

Planning and Rights of Way Committee

Tuesday, 30 April 2024 at 10:30

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

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| 1 | Minutes of the Last Meeting held on 12 March 2024 | 3 - 14 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below) | |
| 4 | Declarations of Lobbying | |
| 5 | Planning Application for the spreading of waste topsoil on land west of Sharphill Wood with (post-Development) Continuing Agricultural Use - Land west of Sharphill Wood, Edwalton | 15 - 50 |
| 6 | Development Management Progress Report | 51 - 62 |

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 James Lavender (Tel. 0115 854 6408) or a colleague in Democratic Services prior to the meeting.

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

Meeting: Planning and Rights of Way Committee

Date: Tuesday 12 March 2024 (commencing at 10:30am)

Membership:**COUNCILLORS**

Mike Quigley MBE (Chairman)
Jim Creamer (Vice Chairman)

Mike Adams (apologies)	Andy Meakin
André Camilleri (apologies)	Nigel Moxon
Robert Corden	Philip Owen
Sybil Fielding	Francis Purdue-Horan
Paul Henshaw (apologies)	Gordon Wheeler
Rachel Madden (apologies)	

SUBSTITUTE MEMBERS

Pauline Allan for Paul Henshaw
Richard Butler for André Camilleri
Chris Barnfather for Mike Adams

OFFICERS AND COLLEAGUES IN ATTENDANCE:

David Arnold	-	Head of Planning and Environment
Cai Beacham	-	Planning, Monitoring and Enforcement Officer
Wayne Bexton	-	Service Director, Green Growth, Investments and Assets
Rebecca Kirkland	-	Planning Support Officer
James Lavender	-	Democratic Services Officer
Jaspreet Lyall	-	Barrister and Legal Advisor to the Committee
David Marsh	-	Major Projects Senior Practitioner
Jonathan Smith	-	Team Manager, Development Management
Tim Turner	-	Senior Practitioner, Monitoring and Enforcement

PUBLIC SPEAKERS IN ATTENDANCE:

Amanda Bourne (Nottinghamshire County Council)	-	Development of Special Educational Needs School including ancillary parking, playing pitches, fencing and landscaping, including alterations to existing highway junction and
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access road – Land north of Ravensdale Road, Mansfield

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|--|---|---|
| Councillor Lesley Way/
Councillor Carys Thomas
(Local Residents)
Councillor Matt Barney
(Nottinghamshire County
Council)
Martin Pettitt
(Nottinghamshire County
Council) | - | Section 73 application to vary plans approved by Condition 3 of Planning Permission 8/22/00570/CTY – Erection of a Primary School for 1.5 forms of entry, plus 26 place Nursery with associated car parking, associated areas of soft play, hard play, grass playing field with landscaping works. Erection of 2.4m high security fencing and gates to perimeter and sprinkler tank. Provision of bound surface and lit cycle and footpath on route of Public Footpath East Leake FP5 – Millside Spencer Academy Primary School, Evans Road, East Leake, LE12 6AS |
| Councillor Sybil Fielding
(Nottinghamshire County
Council)
John Nichol (Severn Trent
Water) | - | Installation of a new sewage pumping station comprising a new pump house kiosk, chemical dosing rig, hardstanding, and boundary fencing – Ashes Park Avenue, Gateford, Worksop, Nottinghamshire, S81 7NH |

1. MINUTES OF THE LAST MEETING

The minutes of the last meeting held on 30 January 2024, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman.

2. APOLOGIES FOR ABSENCE

- | | | |
|-----------------|---|-------------------------------|
| Mike Adams | - | illness |
| André Camilleri | - | other county council business |
| Paul Henshaw | - | other county council business |
| Rachel Madden | - | illness |

3. DECLARATIONS OF INTERESTS

The Chairman of the Committee, Councillor Mike Quigley MBE, declared a registerable interest in Agenda Item 5 as Chair of the Diverse Academies Trust who had placed an application to run the Special Educational Needs School on Ravensdale Road, Mansfield if approved for planning permission. For this item, Councillor Quigley would step down as Chairman and leave the Council Chamber, whilst the Vice Chairman, Councillor Jim Creamer, would step in as Chairman for this item only.

Councillor Sybil Fielding had referred the planning application in Agenda Item 7 to this Committee and would speak against the application. She would then leave the meeting for this item only.

4. DECLARATIONS OF LOBBYING

No declarations of lobbying were made.

5. DEVELOPMENT OF SPECIAL EDUCATIONAL NEEDS SCHOOL INCLUDING ANCILLARY PARKING, PLAYING PITCHES, FENCING AND LANDSCAPING, INCLUDING ALTERATIONS TO EXISTING HIGHWAY JUNCTION AND ACCESS ROAD – LAND NORTH OF RAVENSDALE ROAD, MANSFIELD

(Councillor Mike Quigley MBE stepped down as Chairman for this item having declared a registerable interest. He left the Council Chamber and Vice Chairman Councillor Jim Creamer stepped in as Chairman for this item).

David Marsh, Major Projects Senior Practitioner, introduced the application and gave a presentation which included the following information:

- The site once contained a former secondary school annex and playing field which was demolished in 2012;
- Whilst pedestrians could walk through the site, there were no public rights of way across the site;
- Sport England object to the loss of the former school grass playing field, however the Planning Officers believed that the benefits of the new school facilities, such as all-weather pitches and multi-use games area outweighed the loss of the playing field;
- The parking arrangements would accommodate for both staff and visitors. Drop-off and pick-up provisions were also included;
- Any works to the Ravensdale Road highway spur must not prejudice any future development in the immediate area, including an application being considered by Mansfield District Council for a housing development;
- Planning conditions on the design of an acoustic fence and bio-diversity net gains were included as part of the planning permission.

Amanda Bourne spoke on behalf of the applicant (Nottinghamshire County Council) and in support of the application whilst raising the following points:

- School census data for Nottinghamshire indicates that there are 15,330 children identified as having Special Educational Needs. 22.3% of these children have social, emotional and mental health needs, whilst 21% have autistic spectrum disorder;
- To provide for these children, the school required well-designed, robust spaces, which could be used flexibly by the users, as well as providing natural spaces for therapeutic use and biophilia. The designs of the school catered for children who may become over or under stimulated by providing easily accessible and

robust spaces for the children to step away, emotionally regulated their state, and then return to learning;

- The design process provided a low stimulating starting point that eased the cognitive load, and affording the foundations for secure self-regulation, under distracted communication, and focused engagement;
- By breaking the building into self-contained finger blocks, these contained all the facilities that the children needed, along with larger communal spaces. The classrooms were of sufficient space and provided direct access to the outside area in which the children could provide a positive calming environment;
- The ultimate ambition for the school was to provide the same learning ambitions to the children as in any other school. A specialist curriculum was designed to allow for study from Key Stage 2 through to GCSE, A-Level and post-16 vocational courses.

During the debate, Members raised the following issues:

- Members expressed approval of the designs of the school which provided flexible and secure spaces for the pupils of the school with minimal concern or interruption to residents. The pick-up and drop-off points incorporated into the designs were welcomed;
- There were questions raised about the objection from Sport England and the provision of bat surveys arising from the consultation with Mansfield District Council's Ecologist.

In response to queries from Members, the Major Projects Senior Practitioner clarified:

- Sport England were consulted for this application, but were not a statutory consultee;
- The County's Council's Environmental Consultant was satisfied with the Applicant's ecological appraisal, so no further surveys were required.

RESOLVED (2024/04):

- 1) That the grant of planning for the purposes of Regulation 3 of the Town and County Planning General Regulations 1992, subject to the conditions as set out in the report and varied by the changes to Conditions 4 and 24 in the published report, including the insertion of a new Condition 25 and re-numbering of subsequent conditions set out in this presentation, be approved.

(Councillor Mike Quigley MBE returned to chair the rest of the meeting).

6. **SECTION 73 APPLICATION TO VARY PLANS APPROVED BY CONDITION 3 OF PLANNING PERMISSION 8/22/00570/CTY – ERECTION OF A PRIMARY SCHOOL FOR 1.5 FORMS OF ENTRY, PLUS 26 PLACE NURSERY WITH ASSOCIATED CAR PARKING, ASSOCIATED AREAS OF SOFT PLAY, HARD**

PLAY, GRASS PLAYING FIELD WITH LANDSCAPING WORKS. ERECTION OF 2.4M HIGH SECURITY FENCING AND GATES TO PERIMETER AND SPRINKLER TANK. PROVISION OF BOUND SURFACE AND LIT CYCLE AND FOOTPATH ON ROUTE OF PUBLIC FOOTPATH EAST LEAKE FP5 – MILLSIDE SPENCER ACADEMY PRIMARY SCHOOL, EVANS ROAD, EAST LEAKE, LE12 6AS

David Marsh, Major Projects Senior Practitioner, introduced the application and gave a presentation which included the following information:

- The planning history of the site and the site layout details;
- The main planning issues related to the sports pitch and the need to provide suitable flood compensation. The design of the pitch required the construction of a wall to retain excavated ground;
- The retaining wall was constructed in late 2023, before work stopped due to very poor weather. The works are expected to re-start in April 2024;
- The application was referred to the Committee due to a number of representations being made by residents. They raised concerns about the possible extended use of the school outside of school hours and the use and maintenance of paths provided by housebuilders.

Councillor Lesley Way, a Member of Rushcliffe Borough Council, but speaking in her capacity as a local resident, raised the following issues:

- Whilst Councillor Way was not objecting to the application, believing that the playing area would be an outstanding addition to a thriving popular school, there were concerns about how the construction had been carried out prior to the planning application and the lack of care for the surroundings.
- There was a lack of care for the trees within the compound fencing, which also included the trees and shrubs along a path at the end of Sheepwash Way, thus removing them from protection during construction. Security fencing was removed and some was thrown into the hedges.
- As outlined in Paragraph 46 of the report, the galvanised steel fence on top of the wall was not sympathetic to the context of the area, despite the report author's comments that it would not stand out when seen against the background woodland;
- Whilst it was stated in the report that any exposed tree roots would be covered and care taken to minimise damage, Councillor Way had evidence that this was not the case;
- The footpath was heavily littered on the part which fell under the ownership of a third-party. The heavy volume of litter could be a potential hazard to the public;

- Conditions were requested that any damaged trees and shrubs impacted by construction along the footpath be replaced, the amenity area be reinstated, a more suitable fence for the top of the retain wall to be provided and the owner of the strip of land on which the footpath is located and the litter has built up on should be made to clear the path and be responsible for its maintenance.

Councillor Carys Thomas, a Member of Rushcliffe Borough Council, but speaking in her capacity as a local resident, raised the following issues:

- In support of Councillor Way's comments, further detailed plans and conditions were required as the original plans did not consider the comments of Sport England for the playing field construction;
- Access to the playing fields needs to be legal, safe and properly surfaced;
- Gravelled foot and cycle path from Evans Road to Sheepwash Way was not adequately surfaced for the footfall that the school generated. This raised questions about whether the path was laid out properly. No drainage was included on the path;
- Estate management company maintains the path. Residents paid a fee and the school does not contribute. This could compromise the safety of the children walking between the school and the playing field. Poor pathway conditions could deter use of the playing fields.
- No vehicular access to the field, especially for emergency services.
- Parts of the public right of way are footpaths only, and not for bicycles and vehicles;
- A condition should be included that the Applicant should work with the landowner to bring the path back into a useable surface. Another condition should be included for the County Council to adopt the path between Evans Road and Sheepwash Way as an official right of way.

Councillor Matt Barney, the Nottinghamshire County Council Member for Leake and Ruddington, spoke in favour of the application and raised the following points:

- The school was being delivered over a ten-year period. £14 million has been spent and it was a fantastic asset to the community. Without the school, 77 children last year and 124 children this year would have attended a school outside of the village;
- The planning application represented the completion of the school. The pertinent issue of the application was delivering the concrete wall to meet the standards set by Sport England. Whilst it was not the most aesthetically pleasing wall, it was inconsequential to the overall benefits of the school and it helped provide the playing fields which were an incredible sport facility which

would hopefully be replicated at other schools in Nottinghamshire. Similar comments were made about the galvanised barrier;

- The use of gravel on the path was approved by Rushcliffe Borough Council and whilst Councillor Barney supported any move to make the path an official right of way, these were not matters to be decided by this planning application;
- The strip of land in third-party ownership was not a matter to be determined as part of the application.

Martin Pettitt spoke on behalf of the applicant (Nottinghamshire County Council) and in support of the application whilst raising the following points:

- Martin Pettitt supported Councillor Barney's comments.

Jaspreet Lyall, Nottinghamshire County Council's (NCC) Legal Advisor to the Planning and Rights of Way Committee addressed Members about the material considerations for this planning application. He referred to the Government's Planning Practice Guidance, which stated that *"In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application"*. This meant that the only condition being considered was the construction of the retaining wall for the sports pitch/playing field. He also stated that it was not lawful to ask someone to give up land via a planning condition, which would be relevant if the County Council planned to make the path a right of way. This view was recently upheld in a Supreme Court case in 2022.

During the debate, Members raised the following issues:

- Whilst the site was not ideal when construction began, there were demands from residents of East Leake for the school. There were no objections from Rushcliffe Borough Council, Environment Agency, the County Council as the Lead Local Flood Authority, the County Council's Conservation Team, the County Council's Highways Development Control and East Leake Parish Council;
- Questions were raised about the lack of comments from Sport England;
- The wall would weather and blend in with the school.

In response to queries from Members, the Major Projects Senior Practitioner clarified:

- During the construction period, more of the wall would be seen as the soil was not yet in place which would raise the level of the land. less of the wall would be seen when construction was completed;
- As the County Council owned the land on which the school was based, it did have rights of vehicular access to the playing fields;
- David Wilson Homes were responsible for the maintenance of the path;

- The loose gravel seen from photographs on the path was for temporary use for allowing construction access to the site;
- Sport England were consulted in the original application and the design of the sport pitches met the requirements set out by Sport England.

RESOLVED (2024/05):

- 1) That the grant planning permission for the purposes of Regulation 3 of the Town and County Planning General Regulations 1992, subject to the conditions as set out in the report and subject to the inclusion of the additional plan to the schedule in Condition 3 as set out in the presentation, be approved.

7. INSTALLATION OF A NEW SEWAGE PUMPING STATION COMPRISING A NEW PUMP HOUSE KIOSK, CHEMICAL DOSING RIG, HARDSTANDING AND BOUNDARY FENCING – ASHES PARK AVENUE, GATEFORD, WORKSOP, NOTTINGHAMSHIRE, S81 7NH

Jonathan Smith, Team Manager for Development Management, introduced the application and gave a presentation which included the following information:

- The site location and context. There was an existing pumping station located on the site, which was owned by Bassetlaw District Council;
- Permitted development works have already commenced;
- There were three objections from residents on the grounds of visual amenity. Councillor Fielding referred this application to the Committee as there were some concerns around the project;
- Proposals to mitigate any visual impact from the development include the proposed fencing and kiosk being painted holly green, tree and hedge planting and an earth bund.

Councillor Sybil Fielding, the County Council Member for Worksop West, spoke against the application and raised the following points:

- There were serious concerns about how the consultation by Severn Trent Water had been carried out;
- There was a lack of notice to residents about the working hours, which were taking place from 7am to 6pm, six days a week, with additional working hours on Sundays;
- Bassetlaw District Council worked with Severn Trent Water to provide extra trees and other forms of screening;

- Severn Trent Water possessed a Community Cohesion Policy which they failed to adhere to during the public consultation for this application. They hosted a consultation event with residents at a building on the other side of Worksop at an inconvenient time of the day (3pm – 6:30pm), when most residents would be at work;
- There was a loss of open space in one of the most dense housing development in Worksop;
- Whilst there is a need for Severn Trent Water to upgrade the sewage disposal network in light of the increased housing in and around Worksop, Severn Trent Water could have handled community relations much better;
- Whilst Councillor Fielding did not object to the application, she had been notified by a resident who had received a letter from Severn Trent Water asking what influence they had over Councillor Fielding. A subsequent apology letter was written by Severn Trent Water and delivered to Councillor Fielding. As a result of this incident, Councillor Fielding took the decision not to participate in the debate and vote on the application.

(Councillor Sybil Fielding left the Council Chamber and did not participate in the subsequent discussion and vote on this item).

John Nichol, the Agent of the Applicant (Severn Trent Water Ltd) spoke in support of the application whilst raising the following points:

- This project highlighted the failures of Severn Trent Water to carry out its the community consultation. Going forward, Severn Trent Water would work much closer with communities on projects like this, whether they required planning permission or were allowed under permitted development, and inform residents of these projects at the earliest possible opportunity. Severn Trent Water would work with Nottinghamshire County Council and other county councils to ensure that the process was smoothed out and improvement to the community consultation process were made.

During the debate, Members raised the following issues:

- The main residents' concerns were visual impact and odours. The report effectively explained the visual impact mitigations. As the nearest house was 80 metres away from the proposed pumping station, there would be a minimal impact to visual amenity and from sewage odours. Across the country, many residents were not aware that there was a pumping station located near them as they are so successfully embedded within the community. probably don't know a pumping station is within their community. The report highlighted measures in place to manage any foul smells with help from the Environment Agency and the Council's own Environmental Services;
- Whilst there would always be weekday disruptions resulting from construction projects, it was not reasonable for developers to continue to work during weekends and bank holidays when it would disrupt the free time of residents;

- The discussions with Severn Trent Water about smoothing over the community consultation process was welcome, particularly as a new pipeline would be laid in Nuthall soon.

In response to queries from Members, the Team Manager for Development Management clarified:

- Condition 6 of the planning permission would control working hours;
- The positioning of the new proposed pumping station close to the existing one sought to minimise the loss of open space;
- A meeting with Severn Trent Water representatives would take place next week to discuss other projects within Nottinghamshire and how to effectively manage the community consultations regarding those projects.

RESOLVED (2024/06):

- 1) To approve the grant of planning permission subject to the conditions as set out in the report.

(Councillor Sybil Fielding returned to the Council Chamber).

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

Jonathan Smith, Team Manager for Development Management, introduced the report.

RESOLVED (2024/07):

- 1) That the Adoption of the County Council's Local Requirements for the Validation of Planning Applications be noted.
- 2) That permission for officers to make changes to the document to reflect any updates to the National Planning Policy Framework (NPPF) and other referenced documents, in consultation with the Chairman and Vice Chairman of Planning and Rights of Way Committee, be authorised.

9. DEVELOPMENT MANAGEMENT PROGRESS REPORT

Jonathan Smith, Team Manager for Development Management, introduced the report.

RESOLVED (2024/08):

- 1) That the Development Management Progress Report be noted, with no additional actions required in relation to its contents.

There being no further business, the Chairman closed the meeting at 11:48am.

CHAIRMAN

30 April 2024**Agenda Item: 5****REPORT OF INTERIM CORPORATE DIRECTOR - PLACE****RUSHCLIFFE DISTRICT REF. NO.: 8/23/02282/CMA**

PROPOSAL: **PLANNING APPLICATION FOR THE SPREADING OF WASTE TOPSOIL
ON LAND WEST OF SHARPHILL WOOD WITH (POST-DEVELOPMENT)
CONTINUING AGRICULTURAL USE**

LOCATION: **LAND WEST OF SHARPHILL WOOD, EDWALTON**

APPLICANT: **VISTRY HOMES AND JOHN A WELLS LTD**

Purpose of Report

1. To consider a planning application for the spreading of waste topsoil on land west of Sharphill Wood with (post-development) continuing agricultural use. The key issues revolve around the sustainable management of waste, whether the proposal is appropriate development in the Green Belt, the management of surface water and impacts to public rights of way. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.
2. The site comprises land designated as Green Belt and the disposal of waste in such locations is least preferred by the Waste Core Strategy. Accordingly, the application has been advertised as a 'departure' from the Development Plan.

The Site and Surroundings

3. The application site extends to approximately 27.9 hectares and is located generally north of the A52 and east of the A60 in Edwalton (See Plan 1).
4. The application site comprises four fields which are under continuous arable management. The fields are divided by mature hedgerows intermixed with sparse trees. The boundary hedgerows have existing access points for agricultural machinery associated with the existing agricultural use.
5. The site is adjacent to Sharphill Wood Local Wildlife Site to the immediate east. To the west lies Wilford Hill and Southern cemeteries. A small number of residential properties on Peveril Drive bound the northern corner of the application site.

6. The application site is wholly located within Flood Zone 1 and is generally at very low risk from surface water flooding. There are no main rivers or watercourse within the site or within close vicinity.
7. In terms of topography, the highest point of the site is centre-north at 85.19 m above ordnance datum (AOD). The lowest point is in the northeast corner at 61.68 m AOD. Two named hills, Spinney Hill and Sharp Hill are within the site boundary, as well as the edge of Wilford Hill directly to the west. The hills generally peak in the centre of the site and then fall towards the site boundaries.
8. There are a number of public rights of way (PROW) that circumvent and/or pass through the site. These include West Bridgford FP26 leading up from Peveril Drive and passing along the north-eastern site boundary to the woods. Two east-west paths (FP27 and FP28) then connect directly across the site from FP26 to the 'Old Road', itself a public bridleway (BW11), beside the cemetery. FP29 then runs along the western boundary within the site linking FPs 27 and 28 (See Plan 2).
9. The application site is located in the Nottingham and Derby Green Belt.
10. The development of the Edwalton Sustainable Urban Extension (SUE) is taking place on the adjoining land to the east of the application site and largely beyond Sharphill Woods. The sites are connected in the northern section via an existing agricultural access point within the hedgerow.

Background

11. It is commonplace for there to be surplus topsoil generated from development of the scale of the Edwalton SUE. For the earlier phases of the SUE development, it was possible to spread the surplus topsoil on the Community Park area of the development. The Community Park is now levelled, and the landscaping scheme is being planted, therefore it is no longer possible to spread the topsoil on this area of land.
12. As a result, there is a need to remove the topsoil offsite. The topsoil needs removing from the site to enable the delivery of the final phases of the Edwalton SUE including the community park.

Proposed Development

13. The proposed development comprises the spreading of approximately 38,000m³ (13,420 tonnes) of topsoil on the application site across two 'phases' and will take approximately six weeks in total to complete; this includes both moving the soils and spreading and levelling them across the application site. (See Plan 3)
14. The movement of soils will be undertaken by earth moving mobile plant, more specifically excavator, articulated dump trucks, and dozers. The excavator will be located at the stockpiles and will load the articulated dump trucks, which will then transport the topsoil from the stockpile area to the application site. Two

dozers will be located within the application site fields and will spread the topsoil as soon as it is released by the articulated dump trucks.

15. There would be a maximum of four articulated dump trucks transporting soils at any one time. Each articulated dump truck has a capacity of 20m³ per load, and it is proposed to move approximately 60 loads each working day which equates to a daily volume of approximately 1200m³. This equates to the six weeks (approximately) operational period cited above.
16. The machinery will access the site and move between individual fields using existing vehicular access points. The existing access points are used for agricultural purposes therefore there is no requirement to create new access or widen the existing access.
17. Public Footpath 26 crosses the main access point (between Phase 7 of the SUE and the application site) which will remain open during the operational period. This access point will be a manned crossing point for soil transportation plant with a banksman to ensure the safety of the public as well as the employees on site.
18. A temporary closure order would be sought for footpaths FP27 and FP28 which traverse the site. A temporary diversionary route would be created around the northwest corner of the site to maintain linkage between Peveril Drive and the Old Road to the west. (See plan 4)
19. In terms of phasing, Phase 1 (the southern three fields) will be spread with topsoil first, followed by Phase 2 (the largest northern field). The soils will be spread at a relatively uniform depth across the application site and the resulting levels will be a relatively minor increase of between 100 and 200mm across the site. The soils will be graded towards hedgerows such that no scrub, hedge, or tree bases/roots will be buried. A minimum 10m stand-off from the edge of Sharphill Wood LWS / LRN will be adhered to.
20. In order to address a surface water flooding concern it is proposed that a temporary bund is emplaced at the northern foot of the site, to the rear of the residential properties at Peveril Drive (See Plan 5).
21. Following the temporary operation of soil spreading, the land will be immediately reinstated to agricultural use. Due to the nature of the agricultural activities on the site (churn from tilling, ploughing, etc), the relocated topsoil will be well integrated with the existing soils on the site.
22. The proposed working hours would align with the recently approved working hours for Phase 8 of the Edwalton SUE development. These working hours are Monday to Friday 07:30-19:00, Saturday 08:00- 13:30 and not at all on Sundays or Bank Holidays.
23. The applicant believes the spreading of the topsoil on the neighbouring site represents the most environmentally sustainable solution to removing it from the SUE development, as there will be no requirement for the material to be transported off-site by road using heavy goods vehicles (HGVs). There would

therefore be none of the associated environmental impacts of such vehicular movements on the local road network such as emissions from the engines, noise, dust, or increased traffic. The proposed works are considered by the applicant to be similar in nature to the agricultural operations already permitted and taking place on the site (rotovating, tilling, crop cutting etc). The proposed soil spreading works would be very short term and temporary (six weeks) and the vast majority of the soil spreading operations would take place in excess of 200m away from any sensitive receptor. The applicant believes that the rate and direction of any runoff generated by the site would remain broadly as per the existing situation and is therefore unlikely to lead to an increase in flood risk on or off site.

Consultations

24. **Rushcliffe Borough Council** – *No objection subject to the following considerations being satisfactorily addressed: • Surface Water Drainage • Ecology • Construction noise/disturbance • Dust migration • Footway diversion matters.*
25. *Requests conditions in relation to: • Soil handling • Control of noise, dust and vibration during works • Tree and hedge protection • Hours of operation of site works • Surface water drainage • Land restoration • An ecological walkover survey immediately prior to commencement • Details of HGV routing • A time limitation to the footpath closure • Retention of existing natural land contours.*
26. **Environment Agency** – *advises that this development may require an environmental permit under the Environmental Permitting (England and Wales) Regulations.*
27. *The proposal mentions waste legislation with respect to the planning requirements for surplus topsoil to be spread but does not refer to whether the applicant will be applying for an environmental permit or relying on a waste exemption or indeed relying on the Definition of Waste: Development Industry Code of Practice. It is advised that the operator seeks appropriate guidance to ensure all necessary legislative and regulatory requirements are in place for the deposit of this topsoil on adjacent land to the development.*
28. **National Highways**- *No objections.*
29. **Active Travel England**- *No comment.*
30. **Natural England** – *No objection, subject to good soil management.*
31. *The proposed development will not damage or destroy the interest features for the designated sites at Wilford Claypits Site of Special Scientific Interest (SSSI) and Wilwell Cutting SSSI (>200m from the site). Dust pollution is not considered to be an impact. There are no hydrological connections to the SSSIs from the development site.*

32. *The waste (surplus) topsoil has been reviewed and analysed for its suitability to be spread on the agricultural land. After reviewing the Soil Analysis - Technical Note Report, Natural England have no additional comments to make on land use as there will be no change to the agricultural land use. Best practice should be followed in handling soils with reference to the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, to inform a Soil Management Plan.*
33. **NCC (Nature Conservation) – Comments/concerns regarding run-off and lack of biodiversity net gain.**
34. *The application site is predominantly arable farmland and there will not be any direct habitat loss or changes. Conditions are recommended to require pre-start surveys including for ground nesting birds, should soil spreading take place during the months March to August inclusive.*
35. *Concern is raised about the risk of unconsolidated soils washing down slopes into the edge of Sharphill Wood, internal hedgerows and the pond, despite the use of standoffs and graded edges. Measures need to be put in place to prevent this.*
36. *Topsoil is a finite resource and a significant carbon store globally. Suggests that specific comment is sought from an appropriate consultee on the purported benefits of this scheme. Soils should be properly handled in accordance with the relevant standards.*
37. *No biodiversity net gains appear to be delivered by this scheme. A number of enhancements could be achieved, including through the protection and enhancement of the pond (on the western side of the Phase 2 area), the reinstatement of missing hedgerows along field boundaries, and the planting of hedgerow trees.*
38. *The landscaping plan supplied for the Sharphill Wood development (21/01349/REM) shows that some enhancements of the application site in question are separately proposed, primarily some hedgerow tree planting in an existing hedge, and a new hedge with trees being planted. No enhancements appear to be required on the southern part of the application site – an area with some hedgerows, but also hedgerows with large gaps and some field margins with no hedgerows at all.*
39. *This application needs to deliver a net gain for biodiversity as per the NPPF and above and beyond what the Sharphill Wood development is delivering. Requests confirmation that such an enhancement scheme can be delivered, with further details to be secured through a condition.*
40. **NCC (Lead Local Flood Authority) – No objection.**
41. **NCC (Highways) - No objections subject to a condition relating to the control of unregulated water discharge into the highway.**

42. *There is evidence of existing water run-off from the adjacent field into the Highway on Peveril Drive, with silt residue being visible on the roads surface and the downstream road gullies being filled with fines. As a Highway Authority we have Legal powers under the Highways Act (Sections 148, 149 and 151) to force adjacent landowners to prevent the unregulated discharge of water into the highway as well the control of mud in the highway. These powers would almost certainly apply to the existing situation and would be a matter for Via's District Manager review and action as is considered necessary.*
43. *Whilst the Highway Authority does have the ability through the Highways Act to rectify a problem should it occur, these powers are retrospective and would only be of use after the event.*
44. *The planning application does not significantly alter the existing situation on site in terms of gradients etc, but to simply spread a layer of topsoil over the existing surface. Given there is an apparent existing issue with water running off into the highway and the fact that the new topsoil may not be as well compacted as the existing surface, leaving potential for run off in the short / medium term whilst it settles and vegetation establishes, there is merit in requesting a condition relating to the control of unregulated discharge is applied to any grant of planning permission.*
45. *As there is no intention for the vehicles to involved in the operation to exit on to the highway there is little merit in requiring a specific condition relating to wheel washing.*
46. **NCC (Built Heritage)- No objection**
47. **NCC (Archaeology) - No comments to offer from an archaeological viewpoint.**
48. **Ramblers (Nottinghamshire Ramblers) – Objects.**
49. *Concerns are raised for the effects on public rights of way and on the access to the area generally and into Sharphill Woods whilst the works take place.*
50. *Concurs with the objections by The Friends of Sharphill Wood. Concerns are raised about the long-term damage to habitats.*
51. *Given the increased rainfall that has now become common, the drainage of the area is of concern especially if the steepness of the slope were to be increased.*
52. *Further avenues should be explored for the disposal of this waste (surplus) topsoil.*
53. **Via (Countryside Access) - No objections.**
54. *The applicant has correctly identified that West Bridgford Footpath nos. 26, 27, 28 & 29 all cross or run adjacent to the development.*

55. *The applicant should apply for a Temporary Traffic Regulation Order (TTRO) to temporarily close the footpaths that cannot be used for the duration of the soil relocation, Footpaths No.s 27 & 28.*
56. *A diversion for FP 27 is shown around the northern edge of the site and links to FP 26. This is not a formal diversion or has a formal process but it can be offered by the applicant as a permissive route for the duration of the work to minimise the effects on public access as this is a well-used network. The route must be laid out and maintained by the applicant and is at their liability for the durations of the works.*
57. *Footpath no 29 is not affected as it runs along the edge of the site and is proposed to be fenced out of the works.*
58. *Footpath no 26 is being kept open and works traffic between the site and over the footpath will be managed with a banksman.*
59. *The revised plans change the buffer width from 10m to 2m to remove the effects on the footpath (FP26). The site will be fenced for safety with the footpath outside and the vehicle crossing point being manned at all times of activity. The surface condition as a result of vehicle movements across the path should be monitored. The effort made to keep this busy path open during the works is appreciated. A question is raised regarding gradients to ensure that it is not significant for walkers to cross between the paths.*
60. *The applicant is aware of the need to manage the “informal” paths to the south during the later phases of soil modelling.*
61. **Via (Noise Engineer) – No objections.**
62. **Rushcliffe Environmental Health – No objections.**
63. *The surplus topsoil is currently stockpiled within 2 bunds on the adjacent development site and has arisen as a result of the cut and fill exercises on Phases 7 and 8 of the Edwalton Sustainable Urban Extension (SUE). It is understood that Phases 7 and 8 and the application site were originally all part of the same field system and the re-use of the topsoil is for agricultural purposes, to improve the depth and enrich the existing topsoil layer.*
64. *The submitted Technical Note Report confirms previous site investigation works and soil sampling did not identify exceedances of the selected generic assessment criteria for any of the contaminants of concern. Therefore, on this basis there are no objections to the proposal.*
65. *The expected duration of the proposed works is 6 weeks in total and will be undertaken in two phases. Given the nature and expected duration of the works, the proposed working hours and the distance to the nearest noise sensitive receptors no noise objections are raised.*

66. *It is the intention to undertake the works during the winter months which should minimise the potential for dust emissions. However, as this may not be possible, a Dust Management Plan should be required by planning condition.*
67. **Friends of Sharphill Wood – Objection.**
68. Two detailed letters have been received and a summary of these follows:
69. *There are four Rights of Way routes impacted by the development (26, 27, 28, and 29) and these are frequently used by the public for exercise, health and well-being, and for dog walking.*
70. *The contours of the north facing slope are steep and access can be challenging, there should be no change to further discourage families from visiting the wood.*
71. *Surface water management plan was not provided in the application.*
72. *Surface run off already gathers at the top of Peveril Drive after heavy rainfall. Concern is that adding more material will increase the volume of material being brought down onto the roads following heavy rainfall.*
73. *Similarly, it would be counterproductive to add to the silt collecting in the field drain at the foot of the northern slope, for which responsibility is unclear.*
74. *Concerns regarding wildlife to the nearby pond as ploughing is already having an impact upon this.*
75. *The area is of significant geological importance and are among the oldest and highest elevation glacial gravels of the Trent Valley. Covering the area would invalidate any further scientific study.*
76. *Concerns regarding development in the Green Belt. Objects to the claim of ‘very special circumstances’.*
77. *Concern regarding RoW 28 due to native species rich hedgerows with hedgerow trees, this is between the NW entrance to Sharphill Wood and the Old Road/Spinney to the west. This hedgerow has been specified on the Landscape Proposals Community Park Dwg 1501-L-02 since at least 2017 and is a pre-existing requirement of the planning approvals, but remains to be built.*
78. *Transportation of soils is a concern as it passes through RoW 26. The concerns lies with the RoW being used as a haul route for site plant.*
79. *It is not clear from the application documents exactly where the ‘waste (surplus) topsoil’ has been taken from or how it has been stored, although it is stated in the Soil Analysis Technical Note Report that the ‘topsoil material’ is now stockpiled within two soil bunds located within the Phase 7 parcel of the development. Concerns regarding previously stored soils being over height restrictions and not composing of just topsoil. There are a number of concerns regarding the quality and suitability of said topsoil and therefore this material is*

manifestly unsuitable to be placed on Right of Way 28, underneath where the native species rich hedgerow remains to be planted.

Further Response:

80. *Spreading of the soil on existing arable land does not provide benefits for the public or community in the way that mineral extraction provides, for example wetland habitat. The suitability of alternative sites within Nottinghamshire where there is a shortfall of soils for restoration is really a matter for Nottinghamshire County Council.*
81. *No ecological walkover and protected mammal species survey has been supplied, and the Applicant has not made or submitted a sustained assessment of the numbers of people who use the Rights of Way daily, their significance and their level of use.*
82. *The extensive and very widely used footpath network on the land west of Sharphill Wood provides enormous benefit to the local community, and the land now provides the only available corridor for wildlife, and it is these benefits which the proposed works would disrupt.*
83. No responses have been received from **Nottinghamshire Wildlife Trust**, **National Grid Electricity Distribution** and **Severn Trent Water Limited**. Any responses received shall be orally reported.

Publicity

84. The application has been publicised by means of site notices, a press notice and by 44 neighbour notification letters sent to the nearest occupiers in accordance with the County Council's Statement of Community Involvement.
85. 5 letters of representation have been received raising objections (and one comment) on the following grounds:
 - (a) Local Flooding and runoff:
86. Several local residents highlight (and provide evidence) that after heavy rain soils and silt are flushed down the northern slope and on to Peveril Drive via the entrance to the public footpath, where sediment is then deposited in the road and probably entering the highway drains.
87. If a thick layer of non-consolidated topsoil is placed on the north facing slope, this will contribute large volumes of sandy soil being carried down on to the roads and into the storm drainage system. This will progressively reduce the capacity of the drains.
88. Peveril Drive is the line of an ancient creek that drained rainwater off the saddle shaped land between Sharphill and Wilford Hill. A resident explains that their garden has previously flooded with sandy-silty water, which is attributed to a possible failure of a Severn Trent drain. A large amount of topsoil was laid over

the north facing hill above Dorchester Gardens and Bracey Rise five years ago, and when that East-West drain does not work correctly, garden flooding can occur. This could happen again if the extra loose topsoil is added above Peveril Drive, without it being consolidated or vegetated quickly.

89. Other general local flooding concerns are noted with concern that local development projects are contributing to such instances.

(b) Use of soil

90. A resident believes that some topsoil would be beneficial for the hill surfaces north and south of the 'saddle' which have suffered decades of industrial farming, with heavy clay ground compacted by farm machinery, and contaminated with agricultural chemicals. The topsoil would have to be urgently seeded with indigenous wild grassy species to stabilise it before the next rainy season.
91. Requests that most of the soil is placed on the south facing slopes of the saddle shaped hill. If it must go on the north side, the soil on the north side should only thick enough to cover the 'contaminated base', and form a new base for the Country Park landscaping only, compact it well, provide a culture of worms and organic matter to enrich it, and layer it with re-wilding seed at the completion.
92. Councillors Jonathan Wheeler and Gordon Wheeler have been notified of the application.
93. The issues raised are considered in the Observations Section of this report.

Observations

Introduction

94. This planning application falls to be decided in accordance with planning law – that is in accordance with the Development Plan unless material considerations indicate otherwise.
95. As a development proposal involving waste (soils) the Development Plan for the purposes of the determination comprises:
- The Nottinghamshire and Nottingham Waste Core Strategy (WCS) adopted 2013
 - The saved policies of the Nottinghamshire and Nottingham Waste Local Plan 2002 (WLP)
 - The Rushcliffe Core Strategy (Part 1 Local Plan) 2014 (RCS)
 - The Rushcliffe Local Plan Part 2- Land and Planning Policies 2019 (LAPP)

96. The National Planning Policy Framework (NPPF) and the National Planning Policy for Waste (NPPW) are particular material considerations given they express national policy.
97. The County and City Councils are finalising a new Waste Local Plan (nWLP) to replace both the Waste Core Strategy and the former Waste Local Plan and which will provide the future planning strategy for waste management in Nottinghamshire and Nottingham until 2038. The new Plan has recently been submitted to the Secretary of State for examination, and therefore in accordance with NPPF paragraph 48 and well-versed planning practice, some weight may now be given to relevant policies depending on whether there are unresolved objections to the policies and the degree of consistency with national planning policy.

Sustainable Waste Management

98. The soils in this case are, for the purposes of the planning system, a waste material which is surplus to the requirements of the adjacent developer at the Sharphill SUE and need to be moved off that site in order to complete that development, including the final delivery of a community park area. It is common industry practice to minimise the disposal of waste soils by managing them on site, for example in landscaping areas, however at the end stages of the SUE development there is simply an excess that the developer needs to discard. Again this is not uncommon and the construction and civil engineering sector generates very large volumes of waste soils, and earth materials, which often have to be transported to a range of other sites such as other construction sites, or to restore landfill or former quarry sites. Therefore whilst soils can be a form of waste, there are potential options to reutilise this finite natural resource to benefit the natural and urban environments.
99. The Waste Core Strategy, through Policy WCS5 (Disposal sites for hazardous, non-hazardous and inert waste), recognises that disposal, including for inert waste such as soils, should prioritise either existing or extended disposal sites or be directed towards making environmental improvements at derelict land, or to restore former mineral workings- i.e. to encourage the beneficial use of these materials particularly, where for example, at a landfill or quarry there is a shortfall of suitable on-site restoration materials. In the past a number of the County's landfill and minerals sites have struggled to obtain sufficient restoration materials such as soils and plans have had to be revised subsequently. The issue is less acute now as restoration designs have been revised and landfills have been closed.
100. Beyond such sites, the WCS considers the disposal to land, including land raising on *green field* sites, to be the least favourable solution which will be considered only where there are no other more sustainable alternatives. Furthermore *Green Belt* locations are considered to be inappropriate (this is discussed further below).

Policy WCS5 Disposal sites for hazardous, non-hazardous and inert waste

Where it is shown that additional non-hazardous or inert landfill capacity is necessary, priority will be given to sites within the main shortfall areas around Nottingham, and Mansfield/Ashfield. Development outside this area will be supported where it can be shown that there is no reasonable, closer, alternative.

Proposals for hazardous waste will need to demonstrate that the geological circumstances are suitable and that there are no more suitable alternative locations in, or beyond, the Plan area.

In addition to the above, preference will be given to the development of disposal sites for hazardous, non-hazardous and inert waste 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.

Where disposal sites proposed in the Green Belt constitute inappropriate development, very special circumstances would need to be demonstrated in line with national guidance.

101. The Waste Hierarchy encapsulated through Policy WCS3 also seeks to avoid disposal operations. It states that new or extended disposal capacity will be permitted only where it can be shown that this is necessary to manage residual waste that cannot economically be recycled or recovered.
102. At a County level Policy WCS5 does offer some support to providing additional disposal capacity around the Nottingham area to serve the economic and social needs and in this respect the proposal accords with this part of the policy and the 'proximity principle' to managing waste locally where appropriate.
103. The management and disposal of this material on land adjacent to where it has arisen has clear merits in terms of proximity and sustainability. In particular this proposal brings with it a solution to deal with the waste soils which would minimise its handling and transportation and reutilise the soils across the adjacent arable land forming the application site. The proposal is noteworthy as it would not require any highway transportation of the soils as would often be the case, as the materials would be moved by dump truck directly across to the fields.
104. However weighing against this is a conflict with the locational aspects of the WCS in seeking to utilise a green field and green belt location and consideration could be given to whether there are in fact more sustainable alternatives. The works would also appear to amount to a disposal operation as opposed to recovery. It is unclear as to whether utilising the waste soils would result in improvements to the agricultural qualities or potential of the application site. It is also not evident that the site requires soils to improve its visual or landscape appearance or condition in contrast to an unrestored former minerals site for example. Its current condition is considered to be appropriate. The soils therefore are realistically not replacing other materials to serve a useful purpose

and for the purposes of planning policy are essentially to be viewed as a disposal operation as opposed to a recovery or recycling activity.

105. As a consequence of the above the application has been advertised as a departure from the Development Plan. However it is clear that other aspects of the WCS and wider Development Plan appear to provide support for the development proposal once the full issues have been assessed

Highways and Transport

106. WCS Policy WCS11 (Sustainable Transport) seeks to maximise the use of alternatives to road transport in order to minimise the impacts of the use of less sustainable forms of transport. Proposals should also seek to make the best use of the existing transport network and minimise the distances travelled in undertaking waste management.
107. The application proposal presents a rare situation whereby the soil works would avoid the need for highway movements (apart from the delivery of a couple of pieces of mobile plant). This not only satisfies Policy WCS11 but also WCS14 by minimising climate changing emissions. The applicant rightly highlights the avoidance of traffic and associated emissions as benefits weighing in favour of the proposals and it is considered that this provides a high degree of supportive weight for the planning balance.
108. The potential for mud being trafficked onto the local highway network is also minimised. Access for the delivery of mobile plant will take place through the adjacent housing construction site and so there is no specific need for further wheel washing measures. Issues relating to water runoff to the public highway at Peveril Drive is considered further below.

Green Belt and landscape character

109. The arable fields forming the application site are all within the Green Belt (as designated by the Rushcliffe Core Strategy) and form the southern edge to the Nottingham urban area with the A52 at the foot of the fields to the south. It has a high sensitivity in this location to potential development and it plays an important function in Green Belt terms by checking unrestricted sprawl from the Nottingham and West Bridgford urban areas (including as a foil to the recent growth from the adjacent SUE), safeguarding the countryside from encroachment (of built or urban development) and assisting with urban regeneration and concentration. Of the five planning purposes of the Green Belt as set out in the NPPF (para 143), the application site therefore fulfils at least three important purposes. Furthermore due to the public access that is available via the on-site public footpaths, the site currently helps to enhance the beneficial use of this Green Belt location, whilst also providing land for food production.
110. NPPF Para 142 sets out the great importance of Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently

open; the essential characteristics of Green Belts are their openness and their permanence.

111. The application site exhibits a high degree of openness, almost total, with expansive views across and within the site and pleasing elevated views towards the City centre to the north and to the A52 and the countryside beyond it to the south, all of which is appreciated and unfolds when walking the network of well used on-site public footpaths. The SUE development to the east is almost entirely screened by Sharphill Wood, whilst the Wilford cemetery environs also provide a verdant screen to the west. The site's open qualities therefore further highlight its sensitivity and importance for upholding Green Belt policy.
112. With the above context noted the proposal's acceptability and impact now must be considered.
113. The Waste Core Strategy appears to treat all waste management development in Green Belt locations as inappropriate development, requiring demonstration of very special circumstances in order to be permitted. This approach does not reflect the more recent policy position as set out in the NPPF and the emerging Waste Local Plan at Policy SP7. It should be noted at this point that the Rushcliffe Local Plan directs the decision maker to national Green Belt policy in the NPPF and does not seek to replicate or expand on national policy.
114. Para 155 of the NPPF advises that certain other forms of development (other than buildings) are capable of being not inappropriate (and therefore appropriate) within the Green Belt. This includes engineering operations. For the purposes of Green Belt policy it is not unreasonable to view the application proposal as akin to an engineering operation. In terms of the nature of the operations the spreading of soils across the site and the sculpting of contours is entirely in character with civil engineering earthworks, large scale landscaping projects such as for golf courses and such like, except that in this case there would be no material change of use at the end of the works and the site would continue to function as arable farmland with its pre-existing field pattern unchanged. Therefore whilst the proposal entails the management and disposal of waste, the means of managing that waste is by a straightforward (land) engineering operation.
115. Under para 155 the proposal is therefore capable of being appropriate development in the Green Belt subject to the development preserving openness and not conflicting with the purposes of including this land within the Green Belt. This is also the position with regards to emerging Policy SP7 in the nWLP.
116. The key purposes that this site serves as a Green Belt site have been noted above along with its essentially open character. These make it a highly sensitive site. However when considering the nature of the envisaged works it is clear, in the opinion of officers, that there would be no lasting harm to the qualities of the application site – its openness, its general landscape and visual character, and its continued purpose and role in providing an effective Green Belt for the Nottingham urban area. The act of spreading and depositing the soils across the fields would be a temporary and very short-term operation and once completed

the site will retain its current character and appearance, including its undulating topography, field patterns, rights of way and it will revert back to arable farming by the landowner. Such is the scale of the site that once soils have been fully spread the average height increase would only be around 10 to 20cm - an indiscernible change in levels.

117. Rushcliffe Brough Council also came to the same conclusions. For clarity details within the application confirm that the existing undulating landform would be maintained (it is not proposed to level the area) but raised by either 10 or 20mm between phases 1 and 2.
118. The site would continue to fulfil its role as a foil to urban development and would offer the same public benefits in terms of public access and contribution to food production. There would be mostly neutral impacts for local landscape character and visual appearance, however a slight benefit to the landscape condition could be realised with enhancement to some of the poor quality and missing hedgerows as further discussed below.
119. Officers therefore are satisfied that the proposal can be viewed as appropriate development in the Green Belt, in accordance with national planning policy – which as the more up to date policy position merits full weight and effectively overrides the policy position for Green Belt proposals within the Waste Core Strategy, to which low weight should be afforded. (as guided by NPPP para 225). In this situation there is no requirement to demonstrate very special circumstances. No harm should arise to the site's landscape and visual condition, and the enhancement of some hedgerows could result in a level of improvement.

Local and residential amenity

120. WCS Policy WCS13 - Protecting and enhancing our environment seeks to ensure that waste treatment or disposal facilities do not cause unacceptable impacts 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.
121. Similarly draft nWLP Policy DM2 - Health, Wellbeing and Amenity states that proposals for waste management facilities will be supported where it can be demonstrated that any potential adverse impacts on health, wellbeing and amenity arising from the construction, operation and, where relevant, restoration phase and any associated transport movements, are avoided or adequately mitigated to an acceptable level having regard to sensitive receptors.
122. Given the proximity of a small group of residential properties to the north, as well as a property to the west of the Old Road, there is likely to be some audible noise and visible activity from time to time as mobile plant works to move, deposit and grade soils across the site. However the works are expected to take only 6 weeks and would be undertaken in a phased manner such that

operations would only take place nearest to the properties for a short period. The proposed working hours (Monday – Friday 07.30 – 19.00; Saturdays 08.00 – 13.30; no work on Sundays or Bank Holidays) are acceptable and align with the working hours for the adjacent SUE. No objections have been raised by either Via (Noise) or Rushcliffe Borough Council's Environmental Health Officer.

123. The proposed operations are therefore considered acceptable in maintaining local and residential amenity in terms of noise and general disturbance. Any cumulative impact with the works at the adjacent SUE are not considered to be at an unacceptable level. The avoidance of any amenity impacts resulting from HGV movements is also noteworthy. The resulting site would not be noticeably different in its use for agriculture or in visual terms to the existing situation. Impacts to the local users of the rights of way is for separate consideration below.

Public Rights of Way

124. Draft Policy DM8 of the nWLP states that proposals for waste development will be supported where it can be demonstrated this will not have an unacceptable impact on the existing rights of way network and its users. Where this is not possible, satisfactory proposals for temporary or permanent diversions, which are of at least an equivalent interest or quality, must be provided and improvements and enhancements to the rights of way network will be sought where practical.
125. The application site is traversed by a number of public footpaths, sometimes not entirely on the definitive line. There are also several informal walking routes around field edges that can be observed, however these have no legal status and the focus of this assessment needs to be on the definitive public footpaths, the main ones being FP26, 27, 28 and 29, the locations of which are detailed on Plan 2.
126. These paths are very well used given their location on the edge of the urban area and for the open and expansive vistas that can be experienced. These types of urban edge locations typically offer very positive benefits for the physical and mental wellbeing of local communities providing nearby places of solace and a connection to the natural environment. The Friends of Sharphill Woods are also active in this local area.
127. The public footpaths pose a constraint to undertaking the soil spreading, however the applicants have worked closely with the County Council and Via Countryside Access to mitigate the impact, as demonstrated by no objection being raised as noted above.
128. The works would take place over a relatively short period of time (6 weeks) and would require a short formal closure to FPs 27 and 28 for safety purposes. FP26 however would remain open with a managed crossing point for where mobile plant would transport the soils into the site. A temporary diversionary route for the closed paths is proposed around the northwest field corner which will be fenced off from the active works site. This will maintain cross field linkages to

the Old Road. The agreement and making of the closures are subject to a separate legal process handled by Countryside Access/Via East Midlands, however for the purposes of the planning application the proposed arrangements are considered entirely acceptable, subject to a management plan.

129. On completion of works the paths would remain in place and the slight raising of levels for FPs 27 and 28 should not affect the ability to use them as now.
130. The applicant has also responded to a query regarding gradients at the field edges and footpath intersections and has confirmed that the gradient works will end before FP26, which will remain unobstructed and safe. No soils will be spread on the footpaths that are staying open for the duration of the works. The proposed 1:50 (2%) gradient along the margins would not impede or adversely affect rights of way users crossing from FP27 or FP28 to FP26 or FP29 and in a site which anyway features a naturally undulating landform the small change in gradient should not be readily perceivable.
131. Therefore whilst the works would be noticeable and would necessarily exclude, for public safety, some level of access whilst works take place, the level of disruption would be managed and minimised to acceptable levels and duration. The diversionary route would help maintain some interesting connectivity and walking routes in the area and Officers therefore only find a minimal impact to consider in terms of effects to local amenity as a result of the public access across the site. Overall the requirements of Policy DM8 are considered to be met.

Surface water management

132. Draft Policy DM7 of the nWLP seeks to ensure waste management facilities are located in low flood risk areas and do not increase the risk of flooding on site or elsewhere.
133. RBC LAPP policies 17 and 18, relating to flood risk and surface water drainage respectively, include requirements that development should not increase the risk of flooding on the site or elsewhere, including through increased run-off and they promote the incorporation of mitigation measures, such as sustainable drainage systems to reduce the flood risk to property. Reference is also made to accommodating and enhancing biodiversity by making connections to existing Green Infrastructure assets and the retention or enhancement of existing open drainage ditches.
134. The site and surroundings are at low risk from fluvial/river flooding being in Flood Zone 1 and mapping indicates a limited potential for surface water flooding. Concerns however have been raised by local residents regarding the pre-existing surface water and silt run off from the fields and whether the proposed soil spreading would potentially exacerbate or perpetuate this issue. In particular evidence has been provided (and officers have observed) a trail of silt running down onto Peveril Drive through the entrance to public footpath 26. Peveril Drive is part of the public highway and there are drainage gullies

receiving this silted run off. In part the silt or mud is being transported on the shoes and boots of local walkers leaving the footpath but it has also clearly been washing down the slope into Peveril Drive. Residents here are understandably concerned this is adversely affecting local character and amenity. Furthermore there have been reports of inundation of rear gardens with silted runoff. It is not clear however whether this particular example has stemmed from the current construction site for the SUE or the agricultural fields that are the subject of the current application, but it is understood the adjacent developer has put in place measures to address this.

135. To some extent the regular use of the public footpath is a contributing factor, along with the topography. Clearly a significant factor is also the particularly wet winter that has been experienced with limited settled periods, which has prevented soils drying out and hampered farming operations.
136. NCC Highways are aware of the situation and have inspected the affected part of Peveril Drive. The existing unregulated discharge of water could be an enforcement matter under the powers within the Highways Act.
137. In terms of the proposed works, there is some uncertainty as to the risk of exacerbating the discharge and runoff and so mitigation is required. The applicants have worked with Officers and with input from NCC Flood Risk, who raised an initial objection, as well as NCC Highways Development Control. To mitigate the runoff, whilst maintaining the public footpath, a temporary bund is now proposed to be placed at the foot of the field at Peveril Drive. The Council's Flood Risk Team have removed their objection. Properties and gardens should now be protected by the inclusion of the temporary bund. This will not close off the public footpath and so there is still potential for escaping runoff through this gap. NCC Highways have requested further measures to prevent the escape of water runoff into Peveril Drive and have requested this by condition. Potentially this could take the form of a French drain or channel to intercept water.
138. It is therefore recommended that a planning condition requires the applicant to take further steps to prevent water discharge from leaving the site and contaminating the highway during the works. This can form one component of a works management plan.
139. If a permanent solution is required either now or subsequent to the proposed soils spreading, this should be subject to further consideration by NCC Highways and Via in their capacity as local highways authority and agents, and if required there are powers under the Highways Act that can be employed to require the landowner to take further measures.
140. Separately NCC Nature Conservation raises concern regarding runoff into Sharphill Woods. Considering the direction of surface water flows as illustrated on a supplementary plan this would show that surface waters would actually move west, away from the woods and therefore this is not considered to be of concern.
141. Overall the risk of increasing local flooding or silted runoff is considered to be manageable during the works. With farming activities thereafter resuming it is

thought that the existing soil percolation rates would be replicated with the additional depth of topsoil, meaning run-off is unlikely to increase as the topography and surface areas will remain the same. It is therefore assessed as being unlikely to lead to an increase in flood risk on or off site as required by planning policy.

Biodiversity

142. LAPP Policy 1 lists general development requirements including that there should be no significant adverse effects on important wildlife interests and where possible, an application demonstrates biodiversity net gains. Policy 36 (Designated Nature Conservation Sites) concerns impacts to designated nature conservation sites.
143. Policy 37 (Trees and Woodlands) states that adverse impacts on mature trees must be avoided, mitigated or, if removal of the tree(s) is justified, it should be replaced (with a range of locally native species in the right place). Planning permission will not be granted for development which would adversely affect an area of ancient, semi-natural woodland or an ancient or veteran tree, unless the need for, and public benefits of, the development in that location clearly outweigh the loss.
144. Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) generally expects developments to preserve, restore and re-create priority habitats and to protect and allow recovery of priority species. Development should, where appropriate, seek to achieve biodiversity net gains. Developments that significantly affect a priority habitat or species should avoid, mitigate or as a last resort compensate any loss or effects.
145. National planning policy states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks.
146. The arable fields themselves are of negligible biodiversity value and the intervening and boundary hedgerows are generally of poor quality and intermittent. The key concern is to safeguard the adjacent Sharphill Wood Local Wildlife Site and nature reserve.
147. The proposals would ensure that there would be no direct impacts to the LWS or to field/boundary hedgerows by ensuring a buffer is provided before soil spreading takes place.
148. It can be confirmed that indirect impacts to species within the LWS have been subject to survey and assessment resulting in recommended planning conditions for certain pre-start surveys etc. As the works would be short term, and taking place in daytime hours utilising a small complement of mobile plant, any disturbance to the woodland edge from noise and activity would be limited and not that dissimilar to a large farming operation, such as a harvest operation for example.

149. The applicant has been asked to incorporate some enhancements for biodiversity, for example by plugging the degraded hedgerow or clearing out a possible ephemeral pond within one of the fields. Providing gains for biodiversity accords with the requirements of RBC policy 38 and the NPPF. It should be noted however that this application is not subject to the new statutory Biodiversity Net Gain requirements recently introduced through the Environment Act as the application was submitted before the requirements came into force.
150. It has transpired that as part of the development of the SUE there are pre-existing biodiversity/landscape enhancements required as part of the associated RBC planning permission, including on and around the fields subject to this County application. The implementation of these works, as required by a grant of planning permission, should be expected to be relied upon in due course as the SUE nears to completion. It is not necessary to duplicate this in planning conditions attached to any grant of planning permission for the soil spreading works.
151. However, as noted by NCC Nature Conservation, there are other sections of the site, particularly to the south, which could still benefit from some simple enhancements in terms of works to hedgerows where sections are incomplete or have died off, and the planting of hedgerow trees. There is also an opportunity to enhance a pond, or ephemeral pond, in the centre- west of the site. Such measures are clearly possible, are compatible with a continuing agricultural use, and it is a reasonable requirement to require further details under planning condition and their implementation following soil works, at the appropriate planting season. It is clear that even some limited enhancements would deliver a net gain for biodiversity as required by local and national planning policy. It is not considered necessary to quantify this and so the beneficial weight should be taken as low to the overall planning balance.
152. Subject to the recommended planning conditions the proposals would not result in unacceptable or long-lasting impacts to local biodiversity and protected species would be safeguarded. A simple net gain can be provided in addition to the landscaping works already scheduled and required as part of the planning permission for the adjacent SUE development.

Agriculture/Conservation of soil resources

153. Draft Policy DM3 (Design etc) of the nWLP states that planning permission for waste facilities will be granted where it can be demonstrated, amongst other matters, that they minimise the loss of best and most versatile agricultural land and high-quality soil. Strategic Objective 4 also seeks to avoid adverse impacts and protect various environmental factors including soils.
154. WCS Policy WCS13, as the over-arching policy seeking to protect and enhance the environment, also takes into account impacts to soil quality.
155. The NPPF seeks to ensure that the economic and other benefits of best and most versatile agricultural land is recognised and taken into account in planning decisions.

156. The application site has been subject to previous agricultural land and soil resource assessments which finds the site to contain a mix of grades 3a and grade 3b as well as a small area of grade 2 soil/land quality. Those within grades 2 and 3a qualify as 'Best and Most Versatile' land as defined by the NPPF. There is no reason to doubt these findings.
157. A technical note report in support of the application includes findings from sampling of the stockpiled soils and which finds the topsoil to be of a similar nature and texture class to the soils at the application site and that it is a multipurpose topsoil suitable for agricultural purposes. Furthermore no evidence of contamination was found.
158. Whilst it is clearly the farmer of this land, as co-applicant, that is seeking to utilise the soils for beneficial agricultural purposes, Officers cannot draw any conclusion that this would result in benefits for agricultural productivity. However there is unlikely to be any adverse implications for agricultural land quality and its continuing contribution to local food supply and in this respect the proposal is acceptable, but a neutral consideration in the overall planning balance.

Climate Change

159. WCS Policy WCS14 states that 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.
160. At the national level NPPF para 157 states that the planning system should support the transition to a low carbon future in a changing climate. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings.
161. The UK is also obliged under the Climate Change Act 2008, as amended, to reduce carbon dioxide emissions to at least 100% below the 1990 (baseline) levels by 2050 - the 'net zero' target.
162. The applicants consider that significant weight should be afforded to the avoidance of 'traditional' disposal and the transportation requirements normally associated with this. They consider that to otherwise remove and transport circa 13,000 tonnes of soils would require in the order of 4,500 HGV movements to other locations, which in this case is entirely avoidable as it could be spread to adjacent agricultural land instead. Transport emissions account for around 26% of the UK's total carbon emissions making it the largest emitting sector. HGVs make up 20% of domestic transport emissions (some 21 MtCO₂e).
163. The above estimated HGV movement numbers are not considered to be accurate and around 1,300 two-way movements would be more likely based on an average 20t load. Nevertheless, there would still be a complete avoidance of these transport requirements to destinations elsewhere along with the associated vehicle emissions. The development proposals therefore are responding to the need to radically reduce emissions whilst also conserving

natural resources in line with planning policy and the statutory targets. It is agreed that this is a notable benefit to which significant weight should be afforded in the overall decision-making process.

Air Quality/Dust

164. There is potential for dust emissions to arise from the handing and moving of the soils. The properties to the north and a single property to the west, are the nearest potential receptors, along with road users on the A52, although National Highways has raised no objection to the application. The applicants had indicated a wish to undertake the works in winter however that would not necessarily be conducive to maintaining soil structures as they could be too wet. Natural England, in accordance with standard practice in minerals and waste development, recommend conditions to only handle soils when dry and friable.
165. A Dust Management Plan is therefore considered necessary and can be subject of a planning condition.
166. It is recognised that existing farming operations can themselves give rise to dust from time to time. Any further impact from the soil works, over 6 weeks, would be unlikely to be unacceptable in this context, subject to management.

Contamination

167. The soils have arisen from neighbouring development land, former farmland. In type and character therefore they could be described as practically indigenous and will only be transported a very short distance overland to the final disposal area. They have been stripped and are currently stockpiled in the north corner of the SUE development site. The potential for the soils being contaminated through their stripping and stockpiling is low.
168. As noted by the Rushcliffe Environmental Health Officer the submitted technical reports do actually show the materials to be uncontaminated and suitable for use.

Heritage and archaeology

169. There are no heritage assets on the site, the closest listed building lies 300m away within Southern Cemetery and is screened from the site by mature trees and vegetation. There are also no archaeological entries on the Historic Environment Record relating to the application site. The applicant explains that the soil spreading works would not be dissimilar to ordinary agricultural activities and is unlikely to adversely impact any potential archaeological interests below the ground. No objections are raised by the heritage consultees and it can be concluded that the development would not result in any impacts to the historic environment.

Other Issues

170. The Environment Agency notes that the works may potentially require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016. However this is not clear as there could also be exemptions available or industry codes of practice. The Agency advises the applicant to obtain appropriate advice to ensure that all legislative and regulatory requirements are in place. It is recommended that a formal note to the applicant is added with this advice, should planning permission be granted.

Other Options Considered

171. 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

172. 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

173. The proposals are unlikely to increase any crime and disorder issues given the short-term nature of the works and the retention thereafter of the agricultural land use and rights of way, as existing.

Data Protection and Information Governance

174. 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.

Human Rights Implications

175. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to the proximity of nearby dwellings. The proposals have the potential to introduce impacts such

as short-term noise, dust and water run-off. However, these potential impacts can be mitigated and need to be balanced against the wider benefits the proposals would provide such as sustainably reusing waste soils for food production. 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

176. The report and its consideration of the planning applications 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 Sustainability and the Environment

177. These have been considered in the Observations section above including the avoidance of transport emissions, biodiversity implications and issues around sustainable use of waste soils.
178. There are no implications for human resources, finance, service users, or for safeguarding children or adults at risk.

Conclusion

179. The proposals would entail the disposal of waste soils to a green field agricultural site which under the Waste Core Strategy is the least favoured solution to managing this finite natural resource. This site would however meet a clearly defined local need for soil disposal. There is some conflict with the locational policies which weighs negatively in the planning balance to a moderate degree.
180. The claimed benefits that would result for the agricultural quality of the receiving fields is difficult to positively prove and it is not evident that the farmer would or needs to source soil materials for this land. Nevertheless the potential for detrimental impacts appears limited so long as good practice methods are followed.
181. Whilst the site is designated as Green Belt and is sensitive in terms of its situation and open quality in fulfilling an important Green Belt function, officers consider that the soil spreading works would be appropriate development in the Green Belt as they would leave the site little changed in its character and appearance on completion.
182. Impacts to local ecology are likely to be neutral and thereafter minor beneficial on completion of works, with the delivery of hedgerow enhancements required by condition. Surface water flows can be mitigated and managed during the works.

183. Short term disruption to local amenity from the operation of a small complement of mobile plant and from some curtailment to accessing the public rights of way are generally a slightly negative aspect of the development proposal, but not unacceptable or in conflict with planning policy.
184. There are clear benefits to managing and utilising the waste soils in proximity at the application site which directly avoids the need for a significant number of HGV journeys to an alternative receiving site such as a landfill or worked out quarry. Carbon emissions associated with any HGV campaign would also clearly be avoided.
185. Overall Officers consider the proximity principle to managing waste should clearly outweigh conflict with certain locational policies favouring more distant locations. The absence of notably harmful impacts to the Green Belt, to local character, amenity, including residents and walkers, and to local ecology results in a planning balance weighing in favour of a grant of planning permission. There is to a degree some conflict with aspects of the Development Plan however material considerations convincingly point towards approval.

Statement of Positive and Proactive Engagement

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

RECOMMENDATIONS

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

DEREK HIGTON

Interim Corporate Director - Place

Constitutional Comments (JL 19/04/24)

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

Financial Comments

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

(PAA29 15/04/2024)

Background Papers Available for Inspection

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at:
www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=F/4603

Electoral Divisions and Members Affected

West Bridgford South

Councillor Jonathan Wheeler

West Bridgford West

Councillor Gordon Wheeler

Report Author/Case Officer

Joel Marshall

0115 9932578

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

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 Waste Planning Authority (WPA) 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) Dwg 02-001 Site location plan dated April 21 and received by the WPA on 04/12/23;
- (b) Dwg titled 'PROW Diversion' received by the WPA on 04/12/23;
- (c) Dwg ref BWTSP Rev C 'Wells Land Remodelling Phasing Plan' dated and received by the WPA on 09/04/24;
- (d) Dwg ref BWFLD 'Wells Land Remodelling Overland Surface Water Flow Route', Rev A dated and received by the WPA on 09/04/24.

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

4. Works shall take place in accordance with the ecological advice from FPCR Environment and Design Ltd dated 18th November 2022. An updated protected species survey shall be undertaken and the results and recommendations submitted to the WPA and agreed following a site visit prior to works commencing. Details of stand offs and protective fencing shall also be provided for approval. Works shall take place in accordance with all approved details and recommendations.

Reason: In the interests of managing potential impacts to protected species.

5. Should works take place during the months of March to August a ground nesting bird check of the site should first be completed immediately prior to works commencing. Should any active nests be found, a suitable buffer (as advised by the ecologist) must be marked out and left untouched until all birds have fledged.

Reason: In the interests of avoiding disturbance to birds, their nests and eggs which are protected by the Wildlife and Countryside Act 1981 (as amended).

6. Prior to importation of soils a works management plan shall first be submitted to the WPA for its written approval. The plan shall include details of but not limited to:

- a) Arrangements for a safe crossing point of West Bridgford Public Footpath 26
- b) Provision of a temporary diversionary footpath
- c) Temporary fencing or roping off for public safety
- d) A dust management plan
- e) Measures to minimise any chemical or fuel pollution to the ground and water environment including contingency measures to be taken in the event of any spillages
- f) Arrangements to manage surface water run-off
- g) Measures to prevent the unregulated discharge of surface water from development site into the public highway
- h) A plan identifying trees and hedgerows within the site or along the site boundaries scheduled and details of the protection measures which shall accord with BS 5837:2012-Trees in relation to design, demolition and construction.

Reason: Details are required to be submitted prior to the commencement of the development in the interests of mitigating the effects of construction works upon the local environment and amenity.

7. Prior to importation of soils a works method statement shall first be submitted to the WPA for its written approval. The plan shall specify measures in order to safeguard soil resources from damage or compaction with reference to the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.

Reason: Details are required to be submitted prior to the commencement of the development in the interests of safeguarding soils and soil quality.

8. Soils shall only be spread when they and the ground on which they are to be placed are in a dry and friable condition and no movements, spreading, levelling, ripping or loosening of subsoils or topsoils shall occur:

- (i) When it is raining; or
- (ii) When there are pools of water on the surface of the receiving area.

Reason: In the interests of conserving soil quality.

9. Only soils currently stored on the adjacent development site (land West of Melton Road Sustainable Urban Extension) shall be imported into the site for spreading.

Reason: To ensure only suitable soils are utilised which are free of contamination.

10. Soil spreading works shall only proceed once a temporary bund has been installed in accordance with the details on Dwg ref BWFLD and the accompanying construction method statement. This shall remain in place until the importation of soils has been completed.

Reason: In the interests of controlling surface water and local amenity.

11. Soil importation and spreading shall only take place between 07.30 – 19.00hrs on Mondays to Fridays and 08.00 – 13.30hrs on Saturdays, with no working on Sundays or public/bank holidays.

Reason: In the interests of safeguarding residential amenity.

12. All stones and other materials in excess of 100 mm in any dimension which are likely to obstruct cultivation in the agricultural afteruse shall be picked and removed from the site.

Reason: In the interests of providing an acceptable agricultural restoration.

13. The applicant shall notify the WPA at least 5 working days in advance of the commencement of the final soil placement on each phase, or part phase to allow a site inspection to take place.

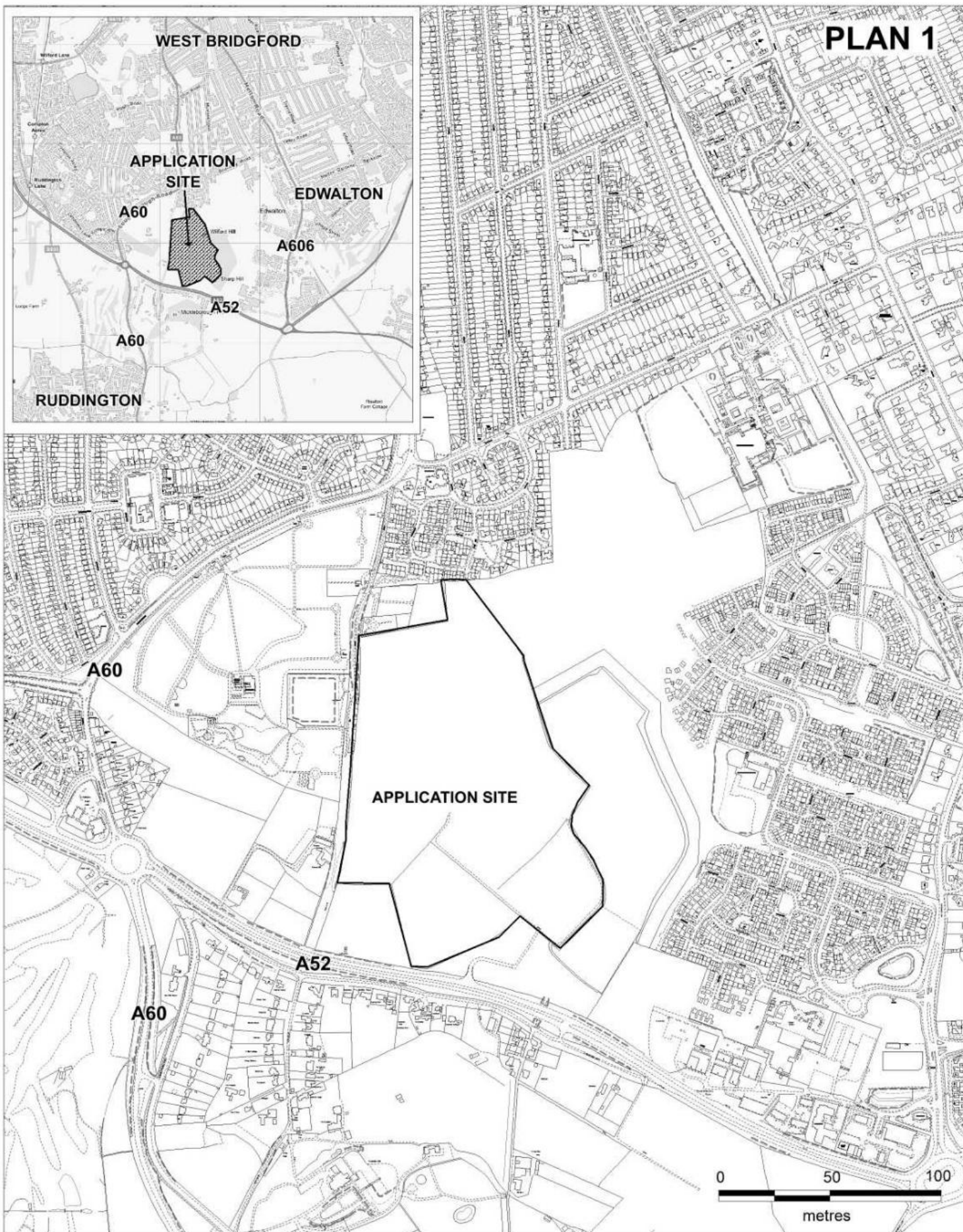
Reason: In the interests of providing an acceptable agricultural restoration.

14. Within 3 months following completion of the works an ecological enhancement plan shall be submitted to the WPA for its written approval. As a minimum this should detail proposals to enhance existing, or replace missing, hedgerows with native planting and new hedgerow trees, and complement and be in addition to the existing requirements under RBC approval 21/01349/REM, condition 3. The plan shall include details of timescales for planting/implementation, establishment methods and maintenance arrangements for at least 5 years from planting which shall also make provision for replacements of any planting which dies or succumbs to disease. The approved enhancement plan shall thereafter be implemented as approved.

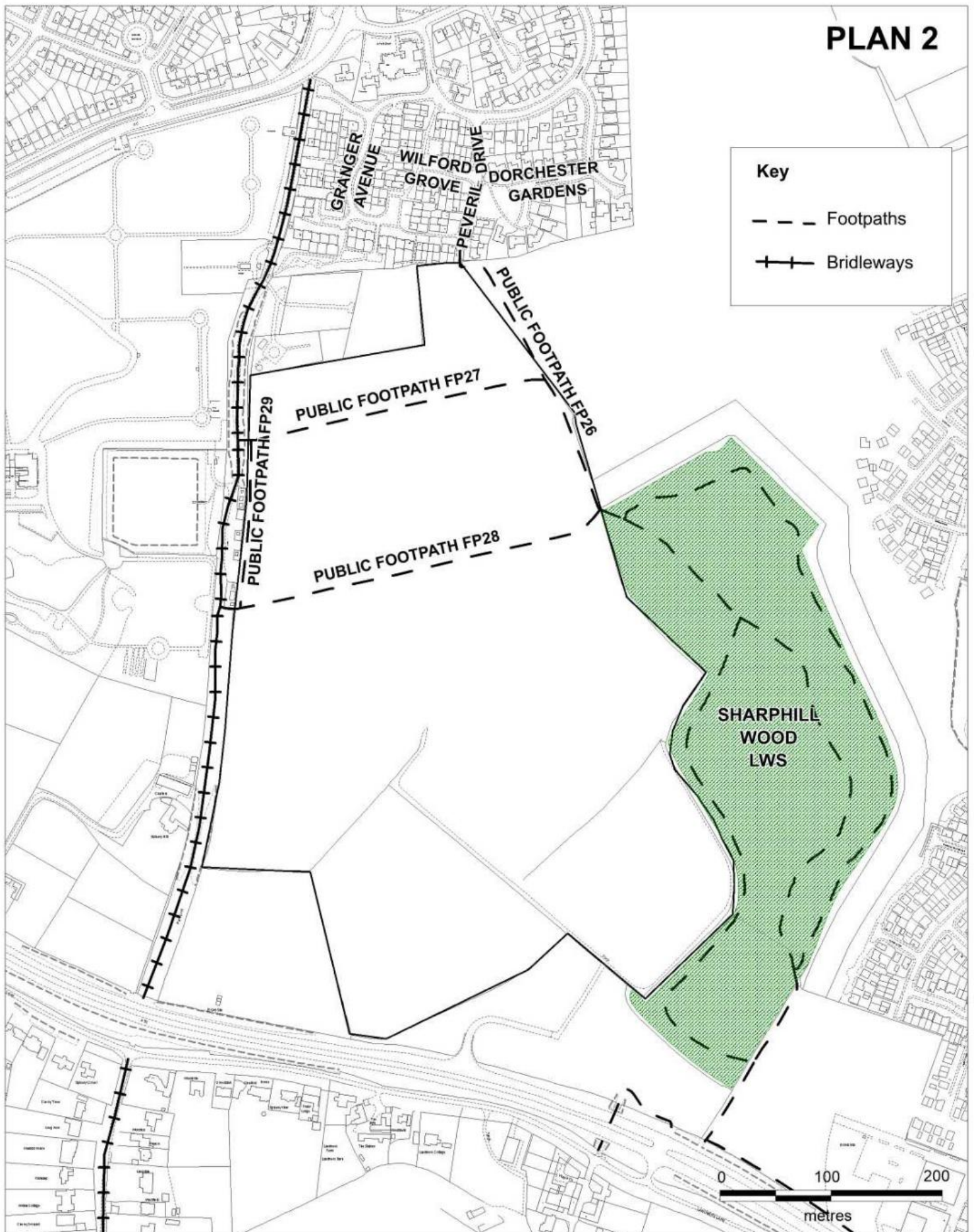
Reason: In the interests of enhancing biodiversity as required by policies 1 and 38 of the Rushcliffe Land and Planning Policies Document.

Informatives/notes to applicants

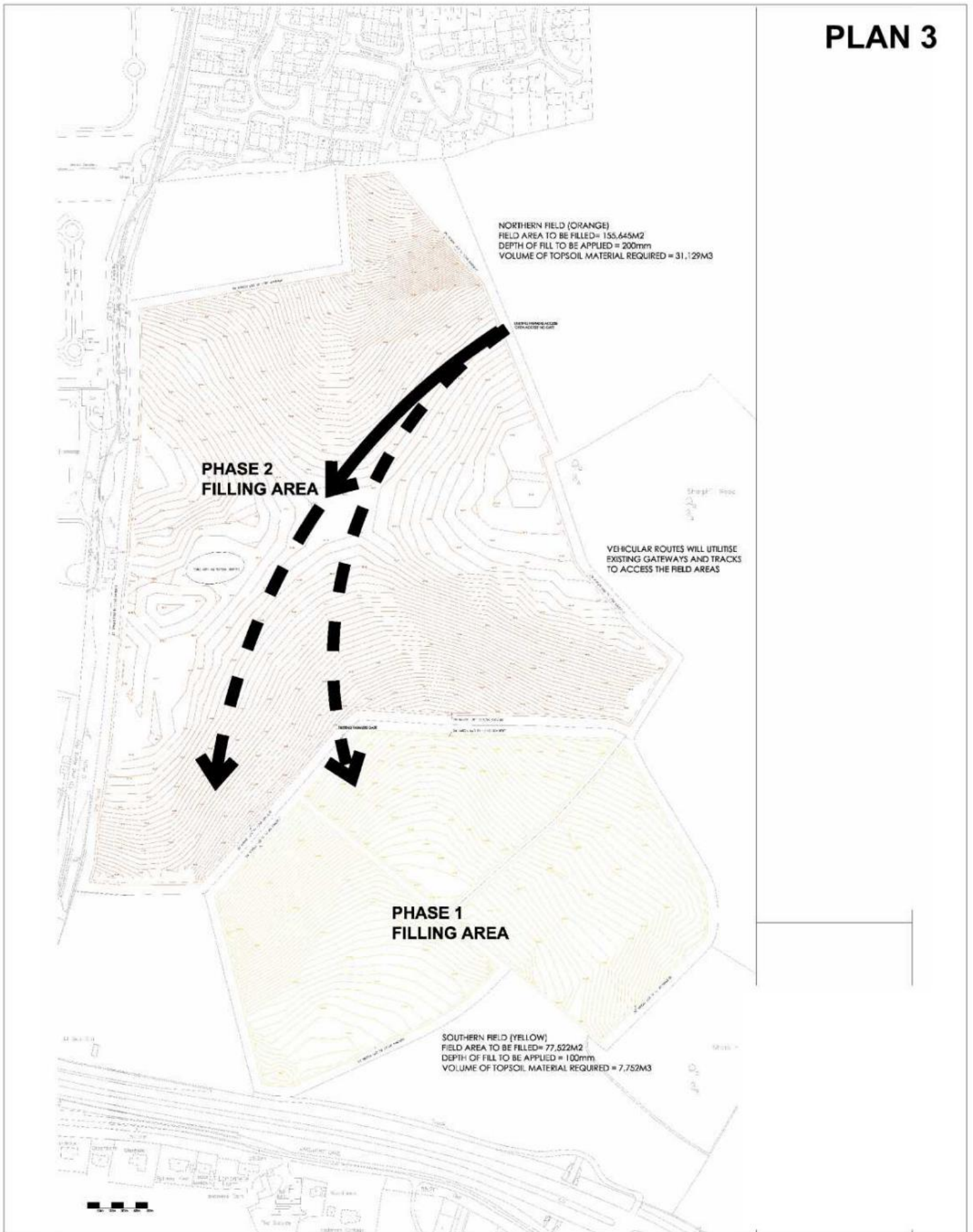
1. The Environment Agency advises that the works may require an Environmental Permit, or an exemption and that appropriate guidance should be to ensure all necessary legislative and regulatory requirements are in place for the deposit of the topsoil.
2. A Temporary Traffic Regulation Order (TTRO) will be required to temporarily close West Bridgford Footpaths No.s 27 & 28. Closures should be kept to the minimum time required to undertake works in the affected area.
3. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.



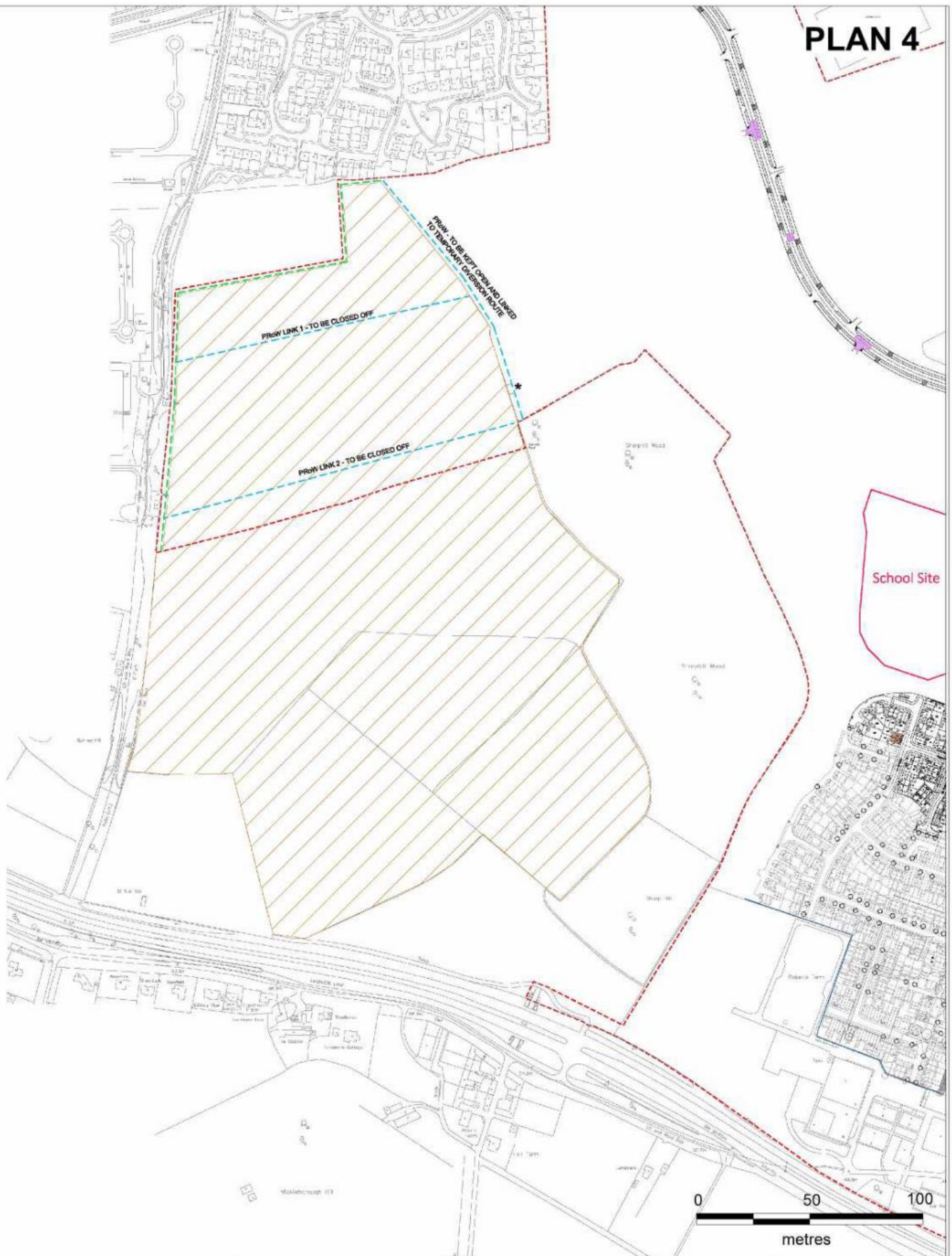
PLAN 2



PLAN 3



PLAN 4

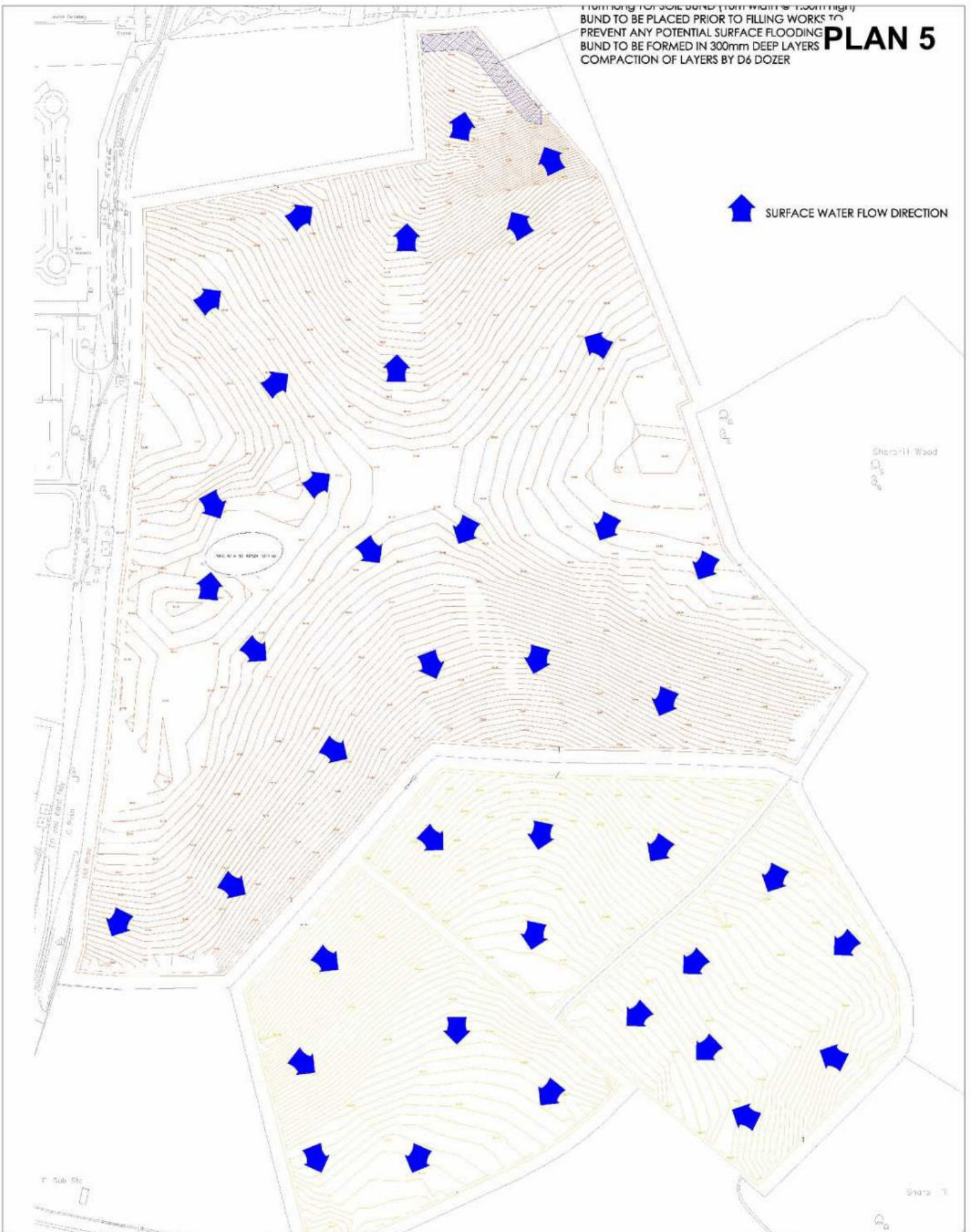


FORMING FOR SOLE BUND (from width of 1.50m high)
BUND TO BE PLACED PRIOR TO FILLING WORKS TO
PREVENT ANY POTENTIAL SURFACE FLOODING
BUND TO BE FORMED IN 300mm DEEP LAYERS
COMPACTION OF LAYERS BY D6 DOZER

PLAN 5



SURFACE WATER FLOW DIRECTION



30 April 2024**Agenda Item: 6**

REPORT OF THE INTERIM CORPORATE DIRECTOR FOR PLACE DEVELOPMENT MANAGEMENT PROGRESS REPORT

Purpose of the Report

1. To report on the planning applications received by the Development Management Team between 23rd February and 5th April 2024, to confirm the decisions made on planning applications since the last report to members on 12th March 2024, to report on the County Council's current performance, and to detail the applications likely to come before the Committee in the coming months.

Information

2. **Appendix A** highlights the applications received and those determined since the last report to members on 12th March 2024. **Appendix B** reports on the County Council's performance against statutory targets for the speed and quality of decisions. **Appendix C** sets out the Committee's work programme for forthcoming meetings and members are asked to give consideration to the need for any site visits that would be beneficial on any application scheduled to be reported to Committee in the near future.

Other Options Considered

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

Reasons for Recommendations

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

Statutory and Policy Implications

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

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

RECOMMENDATIONS

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

Derek Higton
Interim Corporate Director for Place

For any enquiries about this report, please contact:

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

Constitutional Comments (JL, 16/04/2024)

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

Financial Comments (SES, 16/04/2024)

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

Background Papers and Published Documents

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

- None.

Electoral Divisions and Members Affected

- All.

Planning Applications Received and Determined
From 23rd February – 5th April 2024

Division	Member	Received	Determined
BASSETLAW			
Retford East	Cllr Mike Introna	Prior Notification of proposed demolition of pre-fabricated sectional concrete garage with non-asbestos roof and timber doors, at Ordsall Landscape Maintenance Depot. Validated:20/03/2024.	
Tuxford	Cllr John Ogle		The erection of 1.93m high fencing at East Markham Primary School. GRANTED: 19/03/2024.
Worksop West	Cllr Sybil Fielding		Installation of a new sewage pumping station comprising a new pump house kiosk, chemical dosing rig, hardstanding and boundary fencing, at Ashes Park Avenue, Gateford GRANTED: 12/03/2024.

Division	Member	Received	Determined
MANSFIELD			
Mansfield South	Cllr Andre/Camilleri/Cllr Stephen Garner		Development of Special Educational Needs School including ancillary parking, playing pitches, fencing and landscaping, including alterations to existing highway junction and access road – at Land north of Ravensdale Road, Mansfield. GRANTED: 12/03/2024.
NEWARK & SHERWOOD			
Farndon and Trent	Cllr Sue Saddington	The demolition of all existing buildings on site down to the top of the floor slab, at Orchard School Town Site. Validated: 12/03/2024.	
Muskham and Farnsfield	Cllr Bruce Laughton/Cllr Scott Carlton		The construction of four waste storage bays built onto the existing waste processing yard and covering a surface area of 450m2, at Brailwood Road, Bilsthorpe. GRANTED: 19/03/2024.
ASHFIELD – NONE			
BROXTOWE – NONE			

Division	Member	Received	Determined
GEDLING			
Newstead	Cllr Chris Barnfather		Variation of scheme for the creation and subsequent management of offset/ mitigation habitats under condition 27 of planning consent 7/2017/1491NCC, at Bestwood 2 Quarry. GRANTED: 20/03/2024.
RUSHCLIFFE			
Leake and Ruddington	Cllr Matt Barney/Cllr Reg Adair	Extraction, processing, sale and distribution of sand and gravel, and subsequent restoration together with the necessary highway and access improvements, at Land off Green Street, Mill Hill and Land at Barton in Fabis off Chestnut Lane. Validated: 19/02/2024. (An identical application has been submitted to the City Council regarding land in their administrative boundary).	

Division	Member	Received	Determined
Leake and Ruddington	Cllr Matt Barney/Cllr Reg Adair		<p>Section 73 application to vary plans approved by Condition 3 of planning permission 8/22/00570/CTY - Erection of a Primary School for 1.5 Forms of Entry, plus 26 place Nursery with associated car parking. Associated areas of soft play, hard play, grass playing field with landscaping works. Erection of 2.4m high security fencing and gates to perimeter and sprinkler tank. Provision of bound surface and lit cycle and footpath on route of public footpath East Leake FP5 – at the Millside Spencer Academy Primary School.</p> <p>GRANTED: 17/01/2024.</p>

Division	Member	Received	Determined
Leake and Ruddington/Keyworth	Cllr Andrew Brown/Cllr John CotteeCllr Matt Barney/Cllr Reg Adair		<p>Proposed variation of conditions 5, 56, 81, 82, 84, 86, 87, 90, 92 and 93 of planning permission 8/14/01781/CMA so as to allow a revised restoration plan for Lings Farm and Jenks' Land; an extension of time in which to complete restoration, and a revised restoration plan for Burton's Land; revised method of working and restoration plans for Rempstone; and revised sitewide Landscaping, Restoration and Aftercare Management Plan – at East Leake Quarry.</p> <p>GRANTED: 25/03/2024.</p>

Statutory Targets

Local Planning Authorities are monitored by the Department for Levelling Up, Housing and Communities (DLUHC) on their performance in terms of the speed and quality of decision-making.

Planning Authorities which under-perform against any of these criteria may be deemed as poorly performing and risk 'designation' by the Secretary of State which then allows applicants the option to directly apply to the Planning Inspectorate (on behalf of the Secretary of State) rather than the Local Planning Authority.

Performance figures for Quarter 4 – 1st January 2024 – 31st March 2024 – will be reported at the next committee.

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

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

Target Committee	Planning App No.	Location	Development	Current Progress
11 th June 2024	2/2024/0058/NCC	31 Ellesmere Road, Forest Town, Mansfield, NG19 0EG	Change of use from a residential dwelling to a small (2-bed) home for children in the care of the local authority with alterations to the bungalow and garden	The applicant is reconsidering the internal configuration of the property
11 th June 2024	4/V/2022/0643	Parts Emporium Ltd, Sidings Road, Kirkby in Ashfield, Nottinghamshire, NG17 7JZ	Part retrospective change of use of land and buildings for the acceptance, storage and treatment of end-of-life vehicles including ancillary storage of salvaged parts	Further discussions to be had with the applicant, EHO and Via (Noise) regarding noise objection from ADC.
11 th June 2024	8/23/01824/CMA	East Leake Sewage Treatment Works, West Leake Road, West Leake, Nottinghamshire, LE12 6JZ	Extension of the East Leake Sewage Treatment Works and the installation of associated buildings and infrastructure	Consulting on revised landscaping and ecology management scheme.
11 th June 2024	4/V/2023/0599	Two Oaks Quarry, Coxmoor Road, Sutton in Ashfield, NG17 7QP	The importation of inert and non-hazardous wastes to enable the restoration of worked out quarry areas	Environment Agency have removed their objection. A report will be brought before June committee
23 rd July 2024	3/22/00059/CMM	Land south of Church Street, Southwell, Nottinghamshire, NG25 0HG	Flood alleviation works including construction of an earth bund, flow control structure, and related ground works, landscape planting, boundary works including fencing, and ancillary operations.	Revisions to the scheme have been made and the applicant is currently preparing a revised flood risk assessment to consider the flood impacts of this revised scheme. Archaeology issues require further consideration including a scheme of archaeological mitigation, as well as the detail of how the public footpath would cross the bund.

23 rd July 2024	1/23/01018/CDM	Former ash disposal lagoons south of Lound, Retford. DN22 8SG	The extraction, processing and export of pulverised fuel ash from former ash disposal lagoons and their progressive restoration, and associated development including earthworks, dewatering and soil storage, ponds and excavations, hard and soft surfacing and landscaping and boundary treatment, buildings and structures, plant, conveyors, utility connections, roadways, parking, drainage, and ancillary development.	Final consultation responses and all public representations are being reviewed.
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Planning Applications currently being processed by the County Council which are not currently targeted to a specific meeting of the Planning and Rights of Way Committee.

Planning Application: 3/20/01244/FULR3N
Location: British Sugar Corporation Ltd Sports Ground, Great North Road, Newark on Trent, NG24 1DL
Proposal: Change of use from former sports field to land to be used for conditioning (drying by windrowing) of topsoil material recovered from sugar beet delivered and excavated from soil settlement lagoons onsite, and engineering works to construct an internal access route to serve the soil conditioning area and excavate a flood storage compensation area.
Current Progress: Still awaiting a supplementary flood risk assessment and flood modelling work. Applicant has been pressed for an update. Options with this longstanding application are under consideration.

Planning Application: 8/24/00162/CMA
Location: Bunny Materials Recycling Facility, Loughborough Road, Bunny, NG11 6QN
Proposal: Vary conditions 9, 15, 20, 31 and 32 of permission 8/20/01279/CMA to allow an increase in annual tonnage of materials and the number of HGV movements (Conditions 31 and 32), amended operating hours and plant (Condition 9), an updated Dust Management Plan (Condition 20) and revised noise restrictions to cover the updated operating hours (Condition 15).
Current Progress: Objections have been raised regarding the proposed throughput, associated traffic and noise impacts.

Planning Application: 8/24/00388/CMA
Location: Land off Green Street, Mill Hill and Land at Barton in Fabis off Chestnut Lane
Proposal: Extraction, processing, sale and distribution of sand and gravel, and subsequent restoration together with the necessary highway and access improvements
Current Progress: Application has now completed its public consultation phase however a number of technical consultees require further time to respond. Meetings are being arranged as required. A wide range of issues are being raised in the public representations regarding the need for the quarry and its potential environmental impacts. These are being reviewed.