Gedling Access Road, Land off Arnold Lane, Nottinghamshire.
 Planning Application No. 7/2019/1089NCC

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PLAN 2



- Existing ground level
- GAR design
(Gedling Borough Council
Planning Application 2015/1033)
- Proposed ground level
- Infill



**Nottinghamshire
County Council**

Application for habitat enhancement and provision of open space through sustainable use of material arising from the construction of Gedling Access Road.
Gedling Access Road, Land off Arnold Lane, Nottinghamshire.
Planning Application No. 7/2019/1089NCC

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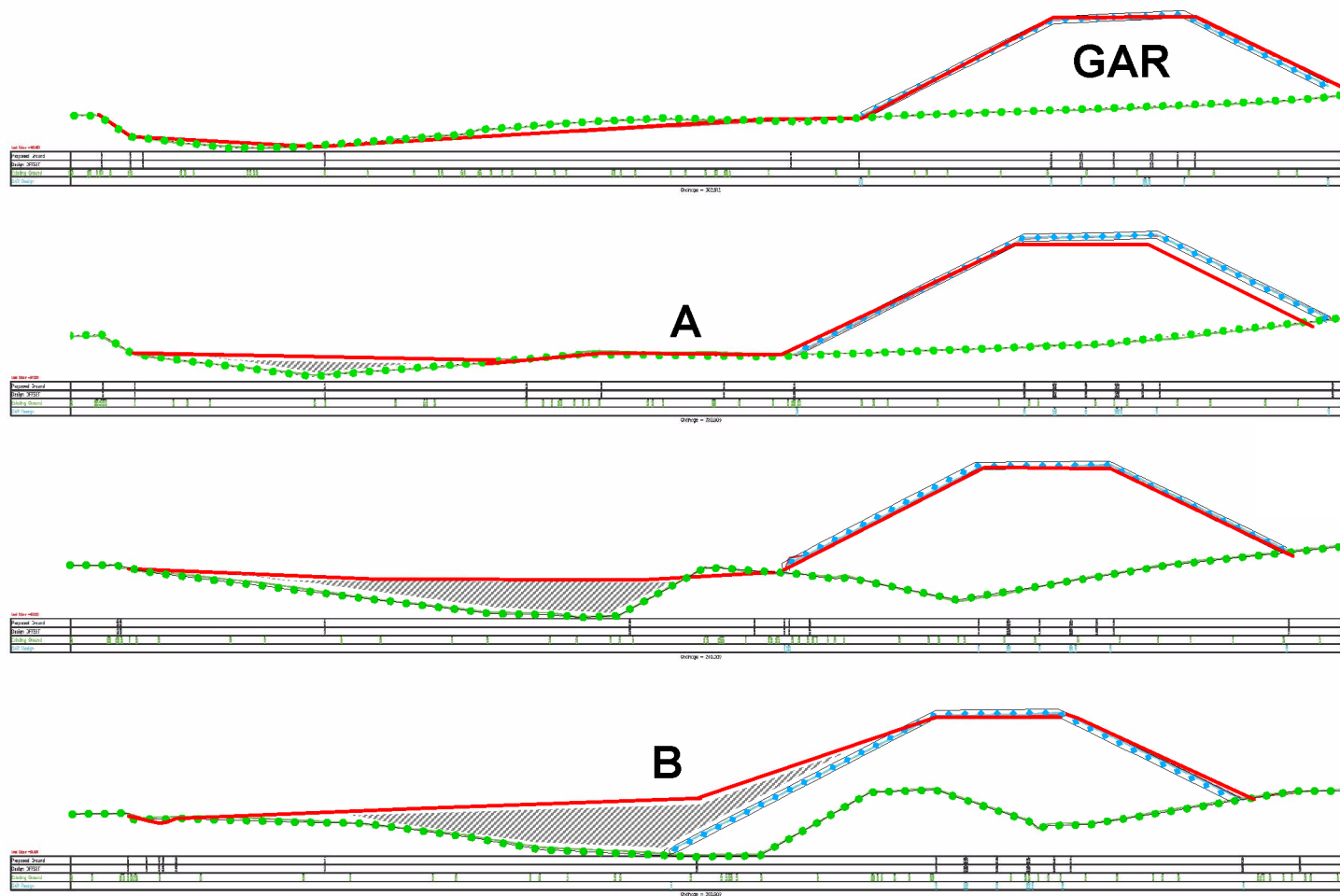
Not to scale
for illustration only

Produced by: JW

Date: JAN 2020



PLAN 4



- Existing ground level
- GAR design
(Gedling Borough Council
Planning Application 2015/1033)
- Proposed ground level
- ▨ Infill



**Nottinghamshire
County Council**

Application for habitat enhancement and provision of open space through sustainable use of material arising from the construction of Gedling Access Road.
Gedling Access Road, Land off Arnold Lane, Nottinghamshire.
Planning Application No. 7/2019/1089NCC

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PLAN 5



21st January 2020

Agenda Item: 8

REPORT OF CORPORATE DIRECTOR – PLACE

ADOPTION OF THE COUNTY COUNCIL'S LOCAL REQUIREMENTS FOR THE VALIDATION OF PLANNING APPLICATIONS

Purpose of Report

1. To advise Members of the consultation exercise undertaken on the proposed changes to the County Council's Local Requirements for the Validation of Planning Applications, the responses received, and to seek Committee approval of the changes and formal adoption of the revised document.

Information

2. Nottinghamshire County Council's current Validation Guidance (which comprises Part One -statutory requirements and Part Two - the Local List) was adopted in February 2018 and, consequently, now needs to be replaced to ensure that the Authority has an up to date Local List against which it can validate incoming planning applications. Members are advised that in accordance with the Article 11 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 Local Lists must be no more than two years old if they are to remain valid. Without an adopted Local List, the Council can only rely upon the national requirements when validating applications being submitted to the authority which could potentially lead to the submission of less comprehensive applications, an increase in requests being made for additional information, and ultimately less robust decisions being made.

Review process

3. The first step involved reviewing the existing Validation Guidance in the light of changes to planning legislation and national guidance and changes to some development management procedures including the increased level of electronic submission of planning applications.

The proposed main changes may be summarised as follows:

- Insertion of a new section on Design Assessments to meet the NPPF requirement to ensure that design quality is considered throughout the evolution and assessment of individual proposals.

- Insertion of a new section on Planning and Health to take into account and support the delivery of the Nottinghamshire Planning and Health Framework to meet the objective of ensuring health is embedded in the planning process as required by the NPPF.
 - Insertion of a new section on groundwater protection relating to sites which are located on the Sherwood Sandstone aquifer. In the event that applicants are not able to obtain an extraction licence this is likely to have implications for the development and applicants should take this into account in the design of their proposals.
 - Updated text and paragraph numbering to reflect the latest National Planning Policy Framework (revised 2019),
 - Amendments to the methods of electronic submission of planning applications to the County Council to reflect changes in new technology,
 - Amendments to all relevant sections to refer to current legislation, guidance and advice.
4. The Validation Guidance was updated to include these proposed amendments and relevant consultees were identified in accordance with the requirements of the national Planning Practice Guidance.

Consultation

5. The range of consultees included Nottinghamshire's district and parish councils, County Council members, neighbouring authorities, statutory and non- statutory consultees, together with internal and external applicants and agents. Emails were sent to all relevant parties which provided a link to the County Council's website where the existing and proposed Validation Guidance could be viewed and downloaded. Other Council departments, such as Highways and flood risk, as well as officers from within the Planning Group, (including the Development Management Team, who use the Validation guidance on a regular basis), were also consulted on the revised list.
6. In response to the consultation, which ran for 21 days from 4th November until 25th November 2019, nine responses were received. Given the uncontentious nature of the document the response was, as expected, minimal. However, responses were received from representatives from most of the groups consulted including applicants, statutory consultees, Parish Councils and Development Management Team members. A summary of the responses and the proposed action and changes to the Validation Guidance is set out in Appendix 1 to this report. The updated Validation Guidance (including the changes made as a consequence of the consultations, which are shown highlighted in **block text**) forms Appendix 2.
7. Members should note that the minor changes proposed following the consultation are not considered to materially amend the document to such an extent that would warrant a further round of consultation.

Ongoing non-material updates

8. It is likely that before the next formal review of the Validation Guidance, in two years' time, there will be some changes to the NPPF and other documents referenced in the Guidance. To ensure that the Local List is kept up to date, this report seeks Committee approval for officers to make minor, non-material updates to the Validation Guidance without the need to refer back to Committee. This forms the basis of Recommendation (B) of this report.

The next stage

9. If Members approve the updated Validation Guidance as set out Appendix 2 to this report then this will formally replace the version adopted in February 2018. It will be retained on the County Council website and will form the basis on which incoming planning applications are validated.

Other Options Considered

10. Given the requirements set out in paragraph 2 above no options other than a full review were considered to be adequate to meet the Government's stipulation for Local Lists to be no more than two years old.

Statutory and Policy Implications

11. 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. There are no crime and disorder, financial, human resources, public sector, safeguarding of children and adults at risk, smarter working implications or implications for sustainability and the environment.

Data Protection Implications

12. The County Council has comprehensive procedures in place, such as redacting personal data etc. or sensitive information which accompanies planning applications, to ensure that information is kept securely and confidentially.

Human Rights Implications

13. 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 Service Users

14. It is considered that the proposed review of the Local List will assist users of the document by containing more up to date and accurate information.

RECOMMENDATIONS

15. It is RECOMMENDED that:
- (a) Members note the response to the consultation exercise and approve the revised document, known as Nottinghamshire County Council's Guidance Note on the Validation Requirements for Planning Applications.
 - (b) Members authorise officers in consultation with the chair and vice chair of Planning and Licensing Committee to make minor changes to reflect any updates to the NPPF and other referenced documents, as appropriate, during the intervening period before the next Validation Guidance review, where these do not materially affect the validation document.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [RHC 16/12/2019]

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

Financial Comments [RWK 16/12/2019]

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

Background Papers Available for Inspection

Consultation responses are available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division(s) and Member(s) Affected

All

Report Author
Jane Marsden-Dale
0115 9932576

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

Appendix 1 – Summary of responses to consultation

Consultee	Summary of comments and section of document to which it relates	Council's response and proposed action/amendment to Validation Guidance (as highlighted)
Highways Development Control -NCC	<p>Part One: Location Plan</p> <p>Suggest that the 'Location Plan' section could be expanded slightly. Planning Practice Guidance: Making a Planning Application paragraph 24 suggests:</p> <p><i>The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).</i></p> <p>Suggest therefore if the validation note could include: 'It should include all land necessary to carry out the proposed development – for example, land required for access to the site <u>from a public highway</u> etc'.</p> <p>It is important from a Highways Development Control prospective to be able to determine how a site would be accessed from a road and that the applicant has a right of access to it.</p>	<p>Agree with suggested additional wording and the Validation Guidance -Location Plan requirements have been amended to reflect this.</p>
Environment Agency	<p>Part Two: Groundwater and surface water protection</p> <p>Amendment suggested which is remove the specificity to groundwater as surface water abstraction could also be impacted. Please see below.</p> <p><i>Due to pressure from over-abstraction (the Sherwood Sandstone aquifer is presently closed to further consumptive abstraction), development proposals requiring abstraction, including dewatering activities, should take account of the sustainability status of local groundwater and surface water, having regard to the Environment Agency's Abstraction Licensing Strategy for the area. Early consultation with the Environment Agency is recommended as the water resources status could have significant implications for details to be submitted under a planning application, or even the principle of the proposal itself. Details of how the design of a proposal takes account of such constraints should usually be set out within a hydrogeological and or hydrological assessment. In certain situations, it might be advisable to 'twin-track'</i></p>	<p>The Environment Agency was involved in the initial drafting of the wording of the new Groundwater Protection section (9) and this response reflects an additional comment to the proposed text.</p> <p>Agree with suggested additional wording and Section 9 has been amended accordingly.</p>

	<i>planning and permitting/licensing applications together.</i>	
Development Management Team	<p>Part Two: Supporting Planning Statement</p> <p>The Development Management Team identified an issue relating to waste disposal/landscaping schemes and, in particular, the need for landscaping schemes involving the importation of inert waste material to have clear plans setting out what is proposed in terms of final contours.</p>	New wording added to the requirements under the Supporting Planning Statement as follows "For landscaping schemes involving the importation of inert waste material, the supporting statement should detail the rationale behind the landform changes that are being proposed which should be supported by detailed pre and post contour plans submitted with the application".
Sport England	<p>Part Two: Supporting Planning Statement</p> <p>Sport England made no comments on the Validation Guidance but made reference to a weblink to further information which can be found on their own website.</p>	Section 1: Supporting Planning Statement already includes the link to the Sport England website and therefore no changes to the Validation Guidance are proposed.
North Leverton Parish Council	<p>Planning Application Checklist</p> <p>North Leverton Parish Council would like to make the following comment re the above Guidance Notes <i>Would it be possible to include some reference to Local Neighbourhood Plans in item 3 of the checklist at the rear of the document please?</i> <i>There is reference in the main body of the text, but it is missing from the checklist.</i></p>	Comments noted. The Parish Council has been advised that the purpose of the checklist is for applicants to state which sections have been submitted (and it is not compulsory for applicants to use it). It is the Validation Guidance itself that determines what information needs to be submitted and, if approved, compliance with Local Neighbourhood Plans will be required. No changes to the Validation Guidance are therefore proposed.
Veolia Environmental Services (UK) Ltd.	<p>Part Two: Design Assessment and Planning and Health</p> <p>The consideration of both design and health matters in the determination of planning applications should be applauded. However, it is considered necessary that validation local lists provide additional criteria and guidance by which the need for such specific assessments can be judged.</p>	Comments noted. It is anticipated that for major development the need or otherwise for such information to be provided as part of the application will be determined at

	<p>The National Planning Policy Framework (NPPF as revised in 2019) states that <i>“Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions”,</i> and that <i>“Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question”</i> (para.44)</p> <p>The provision of guidance or thresholds for the need for such assessments will avoid the possible situation whereby applications remain invalid based upon arbitrary officer opinion rather than specific adopted principles.</p> <p>3. Design Assessment The working document states <i>“the County Council envisages this process being most appropriate for major County Council development, such as new or replacement schools, and other significant community facilities. Design reviews could also be appropriate for major waste management facilities depending on their location and scale.”</i> As acknowledged within the draft document, The Town and Country Planning (Development Management Procedure) (England) Order 2015 specifically excludes waste developments from the requirement for a Design and Access Statement. On this basis any requirement for design assessment within the validation document should provide clarity on and justification for the type or scale of waste development that may be considered ‘major’ for the purpose of design assessment under the validation list.</p> <p>The need for a full design assessment for small scale waste development is considered unduly onerous and unnecessary, given specific exclusion by the government from Design and Access Statements and that in many instances such development is largely designed based upon its specific function, as differing waste uses have specific design and operational requirements.</p> <p>9. Planning & Health The need for planning policy to consider the health and well-being of the community, set out in the NPPF is acknowledged. It is considered that to be a mandatory requirement for all new development is</p>	<p>the pre-application stage if advice is sought.</p> <p>Extra wording added to the Validation Guidance added for clarity, as follows: “Although the Development Management Procedure Order does not require Design and Access Statements for these types of development, this does not mean that design should not be a material consideration in the planning application process for these types of development where appropriate”.</p> <p>It is unlikely that a design assessment would be requested for a small-scale waste facility. However, for large scale waste proposals or those in sensitive locations the design of the development is likely to be a significant issue and should be considered at the earliest stage, preferably through pre-application discussions.</p> <p>The Validation Guidance does not state that this is a mandatory requirement for all applications but states that “All planning</p>
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	unduly onerous and that there should be greater explanation and also screening or criteria-based guidance setting out the circumstances whereby they are required. The HIA guidance is predominantly, and understandably, designed to deal with housing and therefore does not take into account the specific requirements for new waste development.	applications which have <u>potential</u> health impacts should confirm that reference to the Planning and Health Framework has been made and <u>appropriate</u> mitigation measures are proposed. <u>Where</u> health impacts are identified this information can be submitted by completing the Matrix above or as part of the Supporting Planning Statement.” The Council considers this approach to be reasonable and proportionate. Again, pre-application discussions are encouraged and would confirm the need or otherwise for this type of assessment.
Natural England	Natural England confirmed that they did not wish to comment on this consultation.	Comments noted, no changes to the Validation Guidance are proposed.
Collingham Parish Council	The Parish Council have no comments to make.	Comments noted
Blyth Parish Council	Blyth Parish Council have no comment on the consultation.	Comments noted

Nottinghamshire County Council's Guidance Note on the Validation Requirements for Planning Applications

Introduction

In order for the County Council to deal properly and efficiently with the planning applications it receives, it is essential that the correct information is submitted from the outset.

This note sets out what “**minimum**” **requirements** applicants need to submit to enable the proper validation and determination of applications. This will ensure that applications are “fit for purpose” and minimise the need for the submission of information at a later stage. This in turn will enable the County Council to provide an efficient planning service and help to achieve targets for the determination of planning applications.

The County Council recognises that the scale and type of applications vary and this will require the submission of differing levels of information and supporting documentation. This guidance note takes this into account in the scope of information needed for the various types of applications dealt with by the County Council.

The National Planning Policy Framework (NPPF as revised in 2018 and 2019) states that “Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question” (para.44).

Pre-Application Advice

The County Council encourages applicants and their agents to seek pre-application advice. This is particularly relevant for larger, more complex or potentially controversial proposals. This should help applicants identify the information and details that needs to be submitted with their application. Such an approach can help minimise delays later in processing the application and identify whether other consents may be required. The NPPF also encourages pre-application discussions; it states early engagement has the potential to improve the efficiency and effectiveness of the planning application system. Such discussions should also involve local communities where relevant. The County Council charge for providing pre-application advice. The fee for this service depends on the scale of development. Some advice, such as whether planning permission is required, is provided free of charge. Full details of this pre-application advice service can be found on the County Council's website.

Compulsory pre-application engagement- On-shore wind turbine development

Article 3 of the Town and Country (Development Management Procedure) (England) Order 2015 requires a statement providing evidence of how the applicant has undertaken and responded to community consultation before submitting an application for on- shore wind turbine developments where the development involves more than two turbines, or where the hub height of any turbine exceeds 15 metres.

The Validation Process (including the right to appeal against non-validation)

All applications received by the County Council will be checked against the **Statutory national information requirements**, and the **Local information requirements (Local List)**. Most minor applications will be validated within 3 to 5 working days from the date of receipt and most major applications within 10 working days.

Invalid applications

Where an application does not contain all the information listed in the **Statutory national information requirements** the application will be deemed invalid under the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant will be informed in writing the requirements necessary to validate it. There is no right of appeal against the Council's decision to invalidate the application; any challenge to the decision must be made through a judicial review.

Where an application does not include information (in sufficient detail) listed in the **Local information requirements (Local List)** that the Council considers should be provided, then the application will be treated as invalid and the applicant will be informed in writing what information is required to validate the application. The Council will only request supporting information that is relevant, necessary and material to the application. In the event of a disagreement with the Council, the applicant may submit a written justification (using an Article 12 Notice, which may be submitted at any time during the course of the application) explaining why the information requested is not required in the particular circumstances of their application. The Council will consider any written justification and either agree that the information is not required and validate the application or invalidate the application where it can be demonstrated that the additional information **is** necessary to determine the application. If the dispute cannot be resolved the applicant has the right of appeal against non-determination on grounds of invalidity once the 8/13 (16 for EIAs) week determination period, starting with the date of receipt of the application, has elapsed. The Planning Inspectorate will determine these cases, the inspector will consider both the dispute regarding invalidity and the merits of the application itself.

Electronic submission

The County Council's preferred method of receiving applications is electronically and should be sent to development.management@nottscc.gov.uk or submitted via the Planning Portal at www.planningportal.gov.uk

The national standards for on-line submission of electronic planning documents are as follows:

Maximum single or combined file size is 15 Megabytes file size (the sum of all document file sizes). Where these maxima are exceeded the information should be submitted off-line using an agreed suitable method of electronic submission, such as a CDROM or memory stick. Alternatively, the County Council supports the use of Cryptshare which allows for the transfer of large electronic files by email.

Portable Document Format (PDF) is the recommended file format. They should not be secured in order that they can be electronically date stamped by the County Council and to ensure that they can be read by consultees;

All drawings shall be produced in a single layer and should avoid covering multiple issues on one plan, such as existing and proposed vegetation or superimposing the proposed development on existing;

All drawings shall be correctly orientated for on-screen display

All drawings shall include a scale bar and key dimensions, paper size and scale (for example 1:1250 at A3)

All plans and supporting documents should be clearly labelled,

All photographs should be submitted in PDF file format.

Information required for planning applications

Part One- Statutory national information requirements that must be submitted with all applications, and

Part Two- Local information requirements (Local List) that must be submitted with planning applications depending on their type and scale.

Part One- Statutory national information requirements

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires the following forms, plans and information to be submitted with all applications unless otherwise stated.

The planning application form: Planning applications should be made on the relevant planning application form and submitted electronically to the County Council at development.management@nottscc.gov.uk (or via the Planning Portal at www.planningportal.gov.uk). The standard (1APP) application form should be used for all applications (except those for Minerals, which should be submitted on the Minerals application form available on the Council's website). A separate form is also available for onshore oil and gas development. All planning application forms are available to download at www.nottinghamshire.gov.uk. If you prefer to submit paper copies please provide two copies unless a request is made by the Council for a specific number of copies. All forms must be signed and dated with all relevant sections completed.

The application fee: See Nottinghamshire County Council's or the Planning Portal's websites for the current fee schedule and exemptions. The Planning Portal's fee calculator can be used to calculate the correct fee. For information on how to pay the planning application fee please refer to the County Council's website at www.nottinghamshire.gov.uk/planning-and-environment/planning-applications/pay-a-planning-fee.

Ownership/ Agricultural Holding certificates: A completed, signed and dated ownership/agricultural holding Certificate A, B, C or D confirming the site ownership and whether any of the land to which the application relates is, or is part of, any agricultural holding. These certificates are part of the standard application form. For this purpose, an 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years. 'Agricultural tenant' means a tenant of an agricultural holding, any part of which is comprised in the land to which the application relates. A notice to owners and /or agricultural tenant of the application site

must be completed and served in accordance with Article 13 of the Development Management Procedure Order (DMPO), 2015

Location plan: As stated above the Council's preferred method of receiving applications is electronically. If not submitted electronically all applications must include two copies of a location plan based upon an up to date map. The location plan should be at a scale of 1:1250 or 1:2500, based on a metric, OS map, indicate north point and give a drawing reference number. In exceptional circumstances, such as a development covering a large area, location plans of a smaller scale may be more appropriate to enable the application site to be identified. **The application site should be edged clearly with a red line. Where the proposal involves a new building or extension on a large application site the proposed building should be hatched in red** to provide extra clarity for consultation purposes. It should include all land necessary to carry out the proposed development – for example, land required for access to the site from a public highway etc. A blue line should be drawn around any other land owned by/under the control of the applicant, close to or adjoining the application site. The location plan should wherever possible show at least two named roads, surrounding buildings and features. In the interest of clarity, the location plan should not include other information that is provided on other plans, such as topographical details.

Site Plan/Block Plan: If not submitted electronically two copies of the site plan should be submitted. The site plan should be at an appropriate scale for the development proposed and should accurately show the direction of North and the proposed development in relation to the site boundaries and other existing buildings, with written dimensions including those to the boundaries. The site plan should also show the following, unless these would NOT influence or be affected by the proposed development; all the buildings, roads and footpaths adjoining the site including access arrangements, all public rights of way, the position of all trees on the site and those on the adjacent land, the extent and type of any hard surfacing and any boundary treatment.

Other plans: If not submitted electronically two copies of all other plans should be submitted. The details on any other plans will vary according to the type of development proposed and should complement any detailed assessments submitted in support of the application. All plans should be at an appropriate scale and include a unique drawing reference number and a title. Plans and elevation drawings submitted in electronic format should specify critical dimensions (external measurements) such as building footprint, height to eaves/ridge.

Updated and superseded plans: Any plans or supporting documents which supersede those originally submitted should be clearly labelled and sent electronically to the County Council.

Design and Access Statement: A Design and Access Statement (DAS) must accompany the following applications;

All applications for **major development** (as defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015; or

If within a designated area (Conservation Area or World Heritage Site) for development consisting of one or more dwelling or a building or buildings with a floor space of 100 square metres or more.

Design and Access Statements are not required for applications for waste development, minor development, change of use, engineering or mining operations or applications to amend the conditions attached to a planning permission (Section 73 applications).

Design and Access Statements should explain the design concepts and principles that have been applied to the proposed development and demonstrate how context has informed the scheme. Statements should also explain the approach to access and state how any consultation on access issues have been taken into account. (refer to article 9 of the Development Management Procedure Order, 2015 for full details of DAS submission requirements). The level of detail required in a statement will depend on the scale and complexity of the application.

Further information

Town and Country Planning (Development Management Procedure) (England) Order 2015

National Planning Policy Framework

Planning Practice Guidance

www.nottinghamshire.gov.uk, www.planningportal.gov.uk and www.gov.uk

Part Two Local information requirements (Local List)

In addition to the national requirements above, the list below sets out further information and assessments that must be submitted with planning applications depending on their nature and scale. We will only request information about a matter which is likely to be a material consideration in the determination of the application. This information is required to enable the validation of the application. As requirements will vary from case to case you are advised to contact us at an early stage if you are unsure about what information you will need to submit.

If not submitted electronically two copies of all documents should be submitted, although more copies may be requested where a significant amount of consultation is to be carried out. All sections include references where further guidance may be found.

[A checklist is located at the end of this document identifying which documents are to be submitted as part of your application. If you wish, you may complete this and send it to the County Council with your application.]

1. Supporting Planning Statement

A statement required for most applications explaining the need for the proposed development, it should be proportionate and specific to the development. Where appropriate it should demonstrate how the proposed development complies with policies in the development plan, national policy and guidance and other relevant documents. Where a proposal does not comply with development plan policies an explanation must be provided to justify the need for the development and set out overriding reasons as to why the proposal should go ahead. The supporting statement should also include details of the proposed development in terms of its achievement of sustainable development. This should cover economic, social and environmental issues. Details of any consultation with Development Management or other County Council officers and wider community/statutory consultees undertaken prior to submission should be included in the supporting statement.

The Supporting Planning Statement submitted with proposals on school sites should also set out existing and proposed pupil and staff numbers, parking provision and nearby school information where there is a proposed change to pupil/staff numbers.

For school developments which impact upon or involve the loss of playing field area existing and proposed summer and winter pitch layouts should be provided and confirmation as to why the particular location within the site has been chosen.

For landscaping schemes involving the importation of inert waste material, the supporting statement should detail the rationale behind the landform changes that are being proposed which should be supported by detailed pre and post contour plans submitted with the application.

Further information

National Planning Policy Framework

Planning Practice Guidance

Sport England www.sportengland.org/playingfieldspolicy

2. Environmental Statement

An Environmental Statement will be required if your proposal is likely to have significant effects on the environment and meets the criteria set out in the EIA Regulations. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 require a developer to prepare an Environmental Statement for all Schedule 1 projects and some Schedule 2 projects. For detailed guidance, including indicative criteria and thresholds for proposals requiring environmental assessment, see documents listed below. A “screening opinion” can be obtained from the County Council as to whether the proposed development falls within the scope of the Regulations. The Regulations provide a checklist of matters to be considered for inclusion in the Environmental Statement and require the applicant to describe the likely significant effects of a development on the environment and to set out the proposed mitigation measures. You are entitled to request a “scoping opinion” as to the key environmental issues the Environmental Statement should cover. Environmental Statements must be prepared by a competent expert and be accompanied by a statement outlining the relevant expertise or qualification of such experts. Early consultation with the Development Management Team is recommended prior to making your application.

Further information

The Town and Country Planning (Environment Impact Assessment) Regulations 2017
Planning Practice Guidance
National Planning Policy Framework

3. Design Assessment

The NPPF states “Design quality should be considered throughout the evolution and assessment of individual proposals” (para 128). Methods and processes aimed at achieving good design are most likely to success if utilised as early as possible in the development process. Therefore, applicants must proactively ensure good design principles are followed in the development of their proposals prior to submission, including referral of draft schemes to design review panels. The County Council envisages this process being most appropriate for major County Council development, such as new or replacement schools, and other significant community facilities. Design reviews could also be appropriate for major waste management facilities depending on their location and scale. Although the Development Management Procedure Order does not require Design and Access Statements for these types of development, this does not mean that design should not be a material consideration in the planning application process for these types of development where appropriate. Any such statement should provide evidence of having gone through a design review panel, including setting out how any panel recommendations have been

considered and incorporated into the final design, along with details of how any engagement with the local community has influenced the proposal.

For all built developments a statement demonstrating how a design would be in compliance with Local Plan design policies, and, where relevant, Neighbourhood Plans and Local Design Guides will be required. All design assessments can be incorporated into the Design and Access Statement.

Further information

National Planning Policy Framework- Achieving well designed places (paras 124-32).

Building for Life 12 – A Framework for Achieving Good Design.

National Design Guide – Planning Practice Guidance for beautiful, enduring and successful places, MHCLG, 2019

Design: - Processes and tools, MHCLG, October 2019

Designing waste facilities, a guide to modern design in waste- Enviros Consulting Ltd on behalf of Defra, 2008.

4. Transport Assessment and Transport Statements

All developments that generate significant amounts of movement should be supported by a transport assessment (TA) or a transport statement (TS). The need for a TA or TS should be scoped with the County Planning Authority in consultation with the Highways Development Control. TAs and TSs are ways of assessing the potential impacts of developments and may propose mitigation measures to promote sustainable development. These measures may inform the preparation of Travel Plans (see below). Transport Assessments are a thorough assessment of the transport implications of development, and Transport Statements are a “lighter touch” evaluation to be used where this would be more proportionate to the potential impact of the development (i.e. development with anticipated limited transport implications).

Transport implications and the mechanism for remedying these may impact on a conservation area or the setting of a designated heritage asset. Where this is the case applicants must consider such impacts and include these within the TA/TS. The coverage and detail of the TA/TS should reflect the scale of the development and the extent of the traffic implications. Information should include all existing and proposed vehicular and pedestrian movements to and from the site. Loading areas and arrangements for manoeuvring, servicing and parking of vehicles should also be clearly identified. The assessment should describe and analyse existing transport conditions and explain how the development would affect those conditions and measures proposed to overcome any problems. A sustainable approach to transport should be explored for all proposals and the TA/TS should give details of proposed measures to improve access by public transport, walking and cycling.

For smaller developments, such as significant school extensions a TA/TS might still be required because thresholds are not solely based on the size of the proposed development but also the sensitivity of the location; for example, development which is likely to increase accidents or conflicts between motorised and non-motorised users, particularly vulnerable road users such as children,

people with disabilities and elderly people. Applicants should submit details of employee numbers, an assessment of accessibility by non-car modes and an estimate of both vehicle and cycle parking spaces in order that the County Council can advise on the level of assessment required.

Further information

The National Planning Policy Framework – Promoting Sustainable Transport (paras 102-111).

Planning Practice Guidance- Travel Plans, transport assessments and statements in decision taking.

The Nottinghamshire Highways Design Guide – November 2014
<https://www.nottinghamshire.gov.uk/transport/roads/highway-design-guide>

5. Draft Travel Plans

Where a development will generate a significant amount of movement a travel plan should be provided (NPPF para. 111). A travel plan is a long-term management strategy that seeks to deliver sustainable transport objectives. It will normally be prepared alongside the transport assessment or statement (see above). Draft Travel Plans should outline the way in which transport implications of the development are going to be managed in order to ensure the minimum environmental, social and economic impacts. The draft travel plan should have a strategy for its implementation that is appropriate for the development proposal under consideration. Travel Plans should be considered in parallel to development proposals and fully integrated into the design and occupation of the new site (see Planning Policy Guidance). It should identify the travel plan coordinator, the management arrangements and the timetable of the plan.

School Travel Plans will be required for all planning applications involving new schools or significant extensions to existing schools - these should address parent, staff and pupil parking as well as vehicular and pedestrian access. For minerals and waste developments details to be submitted should include the amount of traffic movements that will occur during operating hours etc.

Travel Plans can form part of the Transport Assessment or Transport Statement.

Further information

The National Policy Planning Framework

Planning Practice Guidance

Road Safety Office Road.safety@viaem.co.uk,

NCC -Guidance for the preparation of Travel Plans in support of planning applications, September 2010 (final version 1.2)

6. Planning and Health

The NPPF states that “planning policies and decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community” (NPPF para. 92b).

Nottinghamshire has endorsed the Nottinghamshire Planning and Health Framework 2019-2022 which aims to ensure that health is fully embedded in the planning process. The document sets out a Checklist for Planning and Health - the Nottinghamshire Rapid Health Impact Assessment Matrix 'The Matrix' which focuses on the built environment and issues directly or indirectly influenced by planning decisions. The purpose of the Matrix is to ensure that the health impacts of a development proposal are identified, and appropriate action is taken to address negative impacts and maximise benefits. All planning applications which have potential health impacts should confirm that reference to the Planning and Health Framework has been made and appropriate mitigation measures are proposed. Where health impacts are identified this information can be submitted by completing the Matrix above or as part of the Supporting Planning Statement,

Further Information

National Planning Policy Framework – Providing Healthy and Safe Communities (paras 91-101).

Nottinghamshire Planning and Health Framework 2019-2022
www.nottinghamshire.gov.uk/planning-and-environment/planning-and-health-framework/planning-and-health-framework-2019-2022

7. Planning Obligations – Draft Heads of Terms

The purpose of planning obligations is to make development acceptable in planning terms. This is about mitigation, rather than just identification, of any undesirable impact and is generally negotiated during consideration of a planning application (see PPG). Where considered essential by the County Council, the draft heads of terms for a Section 106 agreement or unilateral undertaking should be provided with the submission of the planning application. Draft Heads of Terms will only be required where this has been made clear during discussions at the pre-application stage.

Further information

National Planning Policy Framework – Planning Conditions and Obligations (paras 54-57)

Planning Practice Guidance- Planning Obligations
www.planningportal.gov.uk

8. Flood Risk Assessment

Flood Risk Sequential Test

The NPPF states that development should not be permitted if there are reasonably available alternative sites appropriate for that development in areas at a lower risk of flooding.

Where a site has not been allocated, or sequentially tested by the Local Planning Authority, it is the responsibility of the developer in consultation with the LPA to demonstrate that the Sequential Test is passed. The requirements for the flood risk sequential test are set out in the Planning Practice Guidance.

Planning applications for proposals for new development in Flood Zones 2, 3a and 3b and for proposals of 1 hectare or greater in Flood Zone 1 should be accompanied by a Flood Risk Assessment (FRA). Furthermore, a FRA should be submitted for proposals within an area of Flood Zone 1 which has critical drainage problems or where proposals may be subject to other sources of flooding. Information about these zones and their implications for development can be found in the Planning Practice Guidance and on the Environment Agency's website. The FRA should identify and assess all forms of flooding to and from the development and demonstrate how these flood risks will be managed now and, in the future, taking climate change into account.

Where a FRA is required this should be prepared by the applicant in consultation with the Local Planning Authority (as the Lead Local Flood Authority), the Environment Agency, and the Internal Drainage Board where appropriate. The FRA should include the design of surface water management systems including Sustainable Drainage Systems (SUDS). The County Council is now the Lead Local Flood Authority with powers and a statutory duty to manage and coordinate local flood risk management activities and therefore early consultation with them is advisable.

In all cases, a sustainable approach should be taken to the discharge of surface water following the sequential preference: (i) soakaway; (ii) watercourse; (iii) mains drainage. Where a less sustainable form of surface water drainage is proposed the application should demonstrate why a more sustainable method of surface water drainage cannot be used.

Further information

National Planning Policy Framework – Meeting the Challenge of Climate Change, Flooding and Coastal Change (paras 148-169).

Planning Practice Guidance on Flood Risk and Coastal Change

Flood Risk Standing Advice www.gov.uk

Association of Drainage Authorities - www.ada.org.uk/

Local Flood Risk Management Strategy 2016-2021

Lead Local Flood Authority-Flood Risk Management Team, www.nottinghamshire.gov.uk

Environment Agency – Advice for Local Authorities on non-mains drainage from non-major development

9. Groundwater and surface water protection

The NPPF seeks to ensure that new and existing developments are prevented from contributing to, being put at risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.

A large portion of Nottinghamshire is underlain by the Sherwood Sandstone Principal Aquifer, an important water source for agriculture, industry and for drinking water. Ground waters can also play an important part in sustaining the surface water environment and for ecology.

Developers of proposals involving potentially polluting activities should investigate and take account of any designations applicable to the local ground waters such as Source Protection Zones and Drinking Water Safeguard Zones in selecting sites and in designing appropriate safeguards to remove potential pathways for ground water pollution. For waste management development, which would also require Environmental Permit, a proportionate level of detail should be provided in a planning application as part of wider site investigation work to satisfy national and local planning policy.

Due to pressure from over-abstraction (the Sherwood Sandstone aquifer is presently closed to further consumptive abstraction), development proposals requiring abstraction, including dewatering activities at quarries, should take account of the sustainability status of local ground water and surface water, having regard to the Environment Agency's Abstraction Licensing Strategy for the area. Early consultation with the Environment Agency is recommended as the status of a ground water resource could have significant implications for details to be submitted under a planning application, or even the principle of the proposal itself. Details of how the design of a proposal takes account of such constraints should usually be set out within a hydrogeological and or hydrological assessment.

Twin tracking of planning and permitting /licensing is advisable to understand the likelihood of having a Licence granted alongside the planning process.

Further information

NPPF -Conserving and enhancing the natural environment (paras.170-183)

Environment Agency – The Environment Agency's approach to groundwater protection, February 2018.

enquiries@environment-agency.gov.uk (with New authorisations as the subject heading)

www.gov.uk/guidance/apply-for-a-new-abstraction-licence-for-a-currently-exempt-abstraction

10. Land Contamination Survey

An appropriate contaminated land assessment must be submitted with any application where it is stated on the planning application form that land is known and/or suspected to be contaminated or the proposed use would be vulnerable to the presence of contamination. A desktop study to establish the extent of contamination and proposed remedial works will be required in support of all planning applications involving sites which have previously been used for industrial purposes, landfill or other potentially contaminating uses. Where contamination is known to exist more detailed investigation will be required. This should be able to demonstrate whether the site is suitable for the proposed use taking into account pollution from previous uses and any measures for mitigation.

Applications involving any works to school buildings known, or suspected, to contain asbestos should be indicated as such on the planning application form and include, as a minimum, a desk top study. If the desk top study identifies that further investigation is critical to the determination of an application (i.e. could not be the subject of a planning condition) a site investigation will be required to validate the application.

Further information

National Planning Policy Framework – Conserving and enhancing the natural environment (paras 170-183)

Planning Practice Guidance – Land affected by contamination

Environmental Management and Design – www.viaem.co.uk

A Guide to Developing Land in Nottinghamshire – by the Nottinghamshire Land Quality Group 2013

11. Tree Survey/Arboricultural Implications

Where a proposal involves works that affect any trees or hedgerows within the application site, the position, species, spread and roots of trees should be illustrated accurately on the site plan. This must indicate any trees which are to be felled or are otherwise affected by the proposed development. For large scale proposals, or those on sites with significant tree coverage, it may be appropriate to submit a detailed tree survey with the application. The location of any trees within adjacent sites, including highway trees, which may be affected by the application, should also be shown. Information will be required on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared by a suitably qualified and experienced arboriculturist.

Further information

BS5837; “Trees in relation to design, demolition and construction”, 2012

National Planning Policy Framework

Planning Practice Guidance

East and East Midlands Area (England) – Forestry Commission www.forestry.gov.uk

12. Heritage Statement

A Heritage Statement should be submitted with all proposals affecting Heritage assets either directly or indirectly. ‘Heritage Assets’ include Listed Buildings, Conservation Areas, and Scheduled Ancient Monuments, Registered Parks and Gardens and sites of Archaeological Interest and assets identified by the local planning authority. This requirement also applies to non-designated heritage assets, such as buildings of ‘local interest’.

The Heritage Statement should describe the significance of the heritage asset affected, including any contribution made by its setting and the effect of the development on the asset. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the Nottinghamshire

Historic Environment Record should have been consulted along with specialist officers at the County Council and at the relevant District Council.

Further information

National Planning Policy Framework – Conserving and enhancing the historic environment (paras 184-202)

Planning Practice Guidance

DCLG - Arrangements for handling heritage applications Direction April 2015

Conservation Officers – Nottinghamshire County Council and relevant District Council.

Historic England Guidance Notes- www.historicengland.org.uk

13. Archaeological Assessment

Applicants submitting proposals on sites of archaeological interest will be required to undertake an archaeological assessment and where necessary carry out further archaeological investigations to allow the significance of the archaeology, as well as the impact of the development, to be understood. The results of this work will need to be included in the Heritage Statement submitted with the application. The level of assessment required will depend on the archaeological sensitivity of the site. Advice should be sought from Archaeological Officers at the County Council. Documentation to support the application must be submitted in accordance with policy advice set out in the National Planning Policy Framework.

Further information

National Planning Policy Framework – Conserving and enhancing the historic environment (paras 184-202).

Planning Practice Guidance

Archaeological Officer – Nottinghamshire County Council.

Historic England Guidance Notes- www.historicengland.org.uk

14. Biodiversity and Geodiversity Assessment

Where a proposed development may have potential impacts on biodiversity and/or geodiversity, an assessment of these potential impacts should be carried out. A statement should be submitted setting out the existing wildlife and habitats both on site and on adjacent sites. In all cases the sequential steps of the Mitigation hierarchy should be followed for all development projects comprising avoidance, minimisation, rehabilitation and offset. For major development this assessment should take the form of an Ecological Impact Assessment (EclA), whilst for other development, a Preliminary Ecological Appraisal should be completed, noting that an EclA may subsequently be required. These should include a desktop study (to include consultation with the Nottinghamshire Biological and Geological Records Centre and relevant nature conservation organisations, groups and individuals) and the results of surveys to determine the presence/absence of notable habitats, protected species or species of principle importance for the conservation of biodiversity in England. Such work must be undertaken by a suitably qualified person, following nationally recognised guidelines.

When considering impacts on biodiversity and/or geodiversity, consideration should be given to both direct impacts (such as habitat loss) and indirect impacts (such as changes to hydrology, air quality, noise and disturbance). Where proposals include mitigation and/or compensation measures, information to support those measures will be needed. Proposals should seek to provide ecological enhancements wherever possible and make provision for the maintenance and management of retained or created biodiversity/geodiversity features.

In addition, where proposals have the potential to affect the Birklands and Bilhaugh Special Area of Conservation (SAC) or the Sherwood proposed potential Special Protection Area (ppSPA), then a Habitats Regulations Assessment (HRA) must also be undertaken.

For further advice please contact the County Council's Conservation Team.

Where appropriate, early consultation with Natural England is recommended, including use of the agency's Discretionary Advisory Service (DAS), together with its standing advice and detailed guidance.

Further information

National Planning Policy Framework – Conserving and enhancing the natural environment (paras 170-183).

Planning Practice Guidance

Circular 06/2005 Biodiversity and Geological Conservation- Statutory obligations and their impact within the planning system and the accompanying guide- Planning for Biodiversity and Geological Conservation: A Guide to good practice 2006

BSI: PAS 2010 Planning to halt the loss of Biodiversity

Association of Local Government Ecologists: Template for Biodiversity and Geological Conservation Validation checklists, www.alge.org.uk

Natural England and DEFRA's Guidance Protected Species: how to review planning applications updated August 2016- www.gov.uk

Nottinghamshire Wildlife Trust www.wildlifetrust.org.uk/nottinghamshire

DEFRA – Guidance on competent authority coordination under the habitat regulations July 2012 www.gov.uk

Natural England standing advice on protected species, <https://www.gov.uk/guidance/construction-near-protected-areas-and-wildlife#protected-areas> and on ancient woodlands, <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

15. Noise Assessment

A Noise Impact Assessment should be submitted with all applications for potentially noisy developments and uses where these are likely to raise issues of disturbance to the occupants of nearby existing buildings. Proposals for noise sensitive uses (such as a school) close to existing sources of noise should also be accompanied by a Noise Impact Assessment. These should be prepared by a suitably qualified acoustician and should include information on existing and proposed noise levels (including night-time noise levels where relevant) and where appropriate should recommend a scheme of measures to mitigate noise impact. Guidance is provided in the National Planning Policy Framework with

specific guidance for minerals development, which can also be used to assess the noise impacts of waste development, in the Planning Practice Guidance.

Further information

National Planning Policy Framework – Facilitating the Sustainable Use of Minerals (paras 203-211).

Planning Practice Guidance

BS4142:2014 Method for rating and assessing industrial and commercial sound

Noise Policy Statement for England, DEFRA 2010

Environmental Protection Act 1990, as revised.

ProPG: Planning and Noise- Professional Practice Guidance on Planning and Noise, plus Supplementary Documents 1 and 2: New Residential Development, May 2017

16. **Air Quality Assessment**

Proposals that impact on air quality or are potential pollutants should be supported by an Air Quality Assessment indicating the change in air quality resulting from the proposed development, details of sensitive receptors/locations, the methodology used for assessing impact and the proposed mitigation measures. Air Quality Assessments will be required where a proposed development would emit dust, lead to an increase in congestion, HGV movements, or would introduce sensitive “receptors”, such as a school in an area of poor air quality. Specific guidance on the impacts of dust emissions from minerals development, which can also be used to assess the dust impacts of waste development, is provided in the Planning Practice Guidance.

Further information

National Planning Policy Framework– Conserving and Enhancing the Natural Environment (paras 170-183).

A Breath of Fresh Air for Nottinghamshire- Nottinghamshire Environmental Protection Working Group, 2008.

District Council Environmental Health Officers.

Air Pollution Information Service (APIS) www.apis.ac.uk

17. **Sunlighting / Daylighting / Lighting Assessment**

Sun lighting/day lighting assessments are to be undertaken and submitted for all applications where there is a potential adverse impact upon current levels of sunlight/daylight enjoyed by adjoining properties or buildings, including their gardens or amenity space.

Where significant external lighting is proposed as part of a development (for instance, floodlighting of a multi-use games area) the application must include a layout plan with beam orientation, a schedule of the proposed equipment and the proposed measures to reduce any impact on neighbouring sites/properties.

Further information

National Planning Policy Framework

Planning Practice Guidance- Light pollution

British Research Establishment (BRE): Site layout planning for daylighting and sun lighting; a guide to good practice 2011
Lighting in the Countryside; Towards Good Practice (1997)

18. Statement of Community Involvement

Where relevant, applications need to be supported by a statement detailing how the requirements for pre-application consultation set out in the Council's adopted Statement of Community Involvement Review has been met. In particular this should demonstrate that the views of the local community have been sought and taken into account in the formulation of development proposals.

Further information

Planning Practice Guidance

Nottinghamshire County Council Statement of Community Involvement - Second Review adopted 2018 www.nottinghamshire.gov.uk

19. Rights of Way (footpaths, bridleways and byways)

Proposals which affect a public right of way, even temporarily during construction phases, within or adjacent to the application site should indicate this on the submitted plans. Proposed plans should show any envisaged diversions/ alternative routes. A statement should be submitted outlining the details, including, where appropriate, the steps to be taken to comply with any legal requirement to stop up or divert the right of way. Early consultation with the County Council's Countryside Access Team is advisable.

Further information

National Planning Policy Framework

Planning Practice Guidance- Open space, sports and recreation facilities, public rights of way and local green space

Countryside Access Team, NCC (countrysideaccess@nottscc.gov.uk).

Rights of Way Management Plan 2018-2026

20. Landscape and Visual Impact Assessments (LVIAs)

Landscape and Visual Impact Assessments should be provided for all major developments which are subject to the Environmental Impact Assessment process and for all other development which, in the view of Nottinghamshire County Council, are likely to have an impact on the character of the local landscape and visual amenity. This applies to applications in both rural and urban settings. This assessment should include photographs and/or photomontages as appropriate. Early consultation with the Environmental Management and Design Team at Via and Natural England is advisable.

Further information

National Planning Policy Framework

Planning Practice Guidance- Natural Environment

“Guidelines for Landscape and Visual Impact Assessments” The Landscape Institute and Institute of Environmental Management and Assessment, April 2013

Landscape Institute Advice Note 01/11: Photography and photomontage in Landscape and visual impact assessment.

EIA Regulations, 2017

Environmental Management and Design – www.viaem.co.uk

Natural England www.gov.uk

DEFRA: Construction Code of Practice for the Sustainable Use of soil on development sites 2011

21. Land Stability/Coal Mining Risk Assessment

Coalfields are divided into high and low risk areas. A high-risk area is where there are hazards that are likely to affect new development. Planning applications for proposals involving built development or disturbance to the ground in Development High Risk Areas, as defined by the Coal Authority, and held electronically by the Local Planning Authority, should be accompanied by a Coal Mining Risk Assessment. Further information can be found on the Coal Authority website including an interactive map showing the extent of the referral area and the information required for inclusion in the Coal Mining Risk Assessment. If the development is subject to the Environment Impact Assessment process it is suggested that the Coal Mining Risk Assessment should be incorporated into the Environmental Statement. Applications in low risk areas need not be accompanied by a coal mining risk assessment.

Further information

National Planning Policy Framework - Conserving and enhancing the natural Environment (paras 170-183).

Planning Practice Guidance

Guidance Planning Applications: Coal Mining Risk Assessments, January 2017

www.gov.uk

Coal Authority website: www.gov.uk/coalauthority

British Geological Survey: www.bgs.ac.uk

Free of charge Coal Mining Information- October 2017 www.gov.uk

22. Agricultural Land Classification

Should the proposal involve the disturbance of existing agricultural land, details of the Agricultural Land Classification will need to be provided. The best and most versatile agricultural land is defined as Grade 1, 2 and 3a of the Agricultural Land Classification. Where such land is affected by the proposed development a statement should be submitted justifying why this land is needed, as well as confirmation of what the intended restored grade the land would be.

Further information

National Planning Policy Framework- Conserving and enhancing the natural environment and Annex 2

Planning Practice Guidance- Minerals

Natural England - Agricultural Land Classification- Technical Information Note published 2012

Definitions

Definition of major applications, (based on Town and Country Planning (Development Management Procedure) (England) Order 2015), development involving:

- the winning and working of minerals or the use of land for mineral-working deposits;
- waste development (i.e. operational development designed to be used wholly or mainly for the purpose of, or material change of use to treating, storing, processing or disposing of refuse or waste materials);
- the provision of a building or buildings where the floor space to be created by the development is 1,000 sq. metres or more; or
- development carried out on a site having an area of 1 hectare or more.

Contacts

Further information and advice are available from the Development Management Team on 0300 500 80 80 or development.management@nottsc.gov.uk

Useful websites: www.nottsc.gov.uk , www.planningportal.gov.uk and www.gov.uk

CHECKLIST			
Planning Application address:			
	Yes	No	Notes/why information is not required for this application
• Essential Information as required by Part One			
1. Supporting Planning Statement			
2. Environmental Statement			
3. Design Assessment			
4. Transport Assessment / Transport Statements			
5. Draft Travel Plan			
6. Planning Obligation – Draft Heads of Terms			
7.Planning and health			
8. Flood Risk Assessment			
9. Groundwater and surface water protection			
10. Land Contamination survey			
11. Tree Survey/Arboricultural implications			
12. Heritage Statement			
13. Archaeological Assessment			
14. Biodiversity and Geodiversity Assessment			
15. Noise Assessment			
16. Air quality Assessment			
17. Sun lighting/day lighting/lighting Assessment			
18. Statement of Community Involvement			
19. Rights of Way			
20. Landscape and Visual Impact Assessments			
21. Land stability/ Coal Mining Risk			

assessment			
22. Agricultural Land Classification			

If you wish, please send this checklist with your planning application confirming which documents have been submitted

21 January 2020**Agenda Item: 9****REPORT OF CORPORATE DIRECTOR - PLACE****DEVELOPMENT MANAGEMENT PROGRESS REPORT****Purpose of the report**

1. To report on planning applications received by the Development Management Team between 23rd November 2019 and 31st December 2019, to confirm the decisions made on planning applications since the last report to Members on 10 December 2019, and to detail applications likely to come before Committee in the coming months.

Background

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B highlights applications outstanding for over 17 weeks. Appendix C details the County Council's performance in determining 'County Matter' and 'County Council's own planning applications within the statutory timeframe or an agreed extension, covering the second quarter of the 2019/20 year (October to December inclusive). Appendix D sets out the Committee's work programme for forthcoming meetings of Planning and Licensing Committee.

Statutory and Policy Implications

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

RECOMMENDATIONS

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

ADRIAN SMITH

Corporate Director - Place

Constitutional Comments [RHC 26/11/2019]

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

Financial Comments [RWK 06/01/2020]

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

Background Papers Available for Inspection

None

Electoral Division(s) and Member(s) Affected

All

For any enquiries about this report please contact:

Report Author / Case Officer
Ruth Kinsey
0115 9932584

Planning Applications Received and Determined
From 23 November 15th 2019 to 31st December 2019

Division	Member	Received	Determined
BASSETLAW			
Tuxford	Cllr John Ogle	Variations of conditions 11, 13, 37 and 53 of planning permission 1/18/00234/CDM to enable full ash recovery from phase 1B/2 and revisions to method statement, restoration, landscaping and aftercare. West Burton Power Station and Bole Ings Ash Disposal Site, Retford. Received 29/11/2019	
Worksop West	Cllr Sybil Fielding	Siting of a Staff Welfare Unit, Veolia Waste Transfer Station, Dukeries House, Claylands Avenue, Worksop. Received 05/12/2019	
Worksop West	Cllr Sybil Fielding		Erection of 2.4m high Heras fencing with vehicular gate. St Luke's C of E Primary School, Brancliffe Lane, Shireoaks. Granted 05/12/2019

Division	Member	Received	Determined
Tuxford	Cllr John Ogle		Erection of a stand-alone single storey hall, kitchen and classroom building. Expansion of existing photovoltaic solar array. Associated paving, hard play area and landscape works. Retention of container (1/15/01155/CDM), erection of additional storage shed, 2.0m metal gate and 2.6m high timber storage enclosure. Demolition of frontage wall to Askham Road (for construction access) and re-erection of wall following the completion of works. Erection of a stand-alone single storey hall, kitchen and classroom building. Expansion of existing photovoltaic solar array. Associated paving, hard play area and landscape works. Retention of container (1/15/01155/CDM), erection of additional storage shed, 2.0m metal gate and 2.6m high timber storage enclosure. Demolition of frontage wall to Askham Road (for construction access) and re-erection of wall following the completion of works. Granted 10/12/2019 (Committee)

Division	Member	Received	Determined
Worksop South	Cllr Kevin Greaves		Change of use of Ancillary storage land from Notts sleeper company (B2) to A1 Recycling Metals (Sui Generis). A1 Recycling Metals (2014) Limited, Alpine Industrial Estate, Jockey Lane, Retford. Granted 23/12/2019
MANSFIELD			
Mansfield East	Cllr Vaughan Hopewell Cllr Martin Wright	Siting of a staff welfare cabin and formation of an area of hardstanding for vehicle parking. Mansfield Materials Recycling Facility, Warren Way, Forest Town, Mansfield. Received 10/12/2019	.
NEWARK & SHERWOOD			
Sherwood Forest	Cllr John peck		To retain mobile classroom, King Edwin Primary School, Fourth Avenue, Edwinstowe. Granted 27/11/2019
Muskham & Farnsfield	Cllr Bruce Laughton	Proposed southern extension to the quarry for the extraction of approximately 550,000 tonnes of sand and gravel, with restoration to nature conservation. Received 02/12/2019 This application is being twin tracked with the identical application ES/4082.	

Division	Member	Received	Determined
Muskham & Farnsfield	Cllr Bruce Laughton	<p>Proposed southern extension to the quarry for the extraction of approximately 550,000 tonnes of sand and gravel, with restoration to nature conservation. Received 02/12/2019</p> <p>This application is being twin tracked with the identical application ES/4081.</p>	
Muskham & Farnsfield	Cllr Bruce Laughton	Variation of Planning Conditions 1, 2, 3, 15, 21, 22 & 27 of Planning Permission 3/18/01737/CMA to modify the approved quarry restoration scheme and amend the method of working within the quarry complex to facilitate its use in connection with the processing of mineral originating from a southern extension. Cemex, Cromwell Quarry, The Great North Road, Cromwell. Received 06/12/2019	
Muskham & Farnsfield	Cllr Bruce Laughton		Installation of a 5m high Ventilation Stack on the Footpath outside the Lion Public House Car Park, Main Street, Farnsfield. Granted 17/12/2019

Division	Member	Received	Determined
Southwell	Cllr Roger Jackson		Variation of condition 3 of planning permission 3/19/00011/FULR3N - Revised Design of Two-Classroom Building. Lowe's Wong Junior School, Queen Street, Southwell. Granted 19/12/2019
ASHFIELD			
Sutton Central & East	Cllr Samantha Deakin		Erection of replacement climbing tower and land structure, linear high ropes and hexagonal low ropes. Mill Adventure Base, Kings Mill Reservoir, Sutton in Ashfield. Received 25/11/2019
Sutton Central & East	Cllr Samantha Deakin		Variation of conditions 5, 22, 31 and 55 of planning permission 4/V/2017/0690 relating to the location and design of silt lagoons, the operation of a second motor scraper and changes to the restoration within phase 1 to provide more dry heathland. Two Oaks Quarry, Coxmoor Road, Sutton In Ashfield. Granted 10/12/2019 (Committee)

Division	Member	Received	Determined
Sutton Central & East	Cllr Samantha Deakin		Variation of Condition 13 of planning permission 4/V/2017/0690 to increase daily, weekly and annual HGV movements (max 380 movements per day during April, May, June and July and max 320 per day during remainder of the year. Annual limit of 50,000 movements) Two Oaks Quarry, Coxmoor Road, Sutton In Ashfield. Granted 10/12/2019 (Committee)
Kirkby South	Cllr Rachel Madden		Erection of 2.4m high Herras Pallas Fencing with double gates in Green RAL 6005. Kirklands Elderly Persons Home, Fairhaven, Kirkby in Ashfield. Granted 24/12/2019
BROXTOWE – None			
GEDLING - None			

Division	Member	Received	Determined
RUSHCLIFFE			
West Bridgford West	Cllr Gordon Wheeler	Prior Notification of Demolition of 1970 CLASP MK 4b flat roof main building and boiler house. Rushcliffe Day Care Centre, Swithland Drive, West Bridgford. Received 02/12/2019	
Leake & Ruddington	Cllr Andrew Brown Cllr Reg Adair	Erection of a single stacked portacabin to add more space for workers as admin office. East Leake Quarry, Rempstone Road, East Leake. Received 05/12/2019	

Applications outstanding over 17 weeks at 1st January 2020

Division	Member	Description	Weeks Out Standing	Comments
BASSETLAW				
Blyth & Harworth	Cllr Sheila Place	Importation of 6.2 million cubic metres of restoration materials to complete the restoration of Harworth Colliery No 2 spoil heap, Blyth Road, Harworth	55	No Change - A request for Reg25 seeking further Information has been submitted and is awaiting a response from the applicant, which is anticipated Spring 2020
MANSFIELD				
Mansfield East	Cllr Vaughan Hopewell Cllr Martin Wright	Retrospective permission for silica sand extraction and associated revised site restoration proposals. Ratcher Hill Quarry, Southwell Road West, Rainworth, Mansfield	103	Still awaiting revised restoration plan, letter has been sent chasing the outstanding plan

NEWARK & SHERWOOD				
Farndon & Trent	Cllr Mrs Sue Saddington	To vary condition 46 of planning permission 3/14/91/1237, revision to approved restoration scheme. Staple Landfill, Grange Lane, Cotham	192	Presented to Committee 20/09/2016 and was resolved to grant permission upon the agreeing and signing of S106 Legal Agreement. Letter sent chasing up the finalising of S106 agreement.
Balderton	Cllr Keith Walker			
Collingham	Cllr Maureen Dobson	Vary conditions 8 and 9 of planning consent 3/98/0800 to allow an extension to the duration of quarry workings until 31st December 2035 (currently 31st August 2016) with full site restoration to be completed by 31st December 2036. The submission also incorporates an interim restoration scheme relating to land to the south of the plant site. Girton Quarry, Gainsborough Road, Girton.	177	Presented to Committee on 12/12/2017 where it was resolved to grant permission upon the agreeing and signing of S106 Legal Agreement . The completion of the S106 agreement has been delayed due to a bereavement.
Collingham	Cllr Maureen Dobson	Vary conditions 7 and 8 of planning consent 3/04/00394/CMM to allow the continued retention/use of the plant site/access road at Girton Quarry until 31st December 2035 (currently 31st August 2016) with full site restoration to be completed by 31st December 2036. Girton Quarry, Gainsborough Road, Girton.	177	Presented to Committee on 12/12/2017 where it was resolved to grant permission upon the agreeing and signing of S106 Legal Agreement . The completion of the S106 agreement has been delayed due to a bereavement.

Muskham & Farnsfield	Cllr Bruce Laughton	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. Cromwell North Quarry, Land Between Carlton on Trent and Cromwell	51	Reg 25 request has been sent and awaiting response. Meeting has been arranged to discuss application with applicant. Applicant to prepare Reg 25 submission.
ASHFIELD				
Hucknall North	Cllr Ben Bradley	Planning application for the continued use of an Aggregates Recycling Facility at Wigwam Lane for the treatment of waste to produce soil, soil substitutes and aggregates. Total Reclaims Demolition Ltd Wigwam Lane, Bakerbrook Industrial Estate, Hucknall	384	Meeting held and a traffic assessment and ground contamination survey to be submitted. Owner wanting to clear the site and make new application.
BROXTOWE				
Stapleford & Broxtowe Central	Cllr Dr John Doddy Cllr John Longdon	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings. Shilo Park, Shilo Way, Cossall	362	Still awaiting response from the applicant to concerns raised by consultees.

GEDLING				
Carlton East	Cllr Nicki Brooks	Change of Use of existing buildings from waste transfer station and B1, B2, and B8 to plastic recycling. Colwick Business Park, Road No 2, Colwick,	54	Can be found elsewhere on the agenda
RUSHCLIFFE				
Leake & Ruddington Toton, Chilwell & Attenborough	Cllr Reg Adair Cllr Andrew Brown Cllr Eric Kerry Cllr Richard Jackson	The extraction and processing of sand and gravel, including the construction of a new site access road, landscaping and screening bunds. Mineral washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas. Land off Green Street, Mill Hill and land at Barton in Fabis, off Chestnut Lane, Nottingham		Reg 25 request for further information issued to applicant.

County Matter applications 01/10/2019 to 31/12/2019

	8 weeks	13 weeks	17 weeks	Within Agreed Time Extension	17 weeks No TE agreed missed time extension	Total
Bassetlaw		1	2			3
Mansfield						0
Newark & Sherwood		2				2
Ashfield			2			2
Broxtowe						0
Gedling						0
Rushcliffe						0
Total	0	3	4			7
%	0	43	57			100
Applications determined within 13 weeks or an agreed time extension						7 = 100%

Applications on hand	18	at 01/10/2019
Applications received	17	
Applications withdrawn	0	
Applications determined	7	
Total number of Applications on hand at the end of the quarter	28	at 01/01/2020

County Council Developments 01/10/2019 to 31/12/2019

	8 weeks	13 weeks	17 weeks	Within Agreed Time Extension	17 weeks No TE agreed missed time extension	Total
Bassetlaw	1	1		1		3
Mansfield						0
Newark & Sherwood				2		2
Ashfield	3					3
Broxtowe						0
Gedling						0
Rushcliffe						0
Total	4	1		3		8
%	50	12		38		
Applications determined within 13 weeks or an agreed time extension						8 = 100%

Applications on hand	6	at 01/10/2019
Applications Received	9	
Applications withdrawn	1	
Applications determined	8	
Total number of Applications on hand at the end of the quarter	6	at 01/01/2020

Schedule of future planning applications to be reported to Planning and Licensing Committee

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

10 th March 2020	3/19/01888/CMW	Units 91-94 and compound, Boughton Industrial Estate, Boughton, NG22 9LD	Change of use to waste transfer and treatment station, principally for the recycling of road planings including tar along with garage and plant maintenance workshops and storage facilities
10 th March 2020	3/19/02231/CMM (twin-tracked with 3/19/02232/CMM)	Land to the south of Cromwell Quarry, The Great North Road, Cromwell, NG23 6JE	Proposed southern extension to the quarry for the extraction of approximately 550,000 tonnes of sand and gravel, with restoration to nature conservation.
10 th March 2020	3/19/02232/CMM (twin-tracked with 3/19/02231/CMM)	Land to the south of Cromwell Quarry, The Great North Road, Cromwell, NG23 6JE	Proposed southern extension to the quarry for the extraction of approximately 550,000 tonnes of sand and gravel, with restoration to nature conservation.
10 th March 2020	3/19/2233/CMM	CEMEX, Cromwell Quarry, The Great North Road, Cromwell, NG23 6JE	Variation of Planning Conditions 1, 2, 3, 15, 21, 22 & 27 of Planning Permission 3/18/01737/CMA to modify the approved quarry restoration scheme and amend the method of working within the quarry complex to facilitate its use in connection with the processing of mineral originating from a southern extension.
10 th March 2020	1/19/01556/CDM	West Burton Power Station and Bole Ings Ash Disposal Site, Retford, DN22 9BL	Variations of conditions 11, 13, 37 and 53 of planning permission 1/18/00234/CDM to enable full ash recovery from phase 1B/2 and revisions to method statement, restoration, landscaping and aftercare.

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

Planning Application: 8/17/02096/CMA
 Location: Land off Green Street, Mill Hill and land at Barton in Fabis, off Chestnut Lane, Nottingham
 Proposal: The extraction and processing of sand and gravel, including the construction of a new site access road, landscaping and screening bunds. Mineral washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas.

Planning Application:	1/18/01611/CDM
Location:	Harworth Colliery No 2 Spoil Heap, Blyth Road, Harworth,
Proposal:	Importation of 6.2 million cubic metres of restoration materials to complete the restoration of Harworth Colliery No. 2 spoil heap.
Planning Application:	2/2018/0040/NCC
Location:	Ratcher Hill Quarry, Southwell Road West, Rainworth, Mansfield, NG21 0HW
Proposal:	Retrospective permission for silica sand extraction and associated revised site restoration proposals.
Planning Application:	3/19/00100/CMM
Location:	Cromwell North Quarry, Land Between Carlton on Trent and Cromwell, Newark
Proposal:	Proposed extraction of 1.8 million tonnes of sand and gravel together with the erection of mineral processing plant and associated ancillary infrastructure. the provision of a new access, and the progressive restoration of the site to nature conservation over a period of 9 years.
Planning Application:	3/19/01929/CMM
Location:	Besthorpe Quarry, Collingham Road, Collingham, Newark, NG23 7HQ
Proposal:	Planning application for an eastern extension to Besthorpe Quarry, (with retention of existing plant site, access and ancillary facilities) along with restoration to water-based nature conservation.
Planning Application:	FR3/4070
Location:	Lambley Primary School, Catfoot Lane, Lambley, NG4 4QF
Proposal:	New foundation unit with external canopy and ancillary play area and fencing. Widening of entrance and re-erection of stone pillars. .