

## **Planning and Licensing Committee**

**Tuesday, 18 April 2017 at 10:30**

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

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### **AGENDA**

- |   |  |           |
|---|--|-----------|
| 1 | Minutes of the last Meeting 21 March 2017  | 3 - 20    |
| 2 | Apologies for Absence  |           |
| 3 | Declarations of Interests by Members and Officers:- (see note below)<br>(a) Disclosable Pecuniary Interests<br>(b) Private Interests (pecuniary and non-pecuniary) |           |
| 4 | Declarations of lobbying   |           |
| 5 | EUROTECH Environmental Limited Northern Road Newark  | 21 - 58   |
| 6 | Carlton Forest Quarry Blyth Road Worksop S81 0TP   | 59 - 74   |
| 7 | Girton Quarry Gainsborough Road Girton Near Newark   | 75 - 124  |
| 8 | Development Management Progress Report and End of Year Performance   | 125 - 150 |
| 9 | Work Programme   | 151 - 154 |

### **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 David Forster (Tel. 0115 977 3552) or a colleague in Democratic Services prior to the meeting.

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

Meeting **PLANNING AND LICENSING COMMITTEE**

Date **Tuesday 21 March 2017 (commencing at 10.00 am)**

**membership**

Persons absent are marked with 'A'

**COUNCILLORS**

John Wilkinson (Chair)  
Sue Saddington (Vice-Chairman)

Roy Allan  
Andrew Brown  
Steve Calvert  
Jim Creamer  
Stan Heptinstall MBE

Andy Sissons  
Keith Walker  
Yvonne Woodhead  
Jason Zadrozny

**ALSO IN ATTENDANCE**

Councillor Maureen Dobson  
Councillor Liz Yates

**OFFICERS IN ATTENDANCE**

David Forster	}	
Alison Fawley	}	
Rachel Clack	}	Resources Department
Sue Bearman	}	

Jonathan Smith	}	
Oliver Meek	}	
Sally Gill	}	
Mike Hankin	}	
Ruth Kinsey	}	Place Department
Joel Marshall	}	
Robert Portman	}	
Tim Turner	}	
Jane Marsden-Dale	}	
Lynn Sergant	}	
Janet Valenti	}	

## **MEMBERSHIP**

The Clerk reported orally that Councillor Jason Zadrozny had been appointed to the Committee in place of Councillor Rachel Madden for this meeting only.

## **APOLOGIES FOR ABSENCE**

There were no apologies

## **DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS**

None

## **DECLARATIONS OF LOBBYING OF MEMBERS**

The Chair with the approval of the Committee declared lobbying by various groups on agenda item 7 Land off A634 between Blyth and Barnby Moor near Retford for all members of the committee.

## **LAND WEST OF DROVE LANE CODDINGTON NEWARK**

Mr Hankin introduced the report and gave a slide presentation and highlighted the following:-

- Temporary aggregates waste handling and processing facility on land at the Former RAF Winthorpe Airfield to the north-east of Newark on Trent.
- Planning permission is sought to process and recycle excavated material arising from a major sewer improvement scheme being undertaken within Newark town centre.
- Members were advised of objections received from Newark and Sherwood District Council which stated that this objection made reference to availability of employment land data contained in an emerging development plan, noting that all this land may not be currently available.
- Coddington and the Winthorpe and Langford Parish Councils have objected to the planning application, raising concerns about the suitability of the site for development and impacts from the associated traffic movements.
- Objections have been received on the grounds of operational noise as well as traffic and dust nuisance.
- There are concerns with the location of the development as it is sited in the countryside and there are strict controls through Newark and Sherwood District Council Local Plan Core Strategy SP3
- Members were advised that the availability of a local facility to manage waste arising from the Newark Sewer Scheme would be advantageous to the operator and has potential to enhance waste management up the waste hierarchy. Whilst acknowledging these merits, the location of the facility in open countryside is not supported by the development plan.
- The 5 other sites were not considered to be robustly assessed before they were discarded.



Following the introductory remarks of Mr Hankin, Mr Northcote the applicants agent had an opportunity to speak and a summary is set out below:-

- There is currently a £60 million Waste and Water project ongoing in Newark Town.
- Concerns were expressed that the Council did not inform the applicant of the recommendation to refuse before they received the agenda and papers for Planning and Licensing Committee.
- Policy WS7 does not require applicants to demonstrate the viability of alternative sites.
- There is a distinct difference between a temporary facility and a permanent one.

In a response to a question following Mr Northcote's presentation Mr Hankin informed members that the application had been received in August 2016 and validated in January 2017.

Councillor Maureen Dobson, local member spoke in opposition to the application and highlighted the following:-

- The applicant has had more than enough time to consider alternative sites.
- There is a 7.5 Tonne limit along Drove Lane and that should be adhered to.
- There is land available near the Waste Recycling Centre on Telford Drive.
- Traffic in and around Newark is already horrendous and adding 30 more HGV's would exacerbate it further.

There were no questions.

Councillor Sue Saddington wished it noting that she is a member of Newark and Sherwood District Council and that this application had not been to the Planning Committee and therefore she had not spoken or debated upon it prior to today.

Following all the speakers' members debated the item and the following comments and issues arose.

- This application is for a period for up to 4 years which is a significant amount of time.
- There is enough heavy traffic around the area.
- The robustness of considering alternatives sites is a concern.
- The fact Drove Lane is a narrow Lane with an already large number of cars using it.
- There are concerns about how the decision to refuse was arrived at as a decision to refuse will see 50k of waste having to be taken to be recycled.

Following members comments Mr Hankin responded to questions as follows:-

- The request for an extension was made to the applicant however it was turned down as they wanted a quick decision.
- The main concerns were about the site being in the countryside and the issues that accompany it.
- It is not the Council's duty to source alternative sites as it is not a statutory duty to do so.

On a motion by the Chair, seconded by the Vice-Chairman, and upon a show of hands it was:-

### **RESOLVED 2017/007**

That planning permission be refused for the reason(s) set out below.

1. The rural location of the development is considered inappropriate and is contrary to Nottinghamshire and Nottingham Waste Core Strategy Policies WCS4 (Broad Locations for Waste Treatment Facilities) and WCS7 (General Site Criteria) and Newark and Sherwood District Local Plan Policies DM8 (Controlling Development in the Open Countryside), SP3 (relating to development in the open countryside and landscape harm) and the aspirations established for the policy area NUA/SPA/1.
2. The development is contrary to Nottinghamshire and Nottingham Waste Core Strategy Policy WCS13 (Protecting and enhancing our environment) due to the potential for unacceptable noise impacts from the development and inadequate access facilities to the

### **TWO OAKS QUARRY COXMOOR ROAD SUTTON IN ASHFIELD**

Mr Hankin introduced the report and gave a slide presentation and highlighted the following:-

- This application relates to an operational Silica Sand Quarry at Two Oaks Farm located at the junction between the A611 Derby Road and Coxmoor Road between Kirkby in Ashfield, Sutton in Ashfield and Mansfield.
- The applicant has applied for an increase in the annually permitted number of HGVs entering and leaving the quarry by 22%; a rise of some 7,000 lorry movements.
- The Highways Authority has assessed the additional traffic issues and is satisfied that the junction would not be adversely affected.
- Only one objection had been received on the grounds of noise and dust impacts.

Following the introductory remarks of Mr Hankin, Mr M Oldridge the applicants agent had an opportunity to speak and a summary is set out below:-

- The quarry is unique as a sole producer of specialist sands within Nottinghamshire.

- The use of the sand varies due to the nature of its use on football pitches, equestrian centres also in specialised industrial use and building.
- The maximum output requested annually is 370,000
- The application is supported by specialist traffic studies which show no overall environmental harm.
- The objections from the local Golf Club have been carefully considered and are not deemed sustainable.
- There will not be any adverse impact on the local highways or the operation of the nearby traffic lights on the junction of the A611 and Coxmoor Road.

In response to a question Mr Oldridge responded that there is a legal agreement in place regarding lorry routing and this will still be the case if the application is agreed.

Following the speaker members debated the item and the following comments and issues arose.

- Concerns were expressed with regard to the robustness of the advice from Ashfield District Officers (by one member)
- Concerns over the junction and levels of traffic using it, such that there is capital investment being used to make it into a 3 lane junction in order to relieve congestion.
- The overall movements will increase with larger numbers spread more evenly over the year, however they will be bigger HGV Lorries.
- Could a condition be added to ensure that any need for upgrading the network then finances will be made available.

Mr Hankin responded to comments and questions as follows:-

- The overall increase in tonnage increase from the original agreement is 30K and the increase in lorry movements is 7000 over the year.
- The Lorries being used will be larger HGV's so this mean there will not be a significant change to the peak time's numbers.
- The Highway Authority have had no objections to the increase in numbers and are confident that the network can cope.

On a motion by the Chair, seconded by the Vice-Chairman, and upon a show of hands it was:-

#### **RESOLVED 2017/008**

1. That the Corporate Director – Place be instructed to enter into a legal agreement (deed of variation) under section 106 of the Town and Country Planning Act 1990 to secure continuation of the planning obligations set out in paragraph 41 of the report and

2. That subject to the completion of the legal agreement (deed of variation) before the 21/06/17 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 attached to the report. In the event that the legal agreement is not completed by the 21/06/17, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is **RECOMMENDED** that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide continuation of the measures provided for in the existing legal agreement covering the site.

The meeting was adjourned from 11.30am until 11.45 am

### **LAND OFF A634 BETWEEN BLYTH AND BARNBY MOOR NEAR RETFORD**

Mr Meek introduced the report and gave a slide presentation and highlighted the following:-

- This application is to develop a well site and drill a single vertical well to recover samples from and measure the properties of, the Bowland Shale and Millstone Grit geological formations beneath the site.
- There are two mobile cabins which are currently on site adjacent to the site access, with associated fencing and generator. These cabins do not have planning permission and are currently unauthorised.
- The nearest residential properties to the site are Beech Farm, approximately 630m to the south-west; Jubilee Farm, approximately 670m to the north-west; and Billy Button Cottage, approximately 690m to the north.
- The planning application seeks permission to drill a single, vertical borehole to a depth of up to 3,300 meters.
- One component of the logging programme is Vertical Seismic Profiling. This would involve the use of one vibrator vehicle which would operate for a few hours, in periods lasting a few seconds, to obtain a geological profile of the area. The applicant states that this would be carried out under Permitted Development Rights.
- If further development of the site is not viable, the well would be decommissioned and restored in accordance with Oil and Gas Authority, the HSE, the EA and industry requirements, and industry best available techniques.
- The highest number of HGV movements, with an average of 36 movements, or 18 trips, per day over each 7 week period.
- A further 153 representations have been received, all of which object to the application.
- The authority has received late representations from John Mann MP and Mr Meek read those representations to the Committee.
- A late representation from the Primary School of St Mary and St Martin has stated that if the application were to succeed the school would have

to complete a risk assessment for any potential incident at the site. The site is approximately 2.5km from the school.

- A legal agreement is recommended with respect to HGV routing and a driver code of conduct. Conditions are also recommended regarding the hours during which HGVs can access and leave the site, which would include avoiding school drop off and pick up times; ensuring mud is not carried onto the public highway; and the implementation of a traffic management plan.
- Neither Nottinghamshire highways authority nor Highways England have raised an objection to the application
- Objections received have raised concerns about the potential for impacts to surface and ground waters. In order to protect surface and ground waters the site would be lined and incorporate a perimeter drainage system.
- Noise associated with drilling activities would vary depending on the drill rig selected, however, noise levels have been modelled for each rig. The noise contours associated with the Bentec T-49 drill rig, the noisiest of the rigs and the nearest dwellings of Jubilee Farm and Beech Farm would be at the outer edge of the 40-45 decibel contour.
- Lighting associated with the proposed development has been assessed in terms of its impacts on both residential and ecological receptors.
- Potential health impacts associated with the proposed development have been considered in the application in relation to highway safety; noise; light; surface and groundwater; contamination and air quality.
- Consideration has been given to impacts relating to traffic and transport; heritage; noise and vibration; ecology; lighting; visual impact, landscape character; ground and surface water; contamination; flood risk; air quality; rights of way; socio-economic impacts; public health; climate change and cumulative impacts. All have been assessed as being acceptable, or as not being significant and outweighed by the great weight and support that is given to this type of development, subject to the recommended conditions and legal agreement.

Mr Meek also informed members that there are two typographical errors in the report

Paragraph 1123 should have stated 21 June 2017 and not 21 May 2017 for the completion of the legal agreement.

Members Electoral Division affected should read Misterton and not Misson for Councillor Liz Yates.

Following the introduction members asked questions and made comments as follows:-

- The buildings and fencing already on site are there without planning permission, however if the recommendations are approved it gives retrospective planning permission.
- There is not a need for a restoration bond for the borehole because the Oil and Gas Authority carry out financial checks on companies prior to

issuing licences and before and during drilling, if necessary. As such, the exceptional circumstance to justify a bond are not met.

- There is however a restoration bond for the surface level activities, as the Oil and Gas Authority responsibilities are deemed to apply to plugging and abandoning of the borehole only.
- The night time noise thresholds are 42dB and the proposed levels expected are between 40 and 41dBs at the nearest sensitive properties
- The type of well pad to be used is impermeable. Soil testing before development will ensure there is no pre-existing contamination and afterward would confirm there is no contamination from the development.
- There is shared financial responsibility for the organisations named on the Petroleum Exploration and Development Licence. However, from a restoration perspective the responsibilities secured through the PEDL extend the plugging and abandoning of the well only, and not necessarily restoration of the surface level works.
- There will be routine checks made regarding any enforcement issues

The meeting was adjourned for a lunch break between 13.10 and 13.45

Following the introductory remarks of Mr Meek, there were five special presentations and number of speakers who were given an opportunity to speak and brief **summaries** of those speeches are set out below.

Mr Peter Thompson representing Blyth Parish Council and as a resident of Blyth, gave a 10 minute special presentation. During his presentation he highlighted the following issues:-

- Blyth is a small English Country Village in the North of Nottinghamshire which is blighted by HGV traffic on its way to the A1.
- There is a school along this route and HGV's are a matter of inches away from the pavements.
- With all the proposed developments in the area there will be a significant increase in HGV traffic especially with the two proposed quarries nearby and developments in Harworth, Thievesdale Lane and Worksop.
- The restrictions of movement of Lorries between 8 and 9 am and 3 and 4 pm does not take into consideration the new breakfast club that starts after Easter and the after school activities.
- There should be a 3-D survey undertaken to ensure there are no faults or hidden issues in the area.
- Concerns over the financial viability of the company.
- Almost 70% of the residents of Blyth are against the proposal.
- There has been a blatant disregard to the planning rules with the erection of a fence and two huts.

Following Mr Thompson's presentation members asked questions and made comments as follows:-

- The data figure used are from 2015 and there has definitely been an increase in traffic through the village during 2017
- The County Council has previously stated that there is a need for development of the junction before 2022.

- One of the many issues is about the intensity of the works over a short 7 week period in conjunction with other developments taking place in the area which could make this unbearable.
- There is a lack of trust through the Community Liaison Group especially adhering to the school times and no Lorries.
- There are interactive signs as well as advisory 20 mph signs, however these are not adhered to.

In response to the presentation Mr Meek highlighted the following:-

- The cumulative impacts are set out in pages 268 – 269 (just below paragraph 998) and paragraph 487 highlights Highways England and NCC's consideration.
- The information regarding the school was undertaken on the peak times and not due to the popularity of the school.
- Provided context to the quote attributed to NCC Highways, explaining that the point at which the High Street/Spital Road junction capacity in Blyth would be reached would not be until 2022, which is after the completion of the development being considered. In addition, the capacity would only be exceeded if junction improvements were not made. However, the improvements were secured by condition, as set out in the committee report from which the quote was taken.

Ms Christine Willis, local resident of Torworth, spoke against the application and gave a 10 minute special presentation. During her presentation she highlighted the following issues:-

- One of the concerns is that there are a number of old mines in the area from coal mining in Harworth.
- There is a real threat of subsidence and potential for collapse in the area, especially as there has been a sink hole appear in the last 10 years in Ranskill.
- IGas's own geologist spoke about the application site sitting very closely to mines.
- In 1990 there was a paper published by Al Fraser, which showed that there were faults within the Tinker Lane area.
- Concerns over the lack of 3D seismic surveys carried out at the Tinker Lane application site.
- The cumulative effects traffic will have on the area with other developments that are proposed nearby with housing developments and Quarry applications.
- The site entrance is almost invisible until you're almost upon it which will cause danger to cyclists who use this stretch of the road for cycle races.
- The sighting of security cabins without planning permission is a concern.
- IGas have already been given planning permission for test wells only 5 miles away at Misson.

Following Ms Willis presentation members asked questions and made comments as follows:-



- If Misson Springs was the only site used this would give the Community and IGas time to mend the broken relationship there is currently.
- Although it is temporary the concerns are about the unknown especially as there are questions over faults in the area.
- There was a sink hole in the area which shows that there are issues underground.

In response to issues raised Mr Meek responded as follows:-

- The well is a vertical well only and the area has been mapped with the closest mine some 930 meters away.
- With regard to the seismic survey it is a matter for individual operators to determine how much preliminary data is necessary before undertaking exploratory drilling.
- The Councils' Highway Team have considered the entrance position and consider the necessary visibility splays will be achievable.

Ms Rachel Kitchen and Mr Steven Kitchen, local residents of Blyth, spoke against the application and gave a 10 minute special presentation. During his presentation she highlighted the following issues:-

- Concerns about the future for children in the area and for their safety.
- This is a Greenfield area not a Brownfield one.
- There are regular cycle races and time trials along the road and the entrance is considered largely unsighted in both directions.
- There are already a number of HGV Lorries that use the road through Blyth to get access to the A1 and they travel past the local Primary School and the additional fumes from more diesel Lorries.
- The crops yielded on the farm are at the top end of the national average and there is a worry that there may be some contamination of the soil if the application is to be granted.
- There is also concerns about irrigation, dust and a possible drop in the water table all of which gives concern to the quality of produce in the future.

In response to a question Mr Kitchen informed members that the grade of the agricultural land is Grade1-2.

In response to issues raised Mr Meek responded as follows:-

- The NCC Safety Team have looked at the traffic issue and raised no concerns.
- The issue of diesel emissions has been assessed and the levels are not significant.
- Condition 30 in the appendix 1 attached to the report deals with the construction and restoration of the site.
- The restoration of the site would be restored to the same standard it was first in.
- That 54% of the site is Grade 3a agricultural land and the remainder is Grade 3b. Grade 3a falls within the Best and Most Versatile Agricultural Land.



Mr Ken Cronin, representing UK Onshore Oil and Gas, gave a 10 minute special presentation. During his presentation he highlighted the following issues:-

- Over 45% of the UK's energy is produced by gas and it creates over half a million jobs.
- The UK imports nearly half of its energy from other countries at around £14 million a day which is not generating jobs or tax revenues for this country.
- In 18 years' time the expected increases in use of gas energy for imported gas will be around 80% which will cost the country £9 billion per annum.
- There are currently over 500 wells in the East Midlands with 84 currently producing oil and gas.
- All aspects of drilling are checked on a regular basis to ensure the safety of those around which includes the environment.
- There are 4 independent regulators that look at every aspect of a development and operational matters, these include the Mineral Planning Authority, Environment Agency, Health and Safety Executive and the Oil and Gas Authority.
- There have been many fears following incidents from the USA, however, these are down to poor operation and poor regulation, neither of which apply in this country.
- The industry spent over £10 million in this region alone and this means more jobs and security of the country.

Following Mr Cronin's presentation members asked questions and made comments as follows:-

- The chemicals to be used on site have all been approved by the Environment Agency and are non-hazardous so will not have an effect on the groundwater.
- The jobs it will create will be in the supply chain of equipment and within other associated industries with the energy business.
- This site could employ between 20 and 50 people.
- Experience and information gathered shows that there has never been any reduction in the water levels.

In response to the issues raised Mr Meek responded as follows:

- There would be 20-25 on-site staff during construction and 25-30 during drilling. No figures had been provided for evaluation and restoration. There would also those employed in transport and the supply chain.
- Any benefits of gas extraction should not be attributed to this application

Mr John Blaymires and Mr Chris Herbert representing IGas, gave a 10 minute special presentation. During his presentation he highlighted the following issues:-

- IGas are dedicated to the assurance of safety and compliance with all regulatory authorities to ensure that the company complies.
- IGas initiated a Community Liaison Group to enable communities to take the journey of the proposal and be informed of developments every step of the way.

- We have been open to question with local residents and local campaign groups.
- Nottinghamshire is an important hub of energy production as it was in the 1930's when the first commercial oilfield was opened in Eakring.
- The operational areas already spends in the local economy and there is a commitment to working with local suppliers.
- With regard to the cabins on site there has been some miscommunication as to whether planning permission was needed. The purpose of the Cabins was purely for security
- The concerns regarding being close to former coal mines are unfounded as the nearest past underground working is some 928 meters away.
- 2D seismic data is the standard method to safely position onshore wells from a geological perspective.
- IGas has significant cash resources, which amount to \$31 Million as of 27 February 2017.

Following Mr Blaymires presentation members asked questions and made comments as follows:-

- We have sufficient information with the 2D seismic data to be able to drill in the area, it is misinformation that is causing some of the concern.
- There will always be concerns when a drilling company come into a community and they do not understand what will happen.
- We have asked the Environment Agency and the Health and Safety Executive to attend meetings so questions can be answered.
- There have been over 2000 wells drilled previously safely and responsibly.
- If the application is approved then IGas would want to move as quickly as possible with the conditions and start at the end of 2017.
- It was a genuine mistake regarding the security fencing and cabins, as soon as it was brought to the applicant's attention they sought to regularise the position by including it as part of the application.
- There are many other agencies that need to authorise the application before the work can commence.
- With the membrane that is being used any escape of methane would be miniscule.
- The share prices of the company is not a significant factor to be considered because outside influences can have an effect on this e.g. Middle East oil price reduction etc.
- The company is jointly liable for restoration below ground also the landowner and the companies involved are liable for 5 years aftercare for the restoration of the site
- The dust levels will be similar to those levels when agricultural land is turned over.
- Having drilled over 2000 wells and there has been no issue with disturbing the water table at any of the well sites.

Mr Meek responded to a couple of issues raised:-

- The timescale if agreed will mean the Section 106 Agreement will need to be signed by the 21 June 2017 and the conditions mean that the work would have to be commenced within the year.
- The Oil and Gas Authority guidance specifically makes reference to there being sufficient fund for the plugging and abandoning of a well, but there is no reference to surface restoration. This is the reason surface level bond was considered justified.

Following the 5 special presentations there were 3 speakers all of whom spoke against the application. A **summary** of those speeches are set out below:-

Mr Peter Wild, objecting, highlighted:-

- The development will last for 3 years and have 4 phases and will create an increase in traffic which involves 18 HGV's arriving and leaving the site every day onto an already busy route to the A1
- The drilling period will last for 4 months with a drill rig some 60 meters high.
- Concerns are that there will be noise pollution, leakage from the borehole and potential hazardous waste in the strata that will be released.
- Concerns are that there will be horizontal test boreholes to collect samples.
- The amount of security around this drill site causes concern as what will be done on site that warrants such security.
- Will the site be returned to agricultural land or will there be further applications on this site.

There were no questions

Ms Bev Fullwood, objecting, highlighted:-

- The air quality in and around the village and especially the Primary School will have a negative effect on the health of the children.
- There will be a massive increase in diesel emissions with the increase in HGVs in the area as Blyth is a pinch point.
- There has been a lack of consultation with cycling clubs.
- The land to be used is food producing land and there could be contamination that causes crops to be tainted.
- There is a concern over the possible contamination of the aquifer.
- The 4 species of bats found at Mantles Farm and 5 a Jubilee farm are not mentioned.
- There have been earth tremors in both Lincolnshire and South Yorkshire which are close to this application site.

There were no questions

Mr Rob Boeuf, objecting, highlighting:-

- There are abandoned coal workings approximately 1 kilometre away from the Tinker Lane site.

- Seismic testing in 1984 was undertaken by BP and the test results showed a possible fault around the Tinker lane site, however this was reanalysed by Dart and TOTAL and was purported to show no fault existed.
- This data should not be relied upon as it pre dates coal mining in the vicinity.
- There are fears that there will be unseen damage at the site which cannot be rectified.
- The village is being put at possible risk due to the lack of a 3D seismic survey due to financial constraints on the company.
- The lack of communication with the Community Liaison Group is causing concerns and anxieties.

In response to the objectors Mr Meek responded as follows:-

- The reference made by Mr Wild to the increase in traffic in and around Blyth has used data which counts traffic twice and therefore miscalculates the numbers and shows more vehicles than actually use the roads
- With regard to the issue of bats, the potential for bat roosts has been assessed and no concerns raised. The foraging bat would not be unacceptably disturbed by noise or light from the development.
- In respect of 3D surveys, the Planning Guidance states it is a matter for the individual operator to decide how much data they should have prior to undertaking work. The Council should not need to carry out its own assessment and can rely on the assessment of the other regulators.

In response to a question Mr Meek reminded members that the HSE had to be satisfied with the data information submitted and the OGA must also be satisfied before they issue consent to drill.

Following the public speaking the Local member Councillor Liz Yates spoke on the application and highlighted the following issues:-

- This is not the first application in the area for this type of drilling.
- Due diligence will be given by the Committee.
- There has been some support for the application on the grounds of energy shortfalls in the future.
- However there were more in opposition to the application, especially due to the increase in HGV traffic as well as the unknown.
- The use of village roads by more and more HGV's is causing safety issues for more villages especially for Blyth which is a major route to the A1.
- The diversion routes from the A1 if there is an accident usually means the roads around this area are overcrowded and therefore there may be a need to reduce the national speed limits.

There were no questions

In response Mr Meek provided clarification that reducing the speed limited at the site entrance had been discussed with NCC Highways and they advised that it

was not necessary due to the mitigation provided by the proposed visibility splays.

The meeting adjourned from 4.50 pm to 5.00 pm

Following the speakers and comments by the officers, members debated the item and the following issues were raised:

The Chair moved the recommendation seconded by the Vice-Chairman for the purpose of allowing discussion on the item.

An amendment moved by Councillor Andrew Brown and seconded by Councillor Keith Walker

“That the item be deferred until the Committee has more Data available about the Mining in the area”

Members discussed the amendment and made the following comments

- The data is not something that the County Council has to consider in its deliberations it is the HSE that would come to an opinion on any data used by the company before issuing a licence.
- Could the HSE be asked about the data used in its deliberations before the Committee make a decision on the application?
- Could the Vehicle movement times be amended in the conditions to restrict HGV movements for a further 30 mins at each end of the school day.
- The HSE as a statutory consultee it seems used data from 1984 is this usual practice?
- It is therefore not in the remit of this authority to seek information that is not pertinent to the decision the Committee is being asked to make.
- Can more information be asked for with regard to whether the maps used by the HSE were the most up to date information from the Coal Authority?

Mr Meek informed members that there is advice in the Planning Practice Guidance and with the consultation response of HSE a statutory consultees is set out in paragraphs 131 -146 of the report.

Mrs Clack, Planning Committee’s legal representative was asked to clarify the position and advised that any decision to defer determination of the application to seek further information must be reasonable. This is a multi-regulatory regime and the Minerals Planning Authority must proceed on the basis that the other regulators, such as the HSE, would carry out their duties robustly. Any decision to defer or refuse the application must be on planning grounds. To defer on the basis of seeking information which the Planning Practice Guidance does not require, which a statutory consultee has not requested and which the County Council’s own officers do not consider necessary, would not be reasonable. This would give rise to the risk of an award of costs being made against the County Council on a successful appeal to the Secretary of State.

Following the advice given Councillor Andrew Brown withdrew the amendment

An issue was raised with regard to HGV's travelling through Blyth and whether there was a crossing near to the school and what status this was. It was highlighted that this was not an official crossing but a traffic calming measure with a refuge.

Councillor Jim Creamer moved an amendment seconded by Councillor Steve Calvert

"That the condition regarding no movement of HGVs during school start and finish times should be increased by 30 minutes to read 7.30am – 9.00 am and 3.00 pm – 4.30 pm"

On a motion by the Chair, duly seconded, the recommendations were put to the vote and upon a show of hands it was:-

### **RESOLVED 2017/009**

- 1 that the Corporate Director – Place be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure:
  - a) A designated route for all HGVs using the site; and
  - b) A driver code of conduct; and
  - c) A financial bond to underpin the surface level restoration of the site; and
  - d) The establishment and continuation of a liaison group for the life of the development.
- 2 that subject to the completion of the legal agreement before the 21<sup>st</sup> June 2017 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 attached as amended to prevent HGVs from accessing or leaving the site between 07:30 – 09:00 and 15:00 – 16:30.. In the event that the legal agreement is not signed by the 21<sup>st</sup> June 2017, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

### **WORK PROGRAMME**

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

**RESOLVED 2017/010**

That the Work Programme be noted

The meeting closed at 6.05 pm

**CHAIR**





**18 April 2017****Agenda Item:****REPORT OF CORPORATE DIRECTOR – PLACE****NEWARK AND SHERWOOD DISTRICT REF. NO.: 17/00187/CMW**

**PROPOSAL:** ERECTION OF 3 EXTERNAL BUNDED STORAGE TANKS; NEW ROLLER SHUTTER DOORS; INSTALLATION OF INTERNAL PLANT/EQUIPMENT INCLUDING ODOUR CONTROL UNIT WITH EXTERNAL FLUE; AND VARIATION OF CONDITIONS 4, 5 (WASTE STORAGE AND TREATMENT OPERATIONS); 6 (TO ALLOW 24/7 ACCESS FOR VEHICLES); AND REMOVAL OF CONDITIONS 12 AND 13 (PERMITTED DEVELOPMENT RESTRICTIONS) OF PLANNING PERMISSION 3/97/0654 TO ENABLE THE SITE TO TREAT DOMESTIC AND COMMERCIAL LIQUID WASTES.

**LOCATION:** EUROTECH ENVIRONMENTAL LIMITED, NORTHERN ROAD, NEWARK

**APPLICANT:** EUROTECH WASTE TREATMENT LIMITED

**Purpose of Report**

1. To consider an application seeking planning permission to install various items of processing plant/equipment and new roller shutter doors to an existing building, along with the variation of existing planning conditions at Eurotech Environmental Ltd, Northern Road, Newark. These changes are required so to enable the company to process and treat domestic and commercial liquid wastes on site.
2. The key issues relate to the sustainable management of waste and assessments of potential noise, odour and amenity impacts. The recommendation is to approve planning permission subject to the conditions in appendix 1.
3. In accordance with the Council's scheme of delegation the application is being reported to Committee as it falls to be determined against the Environmental Impact Assessment (EIA) Regulations by virtue of the type of waste processing envisaged.

## **The Site and Surroundings**

4. The site is situated on the Northern Road Industrial Estate in the north-eastern side of Newark and is the company base for Eurotech Environmental – the applicant company. The site fronts onto the western side of Northern Road and to the rear (west) is Northgate Station and the East Coast Main Line. The two station buildings are Grade II Listed. There are neighbouring light industrial and business units to the north, one of which is operated as a children's play centre (Jolly Jungle Playland). To the south is a large fitness centre (Sports Direct Fitness). A builder's merchants occupies a large site opposite (Turnbull's). The nearest residential properties are situated 70m to the east at Witham Close and Trent Way, which back onto the Turnbull's yard. The area is shown on plan 1.
5. The application site comprises a square plot of some 0.4 hectares, with one large and one smaller portal framed building, along with a single storey office building. These are served by a surrounding yard and vehicle parking area.
6. The main portal-framed building is centrally positioned facing onto Northern Road. It measures 30m by 15m and is 5m high to its eaves and 7.5m high to ridge. Three vehicle bays are open to the frontage whilst the southern end is enclosed and accessed through a large roller shutter door. The elevations are clad in a brown coloured sheet metal cladding above a lower red brick wall. The smaller building is sited on the site's southern boundary and is similarly clad in brown metal sheet cladding. The office building is positioned to the front and consists of a modular type building. Either side of this there are two vehicular gateways, one of which is currently unused.
7. The site is secured by green mesh fencing to the north and to the eastern frontage where there is also a small landscaping strip alongside the footway. The rear boundary with the railway and the southern boundary with Sports Direct are fenced with solid metal-panelled fencing. There are some self-set trees and scrubby vegetation on railway land to the rear.

## **Planning Background**

8. Planning permission was originally granted by the County Council, acting as the Waste Planning Authority (WPA), in 1997 for a 'Waste Transfer Facility' subject to 13 conditions. Subsequently the applicant implemented the permission by erecting the buildings and laying the hardstanding and drainage, however the company chose not to undertake the waste treatment operations on the site, with the exception of some limited transfer activities. Hitherto they have operated the site as their main HGV operating yard and offices.
9. The company operates a fleet of 13 HGV tankers which serve domestic and industrial customers, collecting liquid waste such as septic tank wastes, trade wastes such as from vegetable processers or bakeries, and oily waters such as those pumped from interceptors and sumps. Currently these waste products are taken to third-party processing sites such as local sewage treatment plants or specialist processors further afield.

## **Proposed Development**

10. The applicant now wishes to establish their own waste water treatment operation within the current building to enable the collected wastes to be pre-treated before final disposal either to the foul sewer system or for disposal/treatment elsewhere. Due to the terms of the conditions placed on the current planning permission, the applicant requires planning permission for the proposed internal equipment and external storage tanks, along with the installation of additional roller shutter doors to enclose the open frontage. Additional flexibility is also sought with respect to the permitted hours for HGV arrivals/departures and with respect to reinstating permitted development rights for future. A full schedule of the works and variations are set out below:

#### Erection of 3 external bunded storage tanks

11. These would be sited in a row to the rear (west) of the main building and they would be contained within a bunded/walled area to contain any tank failure or leak. To the wall would be fitted a vehicular protection barrier. The plans show the tanks would be 8m high and 4m in diameter. Two tanks would be used to hold waste effluent awaiting processing, with the third holding treated water awaiting disposal. Plans 2 and 3 show the proposed additions.

#### Installation of new roller shutter doors

12. The application proposes to fully enclose the partially-open frontage to the main building by the fitment of a further three roller shutter doors. This would ensure that the building can be kept closed except for the delivery or collection of wastes by HGV tanker and would assist in limiting noise and odour. Their colour has not been decided, but dark brown to match the building could be considered.

#### Installation of internal plant/equipment including odour control unit with external flue

13. A range of processing plant and equipment is envisaged within the fully enclosed building, comprising a series of tanks and screening/separating units using several methods of a physical or chemical nature. An odour control unit would form part of this installation which would require a small venting flue to the outside.

#### Variation of condition 4

14. This condition states:

*“There shall be no storage, emptying, transfer, processing or treatment of waste materials or their containers on open areas outside of the confines of the buildings and covered areas shown on Drawing No. 3 (Proposed Site Layout) submitted with the application.”*

The applicant seeks to vary this condition in a manner so to enable the installation of the external storage silos and to enable HGV tankers to unload to and from the silos by vacuum pump when parked outside. All treatment would take place within the building.

#### Variation of condition 5

15. This currently states:

*“Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to ‘permitted development’, the site and buildings shall not be used for any purpose other than for waste storage and treatment operations as described in the application.”*

The waste treatment operations as originally described (and which were not implemented) are now considered to be different to the originally envisaged technologies and methods. Officers are also of the view that this historic condition wording would benefit from review.

#### Variation of condition 6:

16. *“Except in case of emergency, which shall be notified to the CPA, in writing, no operations on the site in connection with the development hereby permitted shall be carried out at any time on Sundays, Bank Holidays or Public Holidays nor outside the hours of 7.00am to 7.00pm Monday to Friday and 7.00am to 2.00pm on Saturdays.”*

The applicant seeks to maintain the above hours for the transfer of wastes (to and from HGVs) and for the processing of such wastes. It however seeks additional flexibility to make a distinction for the movement (arrival and departure) of its HGV tankers on a 24/7 basis.

#### Removal of conditions 12 and 13

17. *“Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to ‘permitted development’ the building(s) shall not be extended without the prior consent of the CPA.”*

*“Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to ‘permitted development’ no buildings, plant or machinery, or structures or erections of the nature of plant and machinery shall be built, erected or placed on the land without the prior consent of the CPA.”*

The above conditions remove permitted development rights which may otherwise be available as set out in legislation. They currently restrict the ability to erect the external storage tanks and install internal plant and equipment, hence why these items are included in the application for planning permission. The applicant seeks clarity and potentially the removal of these conditions which would reinstate the permitted development rights relating to small scale additions and changes to this waste management facility.

#### Proposed Operations

18. The above changes would enable the site to operate as a liquid waste treatment and transfer facility. The facility would have a throughput of circa 25,000 tonnes of hazardous and 49,999 tonnes on non-hazardous waste per year. Initially the plant would process around 100 tonnes per day increasing to around 250 tonnes per day. The processing plant would be run during the currently permitted daytime hours in condition 6 above.

19. There would be two streams of treatment plant, one each for hazardous and non-hazardous wastes. The hazardous waste stream would include any oily or fuel contaminated waters. The non-hazardous stream would include septic tank and biological wastes. On arrival to the site waste liquids would be piped from the HGV tankers through a screening stage into a holding tank or direct into the processing stream. This effluent would be passed through a separator stage to remove any oils, solids and water. In the case of the non-hazardous stream slightly different techniques would be used to separate materials. The treated solid residues such as rags and grit would be collected in skips sited within the building. Sludge residues would be collected by vacuum tanker. Oils would be collected into an IBC container. All of these would then be collected for disposal off-site to suitable facilities. The treated waters would be suitable for discharging into the mains sewage network in accordance with the conditions of a trade waste effluent discharge consent from Seven Trent Water.
20. In terms of vehicle movements, the company currently operates a fleet of 13 HGV tankers which leave the site in the morning and return by evening, equating to 26 vehicle movements per day. The application states that it envisages that when the plant is operational the number of movements may rise by a further 20 daily movements, so totalling around 46 movements per day.
21. The operation would support the direct employment of approximately 19 members of staff and the expanded operations could potentially lead to additional employment numbers through growth of the company.
22. The WPA has deemed the application to fall within Schedule 1 of the Environmental Impact Assessment (EIA) Regulations by virtue of the type of waste processing envisaged. A proportionate Environmental Statement has been included which includes, inter alia, a noise assessment; an Odour Management Plan; a Site Investigation Survey; a drainage survey and a Heritage Impact Assessment.

## Consultations

23. **Newark and Sherwood District Council – No objection, but concerns raised.**

*The Council is concerned about the increase to the access being 24/7 and the impact on the already heavily trafficked junction with Sleaford Road/Beacon Hill Road and Lincoln Road and wish for the County Council to consult with the appropriate highways colleagues on the resulting impact.*

*It should be ensured that the flue is appropriately assessed with regard to its odour control and abatement within the surrounding area as there are residential properties which adjoin the industrial estate to the east of the site.*

24. **Newark Town Council – No objection.**

25. **Environment Agency – No objection.**

*This development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010, unless a waste exemption applies.*

26. **NCC Noise – No objection.**

*The context in this case is residential properties backing onto an industrial estate where there will be several other noise sources audible throughout the day. In addition, the East Coast Mainline is located to the west. The noise assessment has considered the impact of the proposed plant to be installed against the background noise levels at the nearest properties being on Witham Close approximately 120m to the east.*

*The worst-case Rating Noise level when effluent is being collected (which includes a combined 5dB penalty for impulsive and tonal noise) produces a noise level of 48-50dB. This gives a worst-case Rating Level of 5dB above background which indicates 'adverse impact' and 3dB above background when no collections are occurring, which is less than adverse impact. [These are within acceptable thresholds for the purposes of the assessment of noise under BS4142:2014]*

*The absolute level of noise at 45db LAeq,1hr [which excludes an impulsive and tonal noise penalty] also needs to be considered when discussing context and in this case, is less than the existing ambient noise levels of 48.9-51.2dB and is well below the WHO Guidance on Community noise threshold for the onset of annoyance of 50dB. As such the noise impact in this context would not be at such a level that could give rise to noise complaints.*

*The noise assessment has separately considered out of hours vehicle movements. Vehicles would simply arrive to park up on the site or depart the site and there would be no permitted off-loading or collection of effluent out-of-hours. The noise generated therefore would be akin to that of normal vehicle movements along Northern Road which being an industrial estate with many varying types of business and operation is likely to have vehicle movements, including HGVs, during the night.*

*To avoid disturbance, it is essential that the gate mechanism allows for smooth opening and closing without clanking/banging of padlocks/chains. Reversing alarms should be disabled outside of the operational hours and signage should be erected and information/training given to drivers.*

*Conditions are recommended to; specify permitted hours of processing; require doors to be kept closed except for vehicle movements; controls on reversing alarms; and to set a noise limit of 5dB(A) above background noise levels, backed up with intervention powers should complaints be subsequently received.*

**27. NCC Reclamation - No objection.**

*The supporting information has addressed the initial concerns raised during the screening opinion and with the exception of some queries there is no reason to oppose the application, indeed the reuse of the site is as the submission says a sustainable approach to waste management and as such should be supported.*

*The application is supported by a Phase 1 and Phase 2 site investigation which relies upon a respectable number of samples and the testing is reasonably comprehensive. The recommendations of the report should be followed. Some granular hardcore, although it has been tested, could contain unexpected contamination.*



*All tanker connection points will be within the bunded area of the tanks, discharge point. The drainage system has been investigated and from the report indicates a level of drainage integrity.*

*The Environmental Statement and Odour Management Plan address the potential odour issues. It is noted that there are occasions when airflows are from the northeast, or in temperature inversion conditions and hence receptors to the west of the site may present problems with odour.*

*Vehicle engines could be turned off whilst idling in the interests of air quality.*

**28. NCC Highways – No objection.**

*The information submitted indicates that the treatment plant will operate between 0700hrs to 1900hrs Monday to Friday and between 0700hrs to 1400hrs Saturday, and the applicant now requires permission for 24/7 vehicle movements. There are an additional 20 vehicle movements per day to the site as a result of this proposal. There are no alterations proposed to the existing access points.*

*In view of the location of the site, this is not expected to have a significant impact on the public highway, therefore, there are no highway objections.*

**29. NCC Built Heritage Team –No objection.**

*The Heritage Impact Assessment (HIA) accompanying the application correctly identifies the heritage assets in the vicinity that might be affected by the proposals. The Conservation Officer is broadly in agreement with the content of the HIA. It is reasonable to conclude that the proposals will have a less than substantial harmful effect on the setting of North Gate Station grade II listed building. The impact is a view of the tops of the tanks from the platform outside. This impact can be mitigated through the choice of colour of the tanks. A light blue/grey colour is recommended to blend with the skyline.*

**30. NCC Nature Conservation Team – No objection.**

*Satisfied that it is very unlikely to give rise to any significant, direct ecological impact, given the current use of the site and its location.*

*Indirect ecological impacts could potentially occur as a result of discharges to the water environment. Appropriate advice should be sought as to the suitability of the drainage arrangements, which should be secured through a condition.*

**31. Natural England – No objection.**

*The proposal is unlikely to affect any statutorily protected sites or landscapes.*

**32. Network Rail – No objection.**

*With reference to the protection of the railway, Network Rail has no objection in principle to the development, subject to requirements which must be met, due to the close proximity of an electrified railway. A Construction Method Statement should be subject of conditions for the reasons of the safety, operation and integrity of the railway.*

33. **National Grid (Gas)** - *Has identified apparatus in the adjacent footway.*
34. **Western Power Distribution** - *Has identified underground cables in the adjacent footway.*
35. **Severn Trent Water Limited** and the **NCC Flood Risk Management Team** have not responded. Any response received will be orally reported.

## **Publicity**

36. The application has been publicised by means of two site notices, a press notice and neighbour notification letters to five neighbouring businesses and to the 20 nearest residents at Witham Close and Trent Way, in accordance with the County Council's adopted Statement of Community Involvement Review.
37. Three letters of objection has been received from nearby residents raising the following points:
  - (a) Questions over the suitability of the site for a waste treatment plant;
  - (b) The site is too small to accommodate everything;
  - (c) Small businesses and a fitness centre are next door and a housing estate is about 200/250 yards away. Too close to the railway;
  - (d) On a very busy/congested road serving builder's merchant, car showrooms, gym;
  - (e) Lorry noise at night / proposed 24/7 working;
  - (f) Concerns about possible fumes or smoke;
  - (g) Concerns about odour;
  - (h) Potential lighting;
  - (i) Possible fire/explosion risk;
  - (j) Question what has changed since previous concerns were raised on the original application.
38. In accordance with the Environmental Impact Assessment Regulations a copy of the application and Environmental Statement has also be deposited with the National Planning Casework Unit acting on behalf of the Secretary of State.
39. Councillor Maureen Dobson has been notified of the application.
40. The issues raised are considered in the Observations Section of this report.

## **Observations**

### Principle of the development



41. The proposal relates to an established waste management company located within the main industrial and commercial area of Newark. Eurotech have been established in Newark for 25 years and established their present base on Northern Road following the grant of planning permission by this Authority in 1997. It is pertinent to note however that the treatment and transfer of waste has not been implemented as was the original intention. Instead the site has been used primarily as a base for the parking of the firm's fleet of HGV tankers as well as the site for the company offices. Whilst the full waste transfer operations were not developed, officers are satisfied that the 1997 planning permission was implemented and remains extant. The buildings, hard surfacing and drainage were completed and form the basis for the alterations sought in this proposal.
42. The application falls to be determined against the policies of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1: The Waste Core Strategy (WCS), the saved environmental policies of the Nottinghamshire and Nottingham Waste Local Plan (WLP) and any relevant District level policies contained within the Newark and Sherwood Local Development Framework documents. The National Planning Policy Framework (NPPF) and the National Planning Policy for Waste (NPPW) are material considerations.
43. The principle of a waste management facility has been established with the current planning permission, notwithstanding the fact that full operations have not to date been undertaken. Since then however waste policy has moved on and it is pertinent to note that the present WCS sets out a continuing requirement for additional waste treatment capacity within the County for the foreseeable future, particularly in order to deal with commercial and industrial wastes. There is an ever greater focus today on the sustainable management of waste and there is a County-wide target of achieving the recycling or composting of 70% of all waste by 2025. Policy WCS3 prioritises new or extended recycling facilities to support this aim.
44. The proposed operations would deal with a niche type of waste in which the firm specialises- liquid wastes. These can include septic tank wastes, waters from industrial users or food processors and oily liquid wastes from drainage systems, to give some examples listed in the application. Currently these wastes are tankered to local sewage treatment works or to other commercial facilities for treatment and disposal, sometimes involving substantial distance out of the area to destinations at Lincoln, Sheffield and Coventry. The applicant believes that such wastes can be treated or pre-treated at the Northern Road site thereby resulting in savings in vehicle mileage and disposal costs. Some treated waters would be suitable for discharge to mains sewer under the terms of a discharge licence, whilst others could still be disposed at sewage treatment works, but in a cleaner state so that less loading would be placed on the works in the first instance.
45. The application proposes a throughput of 75,000 tonnes per annum which can be construed as a large scale facility, albeit one sited on a medium scale plot. Whilst Policy WCS4 seeks to steer large proposals to the main Nottingham and Mansfield/Ashfield area, it should be recognised that this site is the company's established home from which its vehicles serve an established customer base in roughly a 25 mile radius. The site is also an entirely suitable one in terms of compliance with the general site criteria in Policy WCS7, it being on an

established industrial estate with good road access. Policy WCS8 also supports the redevelopment/improvement of existing facilities where this would increase capacity and improve waste management methods, which this new facility would.

46. Reference to District-level policies also sees support from Spatial Policies 1 and 2 (Newark and Sherwood Core Strategy) which identify Newark as the focus for sustainable growth and Core Policy 6 in terms of supporting the growth and investment plans of SMEs (Small and Medium Sized Enterprises) and enabling the expansion of the business and the generation of additional employment opportunities. Whilst strictly waste management uses fall outside of employment Use Classes (B1,B2 and B8) the development is broadly comparable and wholly compatible with Core Policy 6. The site also lies within the Newark Industrial Estate Policy Area as set out in the Newark and Sherwood Allocations and Development Management Policies Document. Policy NUA/E/1 encourages new employment development in this area but seeks to ensure there is satisfactory provision of access and parking; appropriate boundary treatment and screening of open storage areas and that development should not 'impact' on adjacent residential areas.
47. There is an operational, economic and sustainability rationale for developing the site further and for treating certain collected wastes on site. This will support and sustain the company and the jobs directly employed. The company's waste collection services clearly make a useful contribution to the sustainable waste management aims of the WCS and provide a service to domestic customers who are off mains sewerage as well as non-domestic customers generating contaminated effluents. The company is a specialist in handling these wastes and considers it can develop the business further with the current plans.
48. Objectors have questioned the suitability of the location for the proposed waste treatment operations, however in principle planning policy terms it is considered that there is a very strong and established case for the development to proceed. However the policy requires applications to demonstrate that the operations would not lead to an unacceptable impact to aspects of environmental quality or to the quality of life of those living and working nearby (Policy WCS13 and NUA/E/1). The saved policies of the WLP then deal with such individual impacts be that of noise, odour, water pollution and such like as may be relevant. These are considered further below before any overall conclusion is reached.

#### Traffic, Access and Parking

49. The site is situated on Northern Road which is a main route through the industrial estate. It is a straight road, lit and subject to 30mph speed limit. Footways are present on either side. The application site has two entrance gateways to the front, one of which will be reopened so to provide separate entrance and exit points for vehicles. There are areas for the parking of HGVs and for 20 employees' cars. The applicant's fleet of 13 tankers are typically parked on-site overnight.
50. The proposed treatment and transfer operation would involve the fleet of tanker HGVs, which in effect are already on the highway network in undertaking collections/ pump outs from customers and deliveries of wastes to disposal and

treatment facilities. Depending on the nature of the waste, currently this is taken to the local Sewage Treatment Works or, in the case of some trade effluents, taken further afield to locations including at Lincoln.

51. By being able to deal with and process liquid waste on-site the applicant will be able to reduce vehicle mileage and journeys to these treatment facilities. This results in commercial and operational benefits as well as environmental benefits in terms of savings on fuel and vehicle emissions. This approach complies with one aim of Policy WCS11 which seeks to promote the best use of the existing transport network and minimise the distances travelled in undertaking waste management. In this case it is impracticable to require investigation of non-road transport means, as the business is set up to serve a wide customer base.
52. Under the proposed business expansion plans and its new services, it is possible that the vehicle fleet would be able to serve more customers and undertake more collections. The applicant advises that an additional 20 daily HGV movements may be possible on a typical weekday in such a case. The applicant states that they can comfortably accommodate such movements and can avoid several tankers all arriving at the site at the same time as they are fitted with trackers enabling their positions to be monitored at the office. This provides the applicant with the ability to stall or divert drivers as they return to the site. The implementation of a one-way system on site would also help. The numbers of vehicles allowed on site is regulated by a HGV operator's licence, currently this allows for 15 HGVs on site.
53. Newark and Sherwood District Council, whilst not objecting, do raise concern with the potential impact on the already busy junctions of Northern Road with Lincoln Road and with Beacon Hill Road. Concern about the proposed 24/7 access is also noted but is not explained further.
54. The applicant does seek additional flexibility with the permitted hours of operation so to make an allowance for the HGV movements. The Highways Officer raises no objection to this variation or the application in general. Given its location on the industrial estate there are no highway reasons to refuse this, however consideration in terms of noise impact is considered further below.
55. WLP Policy W3.14 states that the likely vehicle movements to be generated need to be able to be satisfactorily accommodated on the highway network without causing unacceptable disturbance to communities. The assessment of this issue clearly shows that the site is suitable for the proposed operations, subject to noise and amenity considerations.

### Noise

56. Although situated on an established industrial and commercial estate, a residential area does lie in relative close proximity- the nearest properties are 120m to the east at Witham Close (measured building to building). The applicant has therefore commissioned a Noise Impact Assessment in accordance with the relevant British Standards.
57. The assessment has undertaken a baseline survey of noise at a site at Witham Close. The background noise was found to be influenced by traffic noise and some noise from the builder's merchants and from residences. Representative measurements were also taken on the application site of the tanker pumping

and HGV engine noises. Noise emanating from the proposed processing equipment has been calculated on the manufacturer's specifications and on a worst case scenario of all plant running simultaneously.

58. Taken together the assessment finds that the main noise sources generated would be from the running of the processing plant and the loading (pumping) and unloading of HGVs. The assessment finds that noise levels associated purely with the movement of HGVs in and out of the site is low (at residential receptors) when compared with ambient noise levels.
59. Measures are proposed to limit the escape of noise from the building and the site. In particular the open front to the building would be fully enclosed with new roller shutter doors and any small gaps would also be sealed. Unloading of HGVs would be done externally to the rear of the building, whilst the loading of processed liquids requiring transportation would take place with the HGV reversing into the building and the doors would be closed. There is no requirement for loading or unloading outside of the current permitted hours. The plant would only operate within the day time hours and the out of hours use of the site would be for vehicle movements only to allow increased business flexibility.
60. The noise assessment finds that the resultant noise generated from the proposed operations would be 43-45dB at the nearest residential properties which would be well below the ambient noise levels of 49dB in the middle of the day and 51dB in the evening. The County Noise Engineer concludes that this would not be at a level likely to lead to noise complaints and is also below the World Health Organisation guidelines/thresholds. On a different measurement of noise if a tonal or impulsive penalty was added to the equation to represent operation of plant and machinery then this would result in a Rating Noise of between 48-50dB which would be +3/+5dB above background noise of level of 45dB LA90 which is within acceptable thresholds. No objection is therefore raised, but conditions are requested to ensure the development and operations remain within the predicted noise levels.
61. With respect to allowing HGVs to arrive and depart at unlimited hours (but not to load/offload) the Noise Engineer is in agreement with the Noise Assessment that such traffic would be similar in nature to the existing traffic, including commercial traffic, using Northern Road at all hours. The only concern raised by the Noise Engineer is that vehicles arriving/departing out of hours should disable any audible reversing alarms (a condition is recommended) and the company should be mindful of noise as the gate is operated/locked.
62. In conclusion the assessment of noise has shown that the facility can be operated without leading to unacceptable noise impacts to nearby sensitive receptors and that subject to conditions the application complies with Policy W3.9 of the Waste Local Plan.

### Operating Hours

63. Operating hours are currently set out in condition 6 of the extant planning permission. These stipulate that 'operations' are undertaken between 7am to 7pm Mondays to Fridays and 7am to 2pm on Saturdays. The WPA considers that these terms currently apply to operations in the wider sense i.e. to include

vehicle/HGV movements. In response the applicant seeks to make a full allowance for such vehicles to allow flexibility. However all processing and loading and unloading would remain within the extant hours above.

64. The assessment of noise above shows that there is no noise or amenity justification for limiting the arrival and departure of HGVs and as such the proposal to de-restrict such movements should be agreed to within a revised condition. However this is subject to the further condition requiring reversing alarms to be disabled outside of the operational hours.

#### Odour/air emissions

65. Due to the nature and types of liquid wastes which would be transferred and treated in the proposed facility, there is some potential for fugitive odour releases from the site if not adequately controlled. The control of odour emissions though is primarily a matter which would fall under the Environmental Permitting regime with the Environment Agency. A permit will be required in order to operate the proposed facility. As a requirement of this odour would have to be contained within the site. Paragraph 122 of the NPPF makes clear that Planning Authorities should assume that pollution control regimes will operate effectively and planning authorities should focus on whether the development itself is an appropriate use of the land.
66. The layout and proposed operations have been informed by an Odour Management Plan which sets out a range of measures which would control odour and identifies any sensitive receptors. The Odour Management Plan acknowledged that there are sensitive residential receptors nearby at Trent Way and Witham Close and which are down-wind of prevailing conditions to the east. There are also residential properties at Lincoln Street to the west. The Odour Management Plan also advises that educational and leisure facilities can also be sensitive to odour, but that individuals can have a differing levels of sensitivity.
67. The Reclamation Officer has reviewed the Odour Management Plan and is broadly content that it addresses the potential impacts and identifies measures to control odour. It is noted that in certain meteorological conditions local residential receptors to the west, in Lincoln Street, could experience odour (if not controlled). Again the permit will require odour not to leave the site.
68. From a planning perspective the key point is that the operations would be undertaken within an enclosed building, with the doors kept closed. This would include when transfer is taking place into a waiting HGV tanker when reversed into the building. Deliveries to the site however would take place externally in the rear yard and would entail a straight-forward pumping between the vehicle and a storage tank. Filters would be used to stop odour releases.
69. The plant itself would have an inbuilt odour control unit to scrub releases to the air. Any solid residues arising from the processing would be stored internally in skips or containers. These would be sheeted or enclosed when taken away for disposal. The applicant has stated they do not propose to undertake the washing out of the inside of the HGV tankers on site. Only the exteriors would be washed. Staff would monitor and keep records of odour and a complaints procedure would be put in place so that action can be taken to correct any



problems. The Odour Management Plan would be a working document and continually reviewed alongside operations.

70. Policy W3.7 enables conditions to be imposed on any grant of planning permission to control odour. In order to give the WPA some authority of control over odour, conditions are recommended to require best practice measures to be employed to limit odour. These include ensuring that waste is only contained within the building, or within the dedicated storage silos, or within parked HGV tankers and for the maintenance of the odour control plant.
71. It is noted that one of the adjacent business units to the north is in operation as the 'Jolly Jungle Playland' and which includes a small external area. This use could be considered sensitive to odour, however no representation has been received from this business. Planning permission was granted (Ref 01/00144/FUL by Newark and Sherwood District Council) for the change of use to a children's adventure play unit in 2001, i.e. 4 years after the grant of permission for the waste transfer station at Eurotech. Like the present application this permission envisaged and included waste processing, albeit that this element was not subsequently undertaken. The current proposals would incorporate an odour reduction unit to scrub air before it is emitted via a proposed small flue. The plans indicate this being affixed to the northern elevation, however the final position can be controlled by a planning condition and the applicant has indicated the southern elevation (i.e. away from the neighbouring units) would be acceptable. The emissions would be fully regulated under the terms of an Environmental Permit to protect the environment and public health. As such it is considered that the application is not incompatible with the operation of the Jolly Jungle Playland.
72. In terms of other emissions to the air, the site is not within an Air Quality Management Area and the proposed operations are unlikely to generate any significant emissions to the local air environment, over and above those already generated by the current HGV movements. Good practice can ensure that idling vehicles are shut down. The chosen processing plant would also be electrically powered as opposed to using diesel generators.

#### Appearance and visual impact

73. The existing facility comprises a steel portal framed main building set back from the road frontage along with a smaller building to the southern boundary and a small office building to the frontage. The main buildings are of appropriate form and appearance in this setting and with the exception of the office building are clad in a dark brown coloured cladding. Modest changes and additions are proposed to the existing main building in terms of new doors and a flue as well as three silos sited to the rear.
74. The fitment of the roller shutter doors to the current openings is likely to improve the overall appearance of the building, subject to specifying a matching colour (dark brown) by planning condition.
75. The proposed flue is shown in the application plans extending up from the northern elevation of the main building to rise a metre above the roof ridge. This form of flue is acceptable in this context. A condition can be imposed to require

the flue to instead be sited to the southern end of the building and its final appearance can also be agreed by condition.

76. The storage silos to the rear have been proposed at 8m, at which height they would just exceed the ridge height of the building and could result in some glimpsed views from Northern Road. Views from the railway station to the west would be partly screened by scrubby vegetation and the boundary fence, but otherwise the silos would be an appropriate form of development in this industrial setting and they would not result in an unacceptable visual impact.
77. The applicant has since indicated that the silos could be reduced in height so that they would not exceed the height of the building and would be happy to control this by planning condition, along with the choice of colour. This is considered beneficial in terms of preserving the setting of the adjacent railway station listed buildings, as considered further below, and conditions are therefore recommended to agree and control these final details.
78. The proposals are designed so to ensure buildings, plant and associated storage areas are of satisfactory appearance, designed and located to minimise visual intrusion and impact to adjacent land in accordance with the terms of WLP Policies W3.3 and W3.4.
79. WCS Policy WCS15 seeks to ensure that new and extended waste management facilities incorporate high standards of design and landscaping. The site benefits visually from a landscape strip to the road frontage comprising amenity grass with occasional evergreen or ornamental shrub and which is considered adequate.

#### Residential and general amenity

80. As noted above, whilst the site is part of an established industrial and business estate, there is a residential area in proximity to the east. Objections to the application have been received from some of these nearby properties raising concerns such as odour and disturbance. No representations have been received from neighbouring businesses. Assessment of the application against matters of noise (including from traffic) and odour and visual impacts have been considered above and taken together indicate that residential amenity would not be significantly affected and can be safeguarded by planning conditions and the Environmental Permitting regime. The applicant has also confirmed there is no requirement for any additional external lighting.
81. During the course of the application it has also been noted that planning permission has been granted by Newark and Sherwood District Council for the erection of a warehouse building at the Turnbull's builder's merchant opposite (Ref 16/02101/FULM). This will lie partly opposite the Eurotech site and partly opposite the neighbouring Sports Direct fitness centre and will be around 7m high. Whilst this application has been assessed on the basis of the current site and surroundings, and found to be acceptable, the new warehouse building at Turnbull's would serve to provide additional screening of views and noise between the application site and some of the residential properties at Witham Close.
82. In conclusion the proposals would be designed and operated to ensure that the amenity of those living and working nearby would not be unacceptably affected

and thereby accords with Policy WCS13 of the Waste Core Strategy, Policy W3.14 of the Waste Local Plan and Policy NUA/E/1 of the Newark and Sherwood Allocations and Development Management Policies Plan document.

#### Drainage and containment

83. The facility was originally built as a waste transfer station and includes a concrete hardstanding externally and concrete floors within the building. There is a sealed drainage system with a connection to a foul sewer running under the rear yard. This system has an in-built Oil Water Interceptor to capture contaminants. Drainage sumps are installed within the building floor to capture any spills. The applicant has commissioned a full drainage survey of the site in advance of this application. This has found a number of defects which will require rectifying before operations can begin. In addition some areas of the hard surfacing have found to be worn and will be repaired and resurfaced where required. It will be a requirement of an Environmental Permit to ensure these arrangements meet current standards to ensure the waste operations are fully contained and protect the ground environment from possible pollution.
84. The three storage tanks proposed to the rear of the main building would be sited on sealed surfaces and would be within a bunded containment area, ensuring that any spillage or failure would be fully contained. A standard planning condition can also require this.
85. Processing plant would operate under supervision during day time only and it is anticipated that effluents and pre-treated liquids would be retained on site usually for no longer than 48 hours.
86. A range of other best practice measures have been set out in the application to ensure that contaminated liquids and oils are stored securely and to have in place appropriate contingencies to deal with spillages. The company is appropriately experienced in this field.
87. An accompanying Site Investigation Survey identifies the site is in an area of sensitivity in relation to groundwater resources due to the underlying Secondary A and B Aquifers. However after further intrusive surveys were undertaken the Phase 2 survey concludes that the risk of pollution to controlled waters from the site is considered to be low. No significant mobile contamination was found within the ground, however the Reclamation Officer recommends a precautionary condition to deal with anything unexpected. The site is not located in an identified flood risk area and is not identified as at high risk of surface water flooding. No surface watercourses are nearby.
88. WLP Policy W3.5 states that planning permission will not be granted where there would be an unacceptable risk of pollution to ground or surface waters unless this can be mitigated by engineering measures and management systems. Policy W3.6 enables the WPA to impose conditions to deliver such measures.
89. It is considered that the necessary drainage and containment arrangements would be put in place and that the applicant would have to secure and comply with an Environmental Permit to operate. The Site Investigation Survey works identify no significant constraints. A condition can be included to ensure the



drainage system is repaired and made good. The proposal therefore accords with Policies W3.5 and W3.6.

### Heritage Impact

90. The site is located within the commercial context of the Northern Road industrial estate. It is however visible from and within the setting of North Gate Railway Station situated to the rear which has two Grade II Listed Buildings. A Heritage Impact Assessment has been included. In addition to the station buildings there are a further four Grade II Listed Buildings within the wider 500m study area. Newark Conservation Area also enters into the study area, but does not extend to the station area or the industrial estate.
91. The assessment finds that the site is not visible from the Conservation Area and that the development would not change the industrial character of the area and would therefore not affect the significance of the Conservation Area.
92. With respect to the immediate setting of the Northgate Station Listed Buildings the assessment considers that the station's principle architectural interest lies in its western elevation (its frontage with Appleton Gate) as opposed to the operational side facing toward the application site. Historically its interest is in connection with the development of the railway in which it remains in use today. The application site can be seen in the context of later industrial expansion alongside the railway.
93. With respect to the siting of the proposed silos, the assessment assumes they would be no higher than the current building and therefore would not be overtly visible. It finds that views from platform 1 would be screened by modern waiting rooms on platform 2/3 and by the mixed trees and vegetation (and fencing) along the boundary of the site with the railway. The proposed scheme would not be readily experienced in relation to the significance of the listed buildings and the character of the site would be retained. Any additional noise or odour would be insignificant in context. As such it concludes that no harm to the significance or setting of the Listed Buildings would arise.
94. It should be noted however that the storage silos detailed in the core application documentation are proposed to be taller than assessed in the heritage statement (8m high verses 4m high) and would exceed the height of the site's main building (7.5m). It is also possible that the rather limited screening provided by the boundary trees could be removed by Network Rail and cannot be indefinitely relied upon. This has been drawn to the attention of the County Council's Built Heritage Conservation Officer.
95. The Officer has assessed the higher silos and finds that they would result in 'less than substantial harm' to the setting of the station buildings, which could be mitigated through careful choice of colour (possibly grey or light blue). Also as discussed above, the applicant would be willing to agree slightly lower silos, so that they would not exceed the ridge height of the building. This is likely to further reduce any setting impact, likely resulting in a neutral impact overall, subject to choice of colour.
96. WLP Policy W3.28 states that waste management development which would 'harm' the character, appearance, condition or setting of conservation areas or

listed buildings will not be permitted. However this is inconsistent with the more up to date and balanced approach of the NPPF at paragraphs 132 to 134.

97. Where less than substantial harm arises, paragraph 134 advises that this should be weighed against the *public* benefits of the proposal, which in this case can include the benefits of treating/pre-treating waste on site and not at the local sewage works, thereby freeing up capacity for the town. Thus the wider sustainability and public benefits are considered to outweigh any very limited heritage impact, which in any event could be fully mitigated from the final choice of silo. A planning condition can require details and colour of the silos to be agreed in advance, thereby discharging this Authority's duty to pay special regard to the desirability of preserving the heritage assets.

#### Employment

98. The company currently employs around 19 full-time members of staff. It anticipates that an initial two additional positions would be created to operate the proposed treatment facility, with further natural growth in staff numbers expected as the company expands and grows its customer base. There is Policy support to aid the growth of local businesses and facilitating sustainable economic growth is a key aim of the NPPF.

#### Ecological Impact

99. The proposed development is unlikely to lead to any significant direct effects to notable habitats or wildlife, as noted by the Nature Conservation Officer. The site is on the established industrial estate and is remote from any notable wildlife sites. The ground water environment would be protected by the design of the hard surfacing and drainage system. Policy WCS13 is satisfied in this respect.

#### Other Issues

100. The site backs onto the East Coast Main Railway line at North Gate Station. Network Rail request that a Construction Method Statement be required by planning condition for their approval. This would be most pertinent with respect to the installation of the proposed external silos which may require a crane lift and which would have to be undertaken in a 'fail-safe' manner so as to protect the operational railway.
101. From operation all materials would be securely stored within the buildings or within storage tanks. No LPG or solvents would be stored on site. Fuels and oils would be securely stored with appropriate secondary containment.
102. The risk of fire or explosions is not considered to be particularly significant particularly as it would deal with liquid wastes, as opposed to solid mixed wastes which may be readily combustible. Notwithstanding this the Environment Agency require fire prevention plans and measures to reduce the risk of fires as part of the permitting regime.

#### Review of planning conditions

103. The application seeks removal of conditions 12 and 13 currently which have the effect of removing permitted development rights for the site. The conditions prevent any extension to buildings or the addition of any plant, machinery or structures on the land. The reason given for the imposition of the conditions was 'to protect the amenities of the occupants of nearby property'.
104. Permitted Development rights are granted through legislation (The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and allow certain limited building operations without the requirement for applying for planning permission. The limits and rules depend on the use class of the land. As a waste management facility, if these rights were reinstated by removing conditions 12 and 13, the site would be able, under current legislation, to make limited extensions to buildings and install replacement plant and machinery, subject to various provisos such as height. These rights are granted by Parliament and there should be a clear justification in the circumstances as to why these should be denied to the site.
105. A condition, as amended, is recommended to govern hours of operation and additional conditions are recommended to control noise. The site would be regulated under an Environmental Permit. As such it is assessed above that the amenity impacts are acceptable and controllable. In terms of any impact to the general character of the area, it is considered that the restrictions are overly onerous in what is a commercial context. Other businesses in the area will have permitted development rights to undertake similar small changes and extensions.
106. It follows and it is therefore considered that there is no planning justification for maintaining the restrictions under conditions 12 and 13 and that these should not be carried forward onto any new grant of planning permission. The removal of these conditions would provide some limited flexibility to the applicant if changes were required, whilst maintaining local amenity and character.
107. In reviewing the remaining conditions, it is considered that condition 3 requiring implementation of landscaping can be removed, as this is established. Similarly conditions 9 and 10 requiring the drainage works can be removed, but can be superseded by a new requirement to ensure the drainage is made good (along with maintaining the drainage requirements of condition 8). Condition 4 (outside storage) can be amended as sought so to permit the storage of waste within the proposed silos, along with transfer to and from them. Standard condition 11 requiring bunded storage areas should be retained. Condition 5 is not considered necessary and can be superseded by a list of approved application documents. Hours of operation, as amended, are acceptable in updating condition 6. Separate and more detailed conditions controlling odour, noise, dust/litter can be included to replace condition 7.
108. Additional conditions to agree design details for the doors, silos and flue are recommended. A condition to protect the adjacent railway can be made. A condition can be made to limit the annual throughputs and a condition can ensure that the site is cleared of waste in the event of a prolonged closure.

## **Other Options Considered**

109. For the purposes of the EIA Regulations, the applicant has considered a range of equipment before choosing a preferred solution. The applicant has not considered alternative sites as the application site is already an established one, with an extant building and yard and has planning permission as a waste transfer facility. Thus the only other alternative would be to continue to transport waste for treatment at other third-party facilities, with associated implications for vehicle mileage and associated emissions. The County Council is under a duty to consider the planning application as submitted, but can seek by condition matters of detail.

## **Statutory and Policy Implications**

110. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### Crime and Disorder Implications

The site is secured with appropriate fencing/gates and the company has its only additional security arrangements.

### Human Rights Implications

111. 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 a residential area to the site. The proposals have the potential to introduce impacts such as odour and noise upon nearby residents and neighbouring businesses. However, these potential impacts are controllable and need to be balanced against the wider benefits the proposals would provide, including supporting the growth of a local Small to Medium Sized Enterprise and particularly with respect to providing a sustainable waste management service to the local area. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

### Implications for Sustainability and the Environment

112. The proposed treatment and/or pre-treatment of liquid wastes at the site would reduce the need to transport waste to third-party facilities, some of which are distant from the collection area. This would have consequential benefits in fuel and emissions savings. Suitable pre-treated effluent would be discharged into the mains sewer under the terms of a discharge licence. The pre-treatment of this material would mean that it would be in a cleaner state when reaching the local sewage treatment plant and so would be beneficial in reducing the processing load on the local plant serving the town. The treatment/processing operations would be controlled under the terms of an Environmental Permit to

control possible emissions to the ground or air environments or to human health.

113. There are no Children Safeguarding; Human Resource; Equalities; or Financial implications. There are no implications for County Council service users.

## **Conclusion**

114. The principle of the development has previously been established and the site is already in partial use by the applicant company. The proposals would support the growth and business plans of a local and experienced waste management company and is supported by Newark and Sherwood District Core Policy 6 and the sustainable economic growth aims of the National Planning Policy Framework.
115. The location on an established site within the industrial estate is wholly appropriate and supported by policies WCS7 and WCS8 of the Nottinghamshire and Nottingham Waste Core Strategy as well as Spatial Policies 1 and 2 of the Newark and Sherwood District Core Strategy and Policy NUA/E/1 of the Newark and Sherwood District Allocations and Development Management Policies Document.
116. The proposals to install and operate processing equipment are considered to comply with the waste management aims of the Nottinghamshire and Nottingham Waste Core Strategy in assisting with the recycling and collection of wastes, in this case liquid wastes, in accordance with Policy WCS3 and the waste hierarchy.
117. Environmental and amenity impacts are considered to be acceptable or can be managed in an acceptable manner through planning conditions as well as through an Environmental Permit which would be required to operate the processing facility. Representations from local residents and from consultees have been considered and, where appropriate, advice sought. Measures are included to limit noise, including through maintaining appropriate controls on hours of operation; odour, through measures within an Odour Management Plan; and pollution to the ground environment, through proper drainage and containment measures. The proposal is considered compliant with Waste Core Strategy Policy WCS13 and saved Waste Local Plan policies W3.14 (vehicle movements), W3.9 (noise), W3.7 (odour), W3.3/W3.4 (visual impact), and W3.5 (ground pollution). Less than substantial harm to the setting of two listed buildings is considered to be outweighed by wider public benefits arising and can be fully mitigated through agreeing design details by means of a planning condition.
118. The proposed development is therefore assessed to be sustainable in accordance with the aims of Policy WCS1 and is recommended for approval.

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

119. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; and the scoping of the application. The proposals and the content of the Environmental Statement have been assessed against relevant Development Plan policies, the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The Waste Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; liaised with consultees to resolve issues and progressed towards a timely determination of the application. The

applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

120. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

**ADRIAN SMITH**

**Corporate Director – Place**

## **Constitutional Comments**

Planning & Licensing Committee is the appropriate body to consider the content of this report.

[SLB 28/03/2017]

## **Comments of the Service Director - Finance (SES 31/03/17)**

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

## **Background Papers Available for Inspection**

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

## **Electoral Division and Member Affected**

Collingham – Councillor Maureen Dobson

Report Author/Case Officer

Joel Marshall

0115 9932578

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





## RECOMMENDED PLANNING CONDITIONS

### Commencement /notification

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

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

2. The 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.*

### Copy of permission

3. The applicant shall be responsible for ensuring that, from the commencement of the development, a copy of this permission, including all plans and documents hereby approved and any plans or documents subsequently approved in accordance with the permission, shall always be available at the site for inspection by the WPA during normal working hours.

*Reason: To ensure the development hereby permitted is carried out in accordance with the approved details.*

### Approved details

4. Unless where amendments are made pursuant to the other conditions attached to the permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:
  - a) Completed planning application forms and certificates received by the WPA on 15<sup>th</sup> December 2016.
  - b) Environmental Statement by EMS dated 12/12/16 and Supporting Planning Statement received by the WPA on 15<sup>th</sup> December 2016.
  - c) Location Plan (A4) received by the WPA on 15<sup>th</sup> December 2016.
  - d) Drawing Ref 2008915-DWG01-v1.2 'Site Plan c/w Proposed Tank Farm' dated and received by the WPA on 27<sup>th</sup> January 2017.
  - e) Noise Impact Assessment (NoiseAccess Ltd) dated December 2016 and received by the WPA on 15<sup>th</sup> December 2016.
  - f) Phase 1 and 2 Site Investigation Report (Ecus Ltd) dated November 2016 and received by the WPA on 15<sup>th</sup> December 2016.
  - g) Heritage Statement (Ecus Ltd) dated October 2016 and received by the WPA on 15<sup>th</sup> December 2016.

- h) Drawing titled 'Eurotech Newark Drainage Plan' dated 02.11.16 and received by the WPA on 15<sup>th</sup> December 2016.
- i) Drainage inspection report (Sub Group Ltd) dated 21/10/16 and received by the WPA on 15<sup>th</sup> December 2016.
- j) Odour Management Plan (amec foster wheeler) dated November 2016 and received by the WPA on 15<sup>th</sup> December 2016.

*Reason: For the avoidance of doubt and to define the permission.*

### **Design details**

- 5. Prior to their erection/installation, final details and specifications of the external silos shall be submitted to the WPA for its written approval. Such details shall include their dimensions, which shall seek to minimise their height and which in any event, shall not exceed 8 metres, and shall specify their colour and finish. Thereafter the silos shall be constructed in accordance with the approved specifications.

*Reason: In the interests of providing high quality design in accordance with Policy WCS15 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1-The Waste Core Strategy and in the interests of limiting adverse impacts to the setting of adjacent Listed Buildings in accordance with paragraphs 126-141 of the National Planning Policy Framework.*

- 6. Prior to its installation, final details, specifications and elevations of the proposed flue shall be submitted to the WPA for its written approval. Thereafter the flue shall be installed in accordance with the approved details.

*Reason: In the interests of providing high quality design in accordance with Policy WCS15 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1-The Waste Core Strategy and in the interests of limiting adverse impacts to the setting of adjacent Listed Buildings in accordance with paragraphs 126-141 of the National Planning Policy Framework.*

- 7. The new roller shutter doors detailed in the elevation detailed on drawing 2008915-DWG01-v1.2 'Site Plan c/w Proposed Tank Farm' shall be painted to match the colour and textural appearance of the existing building.

*Reason: In the interests of providing high quality design in accordance with Policy WCS15 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1-The Waste Core Strategy.*

### **Construction management**

- 8. A construction method statement for working in proximity to the railway shall be submitted to the WPA and shall have been approved in writing (in consultation with Network Rail- Asset Protection) prior to any excavations, piling, building or erections within 10m of the railway boundary taking place. The agreed method statement shall thereafter be followed in implementing such works.

*Reason: In the interests of maintaining the safety and operational integrity of the railway.*

9. If, during development, contamination in the ground not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to, and approved in writing by, the WPA detailing how this unexpected contamination shall be dealt with. The remediation strategy shall be implemented in accordance with the approved details and a validation report provided confirming that the remediation strategy has been successful.

*Reason: To ensure the protection of the ground environment in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.*

### **Hours of operation**

10. Except in the case of an emergency when life, limb or property are in danger (with such instances being notified in writing to the WPA within 48 hours of their occurrence), the following shall not take place except within the hours specified below:

	Mondays to Fridays	Saturdays	Sundays Bank/ Public Holidays
Operation of processing plant	7.00am to 7.00pm	7.00am to 2.00pm	Not at all
Waste transfer/ loading and unloading of HGVs	7.00am to 7.00pm	7.00am to 2.00pm	Not at all
Arrival and departure of vehicles	Un-restricted	Un-restricted	Un-restricted

*Reason: To minimise noise and other impacts associated with the operation of the site, and in the interests of local amenity to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1-The Waste Core Strategy.*

### **Drainage/ containment**

11. The foul and surface water drainage works as marked on drawing titled 'Eurotech Newark Drainage Plan' received by the WPA on 15<sup>th</sup> December 2016 along with impervious surfacing, shall be made satisfactory in accordance the recommendations of the drainage survey, received by the WPA on 15<sup>th</sup> December 2016 prior to the transfer/processing of waste at the facility and shall thereafter be maintained for the life of the development. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

*Reason: To ensure satisfactory drainage of the site is provided so to prevent pollution of the water environment in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste*

### **Storage/processing**

12. With the exception of the externally sited silos, parked HGV tankers, and general office waste bins there shall be no external storage of waste materials or their containers outside the confines of the building(s).

*Reason: In the interest of maintaining the satisfactorily appearance of the site in accordance with Policy W3.3 and W3.4 of the Nottinghamshire and Nottingham Waste Local Plan and in the interests of controlling odour and litter in accordance with Policies W3.7 and W3.8 of the Nottinghamshire and Nottingham Waste Local Plan.*

13. All processing operations shall take place within the building and all roller shutter doors and any other openings onto any façade shall remain closed during waste processing operations, except for the collection/delivery of waste. During waste collection/delivery, the doors will be opened upon entry and immediately shut when the vehicle has entered the building and prior to the transfer of waste occurring. The doors must then remain shut until the vehicle is ready to exit the building and shut again immediately once the vehicle has exited.

*Reason: In the interests of maintaining local amenity in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1-The Waste Core Strategy and in the interests of ensuring the satisfactorily appearance of the site and to control noise, odour and litter in accordance with Policies W3.3, W3.4, W3.7, W3.8 and W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

14. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, of the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

*Reason: To prevent pollution of the water environment in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.*

### **Noise**

15. Noise from the development shall not exceed the daytime level of 5dB(A) above the existing background noise level (including penalties) when assessed in accordance with BS4142:2014.

*Reason: To minimise noise and other impacts associated with the operation of the site, and in the interests of local amenity to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1-The Waste Core Strategy.*

16. Within 1 month of a request from the WPA, the applicant shall undertake and submit to the WPA for its written approval a BS4142:2014 noise survey to assess whether the noise level in Condition 15 is being complied with. In the event of the level being exceeded, the report shall include further measures to mitigate the noise impact to ensure compliance with the condition. These measures shall be implemented as approved within 1 month of approval. The noise assessment position(s) and methodology shall be agreed in advance with the WPA.

*Reason: To minimise noise and other impacts associated with the operation of the site, and in the interests of local amenity to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1-The Waste Core Strategy.*

17. In the event of a noise complaint associated with the movement/entry/exit of vehicles outside of the permitted operational hours of the development which the WPA considers to be justified, the applicant shall submit a noise report to the WPA which shall include measures to mitigate the noise impact. Any mitigation measures shall be implemented as approved within 1 month of approval by the WPA. The noise assessment position(s) and methodology shall be agreed in advance with the WPA.

*Reason: To minimise noise and other impacts associated with the operation of the site, and in the interests of local amenity to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1-The Waste Core Strategy.*

18. All vehicles under the ownership and control of the operator shall be fitted with broadband reversing alarms.

Notwithstanding the above, audible reverse alarms shall be disabled on any HGV that is moved on the site between the hours of 7pm to 7am. Instructions and/or appropriate signage shall be provided to inform HGV drivers.

*Reason: To minimise noise and other impacts associated with the operation of the site, and in the interests of local amenity to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire*

## **Odour**

19. Steps shall be taken to prevent the emission of malodours associated with the operation of the development hereby permitted, including but not necessarily restricted to, the following:
- a) full implementation of the recommendations of the Odour Management Plan received by the WPA on 15<sup>th</sup> December 2016;
  - b) the regular throughput and removal of potentially odorous waste at the site;
  - c) the installation and maintenance of roller shutter doors and the keeping of such doors closed except to allow the passage of vehicles entering or exiting the building, as detailed in condition 13 above;
  - d) the regular cleaning of all areas within the building;
  - e) installation and maintenance of an effective odour control system;
  - f) no parking of any vehicles loaded with un-sealed waste materials outside the buildings overnight or outside the permitted hours of working;
  - g) Twice daily monitoring of the site environs and maintenance of odour reporting forms/logs. If odour is detected during monitoring the source of the odour release shall be investigated and immediate action taken to avoid/ control the level of odour release from the site;
  - h) The sheeting or enclosure of all vehicles under the control of the applicant carrying waste either to or from the site and the issuing of such instructions to drivers.

In the event that these measures prove inadequate, then within one week of a written request from the WPA additional steps or measures shall be taken in order to prevent the release of odours from the site, the details of which shall have previously been submitted to, and approved in writing by the WPA.

*Reason: To minimise potential malodour in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Lighting**

20. All external floodlighting installed on the site shall be angled down and/or suitably shielded so as to ensure that it does not result in dazzle or glare to adjoining land users.

*Reason: In the interests of amenity and to comply with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1-The Waste Core Strategy.*

## **Controls on litter, dust etc**

21. Measures shall be employed to ensure that litter, dust and any deleterious materials generated from the site are kept to a minimum and contained within the site. Any waste materials escaping from the buildings shall be promptly



captured and returned to the buildings and the site otherwise kept in a clean and tidy condition.

*Reason: To prevent the airborne spread of litter leaving the site and in accordance with Policy W3.8 of the Nottinghamshire and Nottingham Waste Local Plan and in the interests of general amenity in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.*

### **Site capacity/throughput**

22. The maximum amount of waste material accepted at the site shall not exceed 74,999 tonnes per annum in total. A written record shall be kept by the site operator of the amounts of waste accepted and it shall be made available to the WPA within 7 days of a written request from the WPA.

*Reason: To ensure that impacts arising from the operation of the site do not cause unacceptable disturbance to local communities in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.*

### **Closure of the site**

23. In the event that the use of the site for the transfer and/or processing of waste should cease for a period in excess of 14 days then, within seven days of a written request from the WPA, the site shall be cleared of all stored waste and processed materials.

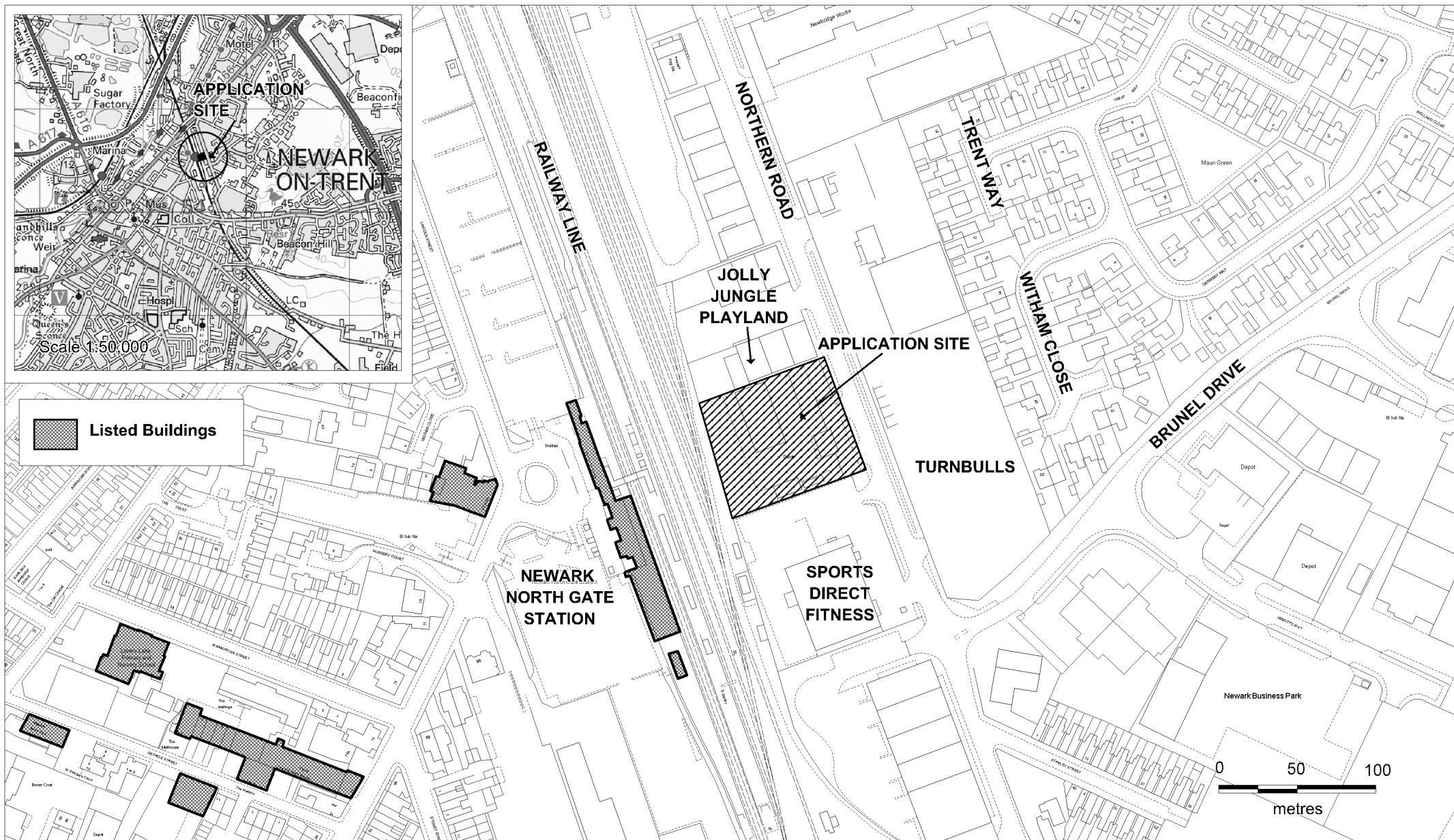
*Reason: In the interests of maintaining local amenity in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1-The Waste Core Strategy and in the interests of ensuring the satisfactorily appearance of the site and to control odour and litter in accordance with Policies W3.3, W3.4, W3.7 and W3.8 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Notes to applicant**

- (1) This development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency, unless a waste exemption applies. The applicant is advised to contact [RegulatedIndustryDNL@environment-agency.gov.uk](mailto:RegulatedIndustryDNL@environment-agency.gov.uk) to discuss the issues likely to be raised.
- (2) It is recommended that a review of the gate mechanisms is undertaken to ensure that they can be operated smoothly without disturbing neighbouring properties outside of operational hours. Upgrades and improvements are likely to reduce risk of any future enforcement action.



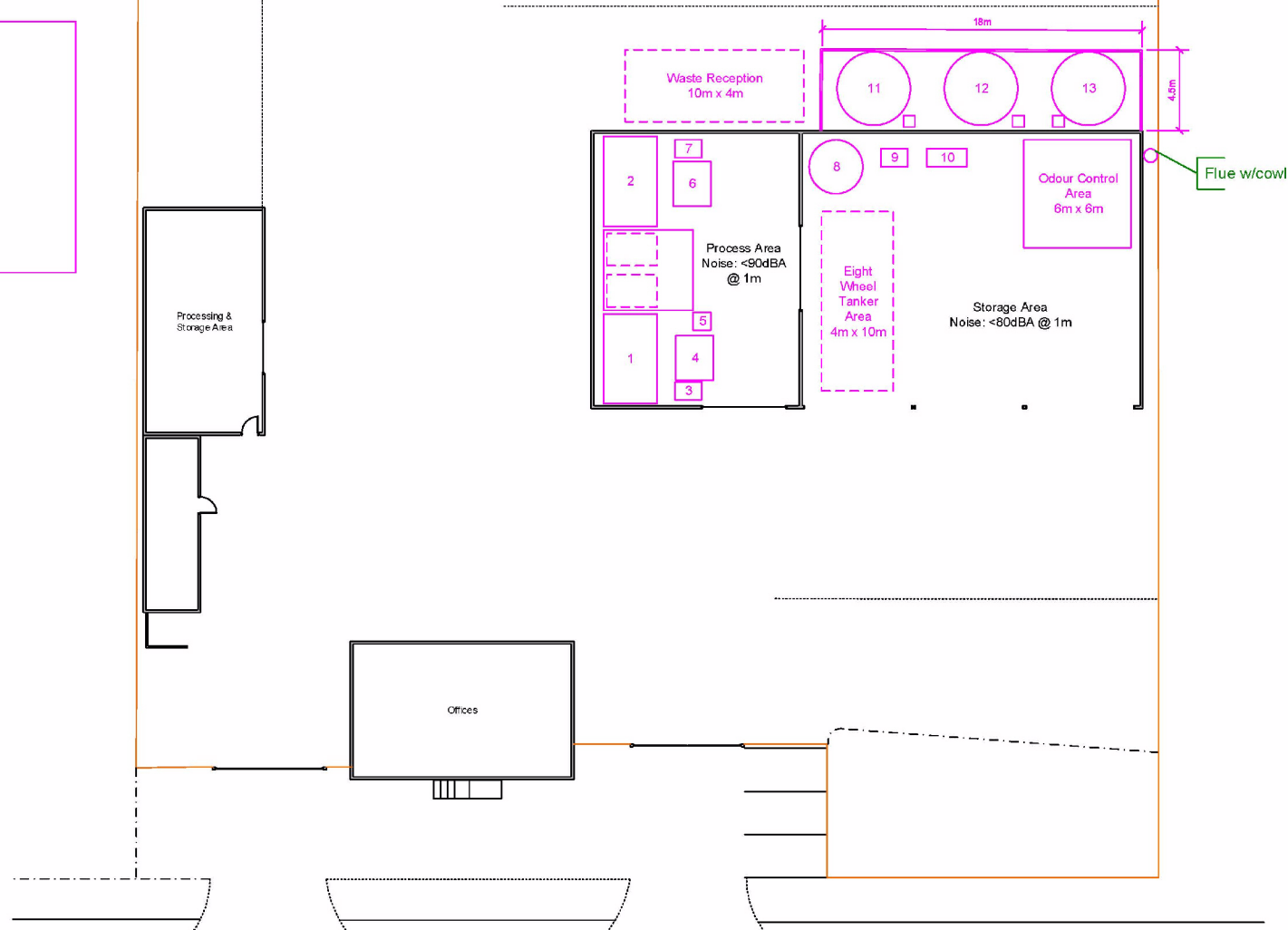
- (3) For the purposes of meeting the noise limits in condition 15 it is recommended that any gaps or openings within the main processing building are closed and made good.
- (4) Attention is drawn to the requirements of National Grid (Gas) who has identified that it has apparatus in the vicinity which may be affected by the activities specified. A copy of the response is appended.
- (5) Attention is drawn to the response of Western Power Distribution and the underground cables identified in the vicinity. Guidance for working in their proximity is included.
- (6) Attention is drawn to the response from Network Rail and condition No. 8 with respect to construction work in proximity to the railway.





# Tank Schedule

#	Description	Dimensions
1	Stream One Coarse Screen Receiving Unit & Pump	w5m x l3m x h3m
2	Stream Two Coarse Screen Receiving Unit & Pump	w5m x l3m x h3m
3	Stream One Sludge Transfer Pump	
4	Stream One Oil/Water Separator	w2.5m x l2.1m x h3.1m
5	Stream One Oil IBC	w1m x l1m x h1m
6	Stream Two Lamella Clarifier	w2.5m x l2.1m x h3.1m
7	Sludge Transfer Pump	
8	Combined Sludge Tank	3m dia (conical bottom)
9	Tanker Filler Pump	
10	Pumps from Balance Tanks	
11	Stream One Balance Tank w/dedicated mixer	4.1m dia x h8m
12	Stream Two Balance Tank w/dedicated mixer	4.1m dia x h8m
13	Treated Water Balance Tank w/dedicated mixer	4.1m dia x h8m



**Nottinghamshire  
County Council**

Erection of 3 external bunded storage tanks; new roller shutter doors; installation of internal plant/equipment including odour control unit with external flue; and variation of conditions 4, 5 (waste storage and treatment operations); 6 (to allow 24/7 access for vehicles); and removal of conditions 12 and 13 (permitted development restrictions) of planning permission 3/97/0654 to enable the site to treat domestic and commercial liquid wastes.

Eurotech Environmental Limited, Northern Road, Newark, Nottinghamshire.

Planning Application No. 17/00187/CMW

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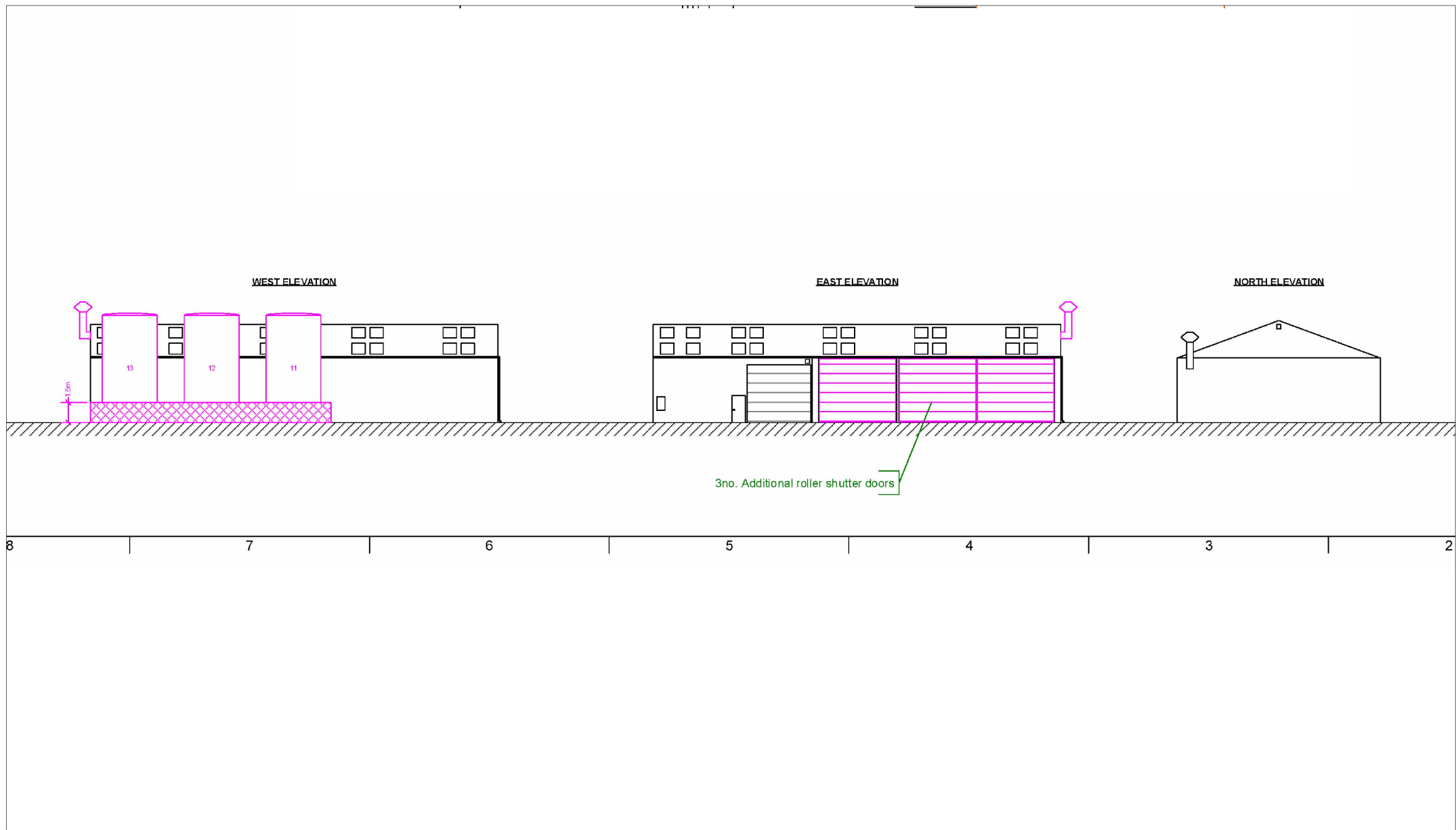
Not to Scale

Produced by: JW

Date: APRIL 2017

**PLAN 2**





**Nottinghamshire  
County Council**

Erection of 3 external bunded storage tanks; new roller shutter doors; installation of internal plant/equipment including odour control unit with external flue; and variation of conditions 4, 5 (waste storage and treatment operations); 6 (to allow 24/7 access for vehicles); and removal of conditions 12 and 13 (permitted development restrictions) of planning permission 3/97/0654 to enable the site to treat domestic and commercial liquid wastes.  
Eurotech Environmental Limited, Northern Road, Newark, Nottinghamshire.  
Planning Application No. 17/00187/CMW

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Date: APRIL 2017

**PLAN 3**





**18<sup>th</sup> April 2017****Agenda Item:****REPORT OF CORPORATE DIRECTOR – PLACE****BASSETLAW DISTRICT REF. NO.: 1/16/01785/CDM**

**PROPOSAL: VARIATION OF CONDITIONS 2 AND 5 OF PLANNING PERMISSION 1/14/00214/CDM TO EXTEND THE TIMESCALE FOR THE COMPLETION OF SAND EXTRACTION UNTIL 25TH AUGUST 2018 AND RESTORATION BY 25TH AUGUST 2019.**

**LOCATION: CARLTON FOREST QUARRY, BLYTH ROAD, WORKSOP, S81 0TP**

**APPLICANT: TARMAC TRADING LIMITED**

**Purpose of Report**

1. To consider a planning application to extend the agreed date for the completion of sand extraction within Carlton Forest Quarry until 26<sup>th</sup> August 2018 with the completion of restoration by 25<sup>th</sup> August 2019. The development does not raise any significant issues, other than to delay the final restoration of the quarry by a further one year and eight months. The recommendation is to grant planning permission, subject to planning conditions.

**The Site and Surroundings**

2. Carlton Forest Quarry and former landfill is located approximately three kilometres to the north east of the centre of Worksop, approximately 600m from the north eastern edge of the Town. The site lies to the west of, and is accessed directly from, the B6045 Blyth Road. (see Plan 1)
3. The site extends to approximately 18 hectares in area. Most of the site has been worked out and subsequently landfilled with imported non-hazardous waste and replanted with woodland habitat. The western extent of the site has not been restored and incorporates a comparatively small quantity (70,000 tonnes) of un-extracted sand. The overlaying soils have been stripped from the mineral in this part of the site. (See Plan 2)
4. The wider quarry site, including the land which incorporates the un-extracted mineral is located within a designated Local Wildlife Site known as Carlton Forest Sandpit (5/3361).
5. The surrounding area is predominately rural with agricultural fields and pockets of woodland contrasting with relatively small areas of industrial development and agricultural buildings. Peaks Hill woodland lies 250m to the west and Hundred Acre Wood lies 750m to the north east of the site. Agricultural fields lie

directly to the north and north-west. Carlton Forest Distribution Depot abuts the entire southern boundary of the site and the industrial units of Carlton Forest Industrial Estate are located to the north east off Red Lane. Various farm buildings lie to the east of the B6045.

## **Planning History**

6. Planning permission (N/59/59) was first granted in 1952 for the extraction of sand from the northern part of the site, with limited restoration conditions requiring grading of the quarry floor and returning to agricultural use.
7. In 1980 a further permission ref. 1/59/79/67/D was granted to extend workings into the land to the west and south, again envisaging restoration to agriculture by appropriate grading and soil replacement.
8. In 1986 planning permission (ref. 1/59/86/1C) was granted to infill the northern area with waste materials. The supporting restoration scheme provided for the planting of commercial softwoods on the north of the landfill; amenity woodland on the plant-site area; and agriculture on the more westerly extension. The consent was time limited to December 1992.
9. In 1995 permission was granted (ref: 1/59/93/41) to extend the duration of the development to allow mineral extraction until 20 December 2011 and the completion of landfill operations time limited to 20 December 2015, thereby establishing a 4 year offset to allow for the completion of landfill following the completion of extraction.
10. A further planning permission was granted in 2011 (ref: 1/59/11/00069/V) to allow the continuation of sand extraction for an additional one year period until 20 December 2012, but retaining the end date for the completion of landfill.
11. Finally planning permission was granted in 2014 (ref: 1/14/00214/CDM) to further extend the time period for completion of sand extraction up to 20th December 2016. As part of this planning permission the operator altered the restoration scheme for the site, relinquishing the option to restore the site by landfill in favour of retaining the low-level topography of the worked out void and restoring this part of the site to a heathland habitat.
12. The quarry is currently mothballed and no mineral has been removed from the site since before 2014.

## **Proposed Development**

13. The application seeks to vary conditions 2 and 5 of planning permission 1/14/00214/CDM to extend the timescale for the completion of sand extraction until the 25<sup>th</sup> August 2018 and subsequently complete restoration of the site by 25<sup>th</sup> August 2019.
14. The planning application states that sand reserves are in the region of 70,000 tonnes and it will not be possible to complete the extraction by the currently

permitted deadline. The requested deadline ties in with the expiry date of the applicant's lease for the site.

15. There are no proposals to vary any other element of the permitted development and the applicant wishes to maintain all existing environmental protection measures in place. Access to the site will remain unchanged along the existing access off the B6045 Blyth Road. The HGV movements associated with the development would also remain similar with extraction over a 1 year 8 month period equating to an average of 16 HGV movements per day (8 in and 8 out), but with potential for some higher traffic numbers if there was some fluctuation from this average.

## **Consultations**

16. **Bassetlaw District Council:** *Raise no objections.*
17. **Carlton in Lindrick Parish Council:** *No representation received.*
18. **Environment Agency:** *Raise no objections*
19. **NCC (Highways):** *Raise no objections on the basis that the proposals would not create a significant impact on the highway network.*
20. **NCC (Nature Conservation):** *Raise no objections to the planning application to extend the time on the basis that all other details remain unchanged.*
21. **NCC (Landscape):** *Raise no comments from a landscape and visual amenity point of view on the basis that the development relates to an extension of time and does not affect the agreed restoration scheme for the site.*
22. **Western Power Distribution, National Grid (Gas), Severn Trent Water Limited:** *No representations received.*

## **Publicity**

23. The application has been publicised by means of site notice, press notice and neighbour notification letters posted to 9 local properties surrounding the site in accordance with the County Council's adopted Statement of Community Involvement Review. No representations have been received.
24. Councillor Allan Rhodes has been notified of the application.
25. No issues have been raised.

## **Observations**

26. The 1995 planning permission authorised the extraction of approximately 750,000 tonnes of material over a 16 year period at up to 50,000 tonnes per annum. The amount of mineral remaining at the site (70,000 tonnes) is therefore comparatively small compared to the size of the development originally granted planning permission.

27. The application seeks an extension of time to enable the working of this remaining 70,000 tonnes of material. The requested end date (25<sup>th</sup> August 2018) would tie in with the termination of the applicant's leasehold interest in the site. The lease stipulates that the restoration obligations for the site are the responsibility of the landowner FCC Environment.
28. The sustainable development objectives set out in the adopted Minerals Local Plan (MLP) Policies M2.1 and M2.2 are considered to apply in this case. These policies seek to ensure that minerals are worked sustainably and in particular ensure that mineral resources are not unnecessarily sterilised. The merits of this application considered against the above policies are that the site is already fully developed in terms of on-site and access infrastructure. Requiring the early cessation of operations and the restoration of the site – including the removal of infrastructure would effectively sterilise mineral resources and therefore be contrary to the above policies. On this basis, the extension of the timescale to allow the removal of the remaining mineral from the site is considered to comply with the requirements of MLP Policies M2.1 and M2.2. The development would also comply with emerging policy within the Replacement Minerals Local Plan Submission Draft (RMLP), notably Policy SP1 concerning Sustainable Development and paragraph 1.1 which states that 'Sustainability *also means safeguarding mineral resources from unnecessary sterilisation*'.
29. Looking at the wider area under the context of the MLP and RMLP, it should be noted that land directly to the north of the site is allocated for mineral extraction under MLP Policy M7.5 and this has been carried forward into the RMLP within Policy MP3b. No planning application has been submitted for this allocation.
30. The planning application seeks to vary just the deadline for completion of extraction/restoration and does not alter any other element of the permitted development. The environmental effects of the permitted development were assessed in 2014 wherein it was concluded that adverse impact would not occur. This conclusion remains valid. In summary the 2014 planning assessment concluded that:
- a. Although the Carlton Forest Quarry is designated as a Local Wildlife Site, the area of proposed mineral workings is predominantly clear of habitat with only limited revegetation. The restoration scheme for the site would create new habitat in this area, as well as providing scope to retain areas of ecologically important habitat that have regenerated naturally during the period that the quarry has been mothballed. The approved restoration scheme provides heathland habitat in favour of woodland planting which has been incorporated into previous restoration phases. This approach is consistent with Local Biodiversity Action Plan Targets and MLP Policy M4.13 which prioritise the creation of new heathland habitat in the restoration of Sherwood Sandstone quarries. Overall the delivery of the approved restoration scheme would provide significant ecological benefit, off-setting any short term disturbance which may occur as a result of extracting the mineral. MLP Policy M3.20 and Policy DM4 of the Replacement Minerals Local Plan (Submission Draft) (RMLP) only permit development within Local Wildlife Sites where the importance of the development outweighs the local ecological value of the site, taking account of the measures to mitigate and compensate for the loss of habitat delivered through the restoration of the site it is concluded that these policy requirements are satisfied.

- b. With specific regard to the effect the development would have on any future designation of the Sherwood Forest Area as a Special Protection Area (pSPA), the extraction of the remaining mineral from the site is not anticipated to affect populations of woodlark or nightjar in the surrounding area and therefore no significant harmful impacts are anticipated to any future SPA designation in the area.
  - c. The low level restoration of the site to a heathland habitat would not result in any adverse impacts on visual amenity or landscape quality, provided that appropriate planting and landscaping in accordance with the conceptual scheme submitted with the planning application is undertaken, thus ensuring MLP Policy M4.4 concerning landscape protection and enhancement and RMLP Policy DM5 concerning landscaping character are satisfied.
  - d. To accord with the requirements of MLP Policy M4.9, a condition will be imposed on the permission requiring the site be subject to five years aftercare management.
  - e. A planning condition is present on the existing planning permission preventing quarrying operations going below 34m AOD. The application does not propose to exceed this depth and accordingly the Environment Agency has not objected on the potential impact to ground waters. This existing condition will be rolled forward in accordance with the requirements of MLP Policy M3.8 and RMLP Policy DM2.
31. The site has operated over the past 20 years without complaint and so it is considered that further working to allow the completion of the development should not result in any adverse environmental impacts. The existing conditions attached to the planning permission control operations which have potential to injure local amenity and the environment and it is recommended these are taken forward on any new planning permission.
32. It is therefore concluded that this extension of time request to allow approximately one year and eight months additional time to remove the remaining mineral and restore the site is an acceptable timescale to avoid the unnecessary sterilisation of mineral.

### **Other Options Considered**

33. 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**

34. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

35. Sustainability and the Environment: These matters are considered within the observations section of the report wherein it is concluded that that development would avoid the sterilisation of mineral and therefore represent a sustainable scheme for working the mineral reserve.
36. Crime and Disorder Implications: The development is for an extension to timescales for the completion of an existing development. There is not considered to be any additional crime and disorder implications arising from this development.
37. Implications for Service Users, Financial Implications, Equalities Implications: Safeguarding of Children Implications, Human Resources Implications: None arising.
38. Human Rights Implications: Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

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

39. In determining this application the Mineral Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **RECOMMENDATIONS**

40. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

**ADRIAN SMITH**

**Corporate Director – Place**

### **Constitutional Comments (SLB 27/03/2017)**

Planning & Licensing Committee is the appropriate body to consider the content of this report.

### **Comments of the Service Director - Finance (SES 22/03/17)**

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

### **Background Papers Available for Inspection**

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

### **Electoral Division and Member Affected**

Worksop North East and Carlton: Cllr Alan Rhodes

Report Author/Case Officer

Mike Hankin

0115 9932582

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





**RECOMMENDED PLANNING CONDITIONS**

1. This permission is for the completion of 70,000 tonnes of mineral extraction and associated processing within the area edged red on Plan 1: Location Plan received by the Minerals Planning Authority (MPA) on 20<sup>th</sup> December 2016.

*Reason: To define the permission and for the avoidance of doubt.*

2. All sand extraction, processing and export of mineral from the site shall cease on or before 25<sup>th</sup> August 2018.

*Reason: To ensure the development is completed within an appropriate timescale.*

3. The development hereby permitted shall only be carried out in accordance with the following documents, unless otherwise agreed in writing with the MPA, or where amendments are made pursuant to the other conditions below;

- a) Planning Application forms received by the MPA on 9<sup>th</sup> December 2016;
- b) Supporting Statement (amended) received by the MPA 6<sup>th</sup> March 2016;
- c) Drawing no. Plan 1 titled 'Location Plan' received by the MPA on 20<sup>th</sup> December 2016;
- d) Drawing No. 345R128A Revision A – Conceptual Restoration Details received by the MPA on 18<sup>th</sup> April 2014;

*Reason: To define the planning permission and for the avoidance of doubt.*

4. The site shall be restored in accordance with the details shown on Drawing No. 345R128A Revision A – Conceptual Restoration Details received by the MPA on 18 April 2014, as amended by details to be submitted under Condition 7 below.

*Reason: To ensure the satisfactory restoration of the site.*

5. Restoration of the site, including the removal of all buildings, structures, plant and machinery except those authorised under separate consent or as approved under Condition 7 below, shall be completed within 1 year of the completion of mineral extraction or by 25<sup>th</sup> August 2019, whichever is sooner. The date of completion of mineral extraction shall be notified to the MPA within 7 days of completion.

*Reason: To ensure the satisfactory restoration of the site.*

6. Within 12 months of the date of this permission, a scheme shall be submitted for approval in writing by the MPA setting out measures to minimise damage to the existing landfill cell caused by surface water run-off. The scheme shall provide for the appropriate drainage of surface waters to ensure that the slopes are maintained in an effective condition and not eroded. The approved scheme shall be implemented as part of site restoration operations and shall be completed in accordance with the timescales set out in Condition 5 above.

*Reason: For the protection of the environment and to ensure that the integrity of the landfill is not compromised in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

7. Within 12 months of the date of this permission, a scheme for the final restoration of the site shall be submitted to the MPA for its approval in writing. The scheme shall be based on the concept details shown on Drawing No. 345R128A Revision A – Conceptual Restoration Details, received by the MPA on 18 April 2014 and should include, but not necessarily restricted to, the following;

- a) Identification of areas suitable for incorporating micro-topographical features such as humps and hollows, banks and berms, patches of bare ground and areas suitable for natural regeneration and/or seeding;
- b) Tree and shrub planting proposals including numbers; species; proportions and density and seed mixes including proposed sowing rates;
- c) An aftercare scheme and schedule of maintenance for a period of 5 years;
- d) Details of the restoration of areas currently occupied by buildings, structures and associated access roads and hard standings except where necessary for retention for access/maintenance purposes, details of which shall be provided;
- e) A scheme of restoration for the inert materials recycling facility authorised under Planning Permission 1/59/00/26 dated 18/10/2000.

The scheme shall be implemented as approved and in accordance with the timescales detailed under Condition 5 above.

*Reason: In the interest of amenity, biodiversity and to ensure the satisfactory restoration of the site in accordance with Policy M4.4 of the Nottinghamshire Minerals Local Plan.*

8. Restoration planting shall be undertaken during the first seeding and planting season following approval under Condition 7 above. Any seeding and planting that dies or becomes diseased, damaged or removed within 5 years shall be replaced during the first planting season thereafter with others of similar size and species unless the MPA gives written consent for a variation to be replanted.

*Reason: To ensure proper restoration of the site, in accordance with Policy M4.4 and M4.9 of the Nottinghamshire Minerals Local Plan.*

9. All hedgerows, shrubs, trees and fencing which border the site shall be retained and maintained for the duration of operations, restoration and aftercare.

*Reason: In the interests of visual amenity and to ensure compliance with Policy M3.4 of the Nottinghamshire Minerals Local Plan*

10. Details of any additional gas and leachate boreholes, and their routes and specifications including any ancillary equipment shall be provided to the MPA prior to installation. Any additional works shall be carried out only in accordance with the approved details.

*Reason: In the interests of visual amenity and to ensure the satisfactory restoration of the site in accordance with Policy W3.7 Nottinghamshire and Nottingham Waste Local Plan*

11. Except in emergencies when life, limb or property are in danger and which are to be notified to the MPA in writing within 48 hours of their occurrence, no plant or machinery shall be operated, vehicles loaded, or moved into or out of the site in connection with the development hereby permitted except between the hours of 07:00hrs – 17.00hrs Monday to Friday and 07:00hrs – 14:00hrs Saturdays. No operations shall take place at all on Sundays, Public or Bank Holidays.

*Reason: In the interests of residential amenity in accordance with Policy M3.5 Nottinghamshire Minerals Local Plan.*

12. Dust emissions from the site shall be controlled to ensure that fugitive dust is prevented from leaving the site boundary. Dust controls measures shall include taking all or any of the following steps as appropriate:

- a) The use of water bowsters and/or spray systems to dampen stockpiles and internal haul roads;
- b) Upon the request of the MPA the temporary cessation of quarrying operations during periods of excessively dry and windy weather.

In the event that the above measures prove inadequate to control dust arising from the operation of the development hereby approved, then within 28 days of a written request from the MPA, the applicant shall submit a scheme to mitigate the dust impact of the development. The dust mitigation scheme shall thereafter be implemented in full within 28 days of the written approval of the MPA.

*Reason: To minimise dust disturbance at the site and to ensure compliance with Policy M3.7 of the Nottinghamshire Minerals Local Plan.*

13. Measures shall be taken to ensure that no vehicle leaves the site in a condition whereby dirt, mud and other deleterious may be brought onto the public highway. Such measures shall include the provision of regular sweeping and cleaning of the access road, vehicular circulation routes and the adjacent public highway. In the event that such measures prove inadequate, then within one month of a written request from the MPA, a scheme including revised and additional steps or measures to be taken in order to prevent the deposit of materials upon the public highway shall be submitted to the MPA for its approval in writing. The approved steps for the protection of the surrounding roads shall be implemented within two months of approval and thereafter maintained at all times.

*Reason: In the interests of highway safety in accordance with Policy M3.12 of the Nottinghamshire Minerals Local Plan*

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent amended legislation, no buildings, fixed plant, or machinery, other than approved by this permission, shall be erected or placed on the site without the prior written approval of the MPA.

*Reason: To enable the MPA to control the development and to minimise impact on the amenity of the local area, in accordance with policy M3.3 of the Nottinghamshire Minerals Local Plan.*

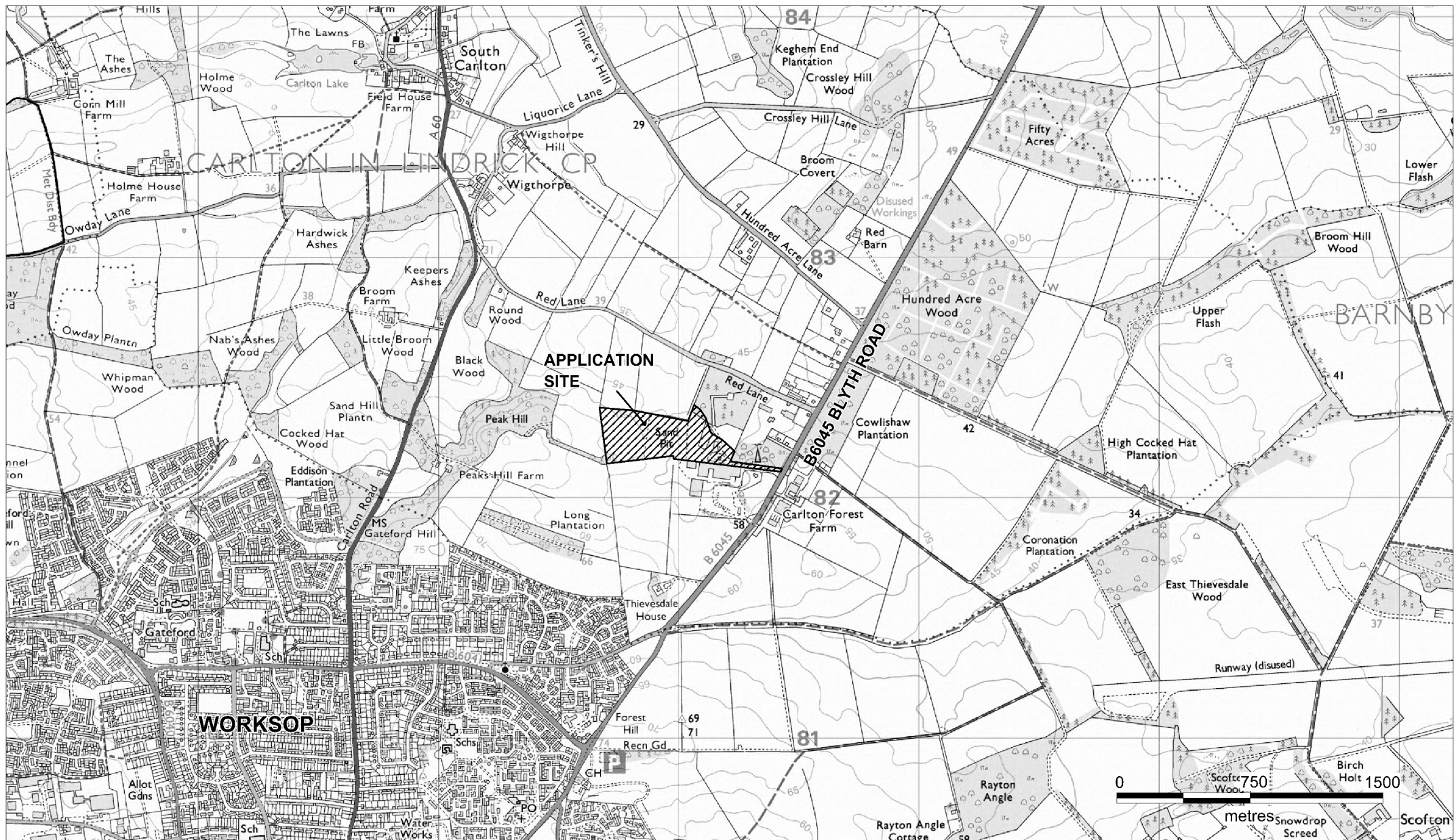
15. Sand extraction shall not take place below 34.0 metres above ordnance datum.

*Reason: In order to protect groundwater quality in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan*

13. **Informatives/notes to applicants**

Your attention is drawn to the Standing Advice from The Coal Authority dated 1<sup>st</sup> October 2008, set out below.





**Nottinghamshire  
County Council**

Variation of conditions 2 and 5 of planning permission 1/14/00214/CDM to extend the timescale for the completion of sand extraction until 25th August 2018 and restoration by 25th August 2019.  
Carlton Forest Quarry, Blyth Road, Worksop, Nottinghamshire.

Planning Application No. 1/16/01785/CDM

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Scale: 1:30,000

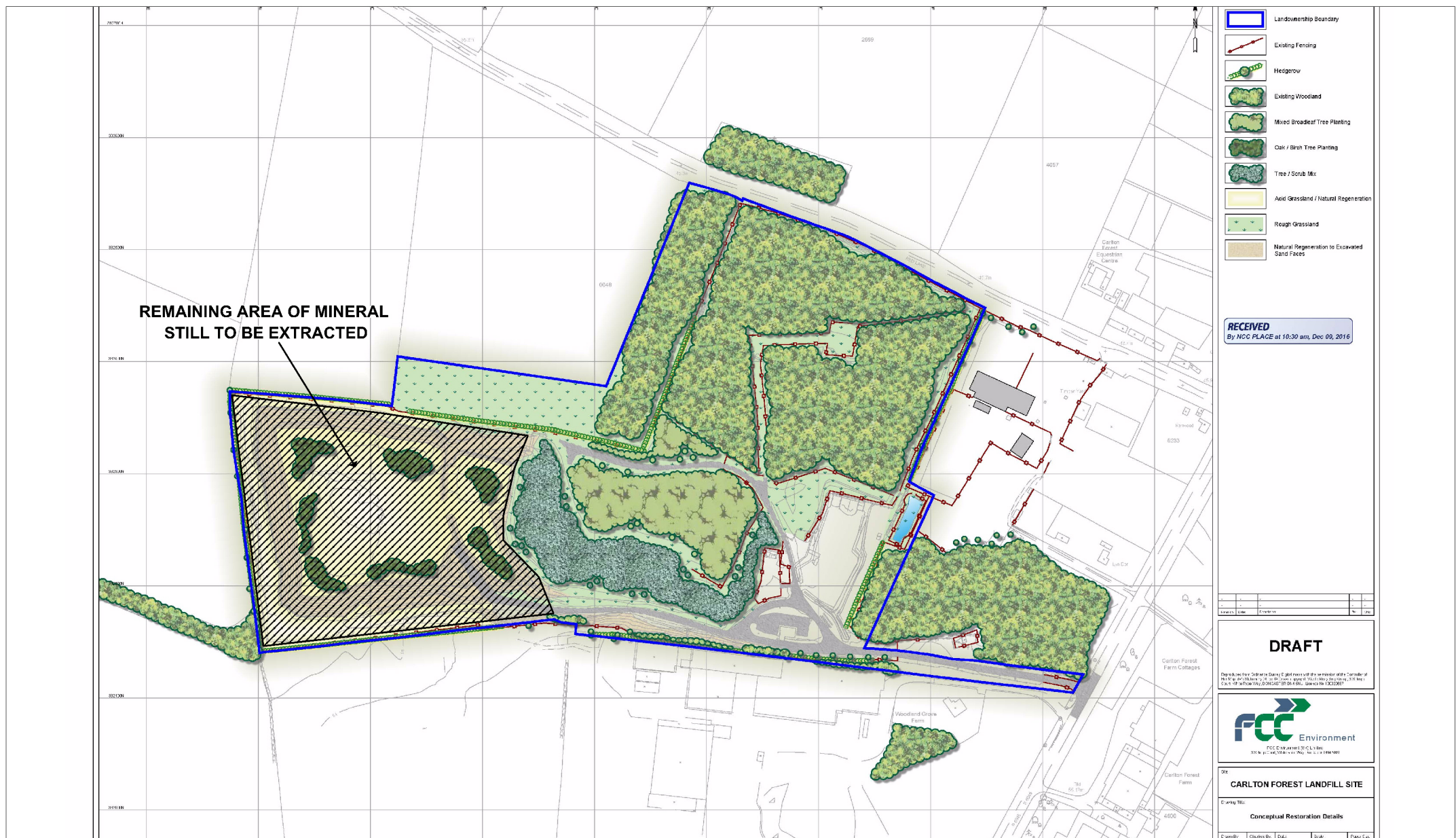
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Date: APRIL 2017

**PLAN 1**







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Date: APRIL 2017



**18<sup>th</sup> April 2017****Agenda Item:****REPORT OF CORPORATE DIRECTOR – PLACE**

**PROPOSAL 1: VARY CONDITIONS 8 AND 9 OF PLANNING CONSENT 3/98/0800 TO ALLOW AN EXTENSION TO THE DURATION OF QUARRY WORKINGS UNTIL 31<sup>ST</sup> DECEMBER 2035 (CURRENTLY 31<sup>ST</sup> AUGUST 2016) WITH FULL SITE RESTORATION TO BE COMPLETED BY 31<sup>ST</sup> DECEMBER 2036. THE SUBMISSION ALSO INCORPORATES AN INTERIM RESTORATION SCHEME RELATING TO LAND TO THE SOUTH OF THE PLANT SITE.**

**NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/16/01341/CMM**

**PROPOSAL 2: VARY CONDITIONS 7 AND 8 OF PLANNING CONSENT 3/04/00394/CMM TO ALLOW AN EXTENSION TO THE DURATION OF QUARRY WORKINGS UNTIL 31<sup>ST</sup> DECEMBER 2035 (CURRENTLY 31<sup>ST</sup> AUGUST 2016) WITH FULL SITE RESTORATION TO BE COMPLETED BY 31<sup>ST</sup> DECEMBER 2036.**

**NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/16/01340/CMM**

**LOCATION: GIRTON QUARRY, GAINSBOROUGH ROAD, GIRTON, NEAR NEWARK**

**APPLICANT: TARMAC TRADING LIMITED**

**Purpose of Report**

1. To consider two planning applications which seek planning permission to allow mineral extraction at Girton Quarry to continue until 31<sup>st</sup> December 2036. The current planning permission requires mineral extraction to cease on the 31<sup>st</sup> August 2016. The development would offer benefit by ensuring a consented mineral reserve is not sterilised but would result in a continuation of quarrying activities and the associated environmental effects for an extended duration. The recommendation is to grant planning permission, subject to the re-imposition of a Section 106 legal agreement to control lorry routing.

**The Site and Surroundings incorporating Site History**

2. Girton Quarry is located approximately 14 km north of Newark-on-Trent, 2 km north of the village of Girton and to the south-west of Spalford. The location of the application site is shown on Plan 1.

3. The Quarry site is bounded by the River Trent to the west and the A1133 (Gainsborough Road) to the east. The area is characterised by agricultural fields divided by a simple pattern of hedge boundaries and drainage ditches. The topography of the area is flat and low-lying flood plain. Adjacent to the A1133 (Gainsborough Road) is a 3.5m high flood attenuation bund, this provides a visual screen between the road and the approved quarry site. Spalford Footpath No. 1A follows the top of the floodbank immediately adjacent to the planning application site.
4. Sand and gravel extraction has been undertaken in the Girton area since the early 1950's. Historic workings were originally undertaken to the north of Girton Village between the A1133 and the River Trent, these workings have been restored to a mixture of ponds, wetland areas, and agricultural land using imported power station ash.
5. In August 1999 planning permission was granted for a northern extension of Girton Quarry under reference 3/98/0800, hereafter referred to as 'the 1999 consent'. The 1999 consent site incorporated a total of 156 hectares within three distinctive parcels of land comprising the former plant site area to the south, and two blocks of land for mineral extraction either side of the Old Trent Oxbow Local Wildlife Site (LWS). Restoration of the quarry was to a mixture of woodland, agriculture and lakes.
6. Subsequently planning permission was granted for the construction of a new quarry plant site and purpose-built access road to the A1133 and to make amendments to the quarry phasing in August 2004, hereafter referred to as 'the 2004 consent'. The boundaries of the 1999 and 2004 consents are identified on Plan 2. Both these planning permissions were issued subject to Section 106 legal agreements which require Heavy Goods Vehicles ("HGVs") with a gross laden weight of more than 7.5 tonnes to journey to/from the application site via the A1133 to the north.
7. The quarry has been mothballed since January 2009. The applicant took the decision to mothball the site in response to a downturn of mineral sales as a result of the economic downturn that started in 2007.
8. Prior to mothballing, operations at the application site were well-established. Land uses on site included the following elements:
  - areas within where topsoils had been removed but sand and gravel had not been extracted;
  - areas in the process of final restoration;
  - restored mineral workings;
  - site access and haul road; and
  - ancillary and administrative facilities (ie site offices, parking area and stocking area).
9. Approximately 840,000 tonnes of the permitted sand and gravel reserves were extracted from the consented area prior to site mothballing leaving 3.44 million tonnes of consented sand and gravel reserves remaining un-extracted at Girton, with a further 120,000 tonnes (approximate) of processed sand and gravel stored at the plant site available for sale and distribution. The area of consented mineral reserve remaining to be extracted is contained within Phases 6-14 of



the approved working scheme (see Plan 3), which includes mineral reserves underlying the plant site and stocking area (labelled as phase 14). Prior to mothballing extraction was taking place within Phase 6 and soils had been stripped in Phase 7 in preparation for extraction.

10. In respect of restoration, Phases 1-3 have been predominantly restored. Mineral extraction in Phases 4 and 5 has been completed, but these phases have not yet been restored and have backfilled with water following the termination of dewatering.

### **Proposed Development**

11. Under Conditions 8 and 9 of the 1999 consent and Conditions 7 and 8 of the 2004 consent, mineral extraction at the application site is required to cease by 31 August 2016, with restoration to be completed within one year following the cessation of mineral extraction or, in the case of the 2004 consent, by 31 August 2017, whichever is the sooner.
12. Planning permission is sought for an extension of time to 31 December 2035 with restoration to be completed within one year thereafter. In order to facilitate this extension of time it is proposed to vary the aforementioned planning conditions of both the 1999 consent and the 2004 consent.
13. There are no proposals to alter any other element of the consented development although the applicant has been requested to regularise the storage arrangements for the mineral stockpiles which currently over-spill on to land to the south of the plant site and are approximately 9m high, exceeding the consented height of 7m.
14. Also the applicant has been requested to complete the restoration of phases 1 to 3 of the quarry which lie to the immediate south of the plant site where all minerals have been extracted. Restoration of this area is predominantly complete but there is a need to relocate the mineral stockpiles which are currently overspilling from the plant site and replace soils on the underlying land to finalise the restoration of the area. A new hedgerow would be planted to define the boundary between the plant site and the restored former workings.
15. The applicant states it is intended to recommence operations at the site in 2018 or 2019 to coincide with the expected closure of Finningley Quarry. Refurbishment of the processing plant is required prior to the full reopening of the quarry. The quarry has historically operated at a capacity in excess of 300,000 tonnes per annum, but the projected future average output is anticipated to be approximately 200,000 tonnes per annum.
16. The restoration scheme for the site was originally approved under the 1999 consent and includes both agriculture and nature conservation after-uses. The nature conservation areas incorporate a variety of habitats including open water/lakes, conservation grassland, trees/woodland and agricultural grassland. This planning application has reviewed the approved restoration scheme, enhancing the ecological aspects of the restored habitat. The revised scheme also retains a marshy area of habitat which has naturally regenerated immediately to the north of the plant site following the mothballing of the quarry. Whilst water levels would be temporarily lowered in this area when mineral

extraction recommences, the longer term viability of this marsh habitat would not be lost.

17. Following the planning consultation process a series of modifications and further environmental assessments were requested from the applicant under two separate requests made under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (Reg. 22 request). The first Reg. 22 response addresses the following matters:
  - a. The retention of existing areas of ecological habitat that have self-generated as a result of previous quarry workings within the site.
  - b. Modifications to the restoration of the site to enhance the ecological value of the restored habitat including the use of shallow lake margins, creation of new smaller ponds, reducing tree/shrub planting and increasing open grassland, the creation of new ditches and additional hedgerow planting.
  - c. An assessment of the potential for adverse impacts to footpaths following flood events within the area.
  - d. The potential to provide/contribute towards the construction of flood defences for Girton village.
18. The second Reg. 22 response incorporates the following additional items:
  - a. The gapping up and replanting of the existing hedgerow along the A1133 road frontage of the site in the 2017/18 planting season to provide additional screening of the site and to address comments from NCC's Landscape Officer.
  - b. Further modifications to the restoration scheme have been made and a revised restoration plan submitted to address comments of NCC's Ecology Officer including:
    - The incorporation of wide, shallow and sloping margins on the three main waterbodies with reedbed and shingle islands;
    - Inclusion of 5 ponds to provide amphibian habitat;
    - Amendment to hedgerow planting mix to include guelder rose and crack willow;
    - Amendment to the tree and shrub planting mix to include crack willow, goat willow, grey willow with the removal of less characteristic species and addition of wet woodland species.
  - c. Further clarification regarding the reptile surveys.
  - d. A reduction in the width of the access road following the restoration of the site.
19. A copy of the updated restoration plan is attached as Plan 4.

## Consultations

20. The two planning applications have each been subject to separate publicity and consultation. These consultations coincide with the receipt of the planning submission and subsequently the two Reg. 22 submissions (a total of three rounds of consultations for each planning application). Most consultees have provided a joint response concerning both planning applications. The consultation responses are summarised below.
21. **Newark and Sherwood District Council:** *Raise no objection, subject to Nottinghamshire County Council being satisfied that the proposed development complies with the relevant Development Plan Policies.*
22. **Girton & Meering Parish Meeting, South Clifton Parish Council, Spalford Parish Meeting:** *No representation received*
23. **Environment Agency:** *Raise no objections*
24. *The Environment Agency confirm the development would not result in any significant increased flood risks. With regard to ecology the Agency state that the ecological appraisal should be based on up-to-date ecological surveys and that the Environment Agency would like to be involved in the restoration of the site.*
25. **NCC (Highways):** *Raise no objection*
26. *NCC Highways note the development would not increase HGV numbers over historical levels and that there would be no HGV movements through Collingham village. .*
27. **NCC (Nature Conservation):** *Raise No objections*
28. *The application as amended by the Reg.22 responses incorporates satisfactory ecological survey data and information to compensate for the ecological impacts of the development. Furthermore the restoration details are considered acceptable. A series of planning conditions are recommended to ensure that ecological features are satisfactorily protected.*
29. *A number of concerns with the original planning submission have been addressed in the Reg. 22 submission including the methodologies used within the ecological surveys and the the inadequacy of the ecological mitigation measures which did not compensate for the loss of the habitat directly. A revised restoration scheme provides for the retention of important habitats which are present in the development site including a marsh area to the south of the site; a wooded pond to the north of the plant site; a ditch of Local Wildlife status; a re-profiling of the proposed lakes to provide shallower margins, the creation of 5 smaller ponds; and a reduction in tree planting around the ponds with increased open grassland to benefit lapwing, skylark and yellow wagtail; hedgerow planting and phasing details; the steepness of lake edgings; a lack of smaller ponds; and a discrepancy in species mixes.*



30. **Nottinghamshire Wildlife Trust:** *Cannot support the scheme on the basis of the information provided.*
31. *Whilst NWT support the principle of extending the period of time to work this Quarry they consider that the mitigation information submitted is not sufficiently robust and detailed to ensure that existing habitats and species of value are protected and that the restoration benefits would outweigh this substantive extension of working time, disturbance and habitat loss. The Wildlife Trust would like to see an improved wetland habitat provided in the vicinity of Trent Oxbow, the creation of additional habitat by creating shallow wetland habitats and cluster ponds, less agricultural land and more wet grassland/meadows, more wetland features and less tree planting.*
32. **Natural England:** *Raise no objections.*
33. *Natural England are satisfied that the proposed development would not damage or destroy the interest features of the nearby Spalford Warren Site of Special Scientific Interest (SSSI).*
34. **NCC (Countryside Access):** *Raise no objections*
35. *NCC Countryside Access raise no objection subject to access along Spalford Footpath No. 8 being maintained throughout the life of the quarry.*
36. **NCC (Landscape):** *Raise no objections*
37. *The application as amended by the Reg.22 submission incorporates satisfactory supplementary hedge planting along the A1133 and Green Lane to screen quarrying activities as well as providing for the restoration of the haul road to an agricultural track.*
38. **NCC (Noise Engineer):** *Raise no objections*
39. *The noise controls on the existing planning permissions should be imposed on any future planning consents. The noise monitoring schemes should be reviewed at the time of recommencing quarrying works to ensure they remain appropriate.*
40. **National Grid Company:** *Raise no objections*
41. *The company state they have transmission cables and ground based apparatus in the vicinity of the development and request that the company are notified of the planning decision.*
42. **Western Power Distribution:** *Raise no objections.*
43. **NCC Archaeology:** *Raise no objections to the development.*
44. **NCC (Flood Risk Management Team), Severn Trent Water Limited, National Grid (Gas), National Grid Company PLC (Pylons)** *have not responded on the application. Any responses received will be orally reported.*

## **Publicity**

45. The application has been publicised by means of the posting of site notices, the publication of a press notice in the Newark Advertiser and 12 letters have been posted to the nearest occupiers of property in accordance with the County Council's adopted Statement of Community Involvement Review. No objections have been received.
46. Councillor Maureen Dobson has been notified of the application.

## **Observations**

### Need

47. This application concerns itself with an extension of time to the existing planning permissions at Girton Quarry which permit the extraction of sand and gravel, seeking consent to extend the duration from 31<sup>st</sup> August 2016 to 31<sup>st</sup> December 2035 with restoration to be completed one year thereafter so as to maintain the availability of mineral resources during this period.
48. The NPPF attaches significant importance to the need to maintain sufficient supplies of minerals, identifying that the supply of minerals is essential to sustainable growth and quality of life by supporting the development of new infrastructure, buildings, energy and goods that the country needs. The NPPF therefore requires mineral planning authorities to plan for a steady and adequate supply of aggregates so as to ensure that reserves equivalent to at least seven years annual production of sand and gravel are maintained (referred to as a landbank). The NPPF encourages planning authorities to incorporate within their development plans allocations of specific sites, preferred areas and/or locational criteria to ensure that a landbank is maintained.
49. Adopted Mineral Local Plan (MLP) Policy M6.2 requires the County Council to maintain a landbank of permitted reserves of sand and gravel sufficient for at least 7 years extraction so that Nottinghamshire will meet its reasonable share of regional provision of aggregates throughout the plan period. The 3.44 million tonnes of consented sand and gravel reserves remaining un-extracted at Girton forms part of the County Council's landbank of mineral reserves in the adopted MLP.
50. The County Council is currently in the process of preparing a new Minerals Local Plan (new MLP) to replace the adopted MLP, the Submission Draft has been submitted to the Secretary of State with the examination timetabled to commence on 27<sup>th</sup> June 2017. The new MLP sets out the County Council's overall approach to future minerals provision in Nottinghamshire up to 2030, its key objective being to identify the amount of minerals that are needed to meet demand and the locations where these minerals can be extracted with least environmental impact so as to ensure a 7 year landbank of reserves is maintained.
51. Policy MP1 of the new MLP Submission Draft identifies that 49.02 million tonnes of sand and gravel reserves will need to be identified to meet anticipated levels of demand for aggregate mineral over the plan period (2012-2030) and maintain a landbank of at least 7 years throughout the life of the plan. Policy MP2 identifies that the extraction of the remaining reserves from currently permitted

quarries including Girton (referred to as site SGi – Girton) is a key part in meeting the landbank requirements of the new MLP Policy MP1.

52. Maintaining consented mineral reserves at Girton Quarry is therefore important to ensuring the objectives of both the adopted and new MLP in terms of maintaining a 7 year landbank are met. Should the proposed extension of time not be permitted, the landbank would be reduced and the sand and gravel reserves would effectively be sterilised.
53. This goes against the policies of both the adopted and new MLPs. The sustainable development objectives set out in the adopted MLP Policies M2.1 and M2.2 are considered to apply in this case. These policies seek to ensure that minerals are worked sustainably and in particular ensure that mineral resources are not unnecessarily sterilised. The merits of these applications considered against the above policies is that the site is already partly developed in terms of on-site and access infrastructure. Requiring the early cessation of operations and the restoration of the site – including the removal of infrastructure – would be considered to be a sterilisation of resources and therefore contrary to the above policies. On this basis, the extension of the timescale to allow the removal of the remaining minerals from the site is considered to comply with the requirements of MLP Policies M2.1 and M2.2.
54. The development would also comply with emerging policy within the new MLP, notably Policy SP1 concerning Sustainable Development and paragraph 1.1 which states that ‘Sustainability also means safeguarding mineral resources from unnecessary sterilisation’.
55. It is therefore concluded that there is a continuing strategic need to maintain sand and gravel reserves at Girton Quarry in the context of development plan policy. The continued working of the remaining sand and gravel within Girton Quarry therefore has development plan support subject to there being acceptable environment effects.

#### Assessment of Environmental Effects

56. The scheme of mineral workings set out within the current planning applications seeks to renew development consents originally given planning permission under the 1999 and 2004 consents. The environmental effects of the developments therefore have previously been considered and assessed by the County Council and considered acceptable at the time these decisions were made.
57. Notwithstanding the generality of the above conclusion, these original decisions were taken a number of years ago. With the passage of time there is potential for local environmental conditions to alter and environmental standards to change. It is therefore appropriate for the environmental effects of the consented developments to be re-assessed against current development plan policies and standards and modified where appropriate.
58. To assist the Council in making this assessment the planning applications are supported by an Environmental Statement (ES) prepared under the Environmental Impact Assessment Regulations. The ES has been supplemented by additional information supplied under the two Reg. 22 responses. The ES thoroughly assesses the environmental implications of

development, its findings have been examined and appropriate technical advice has been taken through the planning consultation process. The conclusions of this assessment are considered below.

### Landscape and Visual Impacts

59. The continuation of the quarry workings over an extended period and consequent delay in the delivery of the restored landform would result in negative visual and landscape impacts resulting from the longer duration that land would remain despoiled from quarry workings.
60. With regard to landscape effects the Trent valley is interspersed by active and restored mineral workings. Whilst acknowledging that this quarry is not a natural feature in this landscape, the landscape assessment for the area acknowledges that there are a number of quarries in the wider Trent valley area. The continued retention of the quarry for an extended period would not detract significantly from the surrounding landscape character. The amended restoration proposals within this planning submission make some minor alterations to the size and shape of the water bodies within the restored landscape although not changing the overall wetland character of the restored site.
61. With regard to visual effects, these are limited due to the fact that most of the quarrying activities are carried out at or below existing ground levels with many views being filtered by intervening hedgerows, tree belts and vegetation.
62. The most visually prominent part of the development is the plant site in particularly the processing plant and the associated stockpiles of product. With specific respect to the stockpiles of sand and gravel, these are currently stored in excess of the permitted 7m maximum storage height imposed under the 2004 consent. The operator has confirmed that these stockpiles would be reduced in height and thereafter maintained at a maximum height of 7m. This reduction in storage heights would beneficially reduce the visual prominence of the site until such time that the quarry reopens.
63. It is currently programmed for Girton quarry to reopen in 2018 or 2019 following the closure of Finingley Quarry. However, the operator could review this business plan and potentially defer this decision. Such a decision would result in the quarry plant and mineral stockpiles remaining at the quarry for an extended period of time with an associated visual impact. Whilst it is acknowledged that the processing plant would require significant work to dismantle and reassemble the mineral stockpiles could readily be removed. This planning application provides an opportunity to regulate the retention of the stockpiles and in the event that mineral extraction does not recommence following this anticipated timetable it is recommended that the operator be required by planning condition to remove the remaining stockpile of minerals from the site, after 2019, thus minimising the visual impact of the site.
64. The applicant has reviewed the condition of the existing hedgerows and as part of the Reg 22 submissions has agreed to replant/gap up the hedgerows along the A1133 road frontage and Green Lane. A planning condition is suggested to require these works to be undertaken in the first planting season following the issue of the planning permission.

65. In conclusion, whilst there would be some negative landscape and visual impacts as a result of the retention of this quarry over an extended timescale the magnitude of these impacts is comparatively minor. The conclusions section incorporates an overall balanced assessment of these landscape and visual effects in the context of the wider planning assessment of the application. The applications are therefore considered to accord with Policies M3.3 (Visual Intrusion) and M3.22 (Landscape Character) of the MLP.

#### Traffic, Access and Parking.

66. MLP Policies M3.12 (Highway Safety and Protection) and M3.13 (Vehicular Movements) seek to protect the highway from damage caused by minerals development, ensure that the highway network can satisfactorily accommodate the vehicle movements associated with the quarry development and ensure that highway safety is maintained.
67. Girton Quarry is an established facility which benefits from a purpose-built access on to the A1133 (Gainsborough Road). The access has been designed to a modern standard and ensures that vehicles can safely arrive and leave the site without endangering or damaging the highway, therefore satisfying the requirements of the above policies. The existing planning permissions are regulated by a lorry routing agreement which restricts HGVs associated with the quarry from travelling through Collingham village due to the narrowness of the road and the proximity of residential properties. The applicant is agreeable to these controls being carried forward into any new planning permissions through an update to the Section 106 agreement.
68. MLP Policy M3.15 encourages the bulk movement of minerals by rail or road where this is shown to reduce the environmental impacts resulting from road haulage. Historically, Girton Quarry incorporated a barge loading facility but this was decommissioned a number of years ago due to it becoming economically unviable to supply sand and gravel into the depot at Whitwood, West Yorkshire. These planning applications do not incorporate any proposals to re-establish this facility and therefore all sand and gravelled would be hauled by HGV using the public highway.
69. In terms of vehicle movements, it is anticipated the proposed extraction rate of the quarry when it re-opens would be lower than historic levels at around 200,000 tonnes per annum. This equates to approximately 80 daily vehicle movements (ie 40 in, 40 out). The highway authority is satisfied that the local highway network can safely accommodate this number of vehicle movements, subject to routing controls through Collingham village.

#### Noise

70. Girton Quarry occupies a remote rural area with few residential properties in close proximity. Previous quarry workings have not resulted in noise complaints and this application does not make any changes to the quarry in terms of potential for noise emissions. Noise impacts from the development are therefore not anticipated, subject to all existing noise conditions being carried forward into any new planning permission. These controls regulate hours of working within the quarry to between 0700 hours to 1900 hours Monday to Friday, 0700 to 1300 hours on Saturdays with no working on Sundays or



Public/Bank Holidays, with slightly extended periods for soil stripping and maintenance. Other controls relate to the use of noise abatement to plant and machinery, and the use of 'white noise' reversing alarms on mobile plant. The re-imposition of these controls is in accordance with the requirements of MLP Policy M3.5 (Noise).

71. Planning Condition 21 of the 1999 consent imposes an obligation to monitor noise emissions from the operation of the site. In accordance with the advice from NCC's noise consultant it is recommended that this noise monitoring scheme be reviewed and if necessary updated at the time quarrying operations recommence to ensure that it remains appropriate for the site. This is reflected in the recommended planning conditions.

#### Rights of Way

72. NCC's Countryside Access Officer has stated that access must be maintained along Spalford Footpath No. 8 for the duration of the quarry. The route of this footpath would not be affected by quarry excavations but the footpath would be crossed by a conveyor and site access road. Whilst this would not preclude the use of the footpath, the crossing point would need to be clearly marked out to maintain access and safety. To achieve this, a planning condition is suggested to require a more detailed submission of the proposed crossing point prior to works progressing into phase 9.
73. Sustrans are currently investigating the potential to extend their existing Newark to Collingham cycle path northwards to the Fledborough Viaduct to link into Route 647 which connects Lincoln and Worksop. The initial feasibility study for this extension of the cycle network has identified that it would be likely to follow the line of Spalford Footpath No.8. To ensure that the development of the quarry does not prejudice this option the suggested planning condition also provides a requirement to consider the needs of cycle access, should the cycle path be developed.
74. NCC's Countryside Access Officer originally questioned whether there was any potential risk that the route/surface of Spalford Footpath No. 8 could be adversely affected during River Trent flood events, citing that historically Girton Restricted Byway No.1 has been washed away as a result of the topography of the restored landform in the vicinity of the footpath which channels a flood flow route across the footpath.
75. As part of the 1<sup>st</sup> Reg. 22 response Tarmac have provided assurances that washout issues would not occur on Spalford Footpath No. 8 due to the topography of the site which means that the footpath would be approximately 2 metres higher than each of the restored lake areas to the east and west thus minimising the risk of flood flows between the two lakes. Furthermore there is standoff to each lake area in excess of 100 metres. There would therefore be no significant risk to the footpath in terms of washout during potential flooding events.

#### Ecology

76. An Ecological Impact Assessment incorporating an Extended Phase 1 Habitat Survey together with targeted ecological survey work has been undertaken as

part of the Environmental Impact Assessment in support of the planning application.

77. This identifies that the ecological conditions of the site have changed from that assessed during the 1999 and 2004 planning consents. Most notably habitat has developed in the naturally regenerated partially worked out areas of the quarry and consequently there is greater potential for negative ecological impacts when quarrying recommences in these areas.
78. The desktop elements associated with the Phase 1 habitat survey have identified the presence of one statutory designated site within the study area, this being the Spalford Warren SSSI, which is situated approximately 100 m to the east of the application site. This site is notable for the presence of certain floral species. There are also four non-statutory designated Local Wildlife Sites, within 2 km of the application site.
79. In terms of records of faunal species, records of grass snake and water vole exist within the application site, as well as various records of water beetle for the Old Trent Oxbow, Spalford LWS, which bisects the application site, but is not included within the boundaries of the development site except for a haul road crossing point. A number of other records of protected and notable faunal species exist within 2 km of the application site.
80. Much of the planning application site remains in agricultural use. These parts of the site are intensively managed with limited inherent nature conservation value. However, there are parts of the application site including the partially worked pit which have backfilled with water and soil stripped areas which have undergone some natural regeneration and have developed a varied and more ecologically diverse habitat.
81. The ecological impact of the extension of time in the absence of mitigation is highlighted within the ecological impact assessment as being moderately negative and potentially significant for a number of habitats such as wet ditches, hedgerow and marshy grassland that would be temporarily lost as the quarrying operations progress. In respect of protected/notable faunal species the magnitude of impact is anticipated to have moderate to major negative impacts to breeding birds, water voles and aquatic invertebrates in the absence of mitigation.
82. The scheme of working provides opportunities to compensate and mitigate impacts and also develop new habitats through the restoration of the site. The ecological scheme of working and restoration has been modified through the Reg. 22 submissions to take account of advice received from the planning consultations. NCC's Ecological Officer is now generally satisfied that the updated scheme of ecological working is acceptable subject to the following matters being regulated through the ecological scheme of working by planning condition:
  - An over-arching water vole mitigation strategy to coordinate the loss of, and replacement of water vole habitats for the entirety of the quarry. This strategy should incorporate arrangements for the creation of the sections of ditch along the northern edge of phase 6 (and the western spur of phase 7) at the earliest opportunity.



- An ecological walkover survey in each phase of development prior to works commencing so that areas of important habitat can be identified with the results of such surveys submitted for approval, along with details of any mitigation measures that are required including measures to manage retained habitat including hedgerows and trees.
- The production of a water vole translocation strategy, prior to works commencing in each phase of development, to detail how water voles will be translocated from sections of ditch affected by the proposals, along with details of the advanced creation of replacement habitat.
- The production of precautionary methods of working in relation to reptiles and amphibians prior to works commencing in each phase of the development.
- The production and implementation of a Habitat Creation and Management Plan for each phase of restoration covering establishment methods and maintenance regimes for each habitat type to be restored.
- Further details regarding the profile of new ditches designed to benefit water voles.
- The preparation of a scheme to control scrub and willow regeneration in the retained marshy area and measures to control invasive vegetation (including New Zealand Pygmy Weed).
- Compliance with best practice relating to badgers, as detailed in paragraph 6.3.3 (a) of the Ecological Impact Assessment.
- Controls on vegetation clearance during the bird nesting season (March to August).
- The provision of 20no. bat boxes on mature trees along the Old Trent Oxbow.
- The provision of a 50m stand-off around the barn owl box (marked as TN13 on Figure 4 of the ECIA) between March and September inclusive.
- The establishment of a restoration working group to review the proposed restoration scheme at each phase of development.
- Further details regarding the design of ponds to include their size and profile.
- The position of micro-topographical features such as scrapes and furrows to be incorporated into lowland meadow areas around the eastern and western waterbodies.
- Measures to deliver a more complex and varied lake margin, to provide more spits and bays.

83. Nottinghamshire Wildlife Trust argue that the restoration scheme for the site incorporates too much agricultural land and the scheme should be further re-drafted to provide further ecological habitat creation. Whilst it is acknowledged

that ecological based restoration schemes are supported in both the adopted and emerging MLP, this does not preclude agricultural restoration schemes. Notably the NPPF Technical Appendix supports the agricultural restoration of former mineral sites (paragraphs 33 and 40) as well MLP Policy M4.12 (Agricultural After-Use). The approved restoration scheme incorporates areas of agricultural restoration. Modifications have been made to this scheme to further enhance the ecological value of the restored site. This agricultural restoration ensures that the site would benefit from an economically viable long term management arrangement that ensures the land would not fall into dereliction. MLP Policy M4.12 encourages that when land is restored to an agricultural end use the restoration scheme should also incorporate ecological enhancements. The scheme incorporates ecological areas and is therefore compliant with this policy.

84. Subject to the above measures being regulated through the planning conditions it is concluded that the development of the quarry for the extended duration proposed would minimise impacts on biodiversity and provide a net benefit to ecological interests following site restoration works. The development therefore satisfies Government policy set out within paragraph 109 of the NPPF insofar that it minimises impacts on biodiversity whilst providing net gains in biodiversity where possible.

#### Cultural Heritage

85. Paragraph 129 of the NPPF requires the Council to assess the particular significance of any heritage asset that may be affected by a development proposal. There are no Listed Buildings within the immediate vicinity of the application site, the closest being approximately 1.8 km to the southwest of the plant site. The settings of the Listed Buildings are considered to be adequately screened through advanced planting and intervening roads and land uses. Furthermore there are no Scheduled Ancient Monuments within a 2 km radius of the application site. The development therefore would not have any impact on heritage assets.

#### Archaeology

86. The existing Section 106 Agreement includes obligations for archaeological investigations, recording and protection across areas of potential archaeological interest within the mineral extraction area. These field archaeological investigations have been completed in areas worked or stripped of soils including the quarry plant site area.
87. In respect of works to be carried out in Phases 8-14 which are yet to be stripped of soils, the extension of time proposals do not seek to vary any element of the permitted provisions for archaeological evaluation. Future evaluation works required by the approved scheme comprise a combination of supervised subsoil stripping in accordance with approved details in the archaeological specification with potential for limited excavation, recording of long sections and monitoring of gravels for prehistoric oak logs.
88. Subject to the re-imposition of obligations requiring archaeological investigations, recording and protection in the future phases of the quarry working in a revised Section 106 agreement as part of planning application

3/16/01341/CMM, the development complies with the requirements of MLP Policy M3.24 which permits the loss of archaeological remains of less than national importance where appropriate provision is made for the excavation and recording of remains.

### Flooding

89. The development would not change the current arrangements for managing floodwaters. Flooding impacts are anticipated to reduce following the completion of the quarry development as a result of the increase in the amount of flood storage capacity within the site as a result of the lowered ground levels across the site following the removal of the mineral. The Environment Agency have reviewed the submission and raised no objections on the grounds of flood risk.
90. As part of the Reg. 22 request the applicant was asked to investigate whether there was potential to utilise surplus materials extracted from the Girton Quarry development to provide flood defences for Girton village. The applicant responded by stating that they wish to keep these matters outside the scope of the planning application, but they would discuss the matters separately with the community.
91. Whilst it is acknowledged that the protection of properties in Girton village from flood damage is in the public interest, the Government's Planning Practice Guidance advice (Paras 203 & 206) state that obligations should only be imposed on developers through planning conditions when they are necessary to make a planning application acceptable. Since the development of the quarry would not increase flooding in the Girton village area it is not appropriate to impose a planning condition in this instance to require the developer to provide flood defences for the village.

### Legal Agreements

92. Both the 1999 and 2004 planning permissions have been issued subject to Section 106 legal agreements.
93. In the case of the 1999 consent the legal agreement requires the quarry operator to carry out an archaeological scheme of treatment with a requirement for a financial contribution towards implementing the scheme. The legal agreement also incorporates controls over lorry routeing, requiring all HGV traffic to access and exit the site to and from the north along the A1133 and thus avoid trafficking through Collingham village.
94. The 2004 consent is regulated by a supplemental Section 106 legal agreement which ensures that the archaeology arrangements and controls over lorry routeing secured through the 1999 legal agreement shall apply to the 2004 consent.
95. Since the two Section 73 planning applications currently being considered would extend the development rights of the 1999 and 2004 planning consents for an extended duration until 31<sup>st</sup> December 2035 it is necessary to redraft the obligations imposed in the two Section 106 agreements to ensure they regulate archaeological investigations and lorry routeing over this extended period.

## Planning Conditions

96. Appendix 1 and 2 of this report incorporate an updated schedule of planning conditions. These planning conditions regulate for the extended duration of quarry working at the site as well as updating the environmental controls and restoration arrangements for the site. Also, in re-issuing these planning conditions the opportunity has been taken to update the controls relating to soil handling, making them more appropriate to facilitating the ecological after-use of the site. The modified schedule of planning conditions has been agreed with the operator.

## **Other Options Considered**

97. 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**

98. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.
99. Implications for Service Users: An extension to the end date for mineral extraction at Girton Quarry would assist in ensuring a continuity of local sand and gravel supplies to the construction industry.
100. Crime and Disorder Implications: The development would allow an existing consented quarry to continue production, making use of existing security features within the site including the use of the established plant site.
101. Human Rights Implications: The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol and Article 6 may be affected. The proposals have the potential to introduce limited impacts of noise, dust, visual impact and disturbance from road haulage within the local area where the magnitude of impacts are generally assessed as minor. These potential impacts need to be balanced against the wider benefits the proposals would provide in terms of providing a continuity of mineral resources and avoiding the sterilisation of these resources. Members will need to consider whether these benefits would outweigh the potential impacts.
102. Safeguarding of Children Implications: The quarry would comply with health and safety guidelines in terms of suitable boundary treatment to ensure the general public, and in particular young children, are safeguarded. Appropriate safeguarding would also apply in relation to footpath users.
103. Financial Implications: The preparation of the Section 106 agreements will require legal support from the County Council. The Council's costs associated

with the preparation of these legal agreements would be recovered from the developer.

104. Equalities Implications, Human Resources Implications: No implications.
105. Implications for Sustainability and the Environment: The development would contribute towards the sustainable use of mineral resources which would contribute to the country's economic growth and quality of life. The extraction scheme has been designed on a phased basis to minimise the size of the active quarry and ensure that land is restored to beneficial purposes at the earliest practical opportunity. The issues have been considered in the Observations section above.

## **Conclusion**

106. There is a continuing strategic need to maintain sand and gravel reserves at Girtton Quarry. The 3.44 million tonnes of consented sand and gravel reserves forms part of Nottinghamshire's landbank of mineral reserves in the adopted MLP (Policy M6.2) and MP1 of the new MLP. The completion of the extraction of this mineral is considered sustainable in the context of MLP Policies M2.1/M2.2 and new MLP Policy SP1 and a further grant of planning permission to extract this mineral would avoid its sterilisation.
107. The scheme of mineral workings set out within the current planning applications seeks to renew development consents originally given planning permission under the 1999 and 2004 consents. The environmental effects of the developments therefore have previously been considered and assessed by the County Council and considered acceptable at the time these decisions were made.
108. Notwithstanding the generality of the above conclusion these original decisions were taken a number of years ago and there is potential for local environmental conditions to alter and environmental standards to change. The environmental effects of the development have therefore been re-assessed against current conditions and modern planning standards.
109. In terms of the environmental effects of the development
- There would be some visual and landscape impacts from the development, but these are no greater than previously assessed.
  - Vehicle movements would be regulated by lorry routing controls secured through Section 106 legal agreements and can safely be accommodated on the public highway.
  - Adverse impacts from noise are not anticipated, nevertheless the operator is requested to review and if necessary update the scheme of monitoring to ensure it remains appropriate.
  - The development would not have any adverse impact on public rights of way.
  - In respect of ecology the development of the quarry for the extended duration would minimise impacts on biodiversity and provide a net benefit to ecological interests following site restoration works. The development

therefore satisfies Government policy set out within paragraph 109 of the NPPF insofar that it minimises impacts on biodiversity whilst providing net gains in biodiversity where possible.

- There would be no significant impact to built heritage assets and satisfactory arrangements are provided through the Section 106 agreements to ensure any potential archaeological remains are appropriately investigated and recorded.
- There would be no adverse flooding impacts resulting from the development.

110. It is therefore concluded that, in the absence of any significant harmful environmental impacts from the development, there is a need for the development and therefore it is recommended planning permission be granted for the development, subject to legal agreements to regulate HGV movements and archaeological investigation.

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

111. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping the planning application and encouraging pre-application community engagement which the applicant acceded to by working proactively with the local community through its local liaison meeting and notifying the Parish Council of the companies intentions. The proposals and the content of the Environmental Statement have been assessed against relevant Development Plan policies, the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The Minerals Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; liaised with consultees to resolve issues and progressed towards a timely determination of the application. Issues of concern have been raised with the applicant, such as ecological effects and have been addressed through negotiation and by planning condition. The applicant has been given advance sight of the draft planning conditions and the Minerals Planning Authority has also engaged positively in the preparation of the heads of terms of the Section 106 legal agreements. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

**PROPOSAL 1: VARY CONDITIONS 8 AND 9 OF PLANNING CONSENT 3/98/0800 TO ALLOW AN EXTENSION TO THE DURATION OF QUARRY WORKINGS UNTIL 31<sup>ST</sup> DECEMBER 2035 (CURRENTLY 31<sup>ST</sup> AUGUST 2016) WITH FULL SITE RESTORATION TO BE COMPLETED BY 31<sup>ST</sup> DECEMBER 2036. THE SUBMISSION ALSO INCORPORATES AN INTERIM RESTORATION SCHEME RELATING TO LAND TO THE SOUTH OF THE PLANT SITE.**



112. It is RECOMMENDED that the Corporate Director Place be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act to require the quarry operator to carry out an archaeological scheme of treatment with a requirement for a financial contribution towards implementing the scheme and also impose controls over lorry routeing, requiring all HGV traffic to access and exit the site to and from the north along the A1133 and thus avoid trafficking through Collingham village.
113. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement within three months of this planning decision or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman, the Corporate Director Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed within three months, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Corporate Director Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

**PROPOSAL 2: VARY CONDITIONS 7 AND 8 OF PLANNING CONSENT 3/04/00394/CMM TO ALLOW AN EXTENSION TO THE DURATION OF QUARRY WORKINGS UNTIL 31<sup>ST</sup> DECEMBER 2035 (CURRENTLY 31<sup>ST</sup> AUGUST 2016) WITH FULL SITE RESTORATION TO BE COMPLETED BY 31<sup>ST</sup> DECEMBER 2036.**

**NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/16/01340/CMM**

114. It is RECOMMENDED that the Corporate Director Place be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act to impose controls over lorry routeing, requiring all HGV traffic to access and exit the site in a northerly direction along the A1133 and thus avoid trafficking through Collingham village.
115. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement within three months of this planning decision or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman, the Corporate Director Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 2 of this report. In the event that the legal agreement is not signed within three months, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Corporate Director Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

**ADRIAN SMITH**

**Corporate Director – Place**



### **Constitutional Comments (SLB 27/03/2017)**

Planning & Licensing Committee is the appropriate body to consider the content of this report.

### **Comments of the Service Director - Finance [RWK 27/03/2017]**

The financial implications are set out in paragraph 98 of the report. There will be no additional costs to the County Council arising from the proposals in the report.

### **Background Papers Available for Inspection**

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

### **Electoral Division and Member Affected**

Collingham Division Councillor Maureen Dobson.

Report Author/Case Officer

Mike Hankin

0115 9932582

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

## RECOMMENDED PLANNING CONDITIONS

**PROPOSAL 1: VARY CONDITIONS 8 AND 9 OF PLANNING CONSENT 3/98/0800 TO ALLOW AN EXTENSION TO THE DURATION OF QUARRY WORKINGS UNTIL 31<sup>ST</sup> DECEMBER 2035 (CURRENTLY 31<sup>ST</sup> AUGUST 2016) WITH FULL SITE RESTORATION TO BE COMPLETED BY 31<sup>ST</sup> DECEMBER 2036. THE SUBMISSION ALSO INCORPORATES AN INTERIM RESTORATION SCHEME RELATING TO LAND TO THE SOUTH OF THE PLANT SITE.**

**NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/16/01341/CMM**

### Commencement of Planning Permission

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

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.*

2. The date of commencement shall be notified in writing to the Mineral Planning Authority (MPA) at least 7 days but not more than 14 days prior to the permission being implemented.

*Reason: For the avoidance of doubt.*

### Scope of Planning Permission

3. This permission is for the completion of sand and gravel extraction for an extended duration until 31<sup>st</sup> December 2035 and the subsequent restoration of the site to be completed by the 31<sup>st</sup> December 2036. The development shall be carried out in accordance with the details contained within the Environmental Statement submitted to the MPA on 8th August 2016 and the two subsequent Regulation 22 responses received by the MPA on 20th December 2016 and 7th February 2017 and shown on the following drawings, except where amendments are made pursuant to the other conditions attached to the permission which are approved in writing by the MPA.
  - a. Drawing No. G011/00159: Location Plan – Girton Quarry dated 24<sup>th</sup> June 2016 and received by the MPA on 8<sup>th</sup> August 2016.
  - b. Drawing No. G011/00160: Site Plan – Girton Quarry dated 24<sup>th</sup> June 2016 and received by the MPA on 8<sup>th</sup> August 2016.

- c. Drawing No. G11QDPH906.PDF: Amendments to Phasing Plan – Girton Quarry dated October 2006 and received by the MPA on 8<sup>th</sup> August 2016.
- d. Drawing No. G11SOILS116.PDF: Soils in Store at June 2016 – Girton Quarry dated 14/06/2016 and received by the MPA on 8<sup>th</sup> August 2016.
- e. Drawing No. G011/00162/A: Restoration Plan – Girton Quarry dated 07/02/2017 and received by the MPA on 7<sup>th</sup> February 2017.
- f. Drawing No. G11/145b: Restoration Proposals (Historical Plant Site) dated September 2007 and received by the MPA on 8<sup>th</sup> August 2016.
- g. Drawing No. G11RE116.PDF: Proposed Interim Restoration areas – Girton Quarry dated 16/06/2016 and received by the MPA on 8<sup>th</sup> August 2016.
- h. Drawing No. G11RE216.PDF: Proposed Interim Restoration Final Landform – Girton Quarry dated 16/06/2016 and received by the MPA on 8<sup>th</sup> August 2016.

A copy of this permission including all plans and documents hereby approved, and any other plans and documents subsequently approved in accordance with this permission, shall always be available at the site offices for inspection by the MPA during normal working hours.

*Reason: For the avoidance of doubt and to assist with the monitoring of the planning permission.*

#### **Duration of Planning Permission**

- 4. All sand and gravel extraction operations shall be completed by 31<sup>st</sup> December 2035 and the site shall subsequently be restored within 12 months of the cessation of sand and gravel extraction operations on the site, or by 31<sup>st</sup> December 2036, whichever is the sooner.

*Reason: For the avoidance of doubt and to assist with the monitoring of the planning permission.*

- 5. The operator shall provide written notification to the MPA at least seven days but no more than fourteen days prior to:
  - a. The date of the re-commencement of the development hereby permitted.
  - b. The date of commencement of mineral extraction in any new phase.
  - c. The date of completion of mineral extraction in any phase.
  - d. The completion of mineral extraction.

*Reason: To assist with the monitoring of the planning permission.*

#### **Buildings, Fixed Plant and Machinery**

6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, no buildings, fixed plant, or machinery, other than approved by this permission shall be erected or placed on the site without the prior approval of the MPA.

*Reason: To enable the MPA to regulate all new buildings, fixed plant or machinery installed on the site.*

### Hours of Working

7. Except in emergencies when life, limb or property are in danger and which are to be notified to the MPA within 48 hours of their occurrence, or with the prior written agreement of the MPA, the following shall not take place except within the hours specified below:

	Mondays to Fridays	Saturdays	Sundays and Public Holidays
Mineral extraction, processing or treatment	7am to 7pm	7am to 1pm	Not at all
Stripping, replacement, regrading or ripping of soils or overburden	7am to 7pm	7am to 3pm	Not at all
Servicing, testing, or maintenance of plant or machinery	7am to 5pm	7am to 4pm	Not at all

*Reason: To control noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5.*

### Landscaping

8. Within 6 months of the date of this planning permission, a scheme for the planting of a hedgerow along the A1133 road frontage and Green Lane including measures to protect and enhance the existing sections of hedge to be retained and subsequent management arrangements shall be submitted for approval by the MPA. The approved scheme shall be implemented in the first planting season following its approval and thereafter maintained in accordance with the approved details.

*Reason: To ensure satisfactory landscape planting of the site in accordance with the requirements of Policy M3.4 of the Nottinghamshire Minerals Local Plan.*

### Hydrology and Drainage

9. A scheme for monitoring and controlling groundwater and surface water levels within the site and especially in the vicinity of the Old Trent Oxbow Local Wildlife Site shall be submitted to and approved in writing by the MPA prior to re-commencement of development. The piezometer data relating to groundwater and surface water levels shall be supplied to the MPA at not less than six-monthly intervals following commencement of extraction.

*Reason: To ensure surface water flows and ground water levels are not detrimentally affected in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.*

10. Prior to the commencement of dewatering in any phase of extraction, details of measures to compensate for any adverse effect of groundwater drawdown shall be submitted to the MPA for approval. The measures shall be implemented as approved.

*Reason: To ensure surface water flows and ground water levels are not detrimentally affected in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.*

11. Throughout the period of working, restoration and aftercare, any ditch, watercourse, or culvert passing through the site shall be protected and supported, or satisfactorily diverted so as not to impair the flow or render less effective the drainage onto and from adjoining land.

*Reason: To not impair the flow or render less effective the drainage onto and from adjoining land in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.*

12. Any oil, fuel lubricant and other potential pollutants shall be handled in such a manner as to prevent pollution of any watercourse, aquifer or soil resource (both in situ and in store). All oil, fuel and liquid chemical storage tanks and their associated filling points, vents, gauges, sight glasses and pipework are to be placed on impervious floors and enclosed with a bund of at least 110% capacity of the largest tank which is to be maintained at that capacity or greater by removal of liquid and debris. Each bund shall be designed so as to prevent the release of stored materials in the event of a leak or spillage. Any leaked or spilled substances, removed liquid and debris are to be disposed of to a facility licensed for that purpose.

*Reason: To minimise risks from pollution in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.*

## **Noise**

13. The existing noise monitoring scheme shall be re-evaluated to ensure that it continues to be appropriate and representative. The re-evaluated scheme shall be submitted to the MPA and have been approved in writing by the MPA prior to the recommencement of quarrying operations and shall provide for sample

measurements to be taken as soon as practicable after the commencement of any new phase and otherwise at agreed intervals. The measurements shall comprise LAeq and L90 data and shall also note the date, time, prevailing weather conditions and comments on any significant noise sources which are audible. The noise monitoring results shall be submitted in writing to the MPA within 28 days of the survey date. Should the noise monitoring results indicate that noise limits are being exceeded, steps shall be taken to ensure future compliance, in accordance with details to be agreed in writing by the MPA. If locations vary from the agreed criterion locations, the same acoustic modelling procedure shall be used to calculate the levels at the agreed locations.

*Reason: To ensure noise levels are monitored appropriately in accordance with the requirements Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

14. Except for temporary operations, the Equivalent Continuous Noise Level, LAeq, 1h, at the noise sensitive premises adjoining the site, due to operations on the site, shall not exceed the criterion noise levels set out in the Schedule below at any of the noise sensitive properties listed. The criterion levels are expressed as hourly free-field LAeq figures. Measurements taken to check the compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Criterion Noise Levels LAeq, 1 hour

<u>Location</u>	<u>LAeq</u>
Girton Grange	45
Highcroft	54
Trent House Farm	45

*Reason: To ensure noise levels are appropriately regulated in accordance with the requirements Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

15. For temporary operations such as soil stripping, bund formation and restoration, the LAeq level at any noise sensitive properties shall not exceed 70 dB(A), expressed in the same manner as above. Temporary operations which exceed the normal day to day criterion shall be limited to a total of eight working weeks in any twelve month period to any individual noise sensitive property.

*Reason: To ensure noise levels are appropriately regulated in accordance with the requirements Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

16. Only electric pumps shall be used when required to dewater the workings except in an emergency which shall be notified immediately to the MPA or where acoustic data has been submitted to, and agreed in writing by the MPA to demonstrate adverse noise emissions would not result.



*Reason: To ensure noise levels are appropriately regulated in accordance with the requirements Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

17. No excavated minerals shall be transported from the working face to the plant site other than by means of an electrically driven conveyor.

*Reason: To ensure noise levels are appropriately regulated in accordance with the requirements Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

18. All plant, machinery and vehicles used on the site shall incorporate such noise abatement measures as, from time to time, may reasonably be required by the MPA and shall be silenced at all times in accordance with the manufacturers' recommendations.

*Reason: To ensure noise levels are appropriately regulated in accordance with the requirements Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

19. No reversing warning device shall be used on any mobile plant except in accordance with details to be agreed in writing beforehand by the MPA.

*Reason: To ensure noise levels are appropriately regulated in accordance with the requirements Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

## **Dust**

20. All possible measures shall be taken to minimise the generation of dust from operations on the site. This shall include taking any or all of the following steps as appropriate:

- (a) The use of water bowsters to dampen haul roads and other operational areas of the site;
- (b) Upon request from the MPA, the temporary suspension of mineral extraction, soil and overburden stripping and replacement operations during periods of unfavourable dry and windy weather conditions.
- (c) Any other measures that may be reasonably agreed with the MPA as circumstances dictate.

*Reason: To ensure noise levels are appropriately regulated in accordance with the requirements Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

## **Phasing**

21. Soil and overburden stripping and replacement and extraction and restoration operations shall progress sequentially in accordance with Drawing No.

*Reason: To minimise the area of land taken out of beneficial use at any one time and to ensure reclamation is achieved as quickly as possible in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.*

## **Ecological Protection and Management**

22. Prior to the recommencement of quarrying, an over-arching water vole habitat protection and translocation strategy shall be submitted to the MPA for its approval in writing. This over-arching strategy shall consider the potential impacts on water vole populations across the entirety of the site and shall identify areas where water vole habitat could potentially be lost and areas where replacement habitat would be provided. The scheme shall give consideration to the requirement to ensure replacement/compensatory habitats are established prior to the removal of existing habitat and a programme of monitoring of water vole populations across the site. A monitoring report shall be submitted to the MPA on an annual basis. In the event that monitoring identifies a reduction in water vole population across the site, then the operator shall review the strategy with a view to providing further habitat protection and compensation measures. The strategy shall also include a timetable for the implementation of the proposed measures. The strategy shall be implemented in accordance with the approved details.

*Reason: In the interest of protecting species and their habitats, in accordance with government policy set out within the National Planning Policy Framework.*

23. Prior to the recommencement of quarrying operations, details shall be submitted for approval in writing by the MPA to identify the installation of 20no. bat boxes, including the location of the proposed boxes and the timetable for their installation. The bat boxes shall be installed in accordance with the approved scheme. A 50m standoff shall be provided around the Barn Owl box (marked TN13 on Figure 4 of the Ecological Impact Assessment) between the months of March and September inclusive.

*Reason: Details are required prior to the recommencement of quarrying in the interest of protecting species and their habitats, in accordance with government policy set out within the National Planning Policy Framework.*

24. Prior to the commencement of development in any phase, a detailed ecological mitigation/compensation and restoration strategy, including a programme of monitoring of the created habitats and progressive restoration, shall be submitted to the MPA for its approval in writing. The measures shall be implemented as approved.

*Reason: In the interest of protecting species and their habitats, in accordance with government policy set out within the National Planning Policy Framework.*

25. Prior to the commencement of development in any phase, details showing all areas of hedgerow and trees to be retained together with measures for their protection during works shall be submitted to the MPA for its approval in writing. Development shall be carried out in compliance with the approved scheme.

*Reason: In the interest of protecting species and their habitats, in accordance with government policy set out within the National Planning Policy Framework.*

26. Site clearance operations that involve the destruction and removal of vegetation, including felling, clearing or removal of trees, shrubs, hedgerows or arable crops shall not be undertaken during the months of March to August inclusive, except when an ecological appraisal undertaken by an appropriately qualified person has been submitted to, and approved in writing by, the MPA.

*Reason: To ensure that breeding birds are not adversely affected by the development.*

27. Prior to commencement of development in any phase, a precautionary method of working in relation to reptiles and amphibians shall be submitted in writing to the MPA for approval in writing. The measures shall be implemented as approved.

*Reason: To ensure that protected species are not adversely affected by the development.*

28. Any trenches dug during works activities which are left open overnight shall be left with a sloping end or ramp to allow animals that may fall in to escape (small excavations should be covered/ overnight). Any pipes that are 200mm in diameter should be capped off at night to prevent animals entering. Security lighting must be avoided in areas which support populations of protected species.

*Reason: To ensure that protected species are not adversely affected by the development.*

### **Protection of Public Right of Way**

29. Prior to the commencement of soil stripping within phase 9 of the quarry there shall be submitted to the MPA for approval in writing details of a footpath crossing scheme identifying the design layout where the haul road/conveyor route crosses Spalford Footpath No. 8. The submitted scheme shall identify the location of the crossing point, any elevational changes to the footpath and arrangements for signage and barriers including a timetable for providing the crossing point. The scheme shall also give consideration to the need to facilitate cycle access, in the event that the route of the footpath is designated as a

Sustrans cycle route. The scheme shall also include a timetable for the implementation of the crossing point. The scheme shall be implemented in accordance with the approved details and thereafter maintained for the duration of quarrying operations.

*Reason: To ensure access along the footpath is maintained throughout the life of the quarry and to ensure compliance with Policy M3.26 of the Nottinghamshire Minerals Local Plan.*

### **Soil Stripping and Handling**

30. A detailed soil-handling scheme for each phase of the development shall be submitted in writing to the MPA for its approval in writing at least one month prior to the stripping of any soils from each phase of the site. Such a scheme shall include the following details:

- a. The depths of topsoil and subsoil to be stripped;
- b. A methodology statement for the stripping of soils;
- c. The types of machinery to be used;
- d. Notification of the commencement of soil stripping operations;
- e. The size, location, volume and composition of soil storage mounds.

The soil handling scheme shall be implemented in accordance with the approved details.

*Reason: To ensure satisfactory handling and preservation of the soil resource in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

### **Soil Replacement**

31. Prior to the commencement of soil replacement in connection with the restoration of the site, a detailed soil-handling scheme for the phase of restoration shall be submitted to the MPA for its approval in writing. The Scheme shall include:

- a. The depths of topsoil and subsoil to be replaced which shall have regard to the intended after-use of the site
- b. A methodology statement for the replacement of soils;
- c. The types of machinery to be used
- d. Notification of the commencement of soil replacement activities;

The soil handling scheme shall be implemented in accordance with the approved details.

*Reason: To ensure satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

## **Soil Handling, Storage and Management**

32. All topsoil and subsoil shall be permanently retained on site for subsequent use in restoration.

*Reason: To ensure satisfactory handling and preservation of the soil resource in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

33. No plant or vehicles shall cross any area of unstripped topsoil or subsoil or areas of replaced soils except where such trafficking is essential and unavoidable for purposes of undertaking permitted operations. Essential trafficking routes shall be marked in such a manner as to give effect to this condition. No part of the site shall be excavated or traversed or used for a road or for the stationing of plant or buildings, or storage of subsoil or overburden or waste or mineral deposits, until all available topsoil and subsoil has been stripped to a minimum depth of 1000mm from that part. The exception is that topsoils be stored on like topsoils and subsoils be stored on like subsoils.

*Reason: To ensure satisfactory handling and preservation of the soil resource in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

34. Topsoil, subsoil, and soil making material shall only be stripped and replaced when they are in a dry and friable condition and movement of soils shall only occur.

- (a) when all soil above a depth of 350mm is in a suitable condition that it is not subject to smearing; and
- (b) when topsoil is sufficiently dry that it can be separated from subsoil without difficulty.

*Reason: To ensure satisfactory handling and preservation of the soil resource in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

35. All storage mounds that remain in situ for more than 6 months, or over winter, shall be grass seeded and managed in accordance with a scheme that is to be submitted to, and approved in writing by, the MPA one month before soil stripping and storage mound construction is due to commence.

*Reason: To ensure satisfactory handling and preservation of the soil resource in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

36. Only low ground pressure machines should work on prepared ground. Soils shall be lifted into position and levelled by equipment that is not standing on re-laid topsoil or subsoil.

*Reason: To ensure satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

37. Annually, from the date of commencement a submission including the following details shall be submitted to the MPA;

- A plan detailing those areas of the which have been worked and restored; are currently operational, (including haul routes and plant site) and those which have yet to be worked;
- Details of the location of all soil stores on the site including the soils type and volume;
- An assessment and review of the soils available on site to meet the outstanding approved restoration requirements;
- If the review of the soils available on site indicates that these soils cannot restore any areas which are operational at the time then the submissions shall detail how any shortfall or surplus of soil will be addressed.

*Reason: To ensure satisfactory preservation of the soil resource in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

38. Any part of the site which is significantly affected by differential settlement that occurs during the restoration and aftercare period, and would interfere with agricultural operations, shall be filled. The operator shall fill the depression to the final settlement contours specified with suitable imported soils to the specification to be agreed in writing with the MPA. Topsoil, subsoil and other overburden moved in the course of the work shall not be mixed and shall be handled and replaced in accordance with the above conditions.

*Reason: To ensure satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

## **Restoration**

39. The site shall be restored in accordance with Drawing No. G011/00162/A: Restoration Plan – Girton Quarry dated 07/02/2017 received by the MPA on 7<sup>th</sup> February 2017. From the date of any part of the site entering into aftercare:

- (a) ditching (including piped ditch sections), installation of water supplies for livestock and erection of stock-proof fences and gates shall be completed within 12 months, and
- (b) hedges and trees shall be planted during the first planting season which runs between 1 November and 31 March. Any trees or shrubs forming part of an approved planting scheme that die or become diseased, damaged or removed within 5 years of planting shall be replaced during the first planting season thereafter with others of similar size and species and maintained, unless the MPA gives written consent for a variation be replanted.



*Reason: To ensure satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

40. The interim restoration works to be carried out within phase 1 to 3 of the former workings to the south of the plant site comprising the resiting of mineral stockpiles, the completion of soil placement and the planting of a hedge shall be carried out in accordance with the details set out on Drawing No. G11RE116: Proposed interim restoration area and described within Appendix 10 of the Environment Statement and Section 2.3 of the subsequent Regulation 22 response within 12 months of the date of this planning permission.

*Reason: To ensure satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

## **Aftercare**

41. All areas of the site shall undergo aftercare management for a 5 year period. The aftercare period shall commence on the date that restoration is completed to the satisfaction of the MPA and the date of entry that any part of the site enters restoration shall be agreed in writing with the MPA. Hedges, tree and other planting works and grass seeding shall be undertaken in the first planting and sowing seasons following the restoration of the site. Any planting or seeding that dies or become diseased, damaged or removed within 5 years of the site entering aftercare shall be replaced during the next available planting and seeding seasons.

*Reason: To ensure appropriate aftercare management of the site in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan.*

42. An agricultural/habitat creation and management strategy for each phase of the restored site shall be submitted for the written approval of the MPA at least 3 months before the spreading of subsoil commences in the phase. The strategy shall outline the steps to be taken, the period during which they are to be taken and who will be responsible for undertaking the works and shall include provision for:

- a review of the restoration proposals to ensure the approved provisions remain appropriate and deliverable;
- the provision of a field drainage system on land which is to be restored for agricultural uses;
- the provision of topographical features (scrapes and furrows) within marginal grassland;
- the design of ponds to include their size, profile and more complex lake margins;
- establishment methods and maintenance regimes for each habitat type to be restored;

- Management of existing/retained habitat, including hedgerows and the control of scrub and willow regeneration in the retained marshy area;
- The control of invasive species, particularly New Zealand Pygmy Weed (*Crassula Helisii*);
- The establishment of a restoration working group which shall meet at a minimum on an annual basis.

*Reason: To ensure satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

### **Early Cessation of Mineral Workings**

43. Should, for any reason, mineral extraction from the application site cease for a period in excess of 6 months, then within three months of the receipt of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted to, for approval in writing by the MPA. Such a scheme shall include a schedule of timings, final contours, provision of soiling, sowing of grass, planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these conditions. The revised scheme of restoration shall be implemented in accordance with the approved details.

*Reason: To ensure satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

44. The revised restoration scheme shall be implemented within 12 months of its approval by the MPA, and shall be subject to the aftercare provisions of conditions 41 and 42 above.

*Reason: To ensure satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*



**PROPOSAL 2: VARY CONDITIONS 7 AND 8 OF PLANNING CONSENT 3/04/00394/CMM TO ALLOW AN EXTENSION TO THE DURATION OF QUARRY WORKINGS UNTIL 31<sup>ST</sup> DECEMBER 2035 (CURRENTLY 31<sup>ST</sup> AUGUST 2016) WITH FULL SITE RESTORATION TO BE COMPLETED BY 31<sup>ST</sup> DECEMBER 2036.**

**NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/16/01340/CMM**

**Commencement of Planning Permission**

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

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.*

- 2 The date of commencement shall be notified in writing to the Mineral Planning Authority (MPA) at least 7 days but not more than 14 days prior to the permission being implemented.

*Reason: For the avoidance of doubt.*

**Scope of Planning Permission**

- 3 This permission is for the retention of the Girton Quarry Plant site and associated access road and the subsequent extraction of the underlying sand and gravel for an extended duration until 31<sup>st</sup> December 2035 and the restoration of the site to be completed by the 31<sup>st</sup> December 2036. The development shall be carried out in accordance with the details contained within the Environment Statement submitted to the MPA on 8<sup>th</sup> August 2016 and the two subsequent Regulation 22 responses received by the MPA on 20<sup>th</sup> December 2016 and 7<sup>th</sup> February 2017 and shown on the following drawings, except where amendments are made pursuant to the other conditions attached to the permission which are approved in writing by the MPA:

- a. Drawing No. G011/00159: Location Plan – Girton Quarry dated 24<sup>th</sup> June 2016 and received by the MPA on 8<sup>th</sup> August 2016.
- b. Drawing No. G011/00160: Site Plan – Girton Quarry dated 24<sup>th</sup> June 2016 and received by the MPA on 8<sup>th</sup> August 2016.
- c. Drawing No. G11QDPH906.PDF: Amendments to Phasing Plan – Girton Quarry dated October 2006 and received by the MPA on 8<sup>th</sup> August 2016.
- d. Drawing No. G11SOILS116.PDF: Soils in Store at June 2016 – Girton Quarry dated 14/06/2016 and received by the MPA on 8<sup>th</sup> August 2016.
- e. Drawing No. G011/00162/A: Restoration Plan – Girton Quarry dated 07/02/2017 and received by the MPA on 7<sup>th</sup> February 2017.

- f. Drawing No. G11/145b: Restoration Proposals (Historical Plant Site) dated September 2007 and received by the MPA on 8<sup>th</sup> August 2016.
- g. Drawing No. G11RE116.PDF: Proposed Interim Restoration areas – Girton Quarry dated 16/06/2016 and received by the MPA on 8<sup>th</sup> August 2016.
- h. Drawing No. G11RE216.PDF: Proposed Interim Restoration Final Landform – Girton Quarry dated 16/06/2016 and received by the MPA on 8<sup>th</sup> August 2016.

A copy of this permission including all plans and documents hereby approved, and any other plans and documents subsequently approved in accordance with this permission, shall always be available at the site offices for inspection by the MPA during normal working hours.

*Reason: For the avoidance of doubt and to assist with the monitoring of the planning permission.*

### **Duration of Planning Permission**

- 4. All sand and gravel extraction operations shall be completed by 31<sup>st</sup> December 2035. The processing plant and associated buildings/structures shall be removed from the site and the site shall be restored within 12 months of the cessation of sand and gravel extraction operations on the site, or by 31<sup>st</sup> December 2036, whichever is the sooner.

*Reason: For the avoidance of doubt and to assist with the monitoring of the planning permission.*

### **Buildings, Fixed Plant and Machinery**

- 5. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, no buildings, fixed plant, or machinery including any replacement crushing and screening plant and mobile accommodation shall be erected or placed on the site without the prior approval of the MPA.

*Reason: To enable the MPA to regulate all new buildings, fixed plant or machinery installed on the site.*

### **Access**

- 6. The quarry access road shall be maintained with a hard-wearing surface throughout the duration of the development. Any gates shall be set back a minimum of 20 metres away from the edge of the A1133 road carriageway and shall open inwards.

*Reason: In the interests of road safety and to ensure compliance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.*

7. All outbound vehicles shall use the wheel cleaning facilities which shall be maintained in an effective state for the duration of the development so that no vehicle shall leave the site in a condition whereby mud or other deleterious material is carried onto the public highway.

*Reason: In the interests of road safety and to ensure compliance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.*

8. The loads of all vehicles transporting minerals from the site shall be fully covered by sheeting prior to leaving site.

*Reason: In the interests of road safety and to ensure compliance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.*

### **Hours of Working**

9. Except in emergencies when life, limb or property are in danger and which are to be notified to the MPA within 48 hours of their occurrence, Heavy Goods Vehicles shall not enter or leave the site except between the hours of 7:00am to 6:00pm Monday to Friday, 7:00am to 1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.

*Reason: To ensure operational hours are appropriately regulated in accordance with Nottinghamshire Minerals Local Plan Policy M3.5.*

### **Storage Heights**

10. Stockpiles of 'as dug' sand and gravel, or processed mineral shall not exceed 7m.

*Reason: In the interest of visual amenity and to ensure compliance with Nottinghamshire Minerals Local Plan Policy M3.3.*

### **Noise**

11. Except for temporary operations, the Equivalent Continuous Noise level,  $L_{Aeq}$ , 1h, at Gorton Grange due to operations on the site shall not exceed 55dB  $L_{Aeq}$ . The criterion level is expressed as hourly free field  $L_{Aeq}$  figure. Measurements taken to check the compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

*Reason: To ensure noise levels are appropriately regulated in accordance with the requirements Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

12. For temporary operations such as soil stripping, bund formation and restoration, the  $L_{Aeq}$  level at any noise sensitive properties shall not exceed 70 dB(A), expressed in the same manner as above. Temporary operations which exceed the normal day to day criterion shall be limited to a total of eight working weeks in any twelve month period to any individual noise sensitive property.



*Reason: To ensure noise levels are appropriately regulated in accordance with the requirements Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

13. No excavated minerals shall be transported from the working face to the plant site other than by means of an electrically driven conveyor, unless otherwise agreed in writing by the MPA.

*Reason: To ensure noise levels are appropriately regulated in accordance with the requirements Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

14. All plant, machinery, and vehicles used on the site shall incorporate noise abatement measures and shall be silenced at all times in accordance with the manufacturers' recommendations.

*Reason: To ensure noise levels are appropriately regulated in accordance with the requirements Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

15. No reversing warning device shall be used on any mobile plant except in accordance with details previously agreed in writing by the MPA.

*Reason: To ensure noise levels are appropriately regulated in accordance with the requirements Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

## **Dust**

16. Dust emissions shall be managed within the operation of the site. Dust control measures shall include, but not be limited to, any or all of the following steps as appropriate:

- The use of water bowsters to dampen haul roads and other operational areas of the site;
- The sweeping of access and haul roads, where necessary;
- The use of conveyors to transport excavated mineral to the plant site;
- The minimisation of drop heights during loading of sand and gravel;
- Upon request of the MPA, the temporary suspension of mineral processing during periods of unfavourably dry or windy weather conditions.

*Reason: To ensure dust emissions from the site are appropriately regulated in accordance with the requirements Policy M3.7 of the Nottinghamshire Minerals Local Plan.*

## **Protection of Public Footpath**

17. The existing signage which informs users of the haul road of the location of Spalford Footpath No. 1A crossing point shall be retained throughout the life of the site. The operator shall insure that drivers accessing the site are made aware of the location of the footpath.

*Reason: To protect the safety of footpath users in accordance with Policy M3.26 of the Nottinghamshire Minerals Local Plan.*

## **Protection of Ground and Surface Water**

18. Facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tanks, the compound shall be at least equivalent to the capacity of the largest tank, vessel or combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

*Reason: To minimise risks from pollution in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.*

19. Prior to being discharged into any watercourse, surface water, sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

*Reason: To minimise risks from pollution in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.*

## **Landscape Management and Supplementary Planting**

20. The landscape planting listed below shall be maintained in accordance with good arboricultural practice for the duration of the development.

- the retention of existing planting within the Old Trent Oxbow Local Wildlife Site;
- the linear row of planting on the south east boundary of the plant site;
- the hedgerow adjacent to the A1133 Gainsborough Road.

*Reason: In the interest of visual amenity and to ensure compliance with Nottinghamshire Minerals Local Plan Policy M3.3.*

## **Soil Storage**

21. All soils and soil making materials shall be stored and replaced in accordance with the Development Proposals set out in Pages 8-31 of the Supporting Statement (The Statement) dated June 1998 submitted with planning application 3/98/0800, unless modified by this schedule of conditions, or as otherwise may be approved in writing by the MPA.

*Reason: To ensure satisfactory handling and preservation of the soil resource in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

22. Stocks of topsoil shall not exceed 3m in height and stocks of subsoil shall not exceed 5m in height. All storage mounds that remain in situ for more than 6 months or over winter shall be seeded down with grass and maintained in a weed free condition.

*Reason: To ensure satisfactory handling and preservation of the soil resource in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

23. Annually, from the date of commencement a submission including the following details shall be submitted to the MPA for its approval in writing:

- A plan detailing those areas of the site which have been worked and restored; are currently operational, (including haul routes and plant site) and those which have yet to be worked;
- Details of the location of all soil stores on the site including the soil types and volume;
- An assessment and review of the soils available on site to meet the outstanding approved restoration requirements;
- If the review of the soils available on site indicates that these soils cannot restore any areas which are operational at the time then the submissions shall detail how any shortfall or surplus of soil will be addressed.

*Reason: To ensure satisfactory preservation of the soil resource in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

### **Restoration of Plant Site**

24. The plant site and access road shall be restored on or before 31<sup>st</sup> December 2036 in accordance with Drawing No. G011/00162/A: Restoration Plan – Girtton Quarry dated 07/02/2017 and received by the MPA on 7<sup>th</sup> February 2017. A specification of soil depth and profile to be used to facilitate the restoration of the site shall be agreed in writing with the MPA prior to the commencement of restoration works.

*Reason: To ensure satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

25. All operations involving soil placement and cultivation treatments shall only be carried out when the full volume of the soil involved is in a dry soil moisture condition thereby avoiding damage to soils and maximising the effects of the sub-soiling operations. Plant and vehicles shall not cross areas of replaced or loosened materials or areas spread with sub soil or topsoil except for the express purpose of restoration operations. The re-spread topsoil shall be rendered suitable for agricultural cultivation by loosening and ripping.

*Reason: To ensure satisfactory handling and preservation of the soil resource in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

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

*Reason: To enable the MPA to monitor the development*

#### **Interim restoration of plant site.**

27. The interim restoration works to be carried out within the plant site consisting of the re-siting of mineral stockpiles from land to the south of the plant site and the reduction in the height of the existing stockpiles to a maximum 7m shall be carried out within 12 months of the date of this planning permission. Furthermore, should mineral extraction not recommence before 31<sup>st</sup> December 2019 then the remaining mineral stockpiles shall be removed from the site within 3 months of this date.

*Reason: To reduce the visual prominence of the site in accordance with Policy M3.3 of the Nottinghamshire Minerals Local Plan.*

#### **Aftercare**

28. Following restoration the site shall undergo aftercare management for a 5 year period. Prior to being entered into aftercare, the extent of the area and its date of entry into aftercare shall be agreed in writing with the MPA and the 5 year aftercare period shall run from the agreed date.

*Reason: To ensure appropriate aftercare management of the site in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan.*

29. An aftercare scheme outline strategy shall be submitted for the written approval of the MPA no later than 3 months before the spreading of subsoil commences. The strategy shall outline the steps to be taken, the period during which they are taken, and who will be responsible for taking those steps to ensure the land is restored and brought back to a satisfactory condition. The aftercare scheme shall include but not be restricted to details of the following:

- a. Cultivations
- b. Weed control
- c. Sowing of seed mixtures
- d. Soil analysis
- e. Keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the MPA between the 31 March and 31 May each year
- f. Drainage amendments
- g. Management practices such as the cutting of vegetation
- h. Tree protection

- i. Remedial treatments
- j. Irrigation,
- k. Fencing, and
- l. The establishment of a restoration working group which shall meet at a minimum on an annual basis.

Aftercare shall thereafter be undertaken in accordance with the approved details and timetable. All stock used will be of local genetic origin and local provenance.

*Reason: To ensure appropriate aftercare management of the site in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan.*

### **Alternative Restoration**

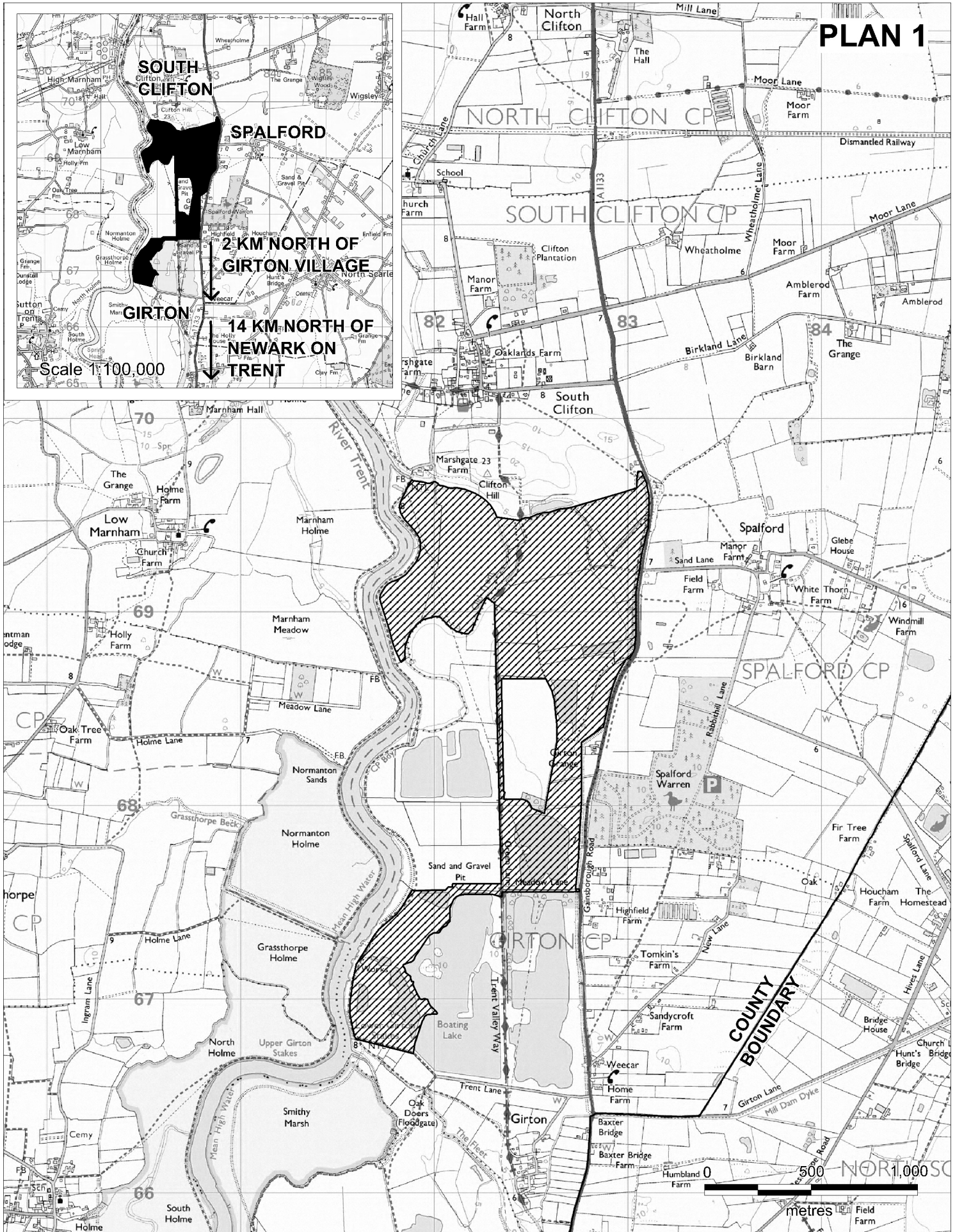
30. Should for any reason, mineral processing from the application site cease for a period in excess of 6 months, then within three months of the receipt of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted to the MPA for approval in writing. Such a scheme shall include a schedule of timings, removal of plant and infrastructure, final contours, provision of soiling, sowing of grass, planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these conditions.

*Reason: To ensure satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

31. The revised restoration scheme shall be implemented within 12 months of its approval by the MPA, and shall be subject to the aftercare conditions outlined in condition 29 above.

*Reason: To ensure satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*





**Nottinghamshire  
County Council**

Vary conditions 8 and 9 of planning permission 3/98/0800 and to vary conditions 7 and 8 of planning consent 3/04/00394/CMM to allow the continued retention/use of the plant site/access road at Girton Quarry until 31st December 2035 (currently 31st August 2016) with full site restoration to be completed by 31st December 2036.  
Girton Quarry, Gainsborough Road, Girton, Near Newark, Nottinghamshire.  
Planning Application No.'s 3/16/01341/CMM & 3/16/01340/CMM

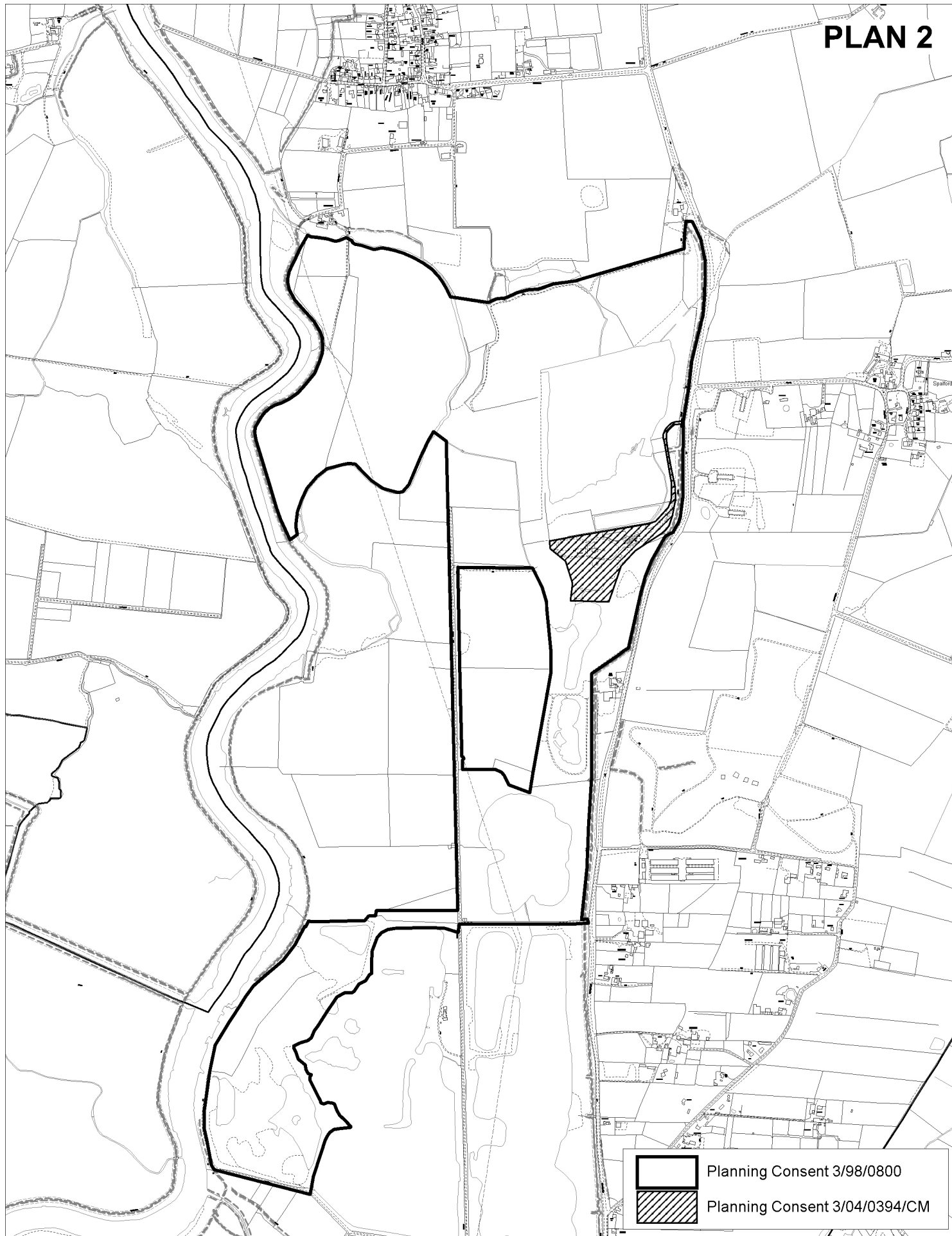
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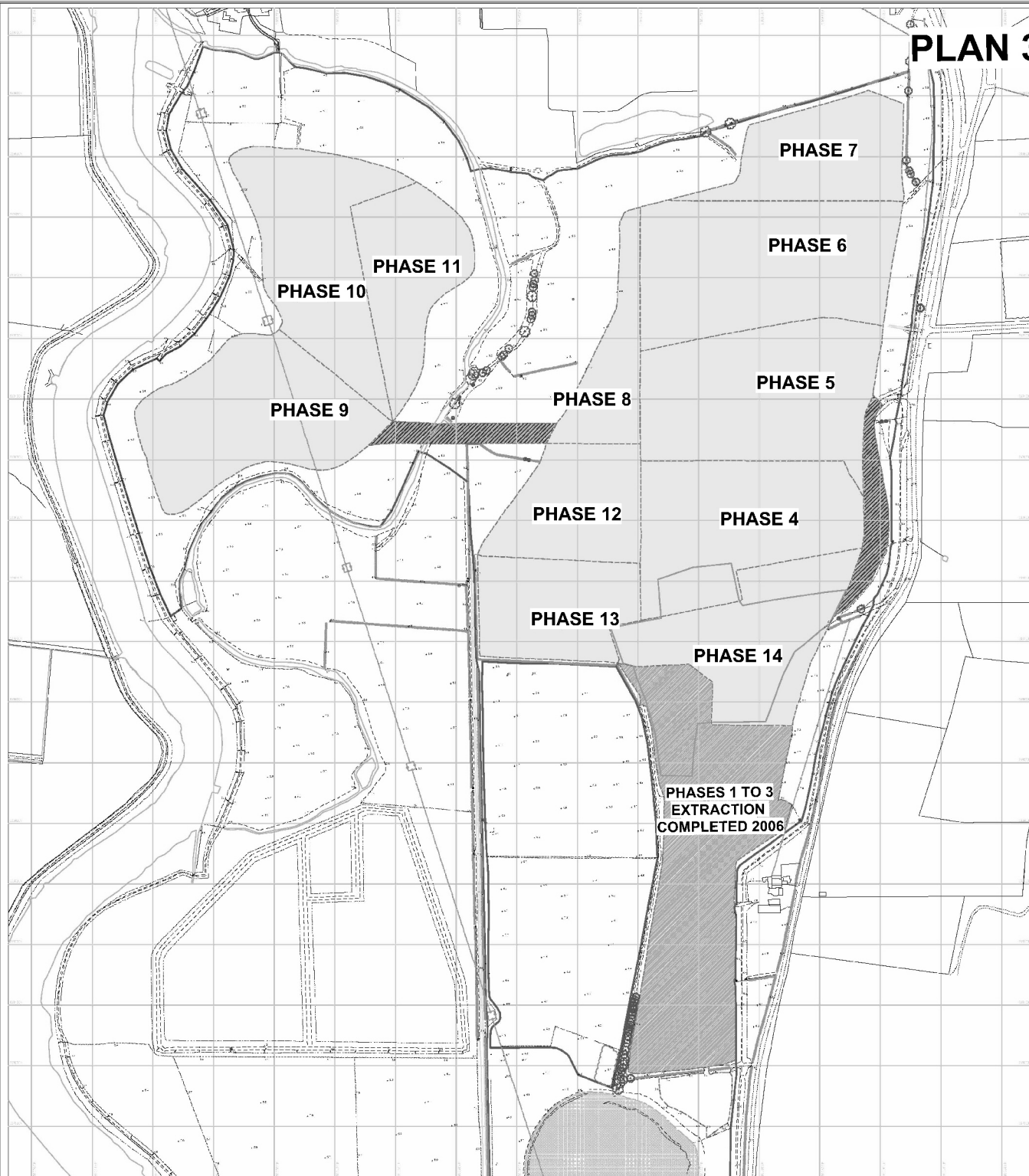
Scale 1:15,000  
Produced by: JW  
Date: APRIL 2017











## Legend

- Planning Permission boundary (Northern Area)
- Areas of mineral extraction and main operational areas
- Remaining areas of sand and gravel with planning permission for extraction
- Access areas to site and extraction areas
- Areas of completed extraction undergoing restoration
- Location of processing plant, stockpiles and site office

Not to Scale  
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## Tarmac

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### GIRTTON QUARRY

#### AMENDMENTS TO PHASING PLAN

LTS 16040/UM T1 CHANGING

Drawn By  
N.G.JONES

Date  
OCTOBER 2006

Scale  
1 : 2000

Drawing No.  
G11GDPH906.PDF

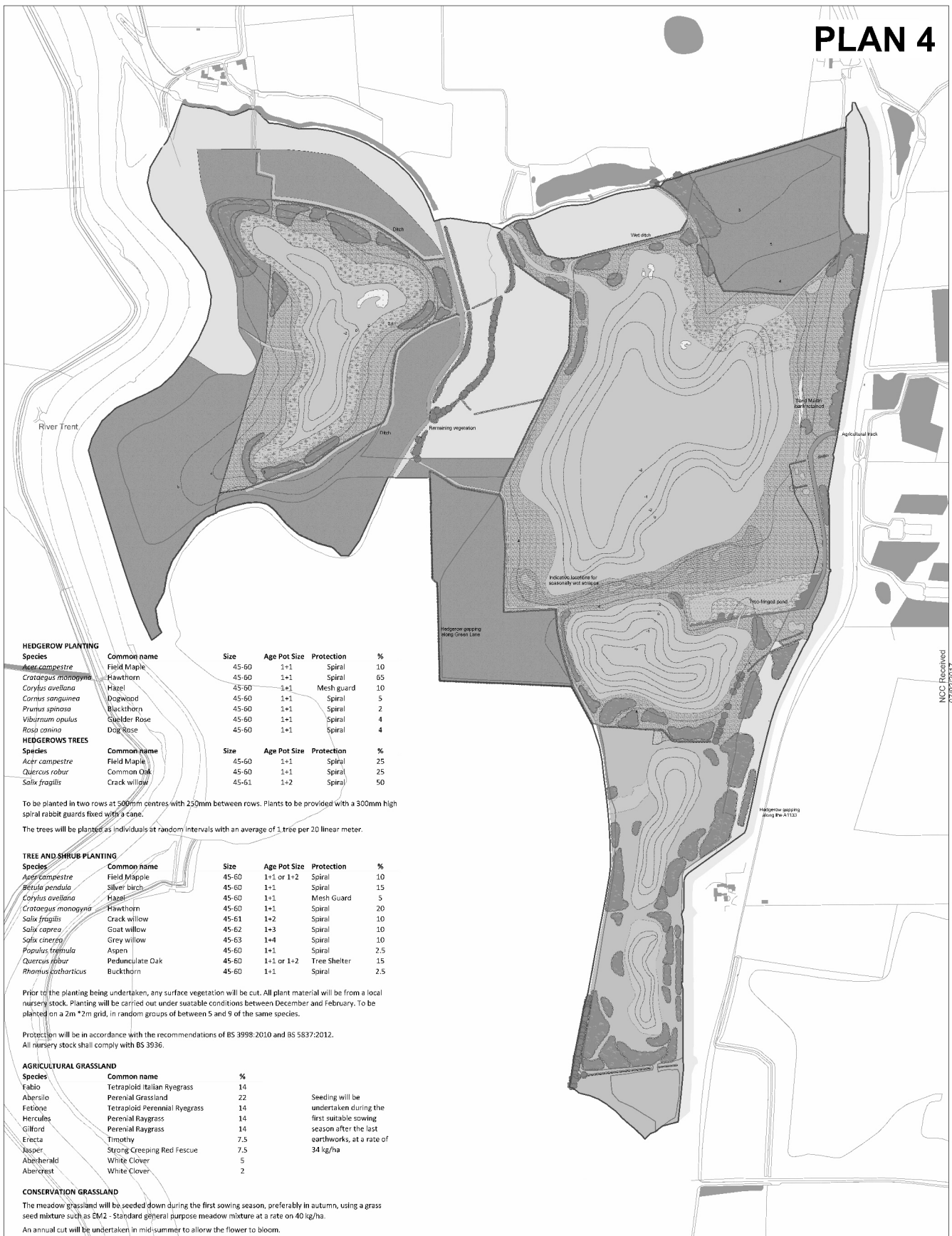
reduction 0.3616







# PLAN 4



NCC Received  
07/02/2017

## Legend

Mineral extraction boundary	New hedge	Existing flood embankment	Hedgehog	Natural regeneration	Pond	Scrub
Remaining hedge	Contours of restored levels	Existing habitat	Lowland Meadow	Neutral Grassland	Public Space	Shingle
Planning permission boundary	Arable	Existing vegetation	Lowland Mixed Deciduous Woodland	Oligotrophic and Oxytrophic Lake	Reedbed	Trest Oxbow

**TARMAC**  
A GBC COMPANY

Site Name: G1011/G1012  
Project Name: Restoration Plan  
Date of Issue: 10/01/2017  
Scale: 1:1000  
Author: J.W.  
Check: J.W.  
Date of Check: 10/01/2017  
Date of Issue: 10/01/2017









**18 April 2017**

**Agenda Item:**

**REPORT OF CORPORATE DIRECTOR - PLACE**

**DEVELOPMENT MANAGEMENT PROGRESS REPORT AND END OF YEAR  
PERFORMANCE**

**Purpose of Report**

1. To report on planning applications received by the Development Management Team between 4<sup>th</sup> February 2017 and 31<sup>st</sup> March 2017 and to confirm the decisions made on planning applications since the last report to Members on 21<sup>st</sup> February 2017. The report also covers end-of-year performance.

**Background**

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B highlights applications outstanding for over 17 weeks. Appendix C is a table of County Council performance nationally, for the year ending December 2016.

**‘County Matter’ planning applications**

3. County Matter applications relate to proposals for Minerals or Waste development. In the 12 months up to 31<sup>st</sup> March 2017, a total of 34 County Matters applications were received. This compares with 60 received in the same period 2015/2016. In the period 2016/2017, eight applications were accompanied by environmental statements, compared with 2 received in 2015/2016. At 1<sup>st</sup> April 2016, 28 applications were outstanding, this gave a total of 62 applications to be processed in 2016/2017 period, compared to 99 in 2015/16.
4. A total of 37 County Matter applications were determined throughout the year, compared with 54 in the previous year. Table 1 (overleaf) shows the performance over the year, indicating the time taken to determine applications. In addition of the 37 applications determined, 3 were withdrawn and 2 were returned. As at 1 April 2017, 22 applications were on hand. Of the 37 applications determined, planning permission was granted for 34 and 3 were refused. These were:

- (i) Regularisation of use of additional land in connection with scrapyard, erection of buildings for use in connection with scrapyard, erection of additional buildings and plant/machinery including extension to existing offices. Briggs Metals Limited, Great North Road, Newark;
  - (ii) Improvement works to the country park involving the remodelling and partial in-filling of lake 2 for development as a fishery, and wider landscape improvement works and path upgrades, in total requiring the importation of circa 17,000m<sup>3</sup> of inert materials and soils. Newstead and Annesley Country Park, Newstead Village;
  - (iii) Temporary Use of Land for the Proposed Recycling of Excavated Material from Newark Sewer Scheme Including Processing, Crushing and Screening. Land West of Drove Lane, Coddington, Newark
5. Committee has resolved to grant planning permission for a further nine applications, subject to the signing of S106 Legal Agreements. These are:
- (i) Two 2 applications at East Leake Quarry Rempstone for an extension to the quarry and the second to consolidate permissions;
  - (ii) Besthorpe Quarry near Newark extension of time;
  - (iii) John Brooke Sawmills, Widmerpool, change of use and extension of building;
  - (iv) Staple Quarry, near Newark to vary the restoration scheme;
  - (v) Misson Springs and Tinker Lane in Bassetlaw both for exploratory boreholes;
  - (vi) Bunny Materials recycling Facility at Bunny, to vary the starting time for lorries;
  - (vii) Two Oaks Farm, Sutton in Ashfield, vary a condition to allow for annual increase in lorry movements.
6. After a hearing, the Secretary of State granted planning permission in November 2016 for the reclamation of former mineral workings through the importation of inert waste with restoration to notable native and alien plant species habitat, characteristic of the Cropwell Bishop Gypsum spoil wildlife site, Canalside Industrial Park, Kinoulton Road, Cropwell Bishop.
7. This is the second year the performance report will reflect the Government's introduction of a new method of measuring the County Council's performance for determining planning applications. The target has been raised from 50% to 60%. All county matter applications are classed as major applications and therefore should be determined within either a 13 week period or a 16 week period for applications accompanied by an Environmental Statement. If the Authority considers that an application is not going to be determined within these timescales, it is allowed to ask applicants for a time extension. If the time extension is agreed, and the application is determined within the agreed

time extension, the Authority will meet the required performance criteria. Reasons for seeking time extensions can range from the need to undertake further consultations, the timing of committee cycles, or negotiating S106 legal agreements, competing workload pressures. Appendix C shows the performance of the Authority against other county councils in the country. Nottinghamshire was sixth highest for the amount of county matter applications received and was the fourth highest for the amount of applications determined for the year ending December 2016.

8. The figure for applications dealt within 13 weeks for the period 2016/2017 was 35% (see Table 1 below), compared to 57% for 2015/2016 (see Table 1 below). However, with the inclusion of applications dealt within an agreed time extension the figure rises to 86%. This compares to the present Government target of 60% of applications to be dealt within 13 weeks or an agreed time extension.

**Table 1 Annual Performance for County Matter applications**

No. of County Matter applications determined	Within 8 weeks*		Within 13 weeks*		Agreed Time Extension		Over 17 weeks No Time Extension		Total	
	no	%	no	%	no	%	no	%	no	%
April 2015 to March 2016	13	24	31	57	17	89	6	11	54	100
April 2016 to March 2017	5	14	13	35	32	86	5	14	37	100

\*The figures are cumulative

County Matter applications determined under delegated powers:	19
County Matter applications determined by Committee:	18
County Matter applications withdrawn:	3
County Matter applications returned:	2
County Matter EIA applications determined by Committee:	0
<b>Total</b>	<b>42</b>

9. The Development Management Team has continued to deal with other types of applications during the past year. These include Non-Material Amendments (31 compared to 27 in 2015/2016) and the discharging of details required by conditions (80 compared to 59 2015/2016). The team has also provided 2 screening opinions' upon receipt of a specific 'screening requests' in addition to screening all planning applications received to assess whether they trigger the need for Environmental Impact Assessment (EIA). In cases where it has been determined that EIA is required, the team has also carried out 8 'scoping opinions' liaising with statutory bodies and other consultees to obtain their views on what environmental issues the EIA should assess. The team offers formal pre-application advice, for which a fee can apply, (5 compared to 12 in 2015/2016) and advice in respect of permitted development rights (11 compared to 14 in 2015/2016) where officers determine whether proposals can be carried out without the need for formal planning permission.

Consultations are also received from other statutory bodies, for example the Environment Agency, who consult the team on waste management licences and environmental permits.

10. Similarly, the district/borough councils consult the County Council on planning applications which may affect mineral or waste sites, for example a wind turbine on a sewage treatment works. Views are also sought on significant proposals outside but close to the county boundary. These matters are dealt with by the Council's Planning Policy Team.

### County Council Development

- 11 The County Council determines applications for its own development under the procedures laid down in the Town and Country Planning General Regulations 1992 (usually Regulation 3). This is a privileged position afforded to local authorities and it is essential that applications for the County Council's own developments are subject to the same level of scrutiny as that for other applicants. In the 12 months up to 31 March 2017, a total of 30 County Council development applications had been received. This compares with 58 in the same period last year.
- 12 Nine applications were outstanding as at 1 April 2016 giving a total of 39 to be processed during last year, compared to 85 in 2015/2016. As at 1 April 2017, 7 applications were on hand.
- 13 During 2016/2017 a total of 35 County Council applications were determined, all of which were granted permission. A further 3 applications were withdrawn by the applicant department, and 1 application was returned for being incomplete.

**Table 2 Annual Performance for county Council applications**

No. of County Council Developments applications determined	Within 8 weeks*		Within 13 weeks*		Within 17 weeks*		Over 17 weeks		Total	
	no	%	no	%	no	%	no	%	no	%
April 2015 to March 2016	32	52	47	77	52	85	9	15	61	100
April 2016 to March 2017	12	34	28	80	31	89	4	11	35	100

\*The figures are cumulative

County Council Development applications determined under delegated powers:	27
County Council Development applications determined by Committee:	8
County Council Development applications withdrawn :	3
County Council Development applications returned:	1
<b>Total</b>	<b>39</b>

- 14 The Development Management Team has dealt with other matters relating to the County Council's own development during the year. These include Non-Material Amendments (16, compared to 18 in 2015/2016); the discharge of conditions on applications that have been granted planning permission (198, compared to 186 2014/2015); and permitted development proposals (13, compared with 27 in 2014/15).

### **Outstanding applications**

- 15 At the start of this new financial year, 1<sup>st</sup> April 2017, a total of 21 County Matter applications and 7 County Council development applications are outstanding. A list of those applications outstanding for longer than 17 weeks is attached as Appendix B.

### **National performance**

- 16 The Department for Communities and Local Government produces statistical information on planning applications received and determined by County Planning Authorities. The latest available table include performance for the year ending December 2016 and is attached as Appendix C.
- 17 In that period, Nottinghamshire received 44 County Matter applications (i.e. minerals and waste applications), the sixth highest amongst County Councils in England, and determined 46, the fourth highest in the country. This compared to 53 received (fourth highest) and 44 determined (fourth highest) in the year ending December 2015.
- 18 In terms of County Council developments (Regulation 3 applications), Nottinghamshire determined 49 (seventh highest) applications in the year ending December 2016, compared to 49 during the same period ending December 2015.
- 19 Since 2013 the Government has been monitoring local planning authority performance on the speed and quality of decisions on planning applications for major development. The target to determine major development applications within the statutory period of 13 weeks (or an extended period agreed with the applicant) has gradually increased since being introduced and presently stands at 60%. The County Council is presently meeting this target. The Government has now introduced a similar target for the determination of non-major development applications within the statutory period of 8 weeks (or an extended period agreed with the applicant) which has been set at 65%, increasing to 70% in 2018.

### **Monitoring and Enforcement**

- 20 The determination of planning applications goes hand in hand with the monitoring and enforcement of development. A separate report on Monitoring



and Enforcement work over 2016-2017 will be presented to the next available Committee.

### **Appeals**

- 21 The County Council was involved in a Hearing for the proposed development of Land reclamation of former mineral workings through the importation of inert waste with restoration to notable native and alien plant species habitat, characteristic of the Cropwell Bishop Gypsum spoil wildlife site, Canalside Industrial Park, Kinoulton Road, Cropwell Bishop. The application was presented to Committee in September 2015 where it was resolved to refuse planning permission. The applicant appealed against the decision and Hearing took place in October 2016. The Secretary of State allowed the appeal and granted permission in November 2016

### **Ombudsman investigations**

- 22 No complaints have been referred to the Local Government Ombudsman (LGO) in the reporting period.

### **Development Plan progress**

- 23 Progress continues to be made in the preparation of new planning policy documents that will replace those saved policies within the adopted Nottinghamshire and Nottingham Waste Local Plan and the Nottinghamshire Minerals Local Plan that are becoming increasingly out of date.
- 24 Following adoption of the Nottinghamshire and Nottingham Replacement Waste Local Plan Waste Core Strategy Part 1 in December 2013, options for progressing the Joint Waste Local Plan development management and site specific policies are currently being discussed with Nottingham City Council. A report will be presented to the June meetings of the County Council's Environment and Sustainability Committee and the Joint Committee on Strategic Planning and Transport to consider the scope and a new timetable for preparing this document.
- 25 The new Minerals Local Plan seeks to set out an overall approach to future minerals provision within the County up to 2030. Key issues will be the amount of minerals needed to meet demand, the location of future sites and the social and environmental impacts of mineral working. The first stage of the consultation in 2012 on 'Issues and Options' was followed in late 2013 by a second stage of consultation on the Minerals Local Plan Preferred Approach. Additional consultation was carried out in May 2014 on sand and gravel provision followed by a further consultation on sand and gravel provision in respect of Shelford West in October 2014. The most recent formal consultation on the Minerals Local Plan Submission Draft Plan closed on Tuesday 29th March 2016 and the submission of this document to the Secretary of State for independent examination was approved by Full Council

in November 2016. The examination is scheduled to commence on 27 June until 5 July.

### **Other Issues**

- 26 Aside from the day to day determination of planning applications and related matters, there have been a number of changes to the way the Development Management Team works over the last year.
- 27 In order to support the decision making process for applications for shale gas development, a 'Shale Gas Event' was held in July 2016 at which the various bodies and organisations involved in regulating such developments gave presentations and answered questions in front of an audience of Members, officers, district and parish councils and interest groups. The Planning Advisory Service also held a seminar in September on shale gas development.
- 28 The Development Management Team's planning applications and monitoring and enforcement database has been subject to further improvements in order to increase the efficiency of the team's work. This is particularly relevant in the face of more strict targets for determining planning applications, as detailed earlier in this report. These improvements largely centre on the increased use of electronic communication, both in terms of sending information out and receiving correspondence, rather than generating significant printing and postage costs as has been the case in the past. Further developments to the database to bring about yet more efficiencies are planned for the future.

### **Statutory and Policy Implications**

- 29 This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **RECOMMENDATIONS**

- 30 It is RECOMMENDED that the report and accompanying appendices be noted.

**ADRIAN SMITH**

**Corporate Director - Place**

### **Constitutional Comments**

"The report is for noting only. There are no immediate legal issues arising. Planning and Licensing Committee is empowered to receive and consider the report." [HD – 04/04/2017]

#### **Comments of the Service Director - Finance**

Comments of the Service Director – Finance The contents of this report are duly noted – there are no direct financial implications. [SES- 04/04/2017]

**Planning Applications Received and Determined**  
**From 4<sup>th</sup> February to 31<sup>st</sup> March 2017**

Division	Member	Received	Determined
<b>BASSETLAW</b>			
Retford East	Cllr Pam Skelding		Erection of a six classroom block with a covered link corridor. Hall courtyard infill. Footpath, additional car parking spaces, alterations to vehicular access and widening of access road, and associated landscape works. Ordsall Primary School, Ordsall Road, Retford. Granted 28/03/2017

<b>MANSFIELD</b>			
Mansfield East	Cllr Alan Bell Cllr Colleen Harwood	Erection of single storey courtyard extension to provide hygiene facility and calming room for Foundation Year 1 and Year 2. Holly Primary School, Holly Drive, Forest Town. Received 07/02/2017	
Mansfield South	Cllr Stephen Garner Cllr Andy Sissons	Retrospective application for the retention of a temporary classroom and entrance steps. King Edward Primary School, St Andrews Street, Mansfield. Received 06/03/2017	

<b>NEWARK &amp; SHERWOOD</b>			
Farnsfield & Lowdham	Cllr Roger Jackson		Application to construct a new access road with new weighbridge, vary conditions 3, 5, 6, 9, 11, 15, 17, 21 and 22 of planning permission reference 3/15/00630/CMA including the expansion of the permitted composting treatment area with development of an aerated composting pad on part of the currently permitted compost facility area, increase the maximum annual processing capacity to 75,000 tonnes per annum, extension of the western landscaping bund and other ancillary developments. Oxton Composting Facility, Ollerton Road, Oxton, NG25 0RG. Granted 22/02/2017 (Committee)
Farndon & Muskam	Cllr Mrs Sue Saddington		A retrospective application seeking planning permission to locate an additional leachate storage tank and associated de-foaming cabinet. Staple Quarry Landfill Site, Grange Lane, Cotham, NG24 3J. Granted 23/02/2017



Collingham	Cllr Maureen Dobson		Temporary Use of Land for the Proposed Recycling of Excavated Material from Newark Sewer Scheme Including Processing, Crushing and Screening. Land West of Drove Lane, Coddington. Refused 22/03/2017 (Committee)
Farndon & Muskam	Cllr Mrs Sue Saddington		S73 Application to Remove Planning Condition No.7 from Planning Permission 3/15/02039/CMM - The excavation of two stock ponds, construction of a central bank in Bridge Lake through importation of inert materials and associated bank improvement works on Chestnut Lake to improve the habitat and promote sport development in the community and rural area. Muskham Lakes, Great North Road, South Muskham. Granted 28/03/2017.
<b>ASHFIELD</b>			
Kirkby in Ashfield South	Cllr Rachel Madden		Erection of store extension and siting mobile classroom. Kirkby Woodhouse Primary School, Main Road, Kirkby in Ashfield. Granted 06/02/2017

Kirkby in Ashfield North	Cllr John Knight	Erection of a single story detached 2-classroom modular building, with associated minor landscaping works and 2m high security fencing. Abbey Hill Primary & Nursery School, Abbey Road, Kirkby in Ashfield. Received 10/02/2017	
Sutton in Ashfield East	Cllr Steve Carroll	Installation of timber cladding to building external elevations and retention of solar photovoltaic panels to the roof. Mill Adventure Base, Kingsmill Reservoir, Sherwood Way South, Sutton in Ashfield. Received 13/03/2017	
Sutton in Ashfield East	Cllr Steve Carroll		Installation of a 5MW Solar PV Array with associated access track and temporary construction compound. Two Oaks Quarry, Derby Road, Sutton in Ashfield. Granted 31/03/2017

<b>BROXTOWE</b>			
Bramcote & Stapleford	Cllr Stan Heptinstall Cllr Jackie Williams		To remove existing chain link fence and replace with 2.4 m high galvanised and polyester coated green RAL 6005 Hear pallas fencing along the western boundary. William Lilley Infant School, Halls Road, Stapleford. Granted 13/03/2017
Bramcote & Stapleford	Cllr Stan Heptinstall Cllr Jackie Williams	Variation of condition 3 of planning permission 5/16/00837/CCR to amend the design of the canopy. William Lilley Infants and Nursery School, Halls Road, Stapleford, NG9 7FS. Received 20/03/2017	
<b>GEDLING</b>			
Carlton West	Cllr Jim Creamer Cllr Darrell Pulk		Construction of car park extension, Parkdale Primary School, Parkdale Road, Carlton. Granted 16/02/2017
Arnold North	Cllr Pauline Allan Cllr Michael Payne		Erection of single classroom extension and extension to car park with brick clad retaining wall and 4m high ball fence and car park lighting. Killisick Junior School, Killisick Road, Arnold. Granted 29/03/2017

<b>RUSHCLIFFE</b>			
Ruddington Soar Valley	Cllr Reg Adair Cllr Andrew Brown		To vary condition 2 of planning permission 8/00/01321/CMA to extend the operation of the mine until 22 February 2042. Marbleise Mine, Gotham Road, East Leake. Granted 23/02/2017 (Committee)
Ruddington Soar Valley	Cllr Reg Adair Cllr Andrew Brown		To vary condition 4 of planning permission 8/11/01544/CMA to extend the operation of the mine until 22/02/2042. Marblaegis Mine, Gotham Road, East Leake. Granted 23/02/2017 (Committee)
Keyworth Ruddington Soar Valley	Cllr John Cottee Cllr Reg Adair Cllr Andrew Brown		Periodic review of mineral permissions pursuant to Section 96 of Environment Act 1995. Granted 23/02/2017 (Committee)
Soar Valley	Cllr Andrew Brown		Variation of condition 1 of planning permission 8/05/00761/CMA to retain the existing site, including access, for a continued period of production of oil and associated gas for a further 5 years. Rempstone B Well site, Rempstone. Granted 28/03/2017

**Applications outstanding over 17 weeks at 31st March 2017**

Division	Member	Description	Weeks Out Standing	Comments
<b>BASSETLAW</b>				
Misterton	Cllr Liz Yates	To develop a hydrocarbon wellsite and drill up to two exploratory hydrocarbon wells (one vertically and one horizontally) by use of a drilling rig together with associated ancillary works. The proposed development will be carried out in four phases: Phase 1 - Wellsite construction; Phase 2 - Drilling of up to two exploratory wells for hydrocarbons including potential shale gas (the first one vertical and the second one horizontal); Phase 3 - Suspension of wells and assessment of drilling results; Phase 4 - Site decommissioning, well abandonment and restoration. Land off Springs Road, Misson	75	Presented to Committee on 5/10/2016 and was resolved to grant permission upon the signing of a S106 Legal Agreement

Division	Member	Description	Weeks Out Standing	Comments
Misterton	Cllr Liz Yates	<p>The exploratory well would be a vertical multi-core well to target the Bowland Shale and Millstone Grit geological formations to assist with the assessment of the shale gas basin in the area. In addition, three sets (with each set containing up to 3 boreholes) of monitoring boreholes would be installed to sample and monitor groundwater and ground gas during the drilling of the exploration well. The proposed development would involve permission for the security cabins already on the site, together with the construction work associated with the development of the well site, the drilling (using a drill rig of a maximum height of 60m) and evaluation of the well and monitoring boreholes and then the decommissioning and restoration of the site back to agricultural use. The development would be for a proposed three year period. Land off A634, Between Blyth and Barnby Moor, Near Retford.</p>	44	Presented to Committee 21 March 2017 where it was resolved to grant permission subject to the signing of a S106 Legal Agreement



<b>Division</b>	<b>Member</b>	<b>Description</b>	<b>Weeks Out Standing</b>	<b>Comments</b>
Tuxford	Cllr John Ogle	Use of ash processing plant equipment. West Burton Power Station, North Road, West Burton	28	Negotiating HGV movements with NCC highways.
Tuxford Warsop	Cllr John Ogle  Cllr John Allin	To vary conditions 1 and 85 of planning permission 1/64/96/2 to allow the continuation of the extraction and processing of limestone until 2035 with restoration complete by 2037 (currently permitted until 28th October 2017 with restoration by 28th October 2019) and removal of condition 77 so to retain the access road. Nether Langwith Quarry, Wood Lane, Nether Langwith, NG20 9JQ	21	Request for Additional Information under Reg 22 received, and has gone out to consultation. We are now awaiting responses.
<b>MANSFIELD – None</b>				

<b>NEWARK &amp; SHERWOOD</b>				
Collingham	Cllr Maureen Dobson	To vary conditions 2, 4, 24 and 25 of planning consent 3/02/02403CMA to facilitate an extension of time to 31 December 2022 for the extraction of the remaining sand and gravel reserves with restoration to be completed within 12 months thereafter and also amendment of the approved restoration and working plans. Besthorpe Quarry, Collingham Road, Collingham	121	Resolved to grant permission upon the agreeing and signing of S106 Legal Agreement , which should be completed in the next month.
Farndon & Muskham	Cllr Mrs Sue Saddington	To vary condition 46 of planning permission 3/14/91/1237, revision to approved restoration scheme. Staple Landfill, Grange Lane, Cotham	49	Presented to Committee 20/09/2016 and was resolved to grant permission upon the agreeing and signing of S106 Legal Agreement
Rufford	Cllr John Peck	The retention and continued operation of the coal mine methane electricity generation plant. Former Thoresby Colliery Site, Edwinstowe	37	Applicant to produce air pollution figures for Natural England to assess.

Collingham	Cllr Maureen Dobson	Vary conditions 8 and 9 of planning consent 3/98/0800 to allow an extension to the duration of quarry workings until 31st December 2035 (currently 31st August 2016) with full site restoration to be completed by 31st December 2036. The submission also incorporates an interim restoration scheme relating to land to the south of the plant site. Girton Quarry, Gainsborough Road, Girton.	34	Can be found elsewhere on the agenda
Collingham	Cllr Maureen Dobson	Vary conditions 7 and 8 of planning consent 3/04/00394/CMM to allow the continued retention/use of the plant site/access road at Girton Quarry until 31st December 2035 (currently 31st August 2016) with full site restoration to be completed by 31st December 2036. Girton Quarry, Gainsborough Road, Girton.	34	Can be found elsewhere on the agenda

Collingham	Cllr Maureen Dobson	Proposed southern and western extensions to existing quarry with restoration to water, nature conservation and agriculture together with revised restoration of existing workings and retention of existing plant site and site access. Land at Langford Quarry, Newark Road, Near Collingham.	26	Request for Additional Information under Reg 22 , which will require further consultation.
Farndon & Muskham	Cllr Mrs Sue Saddington			
<b>ASHFIELD</b>				
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Planning application for the continued use of an Aggregates Recycling Facility at Wigwam Lane for the treatment of waste to produce soil, soil substitutes and aggregates. Total Reclaims Demolition Ltd Wigwam Lane, Bakerbrook Industrial Estate, Hucknall	242	No change- Still awaiting traffic impact assessment from the applicant . Meeting to be arranged to discuss the application status.
Sutton in Ashfield East	Cllr Steve Carroll	Variation of Condition 13 on existing planning consent to increase the limits for annual HGV movements. Two Oaks Quarry, Coxmoor Road, Sutton in Ashfield, Mansfield, NG17 5LZ.	27	Presented to Committee on 21/03/2017 and was resolved to grant permission upon the agreeing and signing of S106 Legal Agreement.

<b>BROXTOWE</b>				
Kimberley & Trowell	Cllr Ken Rigby	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings. Shilo Park, Shilo Way, Cossall	219	To arrange a meeting with the agent to discuss the progress of the application.
<b>GEDLING - None</b>				
<b>RUSHCLIFFE</b>				
Soar Valley	Cllr Andrew Brown	Request for none compliance of condition 6 of planning permission 8/12/01488/CMA to extend the time period necessary to restore land. East Leake Quarry, Rempstone Road, East Leake	Not counting	Awaiting the signing of S106 Legal Agreement  Held in abeyance by the applicant to run with the Extension application

Soar Valley	Cllr Andrew Brown	Application to consolidate previous planning permissions and extension of existing quarry involving the extraction of sand and gravel with restoration to agriculture and conservation wetland. Retention of existing aggregate processing plant, silt lagoon and access/haul road. East Leake Quarry, Rempstone Road, East Leake	137	Presented to Committee on 20/10/2015 and was resolved to grant permission upon the agreeing and signing of S106 Legal Agreement which is nearing completion.
Ruddington	Cllr Reg Adair	Section 73 planning application to vary condition 3 of planning permission 8/12/01028/CMA, condition 7 of planning permission 8/96/79/CMA and condition 9 of planning permission 8/94/00164/CMA to extend the permitted operational hours from 0730 hours to 0600 hours. Mondays to Saturdays to allow 12 outbound pre-loaded HGV movements from the site and to bring forward the operating time on the IBA waste transfer area from 0730 hours to 0700 hours Mondays to Saturdays. Bunny Materials Recycling Facility, Loughborough Road, Bunny	73	Presented to Committee on 20/12/2016 where it was resolved to grant permission upon the agreeing and signing of a S106 Legal Agreement.



Keyworth	Cllr John Cottee	Placement of a 950KW Pytec biomass boiler within the existing building "C" incorporating a 10m high flue. Construction of a new enclosure to the south side of the existing building to cover two Fliegi dryers. And change of use of the existing building to a dry pellet store. John Brooke Sawmills Limited, The Sawmill, Fosseway, Widmerpool	61	Presented to Committee on 20/10/2015 and was resolved to grant permission upon the agreeing and signing of S106 Legal Agreement.
Soar Valley	Cllr Andrew Brown	The proposed construction of an inland leisure marina; associated ancillary building, infrastructure, car parking and landscaping with incidental mineral excavation. Redhill Marina, Redhill Lock, Ratcliffe on Soar	24	Request for Additional Information under Reg 22, which will require further consultation.

**Table P144: 'County matters' planning authorities - planning applications received, decided and granted, speed of decisions and Regulation 3 and 4 decisions, by local planning authority**

England, Year ending December 2016 <sup>P</sup>

Number/per cent

Planning authority	ONS code	Applications			Decisions <sup>1</sup>				Decisions made <sup>2</sup>		Decisions issued under ROMPS <sup>3</sup>
		Received	Decided	Granted	Within 13 weeks or agreed time		Within 16 weeks or agreed time		Regulation 3	Regulation 4	
					Number	%	Number	%			
England	E92000001	1,206	1,123	1,059	1,025	91	1,039	93	1,024	9	28
County councils		896	828	785	750	91	762	92	994	9	17
Buckinghamshire	E10000002	21	19	15	17	89	17	89	9	9	-
Cambridgeshire	E10000003	20	18	18	16	89	16	89	33	-	-
Cumbria	E10000006	47	39	39	37	95	38	97	25	-	-
Derbyshire	E10000007	33	24	23	19	79	20	83	54	-	2
Devon	E10000008	37	33	32	32	97	32	97	18	-	1
Dorset	E10000009	25	17	17	12	71	12	71	19	-	1
East Sussex	E10000011	12	16	14	13	81	13	81	30	-	-
Essex	E10000012	36	41	36	41	100	41	100	59	-	-
Gloucestershire	E10000013	27	12	12	11	92	12	100	30	-	-
Hampshire	E10000014	66	57	54	56	98	56	98	69	-	-
Hertfordshire	E10000015	22	19	13	19	100	19	100	20	-	-
Kent	E10000016	30	33	33	31	94	31	94	93	-	-
Lancashire	E10000017	35	34	31	34	100	34	100	46	-	1
Leicestershire	E10000018	33	34	34	33	97	34	100	23	-	-
Lincolnshire	E10000019	49	53	48	47	89	48	91	45	-	1
Norfolk	E10000020	69	64	62	50	78	53	83	37	-	-
North Yorkshire	E10000023	23	14	14	10	71	10	71	60	-	2
Northamptonshire	E10000021	30	28	28	26	93	26	93	26	-	-
Nottinghamshire	E10000024	44	46	44	39	85	41	89	49	-	1
Oxfordshire	E10000025	40	36	36	33	92	34	94	16	-	-
Somerset	E10000027	28	24	23	22	92	22	92	29	-	2
Staffordshire	E10000028	38	35	32	33	94	33	94	14	-	4
Suffolk	E10000029	57	45	45	38	84	38	84	82	-	1
Surrey	E10000030	27	29	28	24	83	25	86	34	-	1
Warwickshire	E10000031	21	18	18	18	100	18	100	18	-	-
West Sussex	E10000032	19	25	25	25	100	25	100	39	-	-
Worcestershire	E10000034	7	15	11	14	93	14	93	17	-	-

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**18 June 2017****Agenda Item:****REPORT OF CORPORATE DIRECTOR, RESOURCES****WORK PROGRAMME****Purpose of the Report**

1. To consider the Committee's work programme for 2017.

**Information and Advice**

2. A work programme has been established for Planning and Licensing Committee to help in the scheduling of the committee's business and forward planning. It aims to give indicative timescales as to when applications are likely to come to Committee. It also highlights future applications for which it is not possible to give a likely timescale at this stage.
3. Members will be aware that issues arising during the planning application process can significantly impact upon targeted Committee dates. Hence the work programme work will be updated and reviewed at each pre-agenda meeting and will be submitted to each Committee meeting for information.

**Other Options Considered**

4. To continue with existing scheduling arrangements but this would prevent all Members of the Committee from being fully informed about projected timescales of future business.

**Reason/s for Recommendation/s**

5. To keep Members of the Committee informed about future business of the Committee.

**Statutory and Policy Implications**

6. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **RECOMMENDATION**

That the committee's work programme be noted.

**Jayne Francis-Ward**  
**Corporate Director, Resources**

**For any enquiries about this report please contact: David Forster, Democratic Services Officer**

### **Constitutional Comments (HD)**

7. The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

### **Financial Comments (NS)**

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

### **Background Papers**

Relevant case files for the items included in Appendix A.

### **Electoral Division(s) and Member(s) Affected**

All

## Committee Work Programme

**Planning Applications currently being considered by NCC which currently have not been timetabled to a committee meeting.**

Planning App:	3/16/01689/CMA
Location:	Land at Langford Quarry, Newark Road, Near Collingham
Development:	Proposed southern and western extensions to existing quarry with restoration to water, nature conservation and agriculture together with revised restoration of existing workings and retention of existing plant site and site access.
Planning App:	1/16/01616/CDM
Location:	Nether Langwith Quarry, Wood Lane, Nether Langwith
Development:	To vary conditions 1 and 85 of planning permission 1/64/96/2 to allow the continuation of the extraction and processing of limestone until 2035 with restoration complete by 2037 (currently permitted until 28th October 2017 with restoration by 28th October 2019) and removal of condition 77 so to retain the access road.
Planning App:	8/16/02736/CMA
Location:	Redhill Marina, Redhill Lock, Ratcliffe on Soar
Development:	The proposed construction of an inland leisure marina; associated ancillary building, infrastructure, car parking and landscaping with incidental mineral excavation
Planning App:	3/16/01232/CM
Location:	Former Thoresby Colliery Site, Edwinstowe
Development:	The retention and continued operation of the coal mine methane electricity generation plant.



