

Planning and Rights of Way Committee

Tuesday, 06 June 2023 at 10:30

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

- | | | |
|---|---|------------------|
| 1 | Appointment of the Chairman and Vice Chairman
To note the appointment by Full Council on 11 May 2023 of Councillor Mike Quigley MBE as Chairman and Councillor Jim Creamer as Vice-Chairman of the Committee for the 2023/24 municipal year | |
| 2 | Membership
To note that the membership of the Committee for the 2023/24 municipal year is as follows:
Councillors Mike Adams, André Camilleri, Robert Corden, Sybil Fielding, Paul Henshaw, Rachel Madden, Andy Meakin, Nigel Moxon, Philip Owen, Francis Purdue-Horan and Sam Smith | |
| 3 | Apologies for Absence | |
| 4 | Declarations of Interests by Members and Officers
(a) Disclosable Pecuniary Interests
(b) Private Interests (Pecuniary and Non-Pecuniary) | |
| 5 | Declarations of Lobbying | |
| 6 | Minutes of the Last Meeting held on 18 April 2023 | 3 - 12 |
| 7 | Planning Permission for Ness Farm and Cromwell Quarry, Cromwell | 13 - 120 |
| 8 | Planning Permission for Gateford Primary School, Gateford | 121 - 166 |
| 9 | Development Management Progress Report | 167 - 180 |

Notes

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

Customer Services Centre 0300 500 80 80

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

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

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

Meeting: Planning and Rights of Way Committee

Date: Tuesday 18 April 2023 (commencing at 10:30am)

Membership:**County Councillors**

Richard Butler (Chairman)
Jim Creamer (Vice Chairman)

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

Substitute Members

None

Officers and colleagues in attendance:

Daniel Ambler	-	Planning, Monitoring and Enforcement Officer
Mike Hankin	-	Planning Applications Senior Practitioner
Jaspreet Lyall	-	Solicitor and Legal Advisor to the Committee
Adrian Mann	-	Democratic Services Officer
Joel Marshall	-	Principal Planning Officer
Jonathan Smith	-	Interim Group Manager for Planning
Daniel Sullivan	-	Highways Development Control Principal Officer

Public speakers in attendance:

Cllr Neil Clarke MBE	-	Variation of Planning Conditions for the Canalside Industrial Park, Cropwell Bishop (item 5)
Steve Cuthbert	-	Variation of Planning Conditions for the Canalside Industrial Park, Cropwell Bishop (item 5)
Reece Musson	-	Planning Permission for Misson Quarry, Misson (item 6)
Cllr Tracey Taylor	-	Planning Permission for Misson Quarry, Misson (item 6)

1. Apologies for Absence

Andy Meakin	-	medical/illness
Francis Purdue-Horan	-	medical/illness

2. Declarations of Interests

No declarations of interests were made.

3. Declarations of Lobbying

No declarations of lobbying were made.

4. Minutes of the Last Meeting

The minutes of the last meeting held on 28 February 2023, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman.

5. Variation of Planning Conditions for the Canalside Industrial Park, Cropwell Bishop

Mike Hankin, Planning Applications Senior Practitioner, introduced application 8/23/00027/CMA by Mr Chris Allsop in relation to the Canalside Industrial Park, Cropwell Bishop to vary the conditions of Planning Permission 8/19/00378/CMA to allow a four-year extension for the completion of tipping operations beyond the current expiry date of 28 November 2022 and to remove the requirement to carry out highway improvement works at the site access on Kinoulton Road. The following points were raised:

- a) The Canalside Industrial Park is approximately 500 metres south of the village of Cropwell Bishop. The 1.9 hectare development site is at the rear of the industrial estate, with vehicle access from Kinoulton Road via the industrial estate's existing access road. The site is located within the Green Belt and had been designated as part of a Local Wildlife Site, but this designation was removed in 2020 following the natural loss of the ecologically important grassland habitats through the encroachment of denser scrub, which is of a much lower ecological value.
- b) Planning Permission was granted in November 2016 for the importation of around 60,000 tonnes of inert waste material over a three-year period to infill an excavated void at the site and reinstate the ground levels to match those of the surrounding land. A condition to the permission required that measures were put in place to improve the visibility of the existing industrial estate junction to the south along Kinoulton Road, to ensure safety when materials were delivered by heavy goods vehicles (HGVs). To date, however, only a limited quantity of material has been delivered using light goods vehicles, so the requirements for the junction improvements have not yet been triggered.
- c) An application has now been made to vary Conditions 3 and 12 to the existing Planning Permission for a four-year extension to fill the void and to remove the

requirement to undertake junction improvement works on Kinoulton Road. The applicant considers that the time extension to Condition 3 is necessary due to delays in implementing the existing Planning Permission resulting from the Coronavirus pandemic, problems in resolving technical considerations in relation to the improvement of the site access and delays in obtaining a waste permit from the Environment Agency. The proposed modification to Condition 12 seeks to remove the requirement to improve the visibility at the existing industrial estate / Kinoulton Road junction prior to it being used for HGV deliveries, and instead for the movement of the HGVs to be managed using a competent banksperson at the site entrance.

- d) Objections to the application have been received from both the Cropwell Bishop Parish Council and Rushcliffe Borough Council. The Parish Council is concerned that the banksperson arrangements are less robust than the junction improvement scheme approved previously. Rushcliffe Borough Council considers that it has not been demonstrated satisfactorily that the access arrangements are safe, and is concerned that there will be adverse impacts on amenity.
- e) The Environment Agency and the County Council's Highways team have not raised any objections to the application.
- f) The application does result in some minor changes to the original planning merits of the development in relation to the access road improvements. However, the overall planning balance still supports granting planning permission for the development to continue for a further four years as the scheme will bring benefits through the infilling of a despoiled area of land within the Green Belt (resulting in visual, landscape and ecological benefits), as well as providing additional disposal capacity for inert waste.
- g) Condition 12 was included originally to improve visibility for delivery traffic exiting the site. The policy test in terms of assessing whether the proposed new banksperson solution is acceptable is whether this alternative arrangement would still enable safe access. Advice has been received from the County Council's Highways team to confirm that the banksperson arrangements would enable HGVs to depart the site safely, so the proposals do satisfy the policy requirements within the County Council's Waste Local Plan and Rushcliffe Borough Council's Local Plan, which seek to ensure that developments are served by a suitable means of access that does not cause detriment to the amenity of adjacent properties, and that there would be no severe highway impacts.

With the permission of the Chairman, Councillor Neil Clarke MBE addressed the Committee in relation to the application. The following points were raised:

- h) The Parish Council and local residents need to be assured that the new access proposals will ensure that the HGVs delivering materials to the development site can do so safely, given that the access road to the industrial estate is at an angle to the main road and has restricted visibility. The applicant must comply fully with the safety requirements as set out in the Planning Conditions and implement the banksperson arrangements consistently and reliably. The applicant must also

ensure that the HGVs carrying the materials are properly washed following delivery, to ensure that mud is not left on the main road to cause a hazard.

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

- i) The completion of the infilling of the void at the back of the industrial estate has been delayed due to the Coronavirus pandemic and the time taken to obtain a waste permit from the Environment Agency. The work can be completed effectively and without negative impacts on local amenity by using a safe, compliant and proportionate traffic management solution in the form of a banks person – which is considered to be appropriate by the local Highways authority. Although the visibility of the industrial estate access road is restricted, there have been no recorded traffic incidents to date.

Following the representations made in relation to the application, Committee members had an opportunity to ask questions of the representors and officers for the purposes of clarification. The Chairman then opened the application for debate. The following points were discussed:

- j) The Committee considered that it is important for the void-filling works to be completed so as to restore the land within the Green Belt. Members observed that the site is an industrial estate and so experienced regular HGV traffic without incident to date, so the management by a banks person of HGV access for the purposes of the development should be a safe alternative.
- k) The Committee was assured that measures to prevent materials being shed on the main road, such as wheel washing of the HGVs, were included as part of the proposed Planning Conditions. Members recommended that all appropriate steps are taken to ensure that these Conditions are implemented and complied with fully.

Resolved (2023/007):

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

6. Planning Permission for Misson Quarry, Misson

Joel Marshall, Principal Planning Officer, introduced applications 1/22/00867/CDM, 1/22/00865/CDM and 1/22/00864/CDM by Misson Sand and Gravel Company Limited in relation to Misson Quarry, Misson for planning permission for a western extension to the Misson grey sand quarry and to amend the associated approved restoration schemes relating to the prior permissions 1/32/11/00020 and 1/15/01574/CDM. The following points were raised:

- a) Misson Quarry is located in the Idle Valley midway between the villages of Misson and Newington. It is a relatively small-scale quarry that produces aggregates, including a grey-coloured mortar sand. The quarry has undergone some small extensions previously.

- b) The report concerns three planning applications for the quarry, including for a western extension and two consequential section 73 applications for variations to previously approved restoration schemes and Planning Conditions. The proposed extension area incorporates 3.4 hectares of arable farmland and is anticipated to yield around 400,000 tonnes of minerals over five years. The extension would be worked in three broad phases, with the operator likely to work in sub-phases to allow continued farming of areas until they are required for quarrying. The existing materials processing area will continue to be used, with the extracted minerals being worked in a dry state using a range of mobile plant and then screened prior to loading onto lorries. Access to the site will remain from the west, with lorries restricted from travelling east through Misson village.
- c) A group of residential properties are located approximately 0.4km to the west at Norwith Hill (600m from the materials processing area), and the nearest residential property in Misson village is 0.4km to the east (about 800m from the processing area and 900m from the proposed western extension). However, an existing solar farm is within 10m of the proposed western extension boundary, and a bridleway runs along the quarry's northern boundary.
- d) The proposed extension affects the final restoration levels of the two previous permission areas (a previously worked area to the south and the current operational area to the north), so it is proposed to amend the restoration schemes so that the levels across the wider site tie into the proposed western extension more effectively.
- e) The proposed restoration scheme will provide for a variety of habitat enhancements with the quarry floor returned to low-lying agricultural pasture, the addition of wildlife ponds and areas of shrub planting. The banks of the western extension will be restored to grassland and heather, with pockets of woodland. The western site boundary will be defined by a 760m linear hedgerow, which could include the transfer of some of an existing 200m of young hedgerow to be removed as part of the new extension. A 60m-long bank retained for nesting sand martins is within the proposed area for the extension, but as it has been unsuccessful in attracting these birds, it is proposed to relocate this habitat.
- f) Objections to the application have been received from Misson Parish Council and the Nottinghamshire Wildlife Trust. The Parish Council had not objected initially, but submitted concerns regarding the potential ecological impacts of the proposed extension following the return of the Wildlife Trust's consultation response to the application.
- g) Further information was provided by the applicant in response to the Wildlife Trust's and the Parish Council's concerns including surveys, mitigation measures and an improved restoration scheme. These details were reviewed by the County Council's ecologist, who raised no objections to the proposals, subject to the proposed Planning Conditions being implemented. The Wildlife Trust has not returned a response to the updated information. As such, it is considered that the ecological concerns have been addressed satisfactorily and that appropriate safeguards can be provided by way of the Planning Conditions.

- h) The restoration of this site will provide a number of beneficial habitats whilst also providing agricultural grazing, so is considered to meet the restoration policy objectives as set out in the County Council's Minerals Local Plan, where the proposed western quarry extension is formally allocated. The extension is being implemented slightly earlier than anticipated in the Plan and the rates of output may be higher than forecast, but the need for the mineral extraction is clearly evident in order to maintain the continuity of supply to the local construction sector, including of a distinctive grey sand produced by the quarry.
- i) There will be some visual impact to users of the bridleway along the northern boundary of the quarry. However, this is a passing view that would only be impacted whilst the area is being worked, with woodland planting proposed ultimately as part of the restoration scheme. The existing Planning Conditions will continue to adequately address other matters including archaeology, traffic and its routing, mud and dust control, and noise. However, a number of the Conditions have been updated to reflect the status of the permission areas, as well as incorporating previously approved schemes and documents.

With the permission of the Chairman, Reece Musson addressed the Committee in support of the application, endorsing the recommendations made by officers as set out in the report.

With the permission of the Chairman, Councillor Tracey Taylor addressed the Committee in relation to the application. The following points were raised:

- j) The local community has lived alongside the quarry for many years and considers that everything possible should be done to mitigate the ecological impact of the quarry's operation and extension. The work carried out by officers with the applicant to develop the mitigation measures and improve the restoration scheme was welcome, but assurance is needed that effective monitoring will be put in place to ensure that the ecological mitigation, replacement and restoration measures are carried out as required by the Planning Conditions.

Following the representations made in relation to the application, Committee members had an opportunity to ask questions of the representors and officers for the purposes of clarification. The Chairman then opened the application for debate by Committee members. The following points were discussed:

- k) The Committee was assured that the proposed Planning Conditions were robust in mitigating the ecological impact of the quarry, with a system of monitoring in place whereby officers would visit the site regularly to ensure that the requirements of the Conditions were being carried out.

Resolved (2023/008):

- 1) To approve the grant of Planning Permission for application 1/22/00867/CDM for a western extension to the existing Misson Grey Sand Quarry (incorporating modifications to the previously approved restoration schemes 1/15/01574/CDM

and 1/32/11/00020), subject to the conditions as set out in Appendix 1 to the report.

- 2) To approve the grant of Section 73 Planning Permission for application 1/22/00865/CDM to amend the previously approved restoration scheme 1/32/11/00020 and to allow the implementation of the proposed western extension to the existing Misson Grey Sand Quarry, subject to the conditions as set out in Appendix 2 to the report.
- 3) To approve the grant of Section 73 Planning Permission for application 1/22/00864/CDM to amend the previously approved restoration scheme 1/15/01574/CDM and to allow the implementation of the proposed western extension to the existing Misson Grey Sand Quarry, subject to the conditions as set out in Appendix 3 to the report.

7. Response to the Department for Levelling Up, Housing and Communities on the Technical Consultation on Increasing Planning Fees and Performance

Joel Marshall, Principal Planning Officer, presented a report on the Council's proposed response to the Department for Levelling Up, Housing and Communities (DLUHC) on the technical consultation paper 'Stronger performance of local planning authorities supported through an increase in planning fees'. The following points were discussed:

- a) Planning fees are paid to Local Planning Authorities (LPAs) so that they can deliver their statutory planning functions of determining planning applications, formulating planning policy and carrying out enforcement activity. The fees are set nationally and were last raised in 2018, by 20%. However, most of the fees paid do not cover a LPA's costs in processing an application.
- b) It is estimated that, nationally, there is a 33% shortfall in the fee income necessary to deliver the Planning system effectively. LPAs have reported challenges in the level of resources available and the ability to attract and retain experienced and specialist staff, particularly in the field of minerals and waste. As a result, developers have experienced delays in the Planning system and have called for increased resourcing and other strategies for improvement.
- c) The Government considers that the developers, as the main beneficiaries of land value uplift once Planning Permission has been granted, should bare the principal burden of funding the Planning system through the paying of appropriate fees – so the first part of the DLUHC's consultation seeks views on a proposed increase in the application fees. The fees for applications classed as a major development would increase by 35% and all other applications by 25%, with an annual inflationary uplift introduced to provide longer-term certainty for LPAs on income. Retrospective applications would incur a doubling of the usual Planning fee, and there is a further proposal is to cut back or remove an applicant's ability to have a 'free go' when making a subsequent second application of a similar nature. The new fees are intended to come into force during the summer of 2023 and will be ringfenced for the support of the Planning system.

- d) All minerals and waste development proposals are classed as major developments so even small-scale works would incur the 35% increase, though Planning application fees are often a small component of the overall costs for these projects. However, clarity is required from the DLUHC on some other types of application fees and whether they would increase, particularly in the context of Section 73 variation applications – as a Minerals and Waste Planning Authority, the Council process these applications routinely, and the current fee does little to cover the required processing and publicity costs.
- e) The Committee considered that it was appropriate that the Planning system should be funded properly through the payment of application fees. Members welcomed the doubling of the usual fee for retrospective Planning application as an extremely positive development, in addition to the proposed regular annual increase of the fees in line with inflation.
- f) The DLUHC is clear, however, that improved LPA performance should result from the proposed fee increase, as it will help LPAs to meet their costs and provide a better service for applicants. Nevertheless, there are still significant challenges for LPAs in recruiting and retaining Planning professionals with the right skills and experience, and the consultation paper does seek to better understand this issue. Currently, there is a lack of university-level course content on minerals and waste Planning matters in particular, and there is a national need for more ecologists to be trained to support measures such as Biodiversity Net Gain.
- g) LPAs are required to measure and report their performance to the DLUHC on a regular basis. The metrics considered are the speed of decision-making and the quality of decision-making based on the number of LPA decisions appealed against successfully. Councils assessed to be failing can have their Planning functions reduced or taken away.
- h) Currently, a Planning application is deemed to be determined in time if it has been decided within the target 8, 13 or 16-week period, or within an extended period of time agreed with the applicant. The consultation acknowledges that extensions of time can serve a valid purpose to support constructive negotiations, but it highlights a concern that the inclusion of these time extensions is masking actual performance in terms of the speed of decision-making.
- i) The DLUHC is proposing, therefore, to measure LPA's speed of decision-making based only on the 8, 13 or 16 week period, no longer including time extensions. The Council's experience, however, is that major applications can rarely be determined in 13 or 16 weeks, so do need an extension of time agreement in place to be resolved effectively – and so these agreements should still be taken into account. Many Section 73 applications also require a significant level of work and time investment, often needing to come to a meeting of a Planning Committee.
- j) The Committee queried whether the speed of concluding a Planning application could be considered as the best measure of performance, given that many

applications could be complex – and the LPA might have to wait to receive a formal response from other statutory bodies before making a decision, meaning that it was not in complete control of the timetable. Members considered that a quick decision did not inherently represent a good decision – and that an application granted at appeal did not, of itself, reflect a bad decision having been made by the LPA, as the difference between an application meeting or not meeting the tests for approval could be marginal. Members considered, therefore, that care should be taken that the information reported by LPAs is assessed by the DLUHC fairly and in the right context, and that the national Planning Inspectorate should have due regard to local decision-making when considering appeals.

- k) The DLUHC is also seeking initial views on the reshaping of the performance reporting regime to measure a wider range of metrics, including performance in the context of the effective monitoring and enforcement of Planning Conditions post-decision – which could consider the number of enforcement notices issued, implemented or quashed by appeal.
- l) The Committee noted that, although this particular consultation did not consider the development of new or enhanced powers for LPAs to enforce Planning Conditions, the issue was being reviewed at the national level and new powers might arise in the future via the Levelling Up Bill. Members considered that it was vital for all relevant development details to be resolved properly as part of the approval process, with the right powers in place to ensure that developers complied with the required Planning Conditions.
- m) A further idea being considered by the DLUHC is the reporting of customer satisfaction, but it is unclear how this would be measured, and LPAs may not be able to require applicants to return a satisfaction response post-decision.
- n) The Committee noted that Nottinghamshire had LPAs at both a County and District/Borough level, with some applications needing to be considered at both tiers of local government – which could increase complexity within the Planning system.

Resolved (2023/009):

- 1) To endorse the proposed response to the Department for Levelling Up, Housing and Communities' (DLUHC) technical consultation on 'Stronger performance of local planning authorities supported through an increase in planning fees', as set out in Appendix A to the report, subject to the following points:
 - i. that reporting on performance in the context of the monitoring and enforcement of Planning Conditions post-decision is recommended to the DLUHC as part of the wider range of metrics, such as the number of enforcement notices issued, implemented or quashed by appeal;
 - ii. that it is emphasised that the speed of concluding a Planning application should not be used as the only measure of good performance, given that

many applications are complex and that the Local Planning Authority (LPA) does not have full control of the timetable; and

- iii. that it is emphasised that it is too narrow a measure to consider the granting of an application at appeal as an indication of poor performance by the LPA, as the difference between an application meeting or not meeting the tests for approval could be marginal.

8. Development Management Progress Report

Jonathan Smith, Interim Group Manager for Planning, presented a report on the Planning applications likely to come to the Committee for consideration at its future meetings. The following points were discussed:

- a) The regular Development Management Progress Report would normally contain details of the new Planning applications received by the Council, and the decisions taken by officers, since the last report to the committee. However, had not been possible to compile this information in time for the meeting, on this occasion. As such, the full list of Planning applications received and determined by officers since last reported will be submitted to the next meeting of the Committee.

Resolved (2023/010):

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

There being no further business, the Chairman closed the meeting at 11:45am.

Chairman:

6 June 2023**Agenda Item 7****REPORT OF THE INTERIM CORPORATE DIRECTOR FOR PLACE****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/22/01790/CMA**

**PROPOSAL 1: PROPOSED SOUTHERN EXTENSION TO THE QUARRY FOR THE
EXTRACTION OF APPROXIMATELY 550,000 TONNES OF SAND AND
GRAVEL WITH RESTORATION TO AGRICULTURE AND NATURE
CONSERVATION**

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/22/01787/CMA

**PROPOSAL 2: TO ALLOW AN UPDATE TO THE METHOD OF WORKING PLANS AND
THE RETENTION AND USE OF THE PLANT SITE, ACCESS, HAUL
ROAD AND SILT LAGOONS IN ORDER TO WORK A PROPOSED
EXTENSION AT NESS FARM.**

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/22/01788/CMA

**PROPOSAL 3: TO ALLOW FOR AMENDMENTS TO THE WORKING SCHEME AND
RESTORATION PLAN, TO FACILITATE WORKING A SOUTHERN
EXTENSION AT NESS FARM.**

**LOCATION: NESS FARM AND CROMWELL QUARRY, THE GREAT NORTH ROAD,
CROMWELL, NOTTINGHAMSHIRE, NG23 6JE**

APPLICANT: CEMEX UK OPERATIONS LIMITED

Purpose of Report

1. To consider three planning applications in connection with a southern extension to Cromwell Quarry.
2. Planning application 3/22/01790/CMA seeks planning permission for a southern extension to the existing operational Cromwell Quarry to extract a further 550,000 tonnes of sand and gravel from land at Ness Farm. The development site is not allocated for mineral extraction within the Minerals Local Plan and therefore the planning application raises key issues in terms of the need for the

additional mineral. The assessment of the environment effects identifies that the development would have a comparatively minor impact with the most notable issues being in relation to the ecological effects and changes to landscape character.

3. Planning applications 3/22/01787/CMA and 3/22/01788/CMA are Section 73 submissions which seek planning permission to vary planning conditions imposed on the existing Cromwell Quarry planning permissions to facilitate amendments to the method of working resulting from the intention to process the mineral originating from the Ness Farm extension. These planning applications do not raise any significant planning issues.
4. The recommendation is to grant planning permission for all three planning applications, subject to the conditions set out in Appendices 1, 2 and 3.

The Site and Surroundings

5. Cromwell sand and gravel quarry is located approximately 7km north of Newark. The closest settlement is Cromwell village, located to the west on the opposite side of the A1. Carlton on Trent village is located approximately 1.5km to the north, North Muskham village is located approximately 2km to the south and Collingham village is located approximately 2km to the east on the opposite side of the River Trent. (see Plan 1)
6. There is a long history of mineral extraction at Cromwell quarry and the surrounding area. Directly to the north of the operational Cemex Cromwell Quarry are more historical sand and gravel workings which were undertaken by Lafarge-Tarmac. These workings are now predominantly re-vegetated and re-naturalised as a series of lakes and lake verge habitats. To the east is the River Trent and Langford quarry incorporating active mineral extraction areas and extensive wetland restoration managed by the RSPB, and Besthorpe quarry which also incorporates active mineral extraction areas and expansive areas of restored habitats (see Plan 2).
7. The applicant's Cromwell quarry site incorporates former arable agricultural land which is progressively being worked for mineral extraction. The consented scheme provides for mineral extraction over 10 phases with extraction recently completed in Phase 9c leaving remaining consented mineral within phases 9d and 10 which underlay the existing plant site and stocking areas of the quarry (see Plan 3). The operator has not progressed extraction into phase 9d and 10 since the extraction of these areas would necessitate the removal/relocation of the existing plant site facilities and as a result the quarry is currently mothballed pending a decision on these current planning applications.
8. Vehicle access to the quarry is obtained from the A1. Southbound A1 traffic accesses and departs the quarry directly from the A1 utilising the existing slip roads. Northbound A1 traffic obtains access to the quarry via the existing bridge over the A1, passing a very limited number of residential properties at the northern edge of Cromwell village between the A1 slip roads and the bridge, but avoid travelling through the main village centre.

9. The planning application site for the Ness Farm extension (planning application 3/22/01790/CMA) incorporates 13.37ha of land straddling the Parish boundaries for Cromwell and North Muskham and is located immediately to the south of the most recently worked Phase 9c extraction area. The boundaries of the site are drawn to incorporate part of an arable field on its north-eastern side (within Cromwell parish) and a large arable agricultural field on its south-eastern side (within North Muskham parish) with these fields separated by a belt of trees. (see Plan 4) The application site also incorporates a corridor of land through the existing Phase 9b workings which would be used to provide a haulage corridor between the extraction area and the existing plant site (see Plan 5).
10. The agricultural land classification grade of the extraction area incorporates 48% Grade 2, 35% Grade 3a and 10% Grade 3b. DEFRA classify Grade 2 and 3a as best and most versatile agricultural land.
11. Phase 11 comprises areas of proposed mineral extraction and is referenced as the Ness Farm application site. The north-eastern field (referenced as Phase 11a) is bounded by the existing Phase 9c on the north-eastern side, and by hedgerows on the northern and south-western sides. On the south-eastern side is Cromwell Lock, and its associated facilities and riverside area including Lock-Keepers Cottage and riverside footpath/bridleway. A line of mature trees provide partial screening. The larger south-eastern field (referenced as Phase 11b) is bounded by a hedgerow on the north-eastern side and a line of trees separating it from the lockside area, the River Trent and the riverside footpath on the eastern side (a line of short term moorings also extends from the lock), with open fields to the west and south (see Plan 5).
12. The site is not covered by any ecological or landscape designations. Within 2km of the site there are no statutory designated wildlife sites, the nearest is Besthorpe Warren/Besthorpe Meadows SSSI approximately 2.8km north-east of the site at its nearest point. Within 2km there are nine Local Wildlife Sites, the closest of which is Ness Trentside LWS which extends along the riverbank up to the south-east corner of the site at Phase 11b. Langford Lowfields is across the river to the east, Cromwell Pits to the north, and Horse Pool Collingham to the east.
13. The site lies within Flood Zone 3 and therefore has a high probability of flooding.
14. There are public footpaths and bridleways in the vicinity of the site (see Plan 6). Public footpath Cromwell FP5 runs to the north of the current working phases, separating this land from the main quarry and its plant site. The footpath follows along a metalled lane providing vehicle access to the Lock and for anglers accessing fishing pegs along the river. The quarry haul road will continue to cross this footpath using the existing crossing point. There is a bridleway BW1 running north-south adjacent to the River Trent, through the lock-side area east of the application site, and which continues to North Muskham as FP9.
15. The nearest residential property to the extraction area is the Lock-Keepers Cottage which is located immediately to the east of Phase 11a. Nearby residential properties in the wider area include Ness Farm, located around 400m

to the south-west, and the houses in Church Lane, Cromwell on the western side of the A1 at a distance of around 600m, with the rest of Cromwell village further to the west.

16. The application site does not incorporate any heritage assets. There is a scheduled monument approx 200m south of the Phase 11b extraction area which incorporates evidence of rectangular barrows (burial place). However, there are no surviving surface features. Cromwell village has four heritage listings which are the Grade I listed Church of St Giles, Grade II listed rectory and attached cottage, Grade II listed headstone south of the church, and the Grade II listed Pigeoncote at Willingham House. There are also records of the remains from an early medieval bridge which was found approximately 44m to the east of the development site, however the remains were later removed through successive improvement works to the river and locks around 100 years ago.
17. Ground investigations confirm the application site incorporates sand and gravel reserves at depths of between 4.5m and 9.3 with the shallower reserves located towards the south and east. The mineral deposit is overlaid by topsoil, overburden and clay.
18. The boundaries of planning applications 3/22/01787/CMA and 3/22/01788/CMA incorporate the existing consented areas of the original Cromwell Quarry and its current Southern extension area (see Plan 4).

Planning history

19. The Ness Farm planning application site is agricultural land with no history of development or previous applications.
20. Planning permission for mineral extraction at the existing Cromwell Quarry was originally granted in 1998 (Reference 3/94/1169/CM) but this planning permission was not implemented. The planning permission was granted again in 2009 (reference 3/03/02626/CMA) and was commenced shortly afterwards, but due to a decline in market conditions it was closed until 2016 when working recommenced.
21. An application for a new planning permission to replace extant planning permission 3/03/02626/CMA in order to extend the time limit for implementation and provide new access arrangements was granted planning permission in March 2016 (reference 3/14/1995/CMA). This permission was subsequently varied by permission 3/19/02233/CMM, granted 5th June 2020 and this is the current planning permission for the main quarry.
22. Planning Permission was sought by Cemex for a new 'Cromwell North Quarry' in January 2019 under reference 3/19/00100/CMM. The planning application seeks consent to develop an entirely new quarry and associated plant site/access on land to the north of the existing quarry and south of Carlton on Trent. The applicant's intention is for this new quarry to replace the existing Cromwell Quarry once mineral resources are depleted. The planning application remains undetermined with Cemex yet to respond to a Regulation

25 request for supplementary information concerning air quality, transport, access, quarry dewatering, amenity, landscape, ecology and noise originally made in 2019.

23. Planning permission 3/19/2231/CMM was granted on 5th June 2020, to allow for 550,000 tonnes to be extracted in a southern extension to the quarry (Phases 9a, 9b and 9c).
24. Planning Permission 3/22/00336/CMA was granted on 30th September 2022 for the relocation of the existing plant site on to land to the north-east of the haul road which was previously used by Lafarge-Tarmac for similar purposes. The relocation of the plant site is necessary to maintain an operational processing facility at the site for the final phase of the quarry which involves the extraction of the consented mineral reserve underlying the existing plant site.

Proposed Development

Planning Application 3/22/00336/CMA

25. Planning permission is sought for the extraction of circa 550,000 tonnes of sand and gravel from 8.4ha of the Ness Farm site at a rate of approximately 300,000 tonnes per annum. This equates to just under two years for extraction with a further year to complete restoration. The current intention is to process the mineral within the existing plant site rather than the relocated quarry plant site consented under planning permission 3/22/00336/CMA.
26. Mineral would be extracted on a campaign basis with two or three campaigns each year and each campaign lasting approximately 3 months in length. The mineral would be transported by dumper truck from the extraction area along a new haul road to be constructed through Phase 9b to provide access to the existing footpath crossing and the existing haul road to access the plant site. The extracted mineral would be stockpiled adjacent to the plant site prior to processing and dispatch to market by HGV via the existing access onto the A1.
27. The extension area would be worked in two phases, starting with the Phase 11a which is immediately south of Phase 9c. Working would then proceed into the south in Phase 11b (see Plan 5).
28. Around 120 linear metres of the hedgerow between the existing phase 9c and proposed new phase 11a would be removed. The remaining hedgerow between these phases would be retained and a stand-off retained to both extraction areas. Tree protection fencing would be used to protect all retained trees.
29. Prior to the commencement of mineral extraction in Phase 11a the soils and overburden would be stripped from the working area and used to construct bunds around the eastern edge of Phase 11a to visually screen site activities and reduce the transmission of noise out of the site in the direction of Lock-Keepers Cottage and users of the public footpath alongside the River Trent.

The overburden would also be used for the construction of a haul road through Phase 9b to connect with the existing haul road.

30. Phase 11b would be stripped once there is sufficient void space within Phase 11a with the overburden used for creating bunds around the southern and eastern sides of Phase 11b at 3m in height. Remaining overburden would be used for restoration of Phase 11a. Following the completion of mineral extraction Phase 11b would be restored using the material from the bunds around the site once working has ceased, and the material used to construct the haul road through Phase 9b.
31. The water table within the extraction area would be lowered during extraction using a process known as 'ground dewatering', a standard technique extensively used in the quarry industry whereby ground water levels are lowered by water pumping to enable the underlying mineral to be dry worked. Pumped water from the dewatering process is currently discharged into a trench on the western side of the extraction area. However, there have been occasions when the quantity of water discharged into the trench has overtopped its capacity and flooded adjacent land. To avoid further flooding issues a pipe has been installed to provide a drainage connection to the wider network of settlement lagoons within the main quarry area to the north of the footpath and provide greater water storage and thus resolve the flooding issues.
32. The hours of operation are proposed to be the same as the existing permission with mineral extraction, processing, treatment, and soil stripping limited to between 7am to 7pm Monday to Friday and 7am to 1pm on Saturdays. HGV numbers are anticipated to continue at a similar rate to existing, which would be approximately 110 movements (55 lorries) per day.
33. There would be no importation of material for restoration which would be created at a lower level following the removal of mineral and using overburden and soils from the site only. The restoration would be predominantly wetland based with a mixture of neutral grassland meadow, open water with reedbed margins, and wet woodland (as well as a small area of arable farmland reinstatement) which is similar in character to the restoration within Phases 9a – 9c. The restoration would also include a series of shallow ponds to encourage amphibians and other aquatic species, retained sand faces for sand martins, kingfishers and invertebrates, as well as tern rafts, and new hedgerow planting along boundaries to create parallel corridors and links (see Plan 7.)
34. The approximate area in hectares of the various restored habitats (not including those parts of the red line area which are already subject to an approved restoration plan) will be:
 - 2.47ha of lowland meadow/conservation grassland margins,
 - 1.27ha of reedbed,
 - 4.95ha of open water lakes,
 - 0.64ha of arable, along the route of the haul road outside the area of mineral extraction.

- 0.19ha of ponds,
 - 1.36ha of wet woodland; and
 - 0.16h of sand face.
35. The planning application is supported by an Environmental Impact Assessment (EIA) which gives consideration to the main environmental effects of the proposed development and their likely significance of impact. The conclusions reached within the EIA are considered within the planning observations section of the report.
36. To address issues and concerns raised following by the initial planning consultation a series of modifications, additional environmental assessments and clarification information has been provided within two submissions, each formally submitted under Regulation 25 of the Environmental Impact Assessment Regulations.
37. The first Reg. 25 submission provides the following supplementary information:
- i. Biodiversity net gain calculation: A calculation of the level of biodiversity benefit has been made based on the latest updated restoration plan. The calculation indicates that following the restoration of the site there would be a net gain in habitat units of 277.77%.
 - ii. Additional Bat Surveys: Further bat surveys have been undertaken to examine a group of retained trees in close proximity to the development site. The trees have been climbed and inspected for evidence of bat habitat, confirming that no bats or signs of bats were found and the trees provide negligible bat roost features.
 - iii. Additional hedgerow planting: Additional hedgerow planting along the northern boundary of Phase 11b has been included as part of an amended restoration scheme to supplement the existing hedgerow line and ensure there is a 18.57% net gain in hedgerow length following the restoration of the site. The restoration scheme also has extended the extent of wet woodland along the eastern boundary of the site to ensure there is a continuous vegetation link along this boundary.
 - iv. Creation of additional areas of dry land and shallows within the restoration of the site: The restoration plan has also been modified to provide a series of smaller ponds around the edges of the phases. Cemex state they have undertaken a wider reappraisal of the extent of open water habitat proposed as part of the restoration of the site, but state that to prevent this would require waste importation over a number of years which would have its own environmental consequences and would delay restoring the habitat to nature conservation. Cemex have also looked into the costs of further under-digging the site, however given the significant costs of earth moving, seeding and restoring the additional areas this would not make the project financially viable.
 - v. Duration of Aftercare: Cemex have confirmed they would accept a 20-year aftercare period on the parts of the site restored to nature conservation, with 5-years for the land restored to agriculture.

- vi. Mitigation of Heritage impacts: Cemex have confirmed that they are willing to provide an information board to raise awareness of the heritage assets of the original landscape of the site, as requested by NCC's Heritage Officer.
 - vii. Other matters of ecological clarification: Cemex have reviewed various suggestions raised in the ecological consultation responses including the provision of areas of off-site grassland planting, retention and management of wetland habitat adjacent to the development site and the provision of a hydrological connection between the restored site and the River Trent, but state that they are unable to incorporate these suggestions for a variety of reasons including the extent of the company's land ownership, ongoing obligations to tenant farmers and the company's future aspirations for the development of the wider area and in the case of the suggested River Trent hydrological connection, concerns about wider flooding impacts. The company wish it to be noted that the development as submitted results in a significant net gain in biodiversity without these additional features.
 - viii. Quantity of mineral remaining in quarry: Cemex have provided an updated assessment of the extent of the remaining consented mineral reserves, confirming that the current Phase 9c has now been worked out with the exception of a small haul road. Subsequent phases 9d, 10 and the plant site have not yet been worked as these areas would be required for processing, stockpiling and dispatching mineral from Ness Farm. Within these three phases there is approximately 395,000 tonnes of mineral left, which at current rates of extraction would last 1.3 years approximately. The company state they are currently dispatching mineral from stockpiled material, and this will continue until stocks run out. They state that there is likely to be a gap between the stockpiled material running out and work starting on Ness Farm, (if permission is granted) and this risks losing customers in the long term.
38. The second Reg. 25 submission provides the following supplementary information:
- i. Additional technical flood modelling data has been provided in response to requests made by the Environment Agency, providing further sensitivity analysis of the original flood model in terms of using different assumptions regarding ground roughness, different levels of flow during a flood event and a wider review of the effects of the development further downstream from the site. This sensitivity analysis shows that the flood model is affected by different assumptions in terms of ground roughness and flow adjustments but not changes to downstream tidal levels, but these factors do not change the conclusions of the original flood model insofar that the quarry development would have either no or negligible effect on the baseline scenario in terms of flood risk.
 - ii. A revised biodiversity net gain calculation has been provided which has re-appraised the level of ecological benefit that would be derived from the development to take account of concerns raised through the planning consultation process that the original assessment incorrectly calculated

the level of ecological benefit that would be derived from the restoration of the site. The calculation indicates that following the restoration of the site there would be a net gain in habitat units of +147.78%.

Planning Application: 3/22/01787/CMA

39. Planning Application 3/22/01787/CMA is a Section 73 planning submission which seeks to vary planning conditions 3, 4, 5, 17, 23 and 24 of planning permission 3/19/02233/CMA to allow retention and use of the plant site, access, haul road and silt lagoons in connection with working the extended Ness Farm southern extension, as well as an amendment to the method of working plans to allow Ness Farm to be worked prior to working mineral which underlays the plant site and stocking areas within Phases 9d, and 10 of the quarry. The modifications to the planning conditions are summarised below:
- Condition 3 restricts the existing plant site to only be used for processing mineral originating from the current quarry area. It is requested this condition is modified to also permit the plant site to be used in connection with the processing mineral from the extended Ness Farm area.
 - Condition 4 provides a schedule of the approved plans. The amendment is requested to reference the new method of working plans specifically insofar that they detail extraction in Phases 11a and 11b.
 - Condition 5 regulates the phasing of working with a modification sought to reflect the new method of working plans including the new phases at Ness Farm as well referencing the proposed internal haulage routing arrangements.
 - Condition 17 requires the plant site to be cleared and removed within 12 months of completion of mineral extraction in the existing quarry area. Permission is sought to vary the requirements of this planning condition to allow the plant, ancillary buildings and associated structures to remain whilst the extension area at Ness Farm is worked.
 - Condition 23 relates to soil handling, referencing a set of working drawings which need to be updated to reference extraction in the Ness Farm extension.
 - Condition 24 states that no soils or overburden shall be removed from the Cromwell Quarry site. This condition needs amending to also reference the Ness Farm area of the extended quarry.
40. The modifications to the phasing would delay the working and subsequent restoration of the plant site and stocking area within phases 9d, and 10 by up to 2 years whilst the extended Ness Farm area is extracted.

Planning Application 3/22/01788/CMA

41. Planning Application 3/22/01788/CMA is a Section 73 planning submission which seeks to vary planning conditions 3, 6 and 49 of planning permission

3/19/02232/CMA to allow an update to the method of working/phasing plans and revise the restoration plans to take account of changes as a result of the implementation of the proposed southern extension at Ness Farm. The proposed amendments comprise a revised suite of Method of Working Plans to allow for the working of Ness Farm prior to the final main quarry phases, a delay to the final restoration of the area proposed for a haul road through Phase 9b to reach Ness Farm, and an amendment to the restoration in the south-western edge of Phase 9c to tie in with the proposed extension at Ness Farm and other minor amendments to the restoration arrangements within phases 9a-9c. (see Plan 8).

42. The modifications to the planning conditions are summarised below:
- Condition 3 provides a schedule of the approved plans. The amendment is requested to reference the new method of working plans specifically insofar that they detail extraction in Phases 11a and 11b and modifications to the restoration of the site.
 - Condition 6 regulates the phasing of working. The amendment is requested to reflect the new method of working plans specifically new Phases 11a and 11b and the proposed internal haulage routing arrangements.
 - Condition 49 regulates the phased implementation of the restoration of the site. The amendment is requested to reflect the updated Method of Working and Restoration arrangements for the site.

Consultations

43. The planning consultation responses section sets out a summary of the consultation responses received for each of the three planning applications, and in the case of the Planning Application 3/22/01790/CMA, any subsequent representations in connection with the supplementary information provided under the two Regulation 25 submissions.

Summary of Planning consultation responses received in connection with Planning Application 3/22/01790/CMA.

44. Newark and Sherwood District Council: *Raise no objections.*
45. Cromwell Parish Meeting: *Oppose the planning application on the following grounds:*
46. *The extension will produce aggregate for which there is no projected need. The site is not included in the Nottinghamshire Minerals Local Plan and the economy is at a lower level of activity meaning there is not likely to be a need for the extra material in the next couple of years.*
47. *The existing quarry extension which is being worked at the moment has caused, and is continuing to cause, damage to the footpath (FP5) which is at times impassable to pedestrians. Water, mud and the inevitable damage caused by*

heavy vehicles crossing a footpath are the main problems. However well it is repaired, parishioners are being inconvenienced now and wildlife has fled.

48. *Although the transport HGVs were originally well behaved and kept to the agreed access route via the northern entrance to the village, there has been an increase in the incidence of some quarry traffic ignoring the environmental weight restriction and using the southern entrance and passing directly through the village in order to reach the quarry. Further, these lorries are reported anecdotally to be exceeding the village speed limit of 30mph.*
49. North Muskham Parish Council: *No objections.*
50. *The Parish acknowledge that the quarry extension will see the facility come closer to North Muskham but acknowledge that bunds will be put in place so the proposals should not significantly impact on the village.*
51. Environment Agency: *No objections*
52. *The Environment Agency (EA) initially deferred observations on flood risk pending the submission of further technical data.*
53. *The EA have provided comments and advice in terms of the ecological, construction management and groundwater/contaminated land issues associated with the development and encourage the submission of a Biodiversity Net Gain calculation to support the planning application.*
54. *In terms of ecology, the EA support the retention and protection of mature trees and hedgerows where possible, acknowledging that there is a necessity to remove lower quality hedges where necessary for access or when in direct conflict with quarry operations. The EA recommend any tree/vegetation removal is undertaken outside the bird nesting season and the subsequent root removal during spring to avoid impacts to potential hibernating reptiles. The EA are supportive of the proposals to infill retained hedgerows around the site with additional planting and encourage the creation of reptile hibernacula within the site.*
55. *In terms of biodiversity net gain, the EA reference NPPF paragraphs 170(d) and 174(b), which impose a duty to minimise ecological impacts and provide net gains in biodiversity. They also reference legislation within the Environment Act which requires development to deliver a minimum of 10% biodiversity net gain and require ecological enhancements to be managed for 30 years. Whilst the EA acknowledge that after the restoration of the site the development is likely to result in a significant ecological enhancement, they state that this has not been quantified by an official assessment using the Defra 3.1 metric calculation. The EA urge NCC to ensure a biodiversity net gain assessment is carried out or conditioned as part of the determination of the application and require the management of the site for 30 years.*
56. *In terms of construction management, the EA encourage the use of a planning condition to require the submission of a Construction Environmental Management Plan (CEMP) which should incorporate management*

arrangements in respect of the installation of earth ramps, temporary ramps or back fill excavations at the end of each working day to prevent entrapment of mammals, the use of sensitive lighting to minimise impacts to foraging bats and only working during daylight hours within the bat active season (April to September inclusive). The CEMP should also incorporate arrangements for controlling the spread of invasive species which are known to exist on site.

57. *In terms of groundwater and land contamination, the EA do not have any objections in principle to the proposed activity, but acknowledge the site is located in a sensitive area with respect to controlled waters. The removal of the sand and gravel and proposed dewatering will significantly impact the area of groundwater adjacent to the River Trent, disrupting/stopping the groundwater flow from the quarried area to the River Trent. Therefore, it is important that impacts on the local groundwater and groundwater flow to the River Trent are minimised in a meaningful and measurable way with the EA recommending daily visual checks and sampling of water within the outfall to the River Trent to avoid pollution of the River. The EA confirm these issues will be assessed under pollution controls including applications or variations to the abstraction licence, licence for dewatering and through a variation to the existing Environmental Permit. The EA requests informative notes are added to the notice of planning permission to explain the requirement to make these submissions.*
58. *1st Reg. 25 Consultation Response: The EA state that they propose to undertake a detailed flood model review due to the size of the application site exceeding 5 hectares, but to enable this review to take place, supplementary information is required. This information includes the submission of the detailed model files and supporting software, topographical data, consideration against alternative flood model baselines and further sensitivity checks including consideration of changes to inflow, ground roughness and downstream boundary/structures. The EA support the restoration plans and are satisfied that the Biodiversity Net Gain assessment demonstrates that significant biodiversity benefits will be delivered following the restoration of the site. The EA are supportive of the proposed 20-year aftercare period, but would prefer to see 30 years management provided. The EA re-iterate their request for a planning condition requiring the submission of a CEMP to regulate site operations.*
59. *2nd Reg. 25 Consultation Response: The EA have reviewed the detailed flood model provided as part of the 2nd Reg. 25 submission and confirm that it satisfactorily demonstrates that the development proposals will not increase flood risks. The EA re-iterate their previous observations in respect of tree and hedgerow retention/removal and planting, biodiversity net gain/ecological protection/mitigation and groundwater protection, confirming that the development of the quarry will an abstraction license, consent for dewatering & a variation of the existing Environmental Permit from the EA.*
60. NCC (Flood Risk): *No objections.*
61. *1st Reg. 25 Consultation Response: No further observations in response to the supplementary Reg. 25 information.*

62. *2nd Reg. 25 Consultation Response: No objection and no further comments to make on the proposals.*
63. *Canal and River Trust: No objections but raise a number of observations.*
64. *The proposed southern quarry extension adjoins land owned by the Canal and River Trust at Cromwell Lock including Cromwell Lock House. The Trust is the navigation authority for the River Trent and also owner of this section of river. Access to Cromwell Lock and Cromwell Lock House is obtained via public footpath No.5 which runs immediately north of phases 9b and 9c of the quarry. This is the only vehicle access to the lock and lock house and the Trust has an existing right of way over this track.*
65. *It is important that any potential impact on footpath No.5 and its users are carefully considered and that the Trust's access rights along this track are not impeded.*
66. *The Trust notes that potential impacts on the amenity of occupiers of Cromwell Lock House in terms of noise, dust and air quality have been assessed within the Environmental Statement. The Trust ask that all mitigation measures identified within the Environmental Statement are secured by planning conditions to protect the amenity of occupiers.*
67. *1st Reg. 25 Consultation Response: The supplementary information does not raise any further issues for the Canal and River Trust.*
68. *2nd Reg. 25 Consultation Response: The supplementary information does not raise any further issues for the Canal and River Trust.*
69. *National Highways: Raise no objections.*
70. *The proposed area of quarry expansion (phases 11a and 11b) does not share a common boundary with the A1 trunk road, as such boundary related issues are not anticipated. Furthermore, it is considered the volume of traffic movements associated with the development would have a negligible impact on the A1.*
71. *1st Reg. 25 Consultation Response: The supplementary information does not raise any further highway issues.*
72. *2nd Reg. 25 Consultation Response: The supplementary information does not raise any further highway issues.*
73. *NCC (Highways): Raise no objections.*
74. *The proposal would not alter access arrangements from that which are operated at present, and the traffic movements remain unaltered. The Quarry benefits from easy access onto the strategic highway network, i.e., the A1 and it is noted that National Highways, the body responsible for the Strategic Road Network have not objected to this extension either. Previous conditions and S106 obligations with specific reference to wheel washing and sheeting of vehicles*

prior to leaving the site as well as HGV operating hours and routing should be reimposed as part of the planning permission.

75. *1st Reg. 25 Consultation Response: The supplementary information raises no additional comments over and above the original observations.*
76. *2nd Reg. 25 Consultation Response: The supplementary information raises no additional comments over and above the original observations.*
77. *Natural England: Raise no objections.*
78. *Natural England is satisfied the proposed development will not have any significant adverse impacts on designated sites, specifically Besthorpe Meadows SSSI.*
79. *Natural England welcome the restoration proposals which should work to enhance and further connect the habitats due to be created as part of the previous quarry areas to the north. Although it is acknowledged that Biodiversity Net Gain is not a mandatory requirement yet, it is Natural England's advice that taking the net gain approach and using the recognised metric would make this an exemplar development.*
80. *Natural England has considered this proposal in the light of the statutory duties under Schedule 5 of the Town and Country Planning Act 1990 (as amended) and the Government's policy for the sustainable use of soil as set out in paragraphs 174 and 175 of the National Planning Policy Framework. Based on the information provided in support of the planning application, the proposed development would extend to approximately 13.37 ha, including some 11.6ha of 'best and most versatile' (BMV) agricultural land. In view of the limited area of development and classification grading of land affected, Natural England does not wish to comment in detail on the soils and reclamation issues arising from this proposal, but recommend that the soils are stripped, stored and replaced in accordance with industry best practice to ensure the soil resource is appropriately safeguarded.*
81. *1st Reg. 25 Consultation Response: The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.*
82. *2nd Reg. 25 Consultation Response: The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.*
83. *NCC (Nature Conservation): Do not object, but raise the following observations:*
84. *The application is supported by a Preliminary Ecological Appraisal with an appropriate suite of surveys undertaken for protected/notable species, except for a group of trees which are identified as having low or moderate bat roosting potential but have not had a detailed bat survey to confirm the presence of bats. Further surveys are recommended to confirm the presence or otherwise of bats in these trees.*

85. Overall, it is concluded that significant ecological impacts would not result from the development. The development will result in the removal of agricultural land with boundary vegetation (hedgerows etc) largely retained except to create accesses. No designated sites will be directly affected.
86. To ensure that ecological impacts are avoided, minimised and mitigated it is recommended that a Construction Environment Management Plan is produced.
87. The restoration of the site is anticipated to provide greater biodiversity value than the habitats currently with the application site, but it is requested that this is quantified by the submission of a Biodiversity Net Gain Assessment. An additional boundary hedgerow should be provided as part of the restoration of the site between Phase 11b and the retained arable farmland to the west and south.
88. A 10-year post-restoration period is proposed by the applicant, however, it should be noted that when Biodiversity Net Gain becomes mandatory (in 6 months' time) a 30-year post-restoration period will be required, so it is recommended a longer period should be provided with a 15-20 year period considered more appropriate.
89. The surveys indicate that flooding on part of the field identified as Field A (crossed by the access but not to be subject to extraction) caused at least partly by the overtopping of the ditch which runs alongside the track to Cromwell Lock has created a valuable temporary habitat, particularly for breeding birds. It would be very desirable to secure this as a permanent area of shallow standing water, to allow it to develop into a wetland.
90. 1st Reg. 25 Consultation Response: The Regulation 25 response covers a number of ecological matters with the following observations made:
- i. Biodiversity Net Gain calculation: A Biodiversity Net Gain calculation has been carried out which shows a gain in habitat units of 277.77%. This seems exceptionally high and it is difficult to see how this has been achieved and therefore it is requested the Defra metric spreadsheet is provided to evidence this calculation.
 - ii. Bat surveys: The provision of the requested bat surveys is welcomed. No evidence of roosting bats was found, and this issue has now been given due consideration.
 - iii. Creation of additional grassland: No observations (this was a NWT request).
 - iv. New boundary hedgerow to phase 11b: The request to create a new hedgerow around the western and southern boundaries of phase 11b has been declined by Cemex on the basis that they have aspirations to extend the site in the future. Whilst it would indeed be a shame to have to remove this hedgerow in the future, planning permission is obviously not guaranteed. At the very least, the boundary needs to be demarcated e.g. with a post and wire fence – this needs to be specified.

- v. *Retention of wetland area in Field A: It is acknowledged that this wetland area has been formed as a result of flooding from temporary quarry dewatering operations, nevertheless there is disappointment that Cemex cannot take over the ecological management of this area of land. It is hoped that opportunities to manage this area for ecological benefit are explored if the quarry was to be extended in the future.*
 - vi. *Duration of aftercare: The extended 20-year aftercare period now proposed is welcome.*
 - vii. *Creation of additional shallows through restoration: No comment (this was a NWT request).*
 - viii. *Hydrological connection to the Trent: No comment (this was a NWT request).*
91. *2nd Reg. 25 Consultation Response: A revised Biodiversity Net Gain Assessment, and associated Metric spreadsheet has now been submitted in support of this application, which is welcomed. This confirms that the scheme, if delivered as proposed, would deliver a significant level of BNG.*
 92. *Nottinghamshire Wildlife Trust: Object to the planning application.*
 93. *The proposed extension is not allocated for sand and gravel extraction in the adopted Minerals Local Plan. The Wildlife Trust do not agree in principle with applications for unallocated sites and confirm their support for the plan-led approach to select sites informed by a strategic environment assessment to minimise environmental effects.*
 94. *The Wildlife Trust welcome the up-to-date ecological surveys which have been prepared to support the planning application which they state have generally been prepared following appropriate methodologies, but they do raise concerns that the bat survey does not include a proper assessment of the location of, or impact on roosts, otter and reptile surveys have not been undertaken and the amphibian surveys only focussed on Great Crested Newts and did not survey for toads, frogs and more common newts.*
 95. *In terms of amphibians, the Wildlife Trust state these will be using the northern part of the Ness Farm development area for the terrestrial phases of their lives including the ditch-side grassland, scrub and the bases of hedgerows. The application incorporates a methodology to avoid direct killing or injury of amphibians, which should work if properly implemented and should be conditioned, but this will not overcome the Wildlife Trust's concerns regarding the loss of terrestrial habitat. To compensate for loss of habitat during the operational phase of the development species-rich grassland should be seeded on the soil mounds and bunds and additional species rich grassland seeding on land in the local area within the applicants' control should be undertaken.*
 96. *In terms of reptiles, an ecological mitigation strategy should be submitted under planning condition to set out the measures to be taken to ensure these species are not harmed.*

97. *In terms of effects to birds, the site currently provides habitat value for species which favour hedgerow and open farmland habitats. The development would change the site to one of more wetland character and therefore impact this group of birds. Mitigation for impact should be undertaken including allowing hedgerows to grow taller, seeding soil bunds and additional species rich grassland planting on the land in the wider ownership of the applicant in the surrounding area. The restoration of the site should incorporate a higher proportion of wet grassland and species-rich grassland habitat. No assessment has been made of potential indirect impacts to birds from noise, artificial light and disturbance.*
98. *In terms of bats, further surveys are considered necessary of a group of trees within the development site which have potential to incorporate roosts. The site is considered to provide important habitat for bats which feed along the corridor of hedgerows on the site. These hedgerows which predominantly will be retained should be allowed to grow to enhance this habitat to bats. Potential indirect impacts to bats from additional noise, lighting and general disturbance have not been adequately assessed.*
99. *Otter surveys have not been undertaken and therefore it is unknown whether they are using the hedgerows to travel between known habitats within the River Trent and a small watercourse to the west of the site. Although the water course is outside the application site it could be affected by pollution, changes in surface water levels, noise and disturbance. In the absence of survey data, the Wildlife Trust recommend that a precautionary approach towards the likelihood of impacts on Otters should be adopted and a full assessment of potential indirect impacts should be provided by the applicant.*
100. *There should be an assessment of potential increased nitrogen deposition to grassland habitats including Ness Trentside LWS and Cromwell Meadows LWS.*
101. *A biodiversity net gain assessment should be undertaken. The Wildlife Trust consider that given that this proposed extension has no allocation the restoration should achieve exceptional outcomes for biodiversity to justify a grant of planning permission and therefore expect the restoration scheme to maximise the priority habitats for this area, which are wet grassland, reedbed, wet woodland and small ponds suitable for amphibians and are not supportive of more large areas of open water. The Wildlife Trust suggest it may be possible, through under-digging, to generate more restoration material to provide shallower edges to part of the lake, and thus create more marginal habitat. They also recommend the developer should maximise the use of overburden to create large areas of wet grassland and far less open water. The Wildlife Trust would like to see the creation of a river connection and braided channels through wet grassland and fen in the restoration scheme. The applicant should also provide new grassland habitats on the wider landholding in the area. Following the sites restoration, the period of aftercare should be extended to 20 years.*

102. *1st Reg. 25 Consultation Response: Nottinghamshire Wildlife Trust maintain their objection to the development, raising a number of further observations in response to the submission of the supplementary Reg. 25 information.*
- i. The Wildlife Trust restate their view that the two Section 73 planning applications should not be approved until all ecological matters in connection with the main Ness Farm quarry extension planning application have been resolved.*
 - ii. The Wildlife Trust restate their view that new mineral developments should be undertaken on sites identified and allocated within the Minerals Local Plan.*
 - iii. Bats: The Wildlife Trust is now satisfied that the supplementary bat survey demonstrates that the surveyed trees do not incorporate any bat roosting habitats. The Trust is supportive of the management arrangements which would allow the retained hedgerows to grow taller and wider to enhance their feeding benefit for bats and recommend that this is regulated by planning condition. The trust remains concerned that there has been no assessment of the indirect impacts on foraging bats from increased artificial light, noise and disturbance.*
 - iv. No further otter surveys have been provided and therefore original concerns regarding impact to this species have not been addressed.*
 - v. The reptile surveys are not considered adequate to provide a complete suite of survey information and satisfactory surveys for frogs and toads have not been undertaken. However, the Wildlife Trust acknowledge that a methodology statement has been proposed to avoid direct killing or injury of amphibians, which should work if properly implemented and regulated by planning condition.*
 - vi. The Wildlife Trust continue to have concerns about the loss of terrestrial habitat for amphibians but support the seeding of the soil bunds which they acknowledge assists in mitigating the impact and should be regulated by planning condition.*
 - vii. The Wildlife Trust do not agree with Cemex's assessment that the phased delivery of the restored habitat in the existing quarry will satisfactorily compensate for loss of farmland habitat used by breeding birds and they re-state their view that new habitat outside the boundaries of the application site should be grass seeded to provide compensatory habitat for the agricultural land which would be lost and provide benefit for both bird and amphibians.*
 - viii. There is no assessment of indirect impacts and disturbance from noise and artificial light.*
 - ix. There has been no assessment of the effect of emissions from the quarry machinery on surrounding habitats.*

- x. The Wildlife Trust welcome the submission of the Biodiversity Net Gain assessment but raise concerns that the calculation overvalues the ecological value of the lake areas created within the restoration of the site.
 - xi. In terms of the restoration arrangements for the site, the Wildlife Trust welcome the creation of additional small ponds and their contribution they will make to amphibian breeding habitat. *The trust consider the restoration scheme should provide a higher proportion of wet grassland and species-rich grassland habitat.* The Trust do not agree with Cemex's submissions that there would not be any significant benefits to the restoration of the site derived from under-digging the site and hydrologically connecting the restored site to the River Trent and request these matters are further investigated.
103. Via (Landscape): *Support the planning application, raising no objections on landscape and visual impact issues.*
 104. *1st Reg. 25 Consultation Response: Do not raise any additional comments on landscape and visual impact issues in response to the submission of the supplementary information.*
 105. *2nd Reg. 25 Consultation Response: Raise no comments on the supplementary information provided under the Regulation 25 submission.*
 106. Via (Noise Engineer): *Raise no objections.*
 107. *Planning conditions are recommended to regulate noise limits at residential properties and maximum noise levels associated with the use of night-time dewatering pumps.*
 108. *1st Reg. 25 Consultation Response: The supplementary information does not raise any further noise issues.*
 109. VIA (Countryside Access): *Raise no objections.*
 110. *Cromwell Footpath No. 5 is directly to the north of the proposal site. The footpath runs along a private access road/track to Cromwell Lock. It is acknowledged that the impacts on the users of these rights of way are limited to the continuation of occasional vehicles crossing over FP5 from the existing site to the extension area, and visual impacts. A footpath crossing scheme has already been agreed pursuant to a condition on the existing planning permission and this is not proposed to change. As such it is considered that the crossing of this footpath with vehicles remains safe, subject to the applicant continuing to adhere to the agreed footpath crossing scheme.*
 111. *1st Reg. 25 Consultation Response: The supplementary information does not raise any further rights of way issues.*
 112. NCC (Archaeology): *Raise no objections.*

113. *The archaeological potential of the site is considered to be fairly marginal being located on the edge of relatively standard dryland area. The Environmental Statement recommends that an ongoing programme of archaeological mitigation, adopting a flexible approach scaling up archaeological intervention as necessary is considered to be appropriate and has worked well in the past with dealing with the archaeological resource in previous phases of work at the site.*
114. *Accordingly, it is recommended that if the application is permitted, this should be conditional upon the formulation and implementation of an appropriate programme of archaeological mitigation with agreed procedures for monitoring and addressing the changing understanding of the archaeology of the site as work progresses.*
115. *2nd Reg. 25 Consultation: Comments remain unchanged.*
116. *NCC (Built Heritage): Raise no objections.*
117. *The negative impacts from the proposals on the designated heritage assets will constitute less than substantial harm and as such paragraph 202 of the NPPF is the correct guidance in this case to determine this planning application.*
118. *The development would have some negative impacts on the setting of the Grade 1 listed St Giles Church, Cromwell primarily during the operational phase of the works. Restoration as proposed will largely reverse these negative impacts. There will be some negative impacts to the non-designated medieval bridge where impacts are the greatest (due to proximity). These impacts could be mitigated by installing publicly accessible interpretation boards of the Anglo-Saxon archaeology and the wider Trent landscape adjacent to the site.*
119. *Reg. 25 Consultation Response: It is acknowledged that the supplementary information sets out the arrangements for the provision of an information board relating to the heritage asset of the Trent valley, which would be located in the north-east corner of Phase 9c at the closest point to the historical bridge on land owned by CEMEX but visible to the public from the footpath. These arrangements are acceptable, and it is recommended that a condition be imposed to agree the precise location, content and style of the information board prior to its installation.*
120. *Trent Valley Internal Drainage Board: Raise no objections.*
121. *The internal drainage board state that they maintain the Cromwell Drain, an open watercourse to the west of the development site and advise that the board's consent will be required to make modifications to this watercourse.*
122. *National Grid Electricity Distribution: Raise no objections.*
123. *The operator should ensure that any areas they wish to quarry should be checked for electricity cables to ensure it is safe to excavate first. The company have provided a plan showing the location of the cables which they request is forwarded to the applicant and state that if there is any doubt regarding the*

location of cables, the operator should contact National Grid Electricity Distribution to seek guidance.

124. Severn Trent Water Limited, and Cadent Gas Limited: *No representations received.*

Summary of Planning consultation responses received in connection with Planning Applications 3/22/01787/CMA and 3/22/01788/CMA

125. The consultation responses which have been received in connection with the two Section 73 variation planning applications raise similar observations and therefore in the interests of brevity have been collectively summarised in the following paragraphs.
126. Newark and Sherwood District Council: *Raise no objections.*
127. Cromwell Parish Meeting: *Object to the planning application, for the reasons set out to planning application 3/22/01790/CMA (summarised above).*
128. North Muskham Parish Council: *The application was reported to the 28th September 2022 parish meeting where the Parish raised no objection to the proposals put forward.*
129. National Highways: *Raise no objections.*
130. NCC Highways: *Raise no objections.*
131. *The principle of working Cromwell quarry has already been established, and any impacts considered acceptable when permission was originally granted, and again in 2016 when permission to re-start working was granted. It is not considered that these applications would give rise to any additional or different impacts over and above, given that extraction at the site overall will still be completed, including the further extension area at Ness Farm, well within the 12 years originally anticipated.*
132. Natural England: *No comment.*
133. NCC Ecology: *No objection, confirming the modifications to the planning permissions would not result in any significant ecological effects.*
134. Nottinghamshire Wildlife Trust: *Since the variations to the existing planning permissions would not be necessary unless the main application for the quarry extension is approved, the Wildlife Trust state that these modifications to the existing planning permission should not be approved until the matters raised in objection to planning application 3/22/01790/CMA are resolved.*
135. NCC (Flood Risk): *Have not provided a bespoke response and provided some general flood risk guidance insofar that the site should not increase flood risk off-site, encouraging natural infiltration and sustainable urban drainage (SUDS) and advising that any changes to watercourses will require consent.*

136. Trent Valley Internal Drainage Board: *Do not object, acknowledging that the site is located adjacent to a drainage board maintained watercourse and advise that consent for works adjacent to the water course will be required.*
137. Canal and River Trust: *No comment.*
138. VIA Countryside Access: *No objection.*
139. *The applicant must continue to adhere to the agreed footpath crossing scheme. The representation from Cromwell Parish Meeting in which they state that where the haul road crosses Cromwell Footpath No. 5 the path is impassable at times due water, mud and damage is noted. The applicant must make sure that the surface of the path is swept and cleared of debris regularly and any damage repaired in a timely manner.*
140. National Grid Electricity Distribution: *Do not object, noting the proximity of the development to electricity infrastructure raising similar representations to planning application 3/22/01790/CMA (summarised above).*
141. Environment Agency, Severn Trent Water, Cadent Gas: *No representations received.*

Publicity

142. Each planning application has been separately publicised as affecting a public right of way by means of posting site notices, publication of press notices and the posting of neighbour notification letters sent to the nearest occupiers in accordance with the County Council's Statement of Community Involvement. No representations have been received in connection with any of the three planning applications.
143. Councillor Bruce Laughton has been notified in connection with the three planning applications.

Observations

Introduction

144. In accordance with the statutory requirements, planning applications must be determined in accordance with the Development Plan, unless there are material considerations which indicate otherwise.
145. The primary part of the Development Plan in the context of this minerals proposal is the Nottinghamshire Minerals Local Plan (2021) (MLP) but policies within the Newark and Sherwood Amended Core Strategy Development Plan Document (March 2019) and the Newark and Sherwood Allocations and Development Management Policies Plan Document (July 2013) are also of relevance.

146. The National Planning Policy Framework (NPPF) and supporting Minerals Planning Practice Guidance are not part of the local development plan but are an important material consideration in the determination of planning applications on the basis that they set out the government's planning policies for England and how these are expected to be applied.

Need for Development

147. The Nottinghamshire Minerals Local Plan (MLP) was adopted in March 2021 following extensive public consultation and examination by an independently appointed Planning Inspector. The plan aims to ensure that there is a sufficient supply of minerals for the plan period up to 2035 consistent with NPPF Paragraph 209 by maintaining a steady and adequate supply of sand and gravel and a landbank of at least seven years mineral reserves consistent with NPPF Paragraph 213.
148. MLP Policy SP1 (Minerals Provision) confirms the strategy of the plan is to ensure there is a steady and adequate supply of minerals in Nottinghamshire. The policy confirms that maintaining satisfactory supply of sand and gravel will primarily be met through the identification of suitable land through site allocations for mineral extraction, but the policy does provide scope for the development on non-allocated sites where a need can be demonstrated with the policy favouring the extension of existing sites rather than the development of new sites on the basis that it is often more sustainable than developing a new site since it allows the reuse of site infrastructure, access processing plant etc.
149. MLP Policy MP1 (Aggregate Provision) quantifies the level of sand and gravel reserves which are required in the Nottinghamshire area over the plan period between 2018-2036 at 32.3 million tonnes. The policy confirms that provision will be made by a series of site allocations to ensure that adequate mineral is made available and to ensure a landbank of at least 7 years of sand and gravel is provided.
150. Site allocations for the extraction of sand and gravel to ensure there is sufficient supply consistent with MLP Policy MP1 are set out within Policy MP2: Sand and Gravel Provision. In terms of Cromwell Quarry, MP2e is of relevance and confirms the role that the extraction of the remaining consented reserves at Cromwell Quarry serves in providing adequate mineral supply. Policy MP2 does not allocate any further land at Cromwell Quarry for the extraction of sand and gravel. The Ness Farm site, the subject of this current planning application therefore is not allocated for mineral extraction within the MLP.
151. Policies SP1 and MP1 gives priority to mineral extraction progressing from the sites allocated within Policy MP2. However, the policies do not preclude mineral extraction from unallocated sites, identifying scope to grant planning permission for such development where a need can be demonstrated.
152. The applicant has supported their planning application with a statement of need within which they state there is a need for an extension to Cromwell Quarry to

address shortfalls of sand and gravel supply at both a county/regional level as well as a more specific local need for an extension at Cromwell Quarry.

153. In terms of the level of mineral reserves to maintain county/regional reserves, the applicant states:
- The covid pandemic as well as some temporary closures of Nottinghamshire's quarries for operational reasons (site flooding etc.) have suppressed recent years of mineral production which has had the effect of inflating the level of the county's sand and gravel landbank, even though the level of consented mineral reserves is not increasing.
 - The current low levels of production will not satisfy anticipated higher demand for building aggregates associated with population growth, new house builds, economic regeneration and infrastructure projects planned across the region.
 - The published landbank within Nottinghamshire is not representative of the actual level of supply of minerals in the area which Cemex consider is constrained because a high proportion of the identified mineral reserve is tied up in non-operational quarries and therefore not available for market.
 - Around 40% of the County landbank reserves are contained within Sturton le Steeple Quarry which despite having originally been granted permission in 2008 has not yet entered production. Added to this, Girtton Quarry has been mothballed for over a decade. Although these sites contribute to the landbank, they do not make any contribution to the annual sand and gravel output within Nottinghamshire.
 - New quarries which have been allocated within the MLP have not obtained planning permission/entered production including Mill Hill Quarry at Barton in Fabis.
 - The figures within the MLP over-estimate the level of reserves remaining in Cromwell Quarry by 0.76mt.
154. The applicant concludes that the published landbank level is not representative of actual mineral supply levels in the County with the shortfall of minerals production in Nottinghamshire being made up by high levels of sand and gravel imports into the County from surrounding areas.
155. In terms of the current availability of consented mineral reserves at Cromwell Quarry, the applicant states that extraction is now complete in the current Phase 9c with the exception of a small volume of mineral underlying the route of the proposed haul road. The remaining consented reserves (circa 395,000 tonnes or 1.3 years production) is contained in Phases 9d, 10 and the plant site. Although there is planning permission in place to relocate the plant site onto the former Tarmac quarry land to the north, the applicants' preference is to retain these parts of the site in their existing use to process, stockpile and access the mineral from Ness Farm. The quarry therefore is very close to exhausting its mineral reserves and because of the constraints in relation to Phases 9d, 10 and the plant site it is currently working from stockpiled reserves which will be

exhausted in the very near future. The applicant states that a shortfall of mineral at Cromwell Quarry strongly supports a local need for an extension, stating that:

- If permission is not granted for this development the quarry would extract its remaining consented reserves in Phases 9d, 10 & the plant site before closure and thereafter be restored with these actions removing the infrastructure required to process and dispatch mineral to market. The applicant states that if this was to occur before the extraction of mineral from the current planning application site this would effectively sterilise the mineral which underlays the Ness Farm site because the infrastructure to process the mineral and dispatch it to market would be lost and the extraction Phases 9d, 10 and the plant site would also remove the access between the Ness Farm mineral and the consented replacement plant site located further north on the former Tarmac Quarry site.
- Cromwell Quarry serves established markets in the local area which this extension would provide a continuity of mineral supply.
- The extension would secure the continuity of employment at the site which in turn supports the local economy and contributes to the local community through the payment of business rates, taxes and aggregate levy. Given that there will be a gap between the existing site running out of material and starting to work Ness Farm, if permission is granted, it will be necessary to deploy staff to other sites nearby or undertake jobs around the site unrelated to the extraction.
- The mineral originating from Cromwell Quarry is a high-quality aggregate which supports building and construction projects in the local area.

156. To understand whether there is a need for the extraction of the additional minerals from the proposed Cromwell Ness Farm extension to serve the wider county/region, the starting point is to assess the County's landbank. The landbank sets the duration that existing consented mineral reserves will last before exhaustion and is calculated by comparing the average mineral production figures over the last ten-year period against the level of permitted reserves of sand and gravel.
157. The current landbank of mineral reserves within Nottinghamshire is set out in the Council's Local Aggregate Assessment (LAA) with the most recent data published in December 2022. This data shows that the sand and gravel landbank within Nottinghamshire stands at 15.69 years and therefore well above 7-year requirement set out within the NPPF and MLP Policy MP1. The level of landbank strongly indicates that further mineral reserves originating from non-allocated sites are not needed to maintain a steady and adequate supply of sand and gravel across the Nottinghamshire area.
158. However, the Government's Planning Practice Guidance makes clear that landbanks are principally a monitoring tool and that there is no maximum landbank level. Clearly a low landbank level could indicate an urgent need for additional reserves/sites but the Guidance also states that there may be circumstances in which to proceed with proposals where an adequate or healthy

landbank already exists and so a healthy sand and gravel landbank should not be used as the sole reason to refuse a planning application. Such circumstances could include where:

- significant future increases in demand have been forecast with reasonable certainty;
- the location of the consented reserve is inappropriately located relative to the main market areas;
- there are issues with the nature, type and qualities of the aggregate such as its suitability for a particular use within a distinct and separate market; and
- there are known constraints on the availability of consented reserves that might limit output over the plan period.

159. Each planning application is required to be assessed on its own merits (as confirmed by the PPG and MLP Policy MP2), having regard to the need to ensure there is capacity to supply a wide range and type of aggregates in a variety of locations of permitted reserves relative to markets, and productive capacity of permitted sites and competition should not be stifled by bounding resources in a limited number of sites. These further considerations need to be assessed to understand whether there is a specific need for further extraction within the Cromwell Ness Farm extension.
160. The applicant's statement of need for an extension to Cromwell Quarry at Ness Farm has been structured around demonstrating compliance with the criteria set out in the Planning Practice Guidance. The applicant's submissions are considered below.
161. In terms of mineral supply and demand, the Local Aggregate Assessment acknowledges that covid lockdowns and operational closures have impacted mineral production levels, particularly during 2020 and that this has had an effect in terms of extending the life of the landbank. Notwithstanding this fact, the sand and gravel landbank is currently over double the minimum 7-year level and therefore the data strongly indicates that there currently is an adequate supply of sand and gravel within Nottinghamshire, even after allowing for some variability of data. The size of the landbank also provides assurances that these consented sand and gravel reserves are capable of supplying higher levels of demand in future years to respond to planned growth across the plan area.
162. In terms of the location of the consented reserves to serve the main market areas and the suitability of consented reserves to serve specific market needs, the existing landbank of sites is considered satisfactory, but it is acknowledged that the continued availability of mineral reserves at Cromwell Quarry would assist in maintaining a spread of sites across the County.
163. In terms of potential constraints on the availability of consented reserves that might limit output over the plan period, it is acknowledged that the Mill Hill, Barton in Fabis allocation has not been granted planning permission. However, the landbank calculation does not include the mineral originating from Barton in

Fabis and therefore the fact this quarry does not currently benefit from planning permission is not at present creating any significant mineral supply issues in the context of the landbank availability. In terms of Sturton le Steeple and Girtton Quarries, it is acknowledged that these are not currently operational but the Mineral Planning Authority (MPA) has applied an appropriate methodology consistent with national policy in including the mineral reserves from these quarries in its landbank calculation with these sites expected to play a full and active role in the supply of mineral in the medium to longer term. However, in the short term, it is considered that there is some merit in maintaining operational capacity at Cromwell Quarry to provide a geographical spread of mineral production across a number of sites whilst Sturton le Steeple and Girtton Quarries are not productive. The proposed 550,000 tonnes of mineral sought planning permission in this planning application would secure the short-term future of Cromwell Quarry as an operational facility until these more strategic allocations come on stream and therefore the planning application is considered to have merit in this respect.

164. In terms the applicant's claimed anomalies concerning the level of remaining reserves at Cromwell Quarry at the time of the MLP adoption, the most recent Local Aggregates Assessment is drawn from the up-to-date data supplied by the industry and therefore provides an accurate assessment of current mineral supplies across the County. Cemex's concerns relating to the data which informed the MLP was because 2016 data was referenced. Although newer data was available by the time the examination of the plan was undertaken, the Inspector agreed with the Council that there has to be a cut off at some point to choose a baseline as otherwise planning decision makers would forever be changing/updating the evidence data and never adopting a plan.
165. In terms of local considerations specific to Cromwell Quarry, the proposed extension would provide nearly two years additional reserves. Mineral extraction is now complete in the final phase before it will be necessary to remove the minerals processing and stockpiling areas. A timely decision on this planning application is therefore required before the plant site is removed since this would severely restrict the ability of the operator to process and dispatch the mineral from the Ness Farm extension to market. It is also acknowledged that if the existing quarry workings were fully restored prior to the extraction of mineral from the Ness Farm extension this would remove the land that would be used to haul the mineral to the plant site, severely constraining the ability to extract mineral from the Ness Farm extension area in future years, effectively sterilising the mineral resource contrary to the objectives of MLP Strategic Policy SP7 which seeks to protect mineral resources from needless sterilisation. There is therefore a limited time window within which it is operationally possible to work the Ness Farm area using the existing site infrastructure and this is the reason why the planning application has come forward at this stage.
166. The quantity of mineral within the Ness Farm extension area is comparatively minor and is unlikely to be sufficiently large enough to justify the reinvestment in a new processing facility. The removal of the plant site would also take away the existing access to the public highway network with no readily available alternative route of access which could be provided at a later date.

167. The continued use of the existing Cromwell plant site and infrastructure would almost certainly have a lesser impact on the local environment and amenity than setting up a brand-new site. This conclusion is supported by MLP Strategic Objective S01 which gives priority to the improved use or extension of existing sites before considering new locations on the basis that they are generally more sustainable and will often have lower environmental effects than new greenfield sites.
168. The additional 550,000 tonnes of mineral which would be recovered from the Ness Farm extension is a comparatively small amount of mineral in comparison to Nottinghamshire's overall annual sand and gravel production levels, equating to about four months of the county's annual production rate. It is therefore concluded it would not strategically affect the wider timetable for mineral extraction within nearby quarries or prejudice the implementation of site allocations identified within the MLP.
169. The near two years additional operational life of the quarry would secure the continuity of existing jobs and associated benefits to the local economy. These benefits are a material consideration in the assessment of the planning application which NPPF paragraph 211 states planning authorities should give great weight to when determining planning applications.
170. In conclusion, the site is not allocated for mineral extraction within the MLP and the current status of the landbank indicates that there is no immediate need for additional mineral resources to maintain a steady and adequate supply of sand and gravel production across the Nottinghamshire area.
171. Notwithstanding the above, there are benefits derived from undertaking the development at this time including the avoidance of mineral sterilisation, maintaining the continuity of sand and gravel production at Cromwell Quarry to serve established markets, and the economic benefits which this brings. The proposed extension would not result in an oversupply of sand and gravel in Nottinghamshire and therefore not prejudice the delivery of other mineral extraction sites which are allocated within the MLP. A number of the allocated sand and gravel quarries identified within the MLP are not currently operational, meaning that the county's sand and gravel production capacity is concentrated in a limited number of sites. An extension to the life of Cromwell Quarry will maintain a greater spread of operational capacity across the county, particularly until such time that Sturton le Steeple and Mill Hill, Barton in Fabis become operational. An increase in the landbank would also provide some increased security of mineral supply.
172. A timely decision on this planning application is now required so that the mineral within the Ness Farm extension can be sustainably worked on a phased basis and utilising the existing plant site thus avoiding the sterilisation of this mineral.
173. Subject to there being no unacceptable environment impacts, these factors argue in favour of granting the development planning permission.

Assessment of Environmental Effects

174. To assist in assessing the significance of the environmental effects of the development the planning application is supported by an Environment Statement (ES) prepared under the Environmental Impact Assessment (EIA) Regulations. The ES, including the supplementary information provided within the two Reg. 25 submissions made during the course of processing the planning application thoroughly assesses the environmental implications of the development with its conclusions considered against the development management policies of the MLP, as set out below:

Landscape Character

175. MLP Policy DM5: Landscape Character states that proposals for mineral development will be supported where it is demonstrated that they will not adversely impact the character and distinctiveness of the landscape. Development which has an unacceptable effect on the landscape will be supported if it is demonstrated there are no available alternative locations and the need for the mineral outweighs the landscape impact. Mitigation of landscape effects should be carried out utilising landscape planting which is appropriate to the local landscape character.
176. The site and surrounding area are located in the River Meadowlands landscape character type of the Newark and Sherwood District Council Landscape Character Assessment and the Trent Washlands Policy Zone - TW PZ 17 Besthorpe River Meadowlands. The landscape condition of the policy zone is assessed as moderate and the landscape sensitivity is low with landscape actions of create and reinforce with an emphasis of strengthening and re-enforcing the historic field patterns in the area, re-instating permanent pastureland, promoting tree cover and ecological diversity, particularly grassland habitats and conserving the pattern of hedgerows. The area is not designated for its landscape value.
177. The ES which supports the planning application submission incorporates a detailed landscape and visual assessment report which has been examined through the planning consultation process by VIA's Landscape Officer and have confirmed that its findings are accurate and representative.
178. The landscape assessment identifies that during the operational period (2-3 years), the Ness Farm development would result in a significant change to the landscape character of the development site, removing the existing arable fields and changing their character to industrial, albeit the boundary hedgerows would generally be retained and enhanced. In terms of impacts across the wider River Meadowlands landscape character zone the short-term operational effects would have a much more limited effect with negative impacts to the wider landscape character anticipated to extend approximately 0.5km to the south, but little effect is anticipated to the north because of the proximity of the existing quarry. Overall, the operational period of the development would have a negative landscape impact, the magnitude of impact is assessed as having a minor significance across the wider landscape character area.

179. Following the completion of the restoration and the re-vegetation of the site there would be a permanent change to the landscape character of the site from arable fields to predominantly open water but with areas of lowland meadow/conservation grassland, reedbeds, ponds, wet woodland and a sand face and this would be a continuation of the restoration that has already been agreed for the wider Cromwell Quarry site. The development would achieve some of the landscape actions within the Newark and Sherwood District Council Landscape Character Assessment in the context of increasing biodiversity across the site and therefore the landscape impact of the development across the wider landscape character area is assessed as having a permanent small beneficial effect.
180. In terms of compliance with MLP Policy DM5, whilst acknowledging the short-term operational impacts, the long-term permanent effect is beneficial to the landscape character and the aftercare planting would utilise species consistent with the local landscape character consistent with the policy requirements. It is therefore concluded the development is compliant with Policy DM5.

Visual Impact Assessment

181. MLP Policy DM1: Protecting Local Amenity states that proposals for minerals development will be supported where it can be demonstrated that any adverse visual impacts are avoided or adequately mitigated to an acceptable level.
182. The visual assessment undertaken by the applicant has been informed by a Zone of Theoretical Visibility using a 3 km radius from the site boundary. From this, six representative viewpoints were chosen to assess the magnitude of visual impact.
183. The visual assessment has identified that the operational quarry would have the following visual effects:
- Views from the east of the Trent including Collingham and Besthorpe villages and footpaths along the River Trent will be screened by the proposed 3 metre bunding on the edge of the site and intervening vegetation. Views from Lock Keeper's cottage, also to the east but in much closer proximity to the development site will be screened by the perimeter soil bunds and also a line of intervening mature trees, but there are likely to be some filtered views from the first-floor windows of this property looking over the bunds.
 - Views from the A1 to the west are screened by intervening vegetation. There would be no visibility of the site from Cromwell village and Norwell further afield to the west beyond the A1 due to screening from the road and intervening vegetation.
 - Views from footpath 5 to the immediate north looking into the Ness Farm extraction area would be predominantly screened by intervening vegetation but the movement of heavy plant between the extraction area and the processing site would be clearly visible to users of the footpath during the campaign working of the site, anticipated to be four times per

year over a 4-6-week period. There would be no visibility of the Ness Farm extraction area from the wider footpath network further to the north or residential properties in Carlton on Trent village.

- Land to the south is predominantly farmland, there would be no visibility of the site from either Holme or North Muskham villages.

184. Overall, it is concluded that the generally minor visual effects during the operational phases would occur over a comparatively short time frame and are minimised by the comparative remoteness of the site from sensitive users, the works being undertaken at or below ground level thus ensuring they are kept as low as practicable, the retention of existing vegetation including the boundary hedgerows around the site and the formation of boundary mounds around the perimeter of the site. There would be a greater visual impact to users of footpath 5 from the movement of plant across this route, but these impacts would occur over a comparatively short time frame during the campaign working of the site. These adverse effects are reversible and will change to beneficial visual effects following restoration of the Site.
185. The landscape and visual assessment report identifies a series of embedded mitigation measures within the development scheme designed to reduce both the visual and landscape effects of the development. The measures include the retention of most of the existing hedgerows and their management, supplementary hedgerow planting to infill any gaps and the construction of temporary 3m high perimeter mounds to screen extraction around the perimeter of Phases 9b and 9c and to the north, west and south of the Phase 9a extraction area to limit the visibility of the site during operation. Planning conditions are recommended to regulate these mitigation measures.
186. It is concluded that the phased and progressive extraction and restoration of the wider quarry development minimises the visual impacts of the development as far as practical and there would not be any significant long term negative visual effects from the development, thus ensuring the development is compliant with MLP Policy DM1.

Ecological Considerations

187. MLP Policy DM4 (Protection and Enhancement of Biodiversity and Geodiversity) states that proposals for minerals development will be supported where it can be demonstrated that they will not adversely affect the integrity of European sites, SSSIs, Local Wildlife Sites or the loss of populations of a priority species or areas of priority habitats. It states that Nottinghamshire's biodiversity and geological resources will be enhanced by ensuring that minerals development retains, protects, restores and enhances features of biodiversity and provides for appropriate management of these features, contributing to targets within the Nottinghamshire Local Biodiversity Action Plan; makes provision for habitat adaptation and species migration and maintains and enhances ecological networks through the protection and creation of priority habitats and stepping stones between these areas.

188. MLP Policy SP2: Biodiversity-Led Restoration seeks to maximise biodiversity gains and achieve a net gain in biodiversity as part of undertaking minerals development. The policy also expects minerals development schemes to contribute to the delivery of Water Framework Directive objectives which seek to facilitate improvements to water quality, riverine habitats, floodplain reconnection and improving the status of fish populations.
189. The ES submission incorporates an ecological assessment which has been informed by a suite of ecological surveys and supplemented through the two Reg. 25 submissions with additional bat surveys to address initial concern that this information was absent. The assessment provides a thorough and up to date appraisal of the ecological effects of the development and enables the project to be examined through the planning consultation process with ecological responses received from Natural England, NCC's Ecological Officer, Nottinghamshire Wildlife Trust and the Environment Agency.
190. There are no statutory designated wildlife sites within 2 km of the application site, and Natural England have confirmed that the development would not result in any adverse impacts to Besthorpe Meadows SSSI (c.2.8 km north-east) and Besthorpe Warren SSSI (c.4.4 km north-east). There are nine non-statutory Local Wildlife Sites (LWS) within 2 km of the Application Site with the closest site being Ness Trentside LWS which is located adjacent to the south-western boundary of the Application Site
191. The Ness Farm development site is predominantly arable agricultural land and is not designated for its ecological value and is generally considered to be of a comparatively low ecological value. The boundaries of the fields incorporate mature hedgerows and trees which have some habitat value.
192. The proposals will lead to the loss of arable land, the most notable ecological impact from this is the loss of habitat used by farmland birds (including linnet, lapwing, skylark, starling, yellowhammer, song thrush and dunnoek), reptiles and terrestrial habitat for amphibians. Mitigation for the loss of this habitat is proposed by seeding of the earth bunds with a species rich grass mix which can be regulated through planning condition, and in the case of reptiles and amphibians by the proper implementation of a working methodology for the clearance of vegetation through a planning condition as part of a Construction Environmental Management Plan (CEMP). Nottinghamshire Wildlife Trust consider this mitigation does not sufficiently compensate for the lost habitat, recommending that additional off-site areas of new grass seeded habitats are provided to replace this habitat. This additional mitigation is not considered necessary, specifically the existing phasing arrangements of the quarry will ensure that new habitats are restored in the existing quarry to coincide with the timing of the removal of the arable land and will therefore supplement the new habitat provided in the bunds and in the case of displacing birds, there is extensive open farmland in the surrounding area which these birds would readily translocate onto.
193. There will be some limited hedgerow removal to provide access into the development site. These initial clearance works will be undertaken outside the

bird breeding season or following a pre-clearance nesting check by a suitably qualified ecologist with works only proceeding once areas have been declared free of nesting activity. Notwithstanding these limited clearance works, the development retains the majority of boundary features (hedgerows/lines of trees) and in so doing minimises the ecological impacts of the development. The retained hedgerows will be enhanced by undertaking additional gapping up planting and allowing the hedgerows to grow wider and taller to enhance their ecological value for nesting birds and foraging bats, with these works regulated through planning condition. Supplementary hedgerows and woodland enhancements will be provided during the course of undertaking the development and will result in a 18.57% enhancement in hedgerows across the site following the completion of the development.

194. The supplementary bat surveys provided as part of the 1st Reg. 25 submission confirm that the trees located adjacent to the working area of the quarry do not provide bat roosting habitat and therefore provides assurance that any additional noise and activity in the vicinity of these retained trees would not result in any indirect impacts to these species.
195. Accidental killing or injury to other fauna including common amphibians, reptiles and small mammals will be avoided by controls imposed through the CEMP.
196. In terms of the concerns raised by Nottinghamshire Wildlife Trust regarding the possible use of the ditch which runs alongside hedgerow H3 by Otters and potential indirect impacts on this species through disturbance caused by quarrying, the H3 ditch lies outside the extraction area, approximately 160m from the red line boundary and therefore would not be directly impacted by the development. Given that the southern extraction area has already come within about 80m of this ditch (i.e. half the distance), no new or additional indirect impacts to these species from the new quarry extension are anticipated. Further surveys for these species, as requested by the Wildlife Trust is therefore not considered necessary.
197. Although Nottinghamshire Wildlife have raised concerns that emissions from HGV/mobile plant exhausts could impact nutrient levels on nearby grassland habitats, the level of HGV and mobile plant activity associated with the quarry will not change as a result of the extension and will be comparatively low, particularly in comparison to emissions from traffic movements on the A1. DEFRA guidance confirms that typical exhaust emissions from on-site plant and site traffic operating at mineral sites is unlikely to make any significant impact on local air quality and in the vast majority of cases will not need to be quantitatively assessed. No significant adverse impacts are therefore anticipated.
198. Following the completion of mineral extraction, the site would be restored to provide a mixture of habitats including open water and smaller ponds with meadow/conservation grassland margins, reedbed, wet woodland and a sand face. These new habitats would complement the restoration that is ongoing on the wider Cromwell Quarry site.

199. The Reg. 25 submissions incorporate a Biodiversity Net Gain calculation to evaluate and compare the ecological quality of the existing site with the value of the restored habitats proposed to be created. The original biodiversity net gain calculation has been re-evaluated as part of the second Reg. 25 response to take account of concerns raised by NCC's Ecological Officer and Nottinghamshire Wildlife Trust that the original calculation over-estimated the ecological value of the restored site particularly in how it has considered the large waterbody.
200. Overall, the updated biodiversity net gain calculation identifies the proposed restoration scheme improves the ecological conditions of the site by retaining and enhancing much of the grassland present, while new lakes, ponds and associated wet habitat are proposed to provide habitats of high distinctiveness, representing a significant improvement over the previously ecologically limited arable agricultural use of the site. Taken together, the proposed habitat and hedgerow enhancement measures will lead to a biodiversity net gain of +147.78%, as measured by the DEFRA metric 3.1 calculator and therefore the development is supported by MLP Policy SP2 which seeks to achieve a net gain in biodiversity as part of undertaking minerals development.
201. In terms of the aftercare of the site, the applicant initially proposed a 10-year post-restoration period to manage the new habitats. The consultation process has identified concerns that this period is not sufficient to properly establish high quality habitats. It is acknowledged that when biodiversity net gain becomes a mandatory requirement for planning applications (currently anticipated in November 2023) a 30-year post-restoration period will be required. In this context, the suggested 10-year period does seem to be short and a 20-year period is considered more appropriate. This can be regulated through planning condition requiring the implementation of the phased restoration scheme including the submission of a detailed landscaping arrangements to include species mixes, establishment methods and maintenance regimes.
202. The consultation responses received from Nottinghamshire Wildlife Trust and NCC Ecology incorporate a number of ecological management suggestions which aim to provide further ecological mitigation and enhancement at the site. These suggestions have been considered by the applicant as part of their Reg. 25 responses and modifications have been made to the restoration arrangements of the site which pick up on suggestions to increase the length of hedgerows on the site, provide additional wet woodland/shallow pond habitats and extend the aftercare duration to 20 years. The applicant has provided a reasoned justification to explain why it is not possible to go further in terms of creating additional off-site grassland habitats, greater areas of shallower ponds and a hydrological connection between the restored site and the River Trent. Officers acknowledge that alternative development schemes may have potential to deliver enhanced ecological benefit but also note the submissions made by the site operator that the development scheme has to be viable as a mineral's extraction scheme. The ecological assessment of the development demonstrates that the submitted scheme provides a favourable solution between providing ecological benefit and ensuring minerals are sustainably recovered with the ecological benefit being clearly demonstrated by the

biodiversity net gain calculation which identifies a significant 147.78% ecological enhancement following the restoration of the site.

203. The new wetland habitat provided by the restoration of the Ness Farm extension will complement habitats across the wider Cromwell Quarry area and contribute to a much larger wetland habitat between Newark and South Clifton incorporating around 1200 hectares of land which has the potential to become regionally important for its habitat value.
204. The planning authority is required to consider the submitted scheme on its merits and in this respect the identified mitigation/compensation/maintenance provisions ensures that the proposed development would not have any significant adverse ecological impacts and thus ensuring compliance with MLP Policy DM4 which seeks to minimise biodiversity impacts associated with minerals development. The implementation of the proposed restoration scheme will result in substantial biodiversity benefits in the long term. The development is therefore compliant with MLP Policy SP2 (Biodiversity-Led Restoration) insofar that following restoration it will enhance the environment and provide biodiversity gains.

Agriculture/Conservation of Soil Resources

205. MLP Policy DM3: Agricultural Land and Soil Quality states that minerals development on best and most versatile agricultural land (grades 1, 2 and 3a) will be supported where it does not affect the long-term agricultural value of the land, or where there are no alternative options to undertake the development on lower grade agricultural land, the need for the development outweighs the adverse impact upon agricultural land.
206. The agricultural land within the extended extraction area is predominantly of a best and most versatile character with 6.39ha being grade 2 (very good quality agricultural land), 4.67ha being grade 3a (good quality agricultural land), 1.38ha being grade 3b (moderate quality agricultural land) and 0.92 ha being non-agricultural land.
207. The extraction and subsequent restoration of the site would not re-instate any arable agricultural land with the majority of the site restored to ponds and wetlands, but there would be 2.02ha of lowland meadow created using the best soils from the site. The applicant's appraisal considers the development would have a minor adverse impact on best and most versatile agricultural land, but this conclusion appears to underestimate the magnitude of impact having regard to the fact that the development would result in the removal of almost all the existing arable agricultural land from the extraction area with only a minor proportion of the site returned to agricultural use following the restoration of the site.
208. Natural England has reviewed the development proposals in their planning consultation response, noting the quantity of best and most versatile agricultural land that would be lost but does not formally raise an objection to the development on the basis of the comparatively small site area.

209. In terms of the policy test within MLP Policy DM3, where minerals development affects the long-term agricultural value of the land, as is the case here, the policy states that planning permission should only be granted where there are no alternatives to undertake the development on lower grade land and where the need for the mineral is such that this outweighs the impact or loss of agricultural land and soils. In this context the availability of alternative sites for a small extension to Cromwell Quarry (instead of establishing a completely new quarry) are limited. The proximity of the River Trent to the east and the A1 to the west limits the ability to extend in either of these directions. The land to the immediate north has already been quarried and therefore any northern extension would have to be beyond these workings and quite remote from the plant site. A southern extension in the vicinity of the current proposal is therefore the only real option to extend the quarry onto adjacent land.
210. Therefore, whilst it is concluded that the availability of alternative sites for an extension to Cromwell Quarry are limited, the development would result in the removal of 11.06ha of best and most versatile agricultural land which goes against the thrust of NPPF Policy set out in paragraph 174 which prioritises development to lower quality land. These matters require consideration in the overall planning balance.
211. MLP Policy DM3 requires soil quality to be protected during soil stripping, storage and replacement activities. The Environmental Statement explains how the soils will be managed to ensure these objectives are met and a series of planning conditions are recommended to provide appropriate regulation.
212. Notwithstanding these arrangements to manage soil to a high standard, it is acknowledged that there will be a surplus of soils within the site because of the large proportion of the restored landform returned to either open water or wetland which does not require high quality soils. Although the surplus soils will be beneficially used to create marginal areas of shallows which will provide ecological benefit, the use of the surplus soils in this manner does not reflect their quality and economic value for sustaining indigenous food production and goes against the thrust of NPPF policy which seeks to recognise the economic and other benefits of our best and most versatile land. These matters require consideration in the overall assessment of the planning application.

Built Heritage

213. MLP Policy DM6: Historic Environment seeks to ensure that minerals development avoids or minimises harm to heritage assets. The policy provides scope to permit minerals development which may result in harm to either designated or non-designated heritage assets where there are public benefits which outweigh the level of harm, having regard to the importance of the heritage asset affected. The policy is consistent with the NPPF which requires developers to support planning submissions with heritage appraisals to identify the presence of heritage assets in the area and assess the level of significance to the heritage assets (both designated and non-designated heritage assets) including their settings. The NPPF requires planning authorities to give great

weight to the protection of the heritage asset when considering the level of harm or loss and value of the heritage asset when making planning decisions.

214. The heritage assessment which supports the planning application confirms that There are no built heritage assets within the planning application site. Within a 1km radius of the site there is one nationally significant Grade 1 Listed building (the Church of St Giles in Cromwell village) and four regionally important Grade II listed buildings in the Cromwell village area comprising a listed headstone 10m south of the chancel at St Giles, the Old Rectory and attached cottage and the pigeoncote at Willingham House. Direct impacts to these heritage assets and their immediate settings are not anticipated because of the distance between the quarry development and the intervening land use, notably the A1 dual carriageway road.
215. The Church of St Giles incorporates elevated windows within its tower which provide views over a wide area of the surrounding countryside including potential views of the quarry. The quarry development will change the historical agricultural use of the land bordering the River Trent to a more wetland character. Although potentially visible, this change to the landscape character would be viewed at distance and as part of a wider landscape setting and therefore would not be visually prominent. In terms of magnitude of impact to the heritage asset of St. Giles Church, the impact is considered to be very minor and not at all significant.
216. NPPF requires great weight is given to the protection of heritage assets in planning decisions with NPPF paragraph 200 confirming that any harm to the significance of a designated heritage asset from alterations, destruction, or from development within its setting should require clear and convincing justification. NPPF paragraph 202 confirms that where there is less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In the context of NPPF paragraph 202 it is concluded that the benefits derived from the development in terms of maintaining the continuity of mineral production at Cromwell Quarry and the wider public benefits this provides clearly outweigh the very minor harm to the wider setting of the designated St Giles Church heritage asset.
217. The Historic Environment Record identifies that there was an early medieval bridge located approximately 44m to the east of the Ness Farm development site. Whilst acknowledging that this structure was fully removed around 100 years ago it nevertheless is recorded as a non-designated heritage asset. Assessment of impacts to the significance of this non-designated asset are limited to consideration of impacts to its former setting since the bridge is no longer appreciated in situ. NPPF paragraph 203 concerns itself with impacts to non-designated heritage assets, stating that any negative effects should be taken into account in determining planning applications, requiring a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset affected. The heritage impact to the setting of this former medieval bridge is acknowledged by NCC's Heritage Officer who states that the impacts could be mitigated by the erection of publicly accessible

interpretation boards to inform the public of the historic character of the wider Trent landscape and its Anglo-Saxon archaeology which the applicant has agreed to install with the details to be confirmed by submission under planning condition. There is potential for the archaeological investigation of the extraction area to recover evidence of the trackway which served the bridge which is considered to be beneficial in understanding the historical importance of this bridge.

218. The overall assessment of planning balance set out within the conclusions section of this report confirms that the wider benefits derived from the development outweigh the very minor level of harm to the wider setting of the designated and non-designated heritage assets in the vicinity of the site and therefore it is concluded that the development is compliant with MLP Policy DM6 and NPPF policy.

Archaeology

219. MLP Policy DM6: Historic Environment states that proposals for mineral development will be supported where it can be demonstrated that there would not be any harm to the significance of any designated archaeological asset or non-designated archaeological assets which are considered to be of equivalent archaeological interest to a scheduled ancient monument, including their settings. For sites of lower archaeological value the policy requires public benefits to outweigh the level of harm/loss relative to the importance of the heritage and that satisfactory archaeological mitigation measures are provided, such as preservation in situ or the excavation and recording of remains as considered appropriate.
220. The environmental statement incorporates an assessment of the archaeological resource of the Ness Farm site and its surroundings. The assessment has been informed by a desk-based assessment, trial trenching, borehole surveys and 1km radius setting assessment. This identifies that there are no designated assets within the application site, but there are two scheduled ancient monuments in the 1km study area, the closest being the rectangular iron age barrows (burial ground) at North Muskham which is located 210m to the south of Ness Farm with clear uninterrupted views of the development site and Cromwell Roman Villa which is 1080m to the north.
221. The heritage assessment has shown a likely moderate/minor impact on the setting of the two scheduled ancient monuments as a result of permanent changes to the landscape setting of these two monuments from arable to nature habitat. The loss of field systems will impact the historic agricultural character of the landscape, but it will remain rural and undeveloped. The impact is considered to be at the minor end of the scale. The significance of the assets will not be unduly affected, and they can still be appreciated in a largely rural setting. In the context of MLP Policy DM6 and NPPF paragraph 202, there is scope to balance this less than substantial harm to the setting of the designated heritage asset against the public benefits of the proposal, where it is concluded that the benefits derived from the development in terms of maintaining the

continuity of mineral production at Cromwell Quarry and the wider public benefits this provides clearly outweigh the very minor harm to the wider setting of the designated scheduled monuments. It is acknowledged that an appropriate programme of archaeological investigation and recording during soil stripping operations is likely to provide additional information on land use during the Iron Age and Romano-British periods which would contribute towards an increased understanding of the context of these assets and therefore further offset the magnitude of impact.

222. There are 72 non-designated archaeological assets recorded in the 1km study area of various ages including earthworks, cropmarks, archaeological features and artefacts. These non-designated assets include six records within the development site comprising of paleochannels, prehistoric scatters, iron age cut features, and post medieval flood banks, these features are considered to be of local or regional in significance. NPPF paragraph 203 concerns itself with impacts to non-designated heritage assets, stating that any negative effects should be taken into account in determining planning applications and requiring a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset affected. The excavation of the application site would remove these non-designated assets within the development site as well as other potentially unrecorded archaeological deposits and some potential negative impacts to the wider setting of the non-designated archaeological assets in the wider area. In the context of NPPF paragraph 203 policy it is considered that the benefits derived by the development in terms of meeting mineral supply needs outweighs the level of harm to these non-designated heritage assets.
223. NPPF paragraph 205 requires local planning authorities to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. To mitigate for potential impacts to this archaeological resource it is proposed to undertake archaeological fieldwork as part of the soil stripping to monitor and record any remains and record the extent of any archaeological deposits and finds, with scope in the planning condition to flex the level of archaeological mitigation up and down dependant on the level of archaeological remains identified. The results of the archaeological monitoring and recording would increase knowledge of the area and contribute towards regional research, objectives and assist in mitigating the adverse archaeological impacts. The imposition of a planning condition to ensure that appropriate archaeological mitigation is followed ensures that the level of archaeological impact is substantially reduced, and potentially neutral, thus ensuring the development complies with MLP Policy DM6.
224. The overall assessment of planning balance set out within the conclusions section of this report confirms that the wider benefits derived from the development outweigh the level of harm to the archaeology of the site and the wider area and therefore it is concluded that the development is compliant with MLP Policy DM6 and NPPF policy.

Traffic and Access

225. MLP Policy DM9: Highways Safety and Vehicle Movements / Routeing provides support for minerals development where it can be demonstrated the highway network can satisfactory and safely accommodate the vehicle movements and without any harmful environmental or amenity impacts.
226. This Ness Farm extension would not change the existing transport patterns at Cromwell Quarry. In terms of vehicle numbers, the traffic assessment identifies that the proposed operations are forecast to generate 15,000 outbound deliveries per year, based on 275 full working days, this equates to an average 55 deliveries (110 two-way movements) each working day, or 5 deliveries (10 two-way movements) each hour.
227. In terms of lorry routeing, all delivery traffic would access via the A1. Southbound A1 traffic would continue to access and then leave the quarry directly via the A1 slip roads which lie either side of the quarry entrance. Northbound A1 traffic utilises the existing bridge over the A1 and pass a number of properties at the northern edge of Cromwell village, avoiding the main village centre (see Plan 9). The routeing arrangements are regulated under the existing planning permission by a Section 106 agreement and these controls would supplement the existing environmental weight restriction within Cromwell village which restricts vehicles in excess of 7.5t gross weight entering the centre of the village from the A1. Whilst Cromwell Parish Meeting have expressed concerns that delivery vehicles are not following the agreed route, the minerals planning authority have no evidence to substantiate these claims. Contact details within the Development Management Team have been provided to Cromwell Parish Meeting should they observe any further alleged breaches of the lorry routeing arrangements so that these matters can be further investigated and if necessary enforced.
228. The Ness Farm extension would not alter the number of HGVs accessing the site or the output of the quarry during each operational day, but the extraction of additional mineral originating from the Ness Farm extension would extend the time that mineral extraction and associated vehicle movements would be undertaken by around two years. Even with the additional two years needed to work the southern extension, there is no requirement to extend the approved end date for Cromwell Quarry which allows mineral extraction until May 2028.
147. The access and routeing arrangements are more than satisfactory to minimise local environmental and amenity impacts. The existing quarry also benefits from an existing tarmacadam surfaced road and wheel washing facilities. All vehicles leaving the site are securely sheeted prior to leaving the quarry, thus ensuring highway safety is maintained. It can be concluded that the requirements of MLP Policy DM9 are fully satisfied.

Public Rights of Way

229. MLP Policy DM7: Public Access is supportive of minerals development where it can be demonstrated there would not be any unacceptable impacts on the

rights of way network and its users. The policy is supportive of footpath improvements and enhancements as part of the restoration of mineral workings.

230. Public footpath FP5 is a metalled road or minor lane which is also used by motor vehicles accessing the riverside at Cromwell Lock. The footpath runs in an east-west direction to the north of the existing extraction area and south of the earlier worked out areas and the processing plant site. A quarry crossing is in place. There is also a bridleway BW1 running north-south along the Trent, to the east of the Ness Farm extension area, outside the site, which continues to North Muskham as FP9, and further rights of way lie within the vicinity but across the river.
231. None of the rights of way will need be diverted during the course of the operations and impacts to users of the right of way network are limited to the potential disturbance from the continuation of quarry plant and machinery crossing over FP5 between the main quarry site and the extension area and the visual effects of the development.
232. Cromwell Parish Meeting have raised concerns in their consultation response that the quarry traffic crossing FP5 has caused and is continuing to cause damage to the footpath which at times makes the route impassable to pedestrians from mud. These matters have been raised with the operator who has confirmed that they will closely monitor the situation. The MPA's routine monitoring of the footpath crossing has not identified issues regarding access along this path. The Parish Meeting has been provided contact details in the Development Management Team should further issues occur so these matters can be expediently investigated and resolved.
233. VIA's Right of Way Officer does not raise any objections to the continued use of the existing footpath crossing point to serve the Ness Farm extension, requesting that the existing agreed footpath crossing scheme (which regulates the maintenance of an acceptable surface, signage, visibility and speed limits to ensure public safety) is maintained at all times. This continues to be controlled through planning condition.
234. Users of the footpath network would experience some minor temporary visual impacts during the extractive phase of the quarry, generally associated with the operation of plant and machinery and from the presence of the screening bunds that would be placed along the riverside path and would restrict views to the west. Following the completion of the restoration of the site visual impacts would be neutral.
235. It is concluded that satisfactory protection measures will continue to be in place to maintain public access along footpath FP5 and to limit visual and other disturbance to users including alongside the riverside path thus ensuring compliance with MLP Policy DM7. Although Policy DM7 encourages enhancements to the local footpath network following quarry restoration, the Ness Farm extension area is a comparatively small parcel of land which does not readily lend itself to the expansion of the footpath network in a beneficial manner.

Noise

236. MLP Policy DM1: Protecting Local Amenity is supportive of minerals development where it can be demonstrated that any adverse impacts from noise emissions are avoided or adequately mitigated to an acceptable level.
237. A noise assessment has been undertaken to consider the magnitude of noise emissions from the Ness Farm quarry extension in conjunction with the existing processing and access operations. Five monitoring locations have been identified representing the nearest residential properties. Noise predictions were then made based upon the methodology set out in BS 5228-1: 2009 + A1:2014, Code of Practice for noise and vibration control on construction and open sites Part 1: Noise.
238. The noise assessment references relevant standards incorporated in the Planning Practice Guidance. This advises that the maximum noise level for quarrying development during the normal working day (0700-1900) should not exceed 10dB over existing background levels up to a maximum level of 55dB (A) LAeq, 1hr, with an allowance for temporary operations such as soil stripping or forming earth bunds not exceeding 8 weeks in any calendar year which shall not exceed 70dB(A) LAeq, 1hr. For the night-time period, the suggested site noise limit for all receptors is 42dB LAeq,1h. Whilst the site will not be operational overnight, there will be a dewatering pump that will operate overnight, as per the existing operations.
239. The noise assessment demonstrates that there would be some noise emissions from the mineral extraction operations and night-time water pumping during the two year operational period of the site, but the level of these noise emissions would not exceed Planning Practice Guidance levels and therefore it is concluded the noise emissions from the development would not be intrusive and thus the development is compliant with MLP Policy DM1.
240. To provide appropriate regulation for limiting noise emissions from the development consistent with MLP Policy DM1 planning conditions are recommended to control the following matters:
- The provision of 3m high perimeter bunds as detailed on the working drawings for the extraction operations nearest to the dwellings at Cromwell Lock Cottage and alongside the riverside right of way to provide acoustic screening of operational noise.
 - Limits imposed on the maximum noise emissions from site operations shall not exceed 55dB LAeq, 1hr at any residential property and 51 dB LAeq,1hr when measured free-field at the Ness Farm Receptor
 - Timings of temporary works shall be recorded by the operator and must not exceed 8 weeks in a calendar year. The free-field noise level shall not exceed 70dB LAeq,1hr at any residential property.
 - Noise emissions from night-time water pumps shall not exceed 42dB LAeq,1h at any residential property.

- The operating hours are restricted to 7am – 7pm Mon-Fri and 7am – 1pm Saturday (with an exception for dewatering which would be allowed 24 hours a day as required).
- All plant and machinery used on the site is regularly serviced and appropriately silenced, using low noise plant and machinery and switching off when not in use.
- The use of environmentally sensitive white noise reverse warning devices instead of reversing beepers and the avoidance of unnecessary horn usage.

Air Quality/Dust

241. MLP Policy DM1: Protecting Local Amenity is supportive of minerals development where it can be demonstrated that any adverse impacts from dust emissions are avoided or adequately mitigated to an acceptable level.
242. The magnitude and significance of dust emissions from the development has been assessed through an air quality assessment. The air quality assessment acknowledges that the extraction and movement of sand and gravel has potential to generate dust but the level of emissions is highly dependent on weather conditions and the use of appropriate dust suppression measures. The mitigation measures to be used to reduce effects from dust generally follow industry best practice and include the construction and seeding of bunds on the perimeter of the site, the controlled use and maintenance of haul roads including speed controls of 10mph, the use of water bowsers during dry and windy periods, minimising drop heights, mobile plant exhausts and cooling fans to point away from the ground and all plant to be regularly maintained.
243. The air quality assessment also considers the effect the traffic movements would have on the level of PM10 and PM2.5 (fine particle) emissions, noting that the traffic movements would be a continuation of existing operations and therefore vehicle levels would not increase as a result of this proposal and the development would operate within existing air quality standards.
244. Subject to dust controls being regulated through the planning conditions, it is concluded that the development would not result in significant dust nuisance at surrounding dust sensitive properties and therefore MLP Policy DM1 is satisfied in relation to dust control.

Ground and Surface Water

245. MLP Policy DM2: Water Resources and Flood Risk states that proposals for minerals development will be supported where it can be demonstrated that there are no unacceptable impacts on surface water quality and flows or groundwater quality and levels at or in the vicinity of the site.
246. There are a number of groundwater sensitive receptors in the vicinity of the application site including surface waters in the River Trent, the Trent Valley IDB

drain, The Beck watercourse, fishing lakes, and water abstractions and groundwaters in superficial and bedrock aquifers.

247. The hydrological assessment has examined the likely effects to groundwater sensitive receptors within this influenced area. The greatest impact on the water environment is a (unmitigated) moderate negative impact related to the lowering of groundwater levels within the Secondary A aquifer in the local area of the Application Site. This is due to the mineral extraction being undertaken below the water table in permanently saturated ground and the arrangements to dewater the site by lowering the level of ground water in the excavation area to enable the sand and gravel to be excavated dry. Because the geology of the underlying ground is highly permeable the lowering of the groundwater within the quarry will influence groundwater levels in the surrounding area with potential for changes in the water table up to 1.3km from the site boundary. The hydrological assessment does not rule out the potential that water levels could be changed in the Trent Valley IDB drain which is located approximately 150m from Phase 11b at the closest point. However, since the primary purpose of this drain is to discharge water from the fields, a 2% worse case predicted reduction in flow in the watercourse would not result in any adverse impacts. The Trent Valley Internal Drainage Board have not raised objections to this level of change in water flows within the watercourse. All groundwater dependent abstractions and water courses have been assessed separately, and have a maximum impact magnitude of slight negative. Other impacts can be managed with on-going groundwater monitoring and water management.
248. Mineral extraction in the previous southern extension has necessitated the construction of a recharge trench on the western boundary of the site to receive water from the quarry dewatering and use it to re-hydrate the ground to the west of the site and lower the magnitude of lowered groundwater levels on this land. Since the recharge trench currently does not have an outfall system there have been periods when the supply of water into the trench has outstripped the capacity of the trench resulting in water periodically overtopping the trench and waterlogging adjacent land. The applicant advises that because the dewatering activities in the Ness Farm extension are further away it is unlikely that there will be a continuing need to pump water into this trench, but if groundwater monitoring reveals this is not the case and the trench is required it is recommended that prior to water pumping recommencing a scheme shall be submitted to the MPA to ensure that water levels within the recharge trench do not overtop the trench and waterlog adjacent land, potentially by installing an overflow. These matters are recommended to be regulated by an additional planning condition as part of the southern extension planning application (3/22/01788/CMA).
249. In terms of ground and surface water quality, the site has historically been used for agricultural purposes with no historical potentially contaminative land uses recorded. It is therefore unlikely that there is any existing contamination of site that would give rise to significant pollution risk.
250. Potential pollution risks from the operation of the quarry including oil/chemical leaks and breakdowns of plant and machinery have potential to impact ground

and surface water quality, but these risks can be managed by use of best practice measures for managing site plant, storage of fuel in bunded tanks and refuelling on hardstanding areas. This would limit the potential for a contamination incident with planning conditions recommended to provide appropriate regulation.

251. The level differences between the quarry and the surrounding land means that potentially sediment rich surface water flows in the quarry would not flow into and contaminate the surrounding drainage systems. The extracted sand and gravel and water arisings from quarry dewatering would be processed and washed within the existing plant site which incorporates a series of settlement lagoons designed to capture and treat suspended solids in mineral processing water prior to discharge to the river in compliance with the current discharge permit regulated by the Environment Agency.
252. It is therefore concluded that there would not be any significant unacceptable impacts on surface water quality and flows or groundwater quality and levels at or in the vicinity of the site and thus the development is compliant with MLP Policy DM2.

Flood Risk

253. MLP Policy DM2: Water Resources and Flood Risk is supportive of minerals development where it can be demonstrated that there will be no unacceptable impact on flood flows and storage capacity at the proposed site and the surrounding area, it maintains the integrity and function of flood defences and where possible assists in reducing flood risks and appropriate surface water arrangements are in place.
254. The MLP recognises that in accordance with national planning policy and guidance the extraction of sand and gravel is deemed 'water compatible' and therefore is an appropriate land use within high flood risk locations in principle, subject to assessment of the above matters.
255. The planning application is supported by a flood risk assessment which incorporates detailed modelling of the effects of carrying out the development on local flood risk. The flood model has undergone a detailed review with the Environment Agency's flood model team with this process necessitating the submission of supplementary technical information provided as part of the second Reg. 25 submission.
256. The flood risk assessment confirms that the planning application site has a high probability of flooding during its working life being located within the River Trent floodplain. The flood model demonstrates that the proposed quarrying works are not predicted to adversely change flood risk in the wider area and the development would not impede flood flows.
257. Whilst the existing river channel at Cromwell provides protection from flooding events equivalent to a 5-year peak flood event, it does not provide protection for more significant flood events. The extended quarry workings would be carried out below the level of the river bank in the functional floodplain meaning the

excavation area is at particular risk from sudden onset rapid flooding once flood water overtops the river bank. To manage these risks the existing approved flood evacuation plan has been updated to manage flood risk to quarry personal and equipment within the extended area. The flood evacuation plan utilises the existing Cromwell Weir to Gainsborough flood warning system to alert when flooding is imminent, with a two-hour lead time to facilitate the evacuation of personnel and equipment from areas of the site predicted to flood. The implementation of the flood evacuation plan throughout the operational life of the extended quarry is recommended to be regulated by planning condition.

258. It is therefore concluded that the proposed quarrying works are appropriate for this high-risk location, and they would not increase flood risk elsewhere. An appropriate flood evacuation plan would be in place and thus the development is compliant with MLP Policy DM2.

Cumulative Impact

259. MLP Policy DM8: Cumulative Impact is supportive of minerals development subject to it being demonstrated that there are no unacceptable cumulative impacts on the environment or on the amenity of a local community.
260. It is acknowledged that the land adjacent to the River Trent north of Newark has been extensively quarried for its sand and gravel reserves and the restoration of these quarries has resulted in large sections of land being taken out of agricultural use and restored to wetland uses. The current development would add to the amount of quarry workings in the area and upon restoration an increased wetland landscape. Whilst acknowledging that these changes will result in a further cumulative change in the landscape and habitat, the size of development is comparatively minor. The planning submissions do not seek to extend the end date for mineral extraction and associated activities within the existing Cromwell Quarry site and therefore do not add to the consented duration the existing quarry will be retained. It is therefore concluded there would not be any significant environmental or amenity impacts, and the development is supported by MLP Policy DM8.

Restoration

261. MLP Policy SP2: Biodiversity-Led Restoration seeks to ensure that minerals restoration schemes maximise biodiversity gains and achieve a net gain in biodiversity, in accordance with the targets and opportunities identified within the Nottinghamshire Local Biodiversity Action Plan. MLP Policy DM12: Restoration, aftercare and after-use states that proposals for minerals development must include an appropriate scheme for the restoration, aftercare and long term after use to enable long term enhancement of the environment and that the restoration of the site should be in keeping with the character and setting of the local area.
262. The restoration scheme for the site has been designed with the dual objectives of establishing land uses which are appropriate to this lowland agricultural

landscape, and also creating new features and habitats of nature conservation and biodiversity value. Whilst acknowledging that a large part of the site will be restored to open water which is not priority habitat, this is unavoidable given that there is little overburden which can be used to restore the land, the under-digging of the site has been maximised as far as practical and the proposals do not include the importation of fill material.

263. In terms of the wider mix of new habitats proposed to be created surrounding the lake, the restoration of the site will create a mixture of neutral grassland meadow, open water with reedbed margins, wet woodland, ephemeral ponds (to encourage amphibians and other aquatic species), retained sand faces (for sand martins, kingfishers and invertebrates), as well as tern rafts and boundary hedgerow planting to create parallel corridors and links. A series of modifications and enhancements have been made to the restoration scheme during the course of processing the planning application to reflect the ecological advice received from consultee responses with the objective of maximising the biodiversity value of the restored site. These new habitats will deliver Nottinghamshire Biodiversity Action Plan targets and will sustain a rich diversity of plant and animal habitats and populations. The habitats will be largely self-sustaining, natural and similar in character to surrounding areas, complimenting restoration works undertaken in the wider Cromwell quarry complex and providing habitat linkages along the Trent Valley with wetland restoration schemes progressively being developed at nearby Langford, Besthorpe and Gorton Quarries.
264. The restoration scheme is supported by an indicative planting schedule which proposes to utilise native species suitable for the area and similar to that already approved for the existing quarry. The new habitats will be managed by the quarry operator to ensure it satisfactorily establishes with planning conditions recommended to regulate aftercare management of the ecological features of the site for twenty years, but a shorter five-year period for the agricultural areas, acknowledging the less complex aftercare requirements for this character of restoration.
265. Overall, the restoration proposals for the Ness Farm southern extension would provide ecological benefits and it is therefore concluded the development is supported by MLP policies SP2 and DM12.

Planning Applications 3/22/01787/CMA & 3/22/01788/CMA

266. These Section 73 planning applications are required to reflect changes that need to be made to the existing planning conditions imposed on the two planning permissions for the wider Cromwell Quarry site to enable the Ness Farm mineral to be worked as part of the wider consented extraction scheme at Cromwell.
267. The requested changes would result in the plant site and associated ancillary infrastructure being in use for an additional period of up to 2 years whilst the proposed further extension at Ness Farm is worked, before working resumes in the original quarry area. However, since the plant site and associated ancillary

infrastructure already benefit from planning permission to allow their retention until 2028, these planning applications do not seek consent to extend the closure date of the main quarry site.

268. The main environmental effect from these modifications would be a continuation of HGV movements at the same rate as existing, as well as the continuation of other impacts that occur as a result of the quarry, including impacts in terms of noise, air quality, landscape and visual amenity, particularly to the users of the right of way network. These environmental and amenity impacts of the existing quarry were considered acceptable at the time the revised permission was granted in 2016, and the quarry was given permission to be worked until 2028. As such, the application does not extend the life of the quarry overall beyond that originally anticipated. Conditions are already in place that control noise, dust and operating hours and these are not proposed to be changed, and a legal agreement controls HGV routing which also is not proposed to be changed.
269. Given the comparatively remote location of the existing quarry it operates with minimal disruption to the local area, and given its location adjacent to the A1 does not result in HGVs travelling along small local roads. Therefore, whilst these applications will result in the site being operational for a longer period, it is not considered that this proposal gives rise to any different impacts upon the environment or amenity than originally anticipated.
270. Granting planning permission for these applications alongside the working of Ness Farm would complement the wider benefits which have already been acknowledged from the working of Ness Farm site which include the continued supply of high quality local building products (primary aggregates) which will offset the need for HGVs having to travel further afield to bring material to the local market, the continuation of working at an established mineral site, the maintenance of existing jobs at the quarry as well as indirect and induced employment in the local area, further economic benefits in terms of payment of business rates and aggregate levy, and the prevention of economic sterilisation of the mineral on the basis it is unlikely to be cost effective to work the mineral in the Ness Farm extension area if a new plant site had to be set up. There will also be a significant gain in biodiversity and a benefit to the landscape once the Ness Farm extension is restored. The modifications to the existing suite of planning conditions of these two planning applications to enable the extended Ness Farm site to be worked as part of the wider quarry is therefore supported.

Other Options Considered

271. In accordance with Schedule 4 of the EIA Regulations which sets out the scope of information which is required to be included in an Environmental Statement, the applicant has set out the alternative options which have been considered by the developer. These are summarised below:
272. Demand alternatives: The applicant states that the existing consented mineral reserves at Cromwell will shortly be depleted and since existing allocated sites are not being brought into production there is a shortfall in mineral production in

the County (in the applicants view) which Cromwell will address. The “do nothing” scenario to not allow this extension would lead to Cromwell Quarry being exhausted very shortly and consequently more pressure on surrounding sites to provide the necessary sand and gravel, likely increases in haulage distances and slower rates of construction due to material shortfalls impacting the wider economy.

273. Location alternatives: While there are alternatives in terms of sand and gravel sites within Nottinghamshire, as proposed within the MLP, these would not assist in preventing the sterilisation of mineral that could occur if this site is not worked as an extension, while the current infrastructure at the plant site is in place. In terms of extensions to Cromwell Quarry, there are no alternative locations. The area to the north of the existing quarry is not owned by CEMEX and has previously been worked in the past by Tarmac. Further still to the north, CEMEX have submitted an application for a new quarry, and due to the intervening land in different ownership, this area (Cromwell North) would be difficult to be worked as an extension to the existing quarry. The land proposed as an extension in this application immediately adjoins the south of the quarry. The existing quarry is bound on the west by the A1 and the east by the River Trent, and as such there are no possibility of extensions to the east or west. There are also no suitable alternatives to the access road.
274. Process alternatives: The process for working the mineral at this site is already determined by the position of the existing plant site and access which would be utilised while working this extension. There is no suitable alternative to dewatering given the position of the water table.
275. Scheduling alternatives: The development needs to be worked while the existing plant site, or its replacement are still in situ, otherwise it would have to be worked as a separate quarry with a new plant site and would not form an extension to the existing site. Working this area as an extension rather than a new quarry prevents sterilisation of the material and saves economic resources in building a whole new site with associated effects on the environment and amenity.

Statutory and Policy Implications

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

Crime and Disorder Implications

277. The development would extend an existing quarry, making use of existing security features within the site including the use of the established plant site which benefits from security lighting.

Data Protection and Information Governance

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

Human Rights Implications

56. 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 the development to residential property. The proposals have the potential to introduce impacts such as noise, dust and general activity which have potential to impact residential amenity, albeit not significantly. However, these potential impacts need to be balanced against the wider benefits the proposals would provide, most notably in terms the developments contribution to maintaining mineral supplies. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Public Sector Equality Duty Implications

279. The council has complied with the Public Sector Equality Duty. This development does not raise any equality issues.

Safeguarding of Children and Adults at Risk Implications

280. The quarry would continue to comply with health and safety guidelines in terms of suitable boundary treatment to ensure the general public, and in particular young children, are safeguarded. Appropriate safeguarding would also apply in relation to footpath users.

Implications for Service Users

281. The proposed extensions to Cromwell Quarry would assist in ensuring a continuity of local sand and gravel supplies to the construction industry.

Implications for Sustainability and the Environment

282. Sustainability issues are considered within the Environment Statement which supports the planning submission and have been assessed within the Observations section of this report where it is noted 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.

283. There are no financial and human resource implications raised within the assessment of the planning application.

Planning Balance and Conclusion

284. Nottinghamshire Minerals Local Plan (MLP) Policy MP1 seeks to ensure there is a steady and adequate supply of minerals in Nottinghamshire, primarily by the identification of suitable land in the form of site allocations for mineral extraction and also by providing scope for the development of non-allocated sites where a need can be demonstrated.
285. The development site is not allocated for minerals extraction within the MLP and the current status of the landbank which equates to 15.69 years of sand and gravel production indicates that there is no immediate need for additional mineral resources to maintain a steady and adequate supply of sand and gravel production across the wider Nottinghamshire area. However, the National Planning Policy Framework and Planning Practice Guidance in connection with minerals advise that having a landbank above the minimum level is not justification on its own to refuse planning permission and the wider merits (and impacts) of the development should be assessed.
286. Mineral supply at a more local level is more constrained with reserves at Cromwell Quarry rapidly depleting. The extraction of a further 550,000 tonnes of mineral from the Ness Farm area would extend the operational capacity of Cromwell Quarry for a further two years, and in so doing would maintain a more satisfactory spread of operational sand and gravel productive capacity across the County. This is particularly important at the present time until MLP allocated sites for sand and gravel extraction at Sturton le Steeple, Gorton and Mill Hill, Barton in Fabis become operational. The proposed extension would not result in an oversupply of sand and gravel in Nottinghamshire and would not prejudice the delivery of these sites.
287. Maintaining a choice of operational sites will also help foster a competitive local economy for aggregates and would reduce haulage distances of HGVs which otherwise would have to travel further afield to bring material to the existing local market. Support for the expansion of Cromwell Quarry is also provided in terms of its contribution to maintaining existing jobs at the quarry and supporting employment in the local area and wider economic benefits. The development therefore is supported by NPPF paragraph 211 which requires planning authority to give great weight to the benefits of mineral extraction, including the benefits they bring to the economy when determining planning applications.

288. The extraction of mineral from Ness Farm at this current time also assists in avoiding the potential needless sterilisation of the mineral resources consistent with MLP strategic policy SP7.
289. It is therefore concluded that benefits would be forthcoming in terms of maintaining a continuity of mineral supply at Cromwell Quarry within this Ness Farm extension until more strategic allocations come on stream and therefore the development is supported by MLP Policy MP2 criteria 3 and national planning policy and these benefits should be given significant weight in the overall planning balance.
290. In terms of environment effects, the assessment of the planning application and its supporting Environmental Statement identify that there would be some negative landscape and visual impacts during the operational period (2-3 years) linked to the loss of arable agricultural land and its change to a more industrial despoiled character. Whilst noting the permanent change to the landscape character of the site following its restoration from agricultural to one of predominantly open water with areas of smaller ponds, lowland meadow/conservation grassland margins, reedbed, wet woodland and sand face, this change to the landscape character is in keeping with the restoration that has already been agreed for the wider Cromwell Quarry site and mineral workings in the wider Tent Valley north of Newark and would largely reverse the negative landscape effects during the extractive phase. Although the development is considered to be compliant with MLP Policy DM5 concerning landscape protection and Policy DM1 in relation to visual impact, the negative landscape effects of the development during the operational period require acknowledgment in the overall planning balance with it given minor negative weighting.
291. In terms of ecological effects, the arable agricultural character of the site means that it has a generally low existing ecological value. The development scheme incorporates appropriate mitigation and compensation to minimise the negative ecological effects of the extractive phase and there would be substantial ecological gains following the restoration of the site consistent with MLP Policies DM4 and SP2, therefore supporting a grant of planning permission in the overall planning balance
292. The NPPF requires great weight is given to the protection of heritage assets with these issues being examined in detail within the applicant's heritage appraisal as well as this report.
293. In terms of built heritage, the development would not directly impact any designated built heritage assets but there would be some very minor effects to the wider rural setting of Church of St. Giles at Cromwell. In terms of non-designated heritage assets, there would be a minor impact to the historical setting of a former early medieval bridge which although removed around 100 years ago continues to be noted as a local heritage asset. Planning conditions as part of this decision seek to mitigate this impact through the provision of a heritage interpretation boards.

294. In terms of archaeology, the site does not incorporate any designated archaeological assets, but is located approximately 200m north of the North Muskham iron age barrows scheduled ancient monument and around 1080m south of Cromwell Roman Villa. The extraction of the site will not directly impact these scheduled ancient monuments but will affect their setting resulting in permanent changes to their landscape setting from arable to nature habitat and a loss of the historical field systems. This change is assessed as having an impact the setting of the heritage asset at the minor end of the scale. In terms of non-designated archaeological assets, the report acknowledges that the extraction of the site will impact five non-designated archaeological assets within the development site and affect the setting of non-designated heritage assets located in the wider area. These heritage impacts would be mitigated by a scheme of archaeological recording regulated by planning condition.
295. The NPPF and MLP Policy DM6 allow these heritage effects to be balanced against the wider public benefits of the development, specifically the benefits of maintaining mineral supplies in the Cromwell area wherein. Although the planning application and its scheme of heritage mitigation is assessed as being compliant with development plan policy, the very minor built heritage impacts are acknowledged in the overall planning balance.
296. The development would result in the removal of 11.06ha of best and most versatile agricultural land. The planning submission has demonstrated that there are no viable alternative locations at the present time for an extension of Cromwell Quarry which would utilise lower grade agricultural land consistent with the requirements of MLP policy DM3, however it is acknowledged that there is some policy tension in the context of NPPF Policy which prioritises development to lower quality agricultural land. In terms of the soils, planning conditions are recommended to regulate the stripping and storage of the soils in compliance with industry best practice to enable them to be beneficially re-used as far as possible within the restoration of the site. However, because a large proportion of the site will be restored to open water and wetland a significant quantity of these soils will be used to engineer lake margins to provide ecological benefit and therefore not beneficially maximising the reuse of the soil resource for agricultural purposes. This should be reflected as a moderate harmful impact in the overall planning balance.
297. The development utilises the existing quarry access which provides excellent connectivity to the A1 and will not result in any change to the existing daily transport flows, the development therefore is supported by MLP Policy DM9. Public access along public rights of way will be maintained throughout the development thus ensuring compliance with MLP Policy DM7. Noise and dust emissions will be regulated by planning conditions consistent with the requirements of MLP Policy DM1. The development would not result in any significant adverse impacts to surface water quality and flows, groundwater quality/groundwater levels and would not increase flood risk elsewhere and therefore is supported by MLP Policy DM2. The absence of any significant impacts in the context of these environmental matters is supportive of the development in the overall planning balance.

298. The restoration of the site would provide significant ecological benefits by creating a mix of new habitats including neutral grassland meadow, open water with reedbed margins, wet woodland, ephemeral ponds to encourage amphibians and other aquatic species, retained sand faces for sand martins, kingfishers and invertebrates, tern rafts, and new hedgerow planting and therefore is consistent with the targets of the Nottinghamshire Biodiversity Action Plan and MLP Policies SP2 and DM12. The ecological benefits of the development provide strong policy support for the development in the overall planning balance.
299. In the context of the overall planning balance, the proposals broadly accord with the Development Plan, and in particular the MLP notwithstanding the lack of a site allocation.
300. Officers consider that the collective benefits provided by the extraction of the Ness Farm mineral at the present time, in terms of its contribution to maintaining mineral supply at a local level, associated economic benefits, the avoidance of minerals sterilisation, the significant biodiversity net gains following the restoration of the site and the overall demonstration of compliance with planning policy in relation to protection of amenity (MLP Policy DM1), protection of ground water and flood risk (MLP Policy DM2), biodiversity (MLP Policy DM4), public access (MLP Policy DM7), and highway safety (MLP Policy DM9) are supportive of a grant of planning permission. Balanced against this, there are some environmental disbenefits of the development which are not assessed as being significant in magnitude including the moderate loss of best and most versatile agricultural land and the very minor landscape and heritage effects.
301. Overall, Planning Officers support a grant of planning permission for mineral extraction at Ness Farm and similarly there is support for variations at the existing quarry site in order to serve the further site extension.

Statement of Positive and Proactive Engagement

302. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies; the National Planning Policy Framework and the accompanying technical guidance. The Minerals Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application. Issues of concern have been raised with the applicant specifically in terms of ecological issues which have been addressed through negotiation and acceptable amendments to the proposals made as part of a Regulation 25 submission under the EIA Regs. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirements set out in the National Planning Policy Framework.

RECOMMENDATIONS

303. It is RECOMMENDED that:

- a) Planning permission be granted for planning application 3/22/01790/CMA for a southern extension to Cromwell quarry onto land at Ness Farm for the extraction of approximately 550,000 tonnes of sand and gravel with restoration to agriculture and nature conservation, subject to the conditions set out in Appendix 1.
- b) Planning permission be granted for planning application 3/22/01787/CMA to allow an update to the method of working plans and the retention and use of the plant site, access, haul road and silt lagoons at Cromwell Quarry to facilitate the working of a proposed extension at Ness Farm, subject to the conditions set out in Appendix 2.
- c) Planning permission be granted for planning application 3/22/01788 to allow for amendments to the working scheme and restoration plan at Cromwell Quarry to facilitate working of a proposed extension at Ness Farm, subject to the conditions set out in Appendix 3.

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

DEREK HIGTON

Interim Corporate Director - Place

Constitutional Comments (JL 25/05/23)

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

Financial Comments (SES 23/05/2023)

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

Background Papers Available for Inspection

The application files are available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at:
www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=ES/4441
www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4463
www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4462

Electoral Division and Member Affected

Muskham & Farnsfield - Councillor Bruce Laughton

Report Author/Case Officer

Mike Hankin

0115 9932582

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

ES/4441

W002393.doc

RECOMMENDED PLANNING CONDITIONS FOR PLANNING APPLICATION 3/22/01790/CMA FOR A SOUTHERN EXTENSION TO CROMWELL QUARRY AT NESS FARM FOR THE EXTRACTION OF APPROXIMATELY 550,000 TONNES OF SAND AND GRAVEL, WITH RESTORATION TO NATURE CONSERVATION AND AGRICULTURE.

Commencement

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

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

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

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

Approved Plans

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application (as amended), documents and recommendations of reports, and the following plans:
 - (a) Drawing No. 22-04-P5-CRMWELL-1D Rev. D: Site Location Plan dated March 2022 and received by the MPA on 29th June 2022
 - (b) Drawing No. 22-04-P5-CRMWELL-3: Proposed Site Plan dated July 2022 and received by the MPA on 13th July 2022.
 - (c) Drawing No. 21-7-1050: MOW Phase 11a Soil Strip dated 12th May 2022 and received by the MPA on 29th June 2022.
 - (d) Drawing No. 21-7-1050: MOW Phase 11a Extraction/11b Soil Strip dated 12th May 2022 and received by the MPA on 29th June 2022.
 - (e) Drawing No. 21-7-1050: MOW Phase 11b Extraction dated 12th May 2022 and received by the MPA on 29th June 2022.
 - (f) Drawing No. 22-03-CROM P5-1379-REST Rev A: Restoration Proposals dated 9th January 2023 received by the MPA on 17th January 2023.

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

Duration of mineral extraction

4. All sand and gravel extraction operations within the Ness Farm extension area as outlined in red on Drawing No. 22-04-P5-CRMWELL-1D Rev. D: Site Location Plan shall cease within two years of date of commencement, as notified under condition 2 above.

Reason To secure proper restoration of the site within an acceptable timescale and in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Mineral processing and dispatch to the public highway

5. All mineral extracted from the Cromwell southern extension area (as outlined in red on Drawing No. 22-04-P5-CRMWELL-1D Rev. D: Site Location Plan shall only leave the site for processing and dispatch through the Cromwell Quarry plant site and any HGV traffic associated with this permission shall comply with the HGV routeing requirements of the S106 legal agreement relating to the quarry plant site permission. Mineral shall not be removed from the planning application site by any other means.

Reason: To ensure satisfactory operational controls and in the interest of highway safety in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.

Phasing

6. Extraction operations shall progress sequentially in accordance with the three phasing drawings referenced 21-7-1050: MOW Phase 11a Soil Strip, MOW Phase 11a Extraction/11b Soil Strip and MOW Phase 11b Extraction received by the MPA on 29th June 2022.

Reason To ensure the phased extraction and restoration of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

7. A topographical survey of the site shall be submitted to the MPA by 31st December each year following the commencement of the planning permission as notified under condition 2 until such time that restoration of the site is complete and the site is in aftercare. The topographical survey shall identify those parts of the site which are unworked, undergoing extraction, being restored and in aftercare and shall also identify the location of stored soils and overburden within the site.

Reason: To monitor the phased restoration of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Working Hours

8. Except in emergencies, 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, Public and Bank 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 1pm	Not at all
Servicing, testing, or maintenance of plant or machinery	7am to 5pm	7am to 4pm	Not at all
Heavy goods vehicles entering and leaving the site	7am to 6pm	7am to 1pm	Not at all
Operation of dewatering pumps	24 hours	24 hours	24 hours

Reason: To protect the amenities of local residents in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Flood Risk and Hydrological Mitigation

9. The development shall be carried out in accordance with the submitted flood risk assessment (ref GYV-JBAU-XX-XX-RP-HM-0002-S3-P01-FRA, dated June 2022 and compiled by JBA Consulting).

Reason: To ensure the development does not increase flood risk elsewhere and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM2.

10. Prior to the commencement of the development a flood risk management/emergency evacuation plan for the site shall be submitted to the MPA and approved in writing. The management measures shall be fully implemented in accordance with the scheme approved in writing.

Reason: To maintain acceptable flood evacuation from the site and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM2.

11. The ongoing monitoring of groundwater levels in the existing array of boreholes surrounding the quarry shall continue to be monitored during the operation of the quarry to ascertain the impacts of dewatering on the local aquifer/water bodies. Any unforeseen impacts resulting from dewatering on groundwater levels shall be reported to the MPA in writing, with consideration given to any resulting adverse impacts and where necessary a scheme of mitigation which shall be implemented in full following the MPA's approval.

Reason: To ensure that the quarry dewatering operations do not adversely impact the surrounding water environment and thus ensure compliance with Nottinghamshire Minerals Local Plan Policy DM2.

12. All discharges from the quarry dewatering process shall be managed through the existing network of surface water lagoons within the quarry plant site area and discharged through the existing discharge trench into the River Trent. If it is necessary to implement an alternative water management scheme, this shall not be implemented without the prior written permission of the MPA.

Reason: To ensure that the water discharges from the development site do not harm the water environment and therefore ensure compliance with Nottinghamshire Minerals Local Plan Policy DM2.

13. The development hereby permitted shall be engineered to ensure that suspended solids from surface water run-off do not discharge to the surrounding environment.

Reason: To ensure that the development does not harm the water environment and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM2.

14. Any facilities, above ground, 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 should be at least equivalent to the capacity of the tank 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 should be detailed to discharge downwards into the bund.

Reason: To ensure that the proposed development does not harm the water environment and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM2.

Archaeology

15. Archaeological investigation, recording and mitigation shall be implemented strictly in full accordance with the scheme set out within Report Ref: YA/2023/093: Cromwell Quarry, Cromwell Ness Farm Extension: General

Project Design for an Archaeological Strip, Map and Sample Excavation and Archaeological Monitoring. Phase 11a and 11b, dated 2023. Following the completion of archaeological fieldwork a report of findings shall be submitted to the MPA and to Nottinghamshire County Councils Historic Environment Record within 12 months. The planning condition will not be discharged until the final report on the archaeological work has been approved by the MPA.

Reason To ensure that adequate archaeological investigation and mitigation is undertaken prior to mineral extraction taking place, in accordance with Policy DM6 of the Nottinghamshire Minerals Local Plan.

16. Any archaeologist nominated by the MPA shall be afforded access to the site at all reasonable times and be allowed to observe operations on site and record items of interest and finds.

Reason: To ensure that adequate archaeological investigation and mitigation is undertaken prior to mineral extraction taking place, in accordance with Policy DM6 of the Nottinghamshire Minerals Local Plan.

Heritage Information Boards

17. Within one year following the commencement of the planning permission, as notified under Condition 2 above, a scheme for the provision of publicly accessible heritage interpretation board(s) of the Anglo-Saxon archaeology and the wider Trent landscape of that period shall be submitted to the MPA for its approval in writing. The submitted details shall incorporate details of the location, design, siting, and content of the heritage interpretation boards, the timetable for their installation and management arrangements. The heritage information boards shall be installed and maintained in accordance with the approved scheme for the duration of the operational life of the quarry and its associated aftercare period.

Reason: To promote public knowledge and understanding of the archaeology at Cromwell Quarry and the Trent valley in accordance with Policy DM6 of the Nottinghamshire Minerals Local Plan.

Footpath Crossing Point

18. The footpath protection scheme approved under Condition 18 of Planning Permission 3/19/02232/CMM shall continue to be implemented in compliance with Drawing No. 20-08/P3/CRMWLL/12A: Footpath Plan for the duration of the operational life and subsequent restoration of the Ness Farm extension hereby approved and thus ensure the surfacing of the crossing is suitable for walkers at all times, the pathway is cleared/swept of debris on a regular basis, signage to protect users of the footpath is retained and the speed limit of trucks is appropriately restricted when they cross the footpath.

Reason: To maintain public access along Cromwell Footpath FP5 throughout the operational life of the quarry, in accordance with the requirements of Policy DM7 of the Nottinghamshire Minerals Local Plan.

Noise

19. The noise level attributable to normal operations at the site shall not exceed 51 dB LAeq,1hr when measured free-field at the Ness Farm Receptor, and 55 dB LAeq,1hr when measured free-field at any other local residential receptor.

Reason: To protect the amenities of local residents in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

20. The noise level attributable to the night-time dewatering operations shall not exceed 42dB LAeq,1hr when measured free-field at any local residential receptor.

Reason: To protect the amenities of local residents in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

21. Timings of temporary works shall be recorded by the operator and must not exceed 8 weeks in a calendar year and the free-field noise level shall not exceed 70dB LAeq,1hr when measured at any local residential receptor.

Reason: To protect the amenities of local residents in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

22. All plant and machinery on site shall be regularly serviced and maintained to ensure that noise emissions do not exceed the manufacturers' specifications. In the event that the manufacturers' maximum operating noise levels are exceeded then the machinery shall be switched off and repaired/adjusted so as to ensure compliance with these operating noise levels.

Reason: To protect the amenities of local residents in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

23. All plant and vehicles under the control of the operator must only employ white noise (broadband) reversing alarms when operating on the site.

Reason: To protect the amenities of local residents in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

24. The soil bunds identified to be provided around the eastern and southern boundaries of phases 11a and 11b shall be installed to a height of 3m prior to the commencement of mineral extraction in the respective phase of mineral extraction they enclose, as detailed on the three phasing drawings referenced 21-7-1050: MOW Phase 11a Soil Strip, MOW Phase 11a Extraction/11b Soil Strip and MOW Phase 11b Extraction received by the MPA on 29th June 2022. The perimeter bund shall thereafter be retained throughout the duration of mineral extraction works within the Ness Farm quarry extension.

Reason: To provide acoustic screening of Cromwell Lock and protect the amenities of residents and rights of way users in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Dust

25. Measures shall be taken to minimise the generation of dust from operations at the site. These shall include, but not necessarily be limited to any or all of the following steps as appropriate:
- a) The use of water bowsers to dampen haul roads, stockpiles and other operational areas of the site;
 - b) The sweeping of access and haul roads, where necessary;
 - c) The minimisation of drop heights during loading and unloading of sand and gravel;
 - d) Limiting on-site vehicle speeds;
 - e) Upon request of the MPA, the temporary suspension of mineral processing, mineral extraction or soil movements during periods of unfavourably dry or windy weather conditions.

Reason: To ensure that dust impacts associated with the operation of the development are minimised, in accordance with the requirements of Policy DM1 of the Nottinghamshire Minerals Local Plan.

Ecological Mitigation

26. The development shall be undertaken in compliance with the Cromwell Quarry Fields A, B & C, Nottinghamshire Construction Environmental Management Plan: Ecology Final Report dated 3rd March 2023.

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

27. Following the commencement of the planning permission the retained boundary hedgerows and boundary trees around the perimeter of the agricultural fields shall not be cut or pruned for the duration of the mineral extraction and the subsequent 12-month restoration period. Any 'gap' within the retained hedgerow which exceeds 1 linear metre shall be 'gapped up' using native hedgerow species at a density not less than six plants per linear metre in the first planting season following the implementation of the planning permission. Subsequently, any hedgerow planting which fails to establish in the following five years shall be replaced.

Reason: To protect the integrity of the boundaries of the site and maximise their ecological value in respect of their bat foraging and bird nesting habitat value in accordance with Nottinghamshire Minerals Local Plan Policy DM4.

28. Site clearance operations that involve the destruction and removal of vegetation, including felling, clearing or removal of trees, shrubs or hedgerows shall not be undertaken during the months of March to August inclusive, except when approved in writing by the MPA and in such circumstances following the carrying out and submission in writing to the MPA for approval in writing of an ecological appraisal undertaken by an appropriately qualified person.

Reason: To ensure bird nesting habitat is not adversely impacted, in accordance with Nottinghamshire Minerals Local Plan Policy DM4.

29. Following their construction, the soil bunds shall be seeded with a species-rich, fast establishing such as an AB1 or AB8 type mix for pollinators and/or a AB16: Autumn sown bumblebird mix in the first available sowing season.

Reason: To provide off-set grassland habitat, specifically for birds, amphibians and reptiles in accordance with Nottinghamshire Mineral Local Plan Policy DM4.

Stockpile Heights

30. Stockpiles of any excavated materials shall not be permitted to exceed 5m in height.

Reason: In the interest of visual amenity and to ensure compliance Policy DM1 of Nottinghamshire Minerals Local Plan.

Floodlighting

31. No floodlighting or security lighting shall be used on site except in accordance with details previously submitted to, and approved in writing by, the MPA.

Reason: To minimise the visual intrusion of the development in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Ancillary Buildings and Plant

32. Unless specifically provided for under Part 17 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, replacing or re-enacting that Order), the design, siting, layout and the colours to be used on the external elevations of all fixed plant machinery, and buildings, structures, erections, or private ways shall be submitted to and approved in writing by the MPA prior to their erection/installation. The development shall thereafter be carried out in accordance with the approved details and maintained in a satisfactory condition until it is removed upon cessation of mineral extraction.

Reason: To minimise any visual impact from the development in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Soil Stripping

33. The MPA shall be notified in writing at least 5 working days before soil stripping is due to commence on any phase, or part phase in the event that a phase is not stripped in its entirety in one stripping campaign.

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

34. No turf, topsoil, subsoil or overburden shall be removed from the Cromwell Quarry site. No waste materials including soils and mineral working wastes shall be brought onto the Cromwell Quarry site.

Reason: To ensure satisfactory restoration of the site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

35. All soil handling shall be carried out in accordance with the Ministry of Agriculture, Fisheries and Food 'Good Practice Guidance for Handling Soil' (2000) and the DEFRA 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009).

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

36. All soils shall be stripped, stored and replaced in accordance with soils handling scheme prepared by Cemex and received by the MPA on 2nd March 2023.

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

37. No plant or vehicles shall cross any area of unstripped topsoil or subsoil 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 until all available topsoil and subsoil to a minimum depth of 1000mm has been stripped from that part.

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

38. Soil stripping shall not commence until any standing crop or vegetation has been cut and removed from the area to be stripped.

Reason: To ensure soil resources are satisfactorily stripped and managed in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

39. Topsoil, subsoil, and soil making material shall only be stripped when it is in a dry and friable condition and movements of soils shall only occur when all soil above a depth of 300mm is in a suitable condition that it is not subject to smearing and when topsoil is sufficiently dry that it can be separated from subsoil without difficulty.

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

40. The soil storage mounds shall be maintained free of weeds until used for restoration purposes.

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

41. Details of the volumes and location of soils stored on the site shall be submitted to the MPA by 31 December each year.

Reason: To monitor the restoration of the site and to ensure all available soil resources are conserved or managed, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Soil Replacement

42. The MPA shall be notified in writing at least 5 working days before each of the following:

- Overburden (where placed) has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out, and
- when subsoil (where placed) has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out, and
- on completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operation.

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

43. Subsoils shall only be replaced on those parts of the site which are restored above water level when the ground on which they are to be placed is in a dry and friable condition and no movements, re-spreading, levelling, ripping or loosening of subsoil or topsoil shall occur when it is raining, or when there are pools of water on the surface of the storage mound or receiving area. Within the area to be restored for agricultural after-use, each subsoil layer shall be cross-ripped to provide loosening to a minimum depth of 450mm with tine spacings no

wider than 1.5m and any rock, boulder or larger stone greater than 200mm in any dimension shall be removed from the loosened surface and deposited in the proposed lake before further soil is laid.

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

44. Plant and vehicles shall not cross any area of replaced and loosened ground, replaced subsoil, or topsoil except where essential and unavoidable for purposes of carrying out ripping and stone picking or beneficially treating such areas. Only low ground pressure machines shall work on prepared ground.

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

45. Topsoil shall be evenly re-spread on the land above lake water level (dry land) to achieve at least a minimum of 300mm settled depth. The re-spread topsoil on dry land above lake water level shall be rendered suitable for agricultural cultivation by loosening:

- to provide loosening equivalent to a single pass at a tine spacing of 1.5 metres or closer;
- to full depth of the topsoil plus 100mm; and
- any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth not less than 2 metres below the final settled contours.

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

46. The operator shall take all reasonable precautions to prevent the mixing of topsoil, subsoil and overburden.

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

Restoration

47. The phased restoration plan and landscaping scheme shall be carried out in accordance with Drawing No. 22-03-CROM P5-1379-REST Rev A: Restoration Proposals dated 9th January 2023 received by the MPA on 17th January 2023. The implementation of the restoration and landscaping scheme shall be carried out progressively in general compliance with the timetable shown on the three phasing drawings referenced 21-7-1050: MOW Phase 11a Soil Strip, MOW Phase 11a Extraction/11b Soil Strip and MOW Phase 11b Extraction received by the MPA on 29th June 2022. The backfilled material shall be levelled and

graded in accordance with the restoration contours with opportunities taken where practicable to create a micro-topography on the restored ground and a cluster of small ponds to provide additional amphibian breeding habitat. In the event that the balance of materials results in a surplus of restoration materials, this material shall be used to create more shallow areas within the lakes below water level, in accordance with details which shall be submitted to, and approved in writing by the MPA.

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

48. At the completion of each phase of restoration the operator shall meet on site with representatives of the MPA, and other parties with an interest in the land. The purpose of the meeting shall be to agree that the replacement material conforms generally with the landform and levels as set out in the agreed restoration plan.

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

Aftercare

49. Following restoration, the site shall undergo aftercare management for a twenty-year period with the exception of the land to the west of the hedgerow on the western boundary of Phase 11a which is to be restored to agriculture and shall receive aftercare management for a five-year period.

Reason: To provide for aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

50. Prior to any area being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the MPA, the aftercare period shall run from the agreed date.

Reason: To provide for aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

51. An aftercare scheme and strategy shall be submitted for the written approval of the MPA no later than 3 months before the spreading of subsoil commences within each phase. 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) irrigation and drainage arrangements;
- b) fencing;
- c) planting and seeding specifications;
- d) management practices including vegetation/weed control specifically in terms of invasive species:

- e) tree protection and management;
- f) habitat creation works including reptile/amphibian hibernacula's;
- g) keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the MPA between 31 March and 31 May each year.

Reason: To provide for aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

52. Site management meetings shall be held with the MPA each year to assess and review the detailed annual programmes of aftercare operations referred to in Condition 51(g) above, having regard to the condition of the land; progress in its rehabilitation and necessary maintenance.

Reason To provide for aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

53. The aftercare programme shall be implemented in accordance with the details approved under Condition 51 above, as amended following the annual site meeting referred to in Condition 52 above.

Reason: To provide for aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Cessation of Workings

54. Should, for any reason the winning and working of minerals from the application site cease for a period in excess of 6 months which in the reasonable opinion of the MPA constitutes a permanent cessation of mineral extraction, 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. 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 restoration scheme shall be implemented within 12 months of its approval by the MPA, and shall be subject to the aftercare provisions of Conditions 49-53 above.

Reason: To achieve a satisfactory restoration of the site in the event of premature closure of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Informatives/notes to applicants

1. The consent of Severn Trent Water will be required for either a direct or indirect connection to the public sewerage system under the provisions of Section 106 of the Water Industries Act 1991. Current guidance notes and an application form can be found at www.stwater.co.uk or by contacting Severn Trent Water New Connections Team (01332 683369).

2. Although statutory sewer records do not show any public sewers within the site there may be sewers which have recently been adopted under the Transfer of Sewer Regulations. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and it is advised that Severn Trent Water should be contacted (0247 771 6843).
3. Trent Valley Internal Drainage Board advise that the Board maintained Cromwell Drain, an open watercourse, exists to the Western boundary of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. They advise that the Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert. The Board's consent is required for any works, whether temporary or permanent, in, over or under, any Board maintained watercourse or culvert. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent. The Board's Planning and Byelaw Policy, Advice Notes and Application form is available on the website - www.wmc-idbs.org.uk/TVIDB The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required). The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant is advised that they are likely to have a riparian responsibility to maintain the proper flow of water in any riparian watercourse which borders or flows through land owned or occupied by them. Further information is available from the Board's Planning and Development Control Officer, Darren Cowling.
4. Your attention is drawn to the attached consultation response and accompanying plan from National Grid which identifies the location of electrical cables and infrastructure within the vicinity of the development site.
5. VIA Rights of Way Team advise that there may be a slight anomaly in terms of the alignment of the recorded route of Cromwell Bridleway No. 1 between the Concept Restoration Plan (in the Reg 25 Further information group of documents) and the route on the ground. The applicant is advised to get a Rights of Way search to confirm the legally recorded route on the Definitive Map and Statement and resolve any anomaly (if it exists).
6. The Environment Agency advise:
 - i. Regarding pollution prevention measures, the EA note the existing site measures will be utilised on the application site. The proposed pollution prevention control measures will have to be reviewed to ensure that they are adequate for proposed activity both the extraction and restoration phase (as required by the Environmental Permit) to ensure the

protection of controlled waters including groundwater and the River Trent.

- ii. A revised Hydrogeological Risk Assessment is likely to be required to vary the permit.
- iii. Consideration should be given to how the future permitting requirements for phases of restoration will be met and so demonstrate that the proposed restoration is sustainable in a demonstrable and measurable way.

RECOMMENDED PLANNING CONDITIONS FOR PLANNING APPLICATION 3/22/01787/CMA TO ALLOW AN UPDATE TO THE METHOD OF WORKING PLANS AND THE RETENTION AND USE OF THE PLANT SITE, ACCESS, HAUL ROAD AND SILT LAGOONS IN ORDER TO WORK A PROPOSED EXTENSION AT NESS FARM.

Scope of Planning Permission and Commencement

1. This planning permission is for the extraction of sand and gravel within the area edged with a dashed line within the red line on drawing set 20-03 CROM P3/1379/6D (i – xi) (dated 2 August 2022) (excluding ponds 1, 2 and 3 and their respective stand-off areas) together with the operation of the mobile processing plant and ancillary infrastructure within the area edged red on 'Drawing Number 14_C048_CROM_001 – Site Location', dated July 2014 which may be used for the processing of mineral from the planning application site and the adjoining southern extension area (Phases 9a-9c) and the further southern extension at Ness Farm (Phases 11a and 11b). The quarry shall be restored to nature conservation lakes, marginal reedbed habitat, marshy areas, seasonally wet grassland, neutral grassland and other associated habitat. This permission comes into effect on the date of commencement of planning permission 3/22/01790/CMA.

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

2. The development hereby permitted shall only be carried out in accordance with the following plans, except where amendments are made pursuant to other conditions below or through the approval of a non-material amendment to the permission:
 - (a) Set of Drawings Numbered 20-03 CROM P3/1379/6D (i – xi): 'Method of Working Phase 7/8'; 'Method of Working Phase 9a'; 'Method of Working Phase 9b'; 'Method of Working Phase 9c'; 'Method of Working Phase 11a'; 'Method of Working Phase 11b'; 'Method of Working Phase 9d'; 'Method of Working Phase 10'; 'Method of Working – Plant Site'; 'Method of Working Restoration of Plant Site'; 'Method of Working Restoration Complete' all dated 2nd August 2022 and received by the MPA on 10th August 2022.
 - (b) Drawing No. P1/1379/9/K 'Restoration Plan' dated March 2006 (Rev 6th April 2020), and received by the MPA on 6th April 2020.
 - (c) Drawing No. 1910/P3/CRMWLL/10 ELEV 'Generator Elevations' dated Mar 2020 and received by the MPA on 6th April 2020.
 - (d) Drawing No. 22-08/P6/CRMWLL/2 Proposed Site Plan - Existing Quarry dated Aug 2022 and received by the MPA on 10th August 2022.

- (e) Planning application forms, planning statement and environmental statement received by the MPA on 28 October 2014, subject to any modifications that may be agreed in writing with the MPA;
- (f) Regulation 22 submission received by the MPA on 6 March 2015 (with the exception of the plans).
- (g) Drawing Number P1/1379/13 'Weighbridge Location Plan' received by the MPA on 12 February 2009 and approved on 15 May 2009 for the purposes of denoting the access road to the quarry.
- (h) Drawing No. 14_C048_CROM_007_A 'Condition 10 -8m Road' received by the MPA on 14 March 2016 and approved on 12 April 2016 pursuant to condition 10 of planning permission 3/14/01995/CMA.
- (i) Drawing No.s 15_C034_CROM_003 'Office/Weighbridge'; 15_C034_CROM_004 'Canteen'; 15_C034_CROM_005 'Changing Room'; 15_C034_CROM_006 'Weighbridge' all received by the MPA on 14 March 2016 and approved on 12 April 2016 pursuant to condition 22 of planning permission 3/14/01995/CMA.
- (j) Technical specification for 'Hippowash' both received by the MPA on 4 April 2016 and approved on 22 April 2016 (under NMA 3501).
- (k) Drawings no. P1/1379/16 'Fuel Storage Location' and 'Cemex Fuel Store NMA Plan View 1' both received by the MPA on 16 March 2017 and approved 31 March 2017 (under NMA 3639).
- (l) Drawings 18_C034_CROM_002 'Office/weighbridge 9.7m x3.0m' dated August 2018; 18_C034_CROM_003 'Storage Unit 8m x 3.0m' dated August 2018, all approved by the MPA on 20 September 2018 (under ref PD/3913).

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

3. Mineral extraction shall take place in compliance with Set of Drawings Numbered 20-03 CROM P3/1379/6D (i – xi): 'Method of Working Phase 7/8'; 'Method of Working Phase 9a'; 'Method of Working Phase 9b'; 'Method of Working Phase 9c'; 'Method of Working Phase 11a'; 'Method of Working Phase 11b'; 'Method of Working Phase 9d'; 'Method of Working Phase 10'; 'Method of Working – Plant Site'; 'Method of Working Restoration of Plant Site'; 'Method of Working Restoration Complete' all dated 2nd August 2022 and received by the MPA on 10th August 2022. All mineral processed within the Cromwell Quarry plant site including mineral originating from the Southern Extension and the further extension at Ness Farm (phases 11a and 11b) shall be dispatched to the public highway via the existing quarry haul road and shall comply with the HGV routing requirements of the S106 relating to the quarry plant site permission.

Reason: To define the extent of planning permission in the interests of retaining landscape and ecological features necessary to mitigate the impacts of the development and in order to ensure the integrity of flood defences.

Monitoring

4. From the commencement of the development to its completion a copy of this planning 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: To enable an easy reference and to encourage compliance with the requirements of this permission.

Access

5. All vehicles accessing and leaving the site shall only do so via the access road highlighted in yellow and marked as 'Access Road to the Quarry' on 'Drawing Number P1/1379/13 – Weighbridge Location Plan' received by the MPA on 12th February 2009 and approved in writing by the MPA on 15th May 2009.

The access road shall be maintained in accordance with the details within drawing Number 14_C048_CROM_007_A – 'Condition 10 -8m Road' received by the MPA on 14 March 2016.

Reason: In the interests of road safety, in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.

6. All outbound HGVs shall use the wheel cleaning facilities and procedures under Condition 2j) above and the wheel cleaning facilities 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, in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.

7. All HGVs transporting minerals from the site shall be sheeted prior to leaving site.

Reason: In the interests of road safety and to control dust, in accordance with policy DM9 of the Nottinghamshire Minerals Local Plan.

Hours of Working

8. Except in emergencies, 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, Public and Bank 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 1pm	Not at all
Servicing, testing, or maintenance of plant or machinery	7am to 5pm	7am to 4pm	Not at all
Heavy goods vehicles entering and leaving the site	7am to 6pm	7am to 1pm	Not at all

Reason: To protect the amenities of local residents in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Operations

9. All plant and machinery shall be regularly serviced and maintained to ensure that noise emissions do not exceed the manufacturers' specifications. In the event that the manufacturers' maximum operating noise levels are exceeded then the plant or machinery shall be switched off and repaired/adjusted so as to ensure compliance with these operating noise levels.

Reason: To protect the amenities of local residents in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

10. All plant and vehicles under the control of the operator must only employ white noise (broadband) reversing alarms when operating on the site.

Reason: To protect the amenities of local residents in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

11. Best practicable means shall be taken to minimise the generation of dust from operations at the site. These shall include, but not be restricted to, taking any or all of the following steps as appropriate.

- (a) The use of water bowzers 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.

Reason: To protect the amenities of local residents in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

12. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious 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 outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

13. All foul drainage must be contained within a sealed and watertight cesspit fitted with a level warning device.

Reason: To minimise the risk of pollution to the local water environment in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

Ancillary Buildings and Plant

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any future replacement order) no fixed plant or machinery shall be erected on the site until full details have been submitted to and approved by the MPA.

Reason: To minimise any visual impact from the development in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

15. All plant, ancillary buildings and associated structures shall be removed from the site within 12 months of the completion of mineral extraction operations within the planning application site and the extended southern area granted consent by virtue of planning permission 3/22/01788/CMA as well as the extension area at Ness Farm, granted consent by virtue of planning permission 3/22/01790/CMA.

Reason: In the interest of visual amenity in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

16. No additional floodlighting or security lighting (over and above the previously approved Hilclare Talca floodlight details received by the MPA on 14 March 2016 and approved in writing by the MPA on 12 April 2016) shall be used on site except in accordance with details previously submitted to, and approved in writing by, the MPA. The details shall ensure that the floodlighting or security lighting shall be angled downwards and suitably shielded to ensure that it does not result in glare or dazzle to surrounding land. The floodlighting and security lighting shall not be used outside the hours of operations detailed in Condition 8 above. Outside these hours any external lighting shall be individually operated through a movement sensor switch with a maximum lighting cycle not

exceeding five minutes. The floodlighting and security lighting shall be implemented and maintained in accordance with the approved details for the life of the development hereby permitted.

Reason: To minimise the visual intrusion of the development in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Archaeology

17. Archaeological works at the site, and the reporting of findings to the MPA, shall be carried out in accordance with the Trent and Peak Archaeology document entitled 'Archaeological General Project Design for Sand and Gravel Extraction at Land East of Cromwell, Nottinghamshire' received by the MPA on 12 August 2009.

Reason: To ensure that adequate archaeological investigation and recording is undertaken in accordance with Policy DM6 of the Nottinghamshire Minerals Local Plan.

Protected Species

18. The development shall be undertaken in accordance with the recommendations of the Protected Species Mitigation Programme (Scarborough Nixon Associates Ltd.) dated July 2005 received by the MPA on 14 March 2016 and approved in writing by the MPA on 12 April 2016. In accordance with this Programme the operator must:
- a) Retain the three existing ponds and the purpose-built hibernacula alongside each (together with fencing and a ten-metre buffer zone) along with their ongoing management and monitoring in order to retain suitable amphibian and reptile habitat on site throughout the development hereby permitted;
 - b) Retain (until when required for site restoration purposes) the landscaped soil bund along the eastern periphery of the extraction boundary to prevent reptiles along the river corridor from entering the working quarry;
 - c) Follow the recommendations for the carrying out of hand surveys for amphibians and reptiles prior to works commencing in any phase along with the mitigation steps should any be encountered at any time in undertaking the development;
 - d) Follow the survey recommendations for potential badgers prior to works commencing in any phase along with the mitigation steps should any be encountered at any time in undertaking the development;
 - e) Manage vegetation in operational areas, and areas which have been previously hand searched and which are soon to become operational, to deter amphibians and reptiles from entering these areas;
 - f) Retain hedgerows, trees and shrubs within and on the boundary of the site which are to be retained, protected, enhanced and managed for the duration of the development hereby permitted and the subsequent aftercare period,

along with the provision of stand-offs and/or protective fencing and their ongoing management in order to provide enhanced habitat for birds and foraging bats.

Reason: To provide suitable protection and habitats for protected species on the site in accordance with Policy DM4 of the Nottinghamshire Minerals Local Plan.

19. Site clearance operations that involve the removal and destruction of vegetation shall not be undertaken during the months of March to August inclusive except following the carrying out of a walkover survey of the affected area by a suitably qualified ecologist in accordance with details which have been previously submitted to, and approved in writing by, the MPA.

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

20. Should there be a need to remove the tree identified on the Method of Working Plans No. P1/1379/6R, no works to the tree shall be undertaken until it has been the subject of a full bat emergence survey, undertaken in accordance with details previously submitted to, and approved in writing by, the MPA. The survey shall be carried out in accordance with the approved details and, should the presence of roosting bats in the tree be identified, details of mitigation measures to be implemented prior to the removal of the tree shall be submitted to the MPA for its approval in writing. The approved mitigation measures shall be implemented in accordance with the approved details prior to the tree being removed.

Reason: To provide the necessary conservation of protected species in accordance with Policy DM4 of the Nottinghamshire Minerals Local Plan.

Soil Handling

21. Soil handling on the site shall be carried out in accordance with the set of method of working drawings numbered 20-03 CROM P3/1379/6D (i – xi) referenced within Condition 2a above and the document entitled ‘Cromwell Soil Handling Scheme’ submitted as part of the Regulation 22 submission received by the MPA on 6th March 2015, except with respect to the seeding of soil mounds which shall be carried out in accordance with Condition 24 below.

Reason: To ensure that soil resources are preserved and used beneficially within the restoration of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

22. No turf, topsoil, subsoil or overburden shall be removed from the Cromwell Quarry site incorporating the original quarry, southern extension area and further southern extension at Ness Farm. No waste materials, including soils and mineral working wastes, shall be brought onto the site.

Reason: To ensure that soil resources are preserved and used beneficially within the restoration of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

23. Soil stripping and replacement operations in each phase of the development shall not commence until at least seven working days after the MPA have been notified of such operations in writing.

Reason: To enable adequate control of the development by the MPA and to ensure compliance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

24. All soil and overburden storage mounds that remain in situ for more than six months, or over winter, shall be seeded and maintained in accordance with the 'Bird and Invertebrate Seed Mix Recommendations' received on 4 April 2016 and approved by the MPA on 12 April 2016.

Reason: To ensure that soil resources are preserved and used beneficially within the restoration of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Duration

25. All mineral extraction shall cease no later than 18 May 2028. The MPA shall be notified in writing of the date when mineral extraction ceases within 14 days of its occurrence.

Reason: To minimise the duration of disturbance from the development hereby permitted, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

26. All restoration operations in accordance with conditions 27-29 below shall be completed within 12 months after completion of mineral extraction (as notified by condition 25) or no later than 18 May 2029, whichever is the earliest.

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

Restoration

27. The application site shall be subject to a phased restoration in order to achieve a final restoration which accords with the details, including final contours, shown on Drawing No. P1/1379/9/K 'Restoration Plan' dated March 2006 (Rev 6th April 2020), and received by the MPA on 6th April 2020.

Reason: To ensure that the site is restored to a condition capable of beneficial use at an early date in the interests of the amenity of the

area and in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

28. Prior to the replacement of any overburden and topsoil within any phase of the site in accordance with the soil-handling programme approved under Condition 21 above, a topographical survey of the site, showing the surface contours of the replaced overburden in that phase, shall have been submitted to, and approved in writing by, the MPA.

Reason: To ensure that the site is restored to a condition capable of beneficial use at an early date in the interests of the amenity of the area and in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

29. No restoration works shall be undertaken within any phase until detailed restoration proposals have been submitted to, and approved in writing by, the MPA. The details shall include the following:

- (a) Full details of tree and scrub planting areas; seasonally wet grassland areas (to include additional areas of wet grassland alongside the eastern lake shore); and neutral meadow grassland areas, including full seed mixes, sowing rates, establishment methods and maintenance regimes;
- (b) A detailed reedbed creation methodology to cover the management of silt deposition, the design of open water areas/channels and the design of water management structures. Full details of the planting of the aquatic margins/reedbed areas, including species, numbers, positions, establishment and maintenance regimes;
- (c) Underwater contours for the lakes to provide for shallow sloping margins and shallows/beaches.
- (d) Details for the provision of ponds and scrapes including additional provision within the neutral grassland field.
- (e) Details of fencing arrangements/ means of enclosure and any necessary safety signage.

The detailed restoration proposals shall be submitted for approval in advance of the completion of mineral extraction in that particular phase so that seeding and planting can be carried out in the first seeding and planting seasons following the replacement of soils in that phase. The site shall be restored in accordance with the approved details.

Reason: To ensure the site is restored to a condition capable of beneficial ecological afteruse at the earliest possible date in the interests of protected species in the area and in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Aftercare

30. Following the restoration of any phase of the site, that phase shall undergo aftercare management for a 5 year period.

Reason: To provide for the aftercare of the restored site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

31. Prior to any phase being entered into aftercare, the extent of the area and its date of entry into aftercare shall be agreed in writing with the MPA. The 5 year aftercare period shall run from the agreed date.

Reason: To provide for the aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

32. An aftercare scheme and strategy for each phase shall be submitted for the written approval of the MPA at the same time as restoration details for that phase are submitted under Condition 29 above. The aftercare scheme and strategy shall outline the steps to be taken, the period during which they are to be taken, and who will be responsible for taking those steps to ensure the land is restored and brought back to its intended restored afteruse. 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 31 October and 31 December of each year;
- (f) Drainage provision;
- (g) Management practices such as the cutting of vegetation;
- (h) Tree protection and replacement;
- (i) Remedial treatments;
- (j) Fencing;
- (k) Proposals for a survey visit by a suitably qualified ecologist, to be undertaken in year 5, to assess the ecological interest of the site, including their habitats, flora and fauna, to inform management practices for the additional periods of aftercare secured through the legal agreement; and
- (l) A report detailing the findings of the survey visit referred to in (k) above, to be submitted to the MPA before the end of year 5.

Reason: To provide for the aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

33. Site management meetings shall be held with the MPA each year to determine the detailed annual programmes of aftercare operations referred to in Condition 32(e) above, having regard to the condition of the land and progress in its rehabilitation.

Reason: To enable adequate control of the development by the MPA and to ensure compliance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

34. The aftercare programme for each phase of the site shall be implemented in accordance with the details approved under Condition 32 above, as amended following the annual site meeting referred to in Condition 33 above.

Reason: To ensure that the site is restored to a condition capable of beneficial use at an early date in the interests of the amenity of the area and in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Alternative Restoration

35. Should, for any reason, mineral extraction from the application site cease for a period in excess of 12 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 restoration scheme shall be implemented within 12 months of its approval by the MPA, and shall be subject to the aftercare provisions of conditions 30-34 above.

Reason: To ensure that should mineral extraction ceases prior to the phased closure of the quarry interim restoration measures progress to reduce environmental impacts and to ensure compliance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Informatives/notes to applicants

1. This decision should be read alongside the legal agreement (under Section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011) dated 9 March 2016 providing for controlled lorry routeing to and from the quarry and the A1 and for an additional 5 years of aftercare management (making 10 years in total).
2. In order to ensure the successful establishment of the reedbeds (so that they do not scrub over) it will be critical that silt deposition is carefully undertaken so that they are not filled above 4.0-4.5mAOD, based on a final water level of 5.0mAOD, as well as providing some open areas of deeper water within the reed beds. It may also be necessary to include water management structures to permit the seasonal topping up of water levels from the main lake to the north.
3. As a general guide the following points are recommended by the County Council Lead Local Flood Authority to control flood risk for all developments:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

RECOMMENDED PLANNING CONDITIONS FOR PLANNING APPLICATION 3/22/01788/CMA TO ALLOW FOR AMENDMENTS TO THE WORKING SCHEME AND RESTORATION PLAN, TO FACILITATE WORKING A SOUTHERN EXTENSION AT NESS FARM.

Scope of Planning Permission and Commencement

1. This planning permission provides consent for the completion of mineral extraction and the subsequent restoration of the Cromwell Quarry Southern Extension Site as identified in red on Drawing No. 1910/P3/CRMWLL/3B PROPSITE: Proposed Site Plan dated October 2019 and received by the MPA on 6th April 2020 previously granted planning permission under reference 3/19/02232/CMM, with minor modifications made to the original method of working/phasing plans to facilitate the development of a further southern extension at Ness Farm, Cromwell. This permission comes into effect on the date of commencement of planning permission 3/22/01790/CMA.

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

Schedule of approved plans

2. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application, documents and recommendations of reports, and the following plans:
 - (a) Drawing No. 1910/P3/CRMWLL/1A LOC: Location Plan dated October 2019 and received by the MPA on 2nd December 2019.
 - (b) Drawing No. 1910/P3/CRMWLL/3B PROPSITE: Proposed Site Plan dated October 2019 and received by the MPA on 6th April 2020.
 - (c) Set of Drawings Numbered 22-07 CROM P3/1379/6D i-xi: 'Method of Working Phase 7/8'; 'Method of Working Phase 9a'; 'Method of Working Phase 9b'; 'Method of Working Phase 9c'; 'Method of Working Phase 11a (Ness)'; 'Method of Working Phase 11b (Ness)'; 'Method of Working Phase 9d'; 'Method of Working Phase 10'; 'Method of Working – Plant Site'; 'Method of Working Restoration of Plant Site'; 'Method of Working Restoration Complete' all dated 6th July 2022 and received by the MPA on 10th August 2022.
 - (d) Drawing No. 20-03 CROM P3/1379/DET REST 8C: Restoration Proposals dated 29 July 2022 (Update 13 Jan 2023) and received by the MPA on 17th January 2023.

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

Duration of mineral extraction

3. All sand and gravel extraction operations within the southern extension area identified on Drawing No. 1910/P3/CRMWLL/1A LOC: Location Plan dated October 2019 and received by the MPA on 2nd December 2019 shall cease on 19th April 2023.

Reason To secure proper restoration of the site within an acceptable timescale and in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Mineral processing and dispatch to the public highway

4. All Mineral extracted from the Cromwell southern extension area (as outlined in red on drawing no. 1910/P3/CRMWLL/1A: Location Plan received by the MPA on 2nd December 2019) shall only leave the site for processing and dispatch through the Cromwell Quarry plant site and any HGV traffic associated with this permission shall comply with the HGV routing requirements of the S106 agreement relating to the quarry plant site permission. Mineral shall not be removed from the planning application site by any other means.

Reason: To ensure satisfactory operation controls and in the interests of highway safety in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.

Phasing

5. Extraction operations shall progress sequentially in accordance with the set of drawings Numbered 22-07 CROM P3/1379/6D i-xi: 'Method of Working Phase 7/8'; 'Method of Working Phase 9a'; 'Method of Working Phase 9b'; 'Method of Working Phase 9c'; 'Method of Working Phase 11a (Ness)'; 'Method of Working Phase 11b (Ness)'; 'Method of Working Phase 9d'; 'Method of Working Phase 10'; 'Method of Working – Plant Site'; 'Method of Working Restoration of Plant Site'; 'Method of Working Restoration Complete' all dated 6th July 2022 and received by the MPA on 10th August 2022.

Reason To ensure the phased extraction and restoration of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

6. An annual topographical survey of the site shall be submitted to the MPA by 31st December each year until such time that restoration of the site is complete and the site is in aftercare. The topographical survey shall identify those parts of the site which are unworked, undergoing extraction, being restored and in aftercare and shall also identify the location of stored soils and overburden within the site.

Reason: To monitor the phased restoration of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Working Hours

7. Except in emergencies, 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, Public and Bank 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 1pm	Not at all
Servicing, testing, or maintenance of plant or machinery	7am to 5pm	7am to 4pm	Not at all
Heavy goods vehicles entering and leaving the site	7am to 6pm	7am to 1pm	Not at all

Reason: To protect the amenities of local residents in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Flood Protection and Hydrological Mitigation

8. The development shall be carried out in accordance with the submitted flood risk assessment (ref. JBA Consulting, BKS-JBAU-XX-00-RP-EN-0003-S3-P02-Cromwell_SE_FRA, March 2020) and the following mitigation measures it details:

- The layout of the proposed bunds should be implemented as described in the Flood Risk Assessment.
- The restoration phase should be implemented as described in the Flood Risk Assessment in strict accordance with the approved contours.

Reason: To prevent unacceptable impacts to water and flood flows and flood water storage capacity and to ensure compliance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

9. The flood risk management / emergency evacuation plan for Cromwell Quarry and the Ness Farm extension dated 7th March 2023 shall be fully implemented throughout the operational life of the quarry.

Reason: To maintain acceptable flood evacuation from the site and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM2.

10. The hydrological mitigation measures set out within section 3.7 of Cromwell Southern Extension – Hydrogeological Impact Assessment (Ref: BKS-JBAU-XX-00-RP-EN-0001-A1-C01-Cromwell_SE_HIA.docx) shall be implemented in full throughout the operational life of the southern extension.

Reason: To ensure that the proposed development does not harm the water environment and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM2.

11. The approved scheme for monitoring groundwater levels received by the MPA on 5th November 2020 and approved under Condition 12 of Planning Permission 3/19/02232/CMM shall continue to be fully implemented and maintained in accordance arrangements embodied within the scheme during all periods when quarry dewatering within the southern extension is undertaken. Annual reports of the groundwater monitoring shall be submitted to the MPA in February each year.

Reason: To ensure that the proposed development does not harm the water environment and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM2.

12. Prior to the recommencement of any water pumping into the recharge trench on the western boundary of the southern extension, there shall be submitted to the MPA for its written approval a scheme to manage water levels within the recharge trench to ensure they do not overtop the trench and waterlog adjacent land. Following its approval, the scheme shall be implemented for the duration of the operational life of the recharge trench.

Reason: To ensure that the use of the recharge trench does not result in waterlogging of adjoining land, and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM2.

13. The approved scheme to treat and remove suspended solids from surface water run-off provided within the submission dated 1st June 2020 and approved under Condition 13 of Planning Permission 3/19/02232/CMM shall be fully implemented throughout the operational life of the quarry.

Reason: To ensure that the proposed development does not harm the water environment and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM2.

14. Any facilities, above ground, 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 should be at least equivalent to the capacity of the tank 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 should be detailed to discharge downwards into the bund.

Reason: To ensure that the proposed development does not harm the water environment and to ensure compliance with Nottinghamshire Minerals Local Plan Policy DM2.

15. A minimum distance shall be maintained of 50m from the top bank of the River Trent to the face of the mineral extraction and 25m from the drain running South – North through the application site to the face of the mineral extraction. The stand-off distances shall be marked out on site with wooden posts or similar which shall be retained throughout the operational and restoration phases of the quarry development

Reason: To minimise risks of a potential breach of the River Trent and the watercourse to ensure compliance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

Archaeological Investigation

16. The development shall be carried out in accordance with the written scheme of archaeological investigation set out within the submission: NESS FARM EXTENSION, CROMWELL QUARRY, CROMWELL: ARCHAEOLOGICAL WSI dated 21st March 2023. A report documenting the results of the archaeological investigation shall be submitted to the MPA for approval in writing within 12 months of the completion of the archaeological investigation within any phase of quarry. The planning condition will not be discharged until the final report on the archaeological work has been approved by the MPA.

Reason To ensure that that adequate archaeological investigation and recording is undertaken prior to mineral extraction taking place, in accordance with Policy DM6 of the Nottinghamshire Minerals Local Plan.

17. Any archaeologist nominated by the MPA shall be afforded access to the site at all reasonable times and be allowed to observe operations on site and record items of interest and finds.

Reason: In the interests of archaeology and in accordance with Policy DM6 of the Nottinghamshire Minerals Local Plan.

Footpath Crossing Point

18. The footpath protection scheme detailed on Drawing No. 20-08/P3/CRMWLL/12A: Footpath Plan, previously approved by the MPA on 2nd December 2020 pursuant to Condition 18 of Planning Permission shall be maintained throughout the operational life of the quarry and its associated

restoration period to ensure that public access is maintained along Cromwell Footpath FP5 at all times.

Reason: To maintain public access along Cromwell Footpath FP5 throughout the operational life of the quarry, in accordance with Policy DM7 of the Nottinghamshire Minerals Local Plan.

Noise

19. The noise level attributable to normal operations at the site shall not exceed 55dB LAeq,1hr when measured free-field at any local residential receptor.

Reason: To protect the amenities of local residents in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

20. Timings of temporary works shall be recorded by the operator and must not exceed 8 weeks in a calendar year and the free-field noise level shall not exceed 70dB LAeq,1hr when measured at any local residential receptor.

Reason: To protect the amenities of local residents in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

21. All plant and machinery on site shall be regularly serviced and maintained to ensure that noise emissions do not exceed the manufacturers' specifications. In the event that the manufacturers' maximum operating noise levels are exceeded then the machinery shall be switched off and repaired/adjusted so as to ensure compliance with these operating noise levels.

Reason: To protect the amenities of local residents in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

22. All plant and vehicles under the control of the operator must only employ white noise (broadband) reversing alarms when operating on the site.

Reason: To protect the amenities of local residents in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

23. Prior to the commencement of mineral extraction within Phase 9c, The 3m high perimeter bund shall be maintained around the perimeter for the duration of all mineral extraction in this phase, as detailed on Drawing No. 20-03 CROM P3/1379/6A(iv): Method of Working (9c) to provide acoustic screening of Cromwell Lock Cottage. The perimeter bund shall thereafter be retained throughout the duration of mineral extraction works within Phase 9c.

Reason: To provide acoustic screening of Cromwell Lock Cottage and protect the amenity of local residents in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Dust

24. Measures shall be taken to minimise the generation of dust from operations at the site. These shall include, but not necessarily be limited to any or all of the following steps as appropriate:
- a. The use of water bowsers to dampen haul roads, stock-piles and other operational areas of the site;
 - b. The sweeping of access and haul roads, where necessary;
 - c. The minimisation of drop heights during loading and unloading of sand and gravel;
 - d. Limiting on-site vehicle speeds;
 - e. Upon request of the MPA, the temporary suspension of mineral processing, mineral extraction or soil movements during periods of unfavourably dry or windy weather conditions.

Reason: To ensure that dust impacts associated with the operation of the development are minimised, in accordance with the requirements of Policy DM1 of the Nottinghamshire Minerals Local Plan.

Ecological Mitigation

25. The Construction Method Statement to mitigation potential adverse ecological effects of the developments, prepared by Bowland Ecology dated May 2020 and approved under the requirements of Condition 25 of Planning Permission 3/19/02232/CMM shall be carried out in full accordance with the approved scheme throughout the construction period.

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

26. The retained boundary hedgerows around the perimeter of the southern extension site shall not be cut or pruned for the duration of the mineral extraction and the 12-month period of restoration following the completion of minerals extraction, without the prior written agreement of the MPA.

Reason: To protect the integrity of the boundaries of the site and maximise their ecological value in respect of their bat foraging and bird nesting habitat value in accordance with Policy DM4 of the Nottinghamshire Minerals Local Plan.

27. Site clearance operations that involve the destruction and removal of vegetation, including felling, clearing or removal of trees, shrubs, hedgerows and the stripping of herbaceous vegetation, grass and crops shall not be undertaken during the months of March to August inclusive, except when approved in writing by the MPA and in such circumstances following the carrying out and

submission in writing to the MPA for approval in writing of a bird nesting survey report undertaken by an appropriately qualified person.

Reason: To ensure that breeding birds are not adversely affected by the development in accordance with Policy DM4 of the Nottinghamshire Minerals Local Plan.

28. Quarry workings shall be carried out in compliance with the scheme for the provision and management of a buffer zone alongside the TVIDB watercourse to ensure the protection and enhancement of otter habitat, as set out in the Cemex submission dated 1st June 2020 and formally approved under the requirements of Condition 29 of Planning Permission 3/19/02232/CMM.

Reason: To ensure that otters are not adversely affected by the development in accordance with Policy DM4 of the Nottinghamshire Minerals Local Plan.

Stockpile Heights

29. Stockpiles of any excavated materials shall not be permitted to exceed 5m in height.

Reason: In the interest of visual amenity and to ensure compliance Policy DM1 of Nottinghamshire Minerals Local Plan.

Floodlighting

30. No floodlighting or security lighting shall be used on site except in accordance with details previously submitted to, and approved in writing by, the MPA.

Reason: To minimise the visual intrusion of the development in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Ancillary Buildings and Plant

31. Unless specifically provided for under Part 17 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, replacing or re-enacting that Order), the design, siting, layout and the colours to be used on the external elevations of all fixed plant machinery, and buildings, structures, erections, or private ways shall be submitted to and approved in writing by the MPA prior to their erection/installation. The development shall thereafter be carried out in accordance with the approved details and maintained in a satisfactory condition until it is removed upon cessation of mineral extraction.

Reason: To minimise any visual impact from the development in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Soil Stripping

32. The MPA shall be notified in writing at least 5 working days before soil stripping is due to commence on any phase, or part phase in the event that a phase is not stripped in its entirety in one stripping campaign.

Reason: To ensure satisfactory restoration of the site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

33. No turf, topsoil, subsoil or overburden shall be removed from the Cromwell Quarry site. No waste materials including soils and mineral working wastes shall be brought onto the Cromwell Quarry site.

Reason: To ensure satisfactory restoration of the site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

34. All soil handling shall be carried out in accordance with the Ministry of Agriculture, Fisheries and Food 'Good Practice Guidance for Handling Soil' (2000) and the DEFRA 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009).

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

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

- The size, location, volume, depth and composition of soil to be stripped;
- Details of where the soils will be placed either for direct placement as part of phased restoration operations, or their storage within mounds;
- The types of machinery to be used;
- The routes to be taken by plant and machinery involved in soil handling operations;
- The depths of subsoil and topsoil to be replaced;
- The spacing and depth of any post-replacement soil ripping and cultivations.

The development of that phase shall thereafter be carried out in accordance with the approved scheme.

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

36. No plant or vehicles shall cross any area of unstripped topsoil or subsoil 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 until all available topsoil and subsoil to a minimum depth of 1000mm has been stripped from that part.

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

37. Soil stripping shall not commence until any standing crop or vegetation has been cut and removed from the area to be stripped.

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

38. Topsoil, subsoil, and soil making material shall only be stripped when it is in a dry and friable condition and movements of soils shall only occur:

- when all soil above a depth of 300mm is in a suitable condition that it is not subject to smearing;
- when topsoil is sufficiently dry that it can be separated from subsoil without difficulty.

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

39. All storage mounds that will remain in situ for more than 6 months, or over winter, shall be seeded with a suitable mix to benefit farmland birds within 3 weeks of their construction in accordance with a seed mixture which has been agreed in writing by the MPA. The mounds shall thereafter be maintained free of weeds until used for restoration purposes.

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

40. Details of the volumes and location of soils stored on the site shall be submitted to the MPA by 31 December each year.

Reason: To monitor the restoration of the site and to ensure all available soil resources are conserved or managed, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Soil Replacement

41. The MPA shall be notified in writing at least 5 working days before each of the following:

- overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out, and
- when subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out, and
- on completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operation.

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

42. Subsoils shall only be replaced on those parts of the site which are restored above water level when the ground on which they are to be placed is in a dry and friable condition and no movements, re-spreading, levelling, ripping or loosening of subsoil or topsoil shall occur when it is raining, or when there are pools of water on the surface of the storage mound or receiving area.

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

43. Plant and vehicles shall not cross any area of replaced and loosened ground, replaced subsoil, or topsoil except where essential and unavoidable for purposes of carrying out ripping and stone picking or beneficially treating such areas. Only low ground pressure machines shall work on prepared ground.

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

44. Within the area to be restored for agricultural after-use, each subsoil layer shall be cross-ripped to provide loosening to a minimum depth of 450mm with tine spacings no wider than 1.5m and any rock, boulder or larger stone greater than 200mm in any dimension shall be removed from the loosened surface before further soil is laid. Materials that are removed shall be disposed of off-site or buried at a depth not less than 2 metres below the final contours.

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

45. Topsoil shall be evenly re-spread on the land above lake water level (dry land) to achieve at least a minimum of 300mm settled depth.

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

46. The re-spread topsoil on dry land above lake water level shall be rendered suitable for agricultural cultivation by loosening:
- to provide loosening equivalent to a single pass at a tine spacing of 1.5 metres or closer;
 - to full depth of the topsoil plus 100mm;
 - and any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth not less than 2 metres below the final settled contours.

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

47. The operator shall take all reasonable precautions to prevent the mixing of topsoil, subsoil and overburden.

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

Restoration

48. The phased restoration plan and landscaping scheme for the total application site shall be carried out in accordance with Drawing No. 20-03 CROM P3/1379/DET REST 8C: Restoration Proposals dated 29 July 2022 (Update 13 Jan 2023) and received by the MPA on 17th January 2023. The implementation of the restoration and landscaping scheme shall be carried out progressively in general compliance with the timetable shown on Drawing numbers 22-07 P3/1379/6D i-xi: Method of working. The backfilled material shall be levelled and graded in accordance with the restoration contours with opportunities taken where practicable to create a cluster of small ponds to provide additional amphibian breeding habitat. In the event that the balance of materials results in a surplus of restoration materials, this material shall be used to create more shallow areas within the lakes below water level, in accordance with details which shall be submitted to, and approved in writing by the MPA.

Reason: To ensure proper restoration and in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

49. At the completion of each phase of restoration the operator shall meet on site with representatives of the MPA, and other parties with an interest in the land. The purpose of the meeting shall be to agree that the replacement material

conforms generally with the landform and levels as set out in the agreed restoration plan.

Reason: To ensure proper restoration and in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Aftercare

50. Following restoration the land restored to agriculture shall undergo aftercare management of a five year period. The area of land within Phase 9a to the east of the drainline (as identified on the restoration plan) shall undergo aftercare management for a ten-year period as required by the S106 agreement relating to the quarry plant site permission (reference 3/22/01787/CMA). All other parts of the site shall undergo aftercare management for a 15-year period.

Reason: To provide for aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

51. Prior to any area being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the MPA, the aftercare period shall run from the agreed date.

Reason: To provide for aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

52. Aftercare of the site shall be carried out in compliance with the approved aftercare scheme and strategy for the Southern Extension at Cromwell Quarry, prepared by Cemex dated September 2021 and previously consented by the MPA under Condition 53 of Planning Permission 3/19/02232/CMM. As part of the aftercare management for the site, an annual site management meeting shall be held with the MPA between March and May each year to review the performance of the approved aftercare operations and agree the scope of the aftercare management arrangements for the following year.

Reason: To provide for aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Cessation of Workings

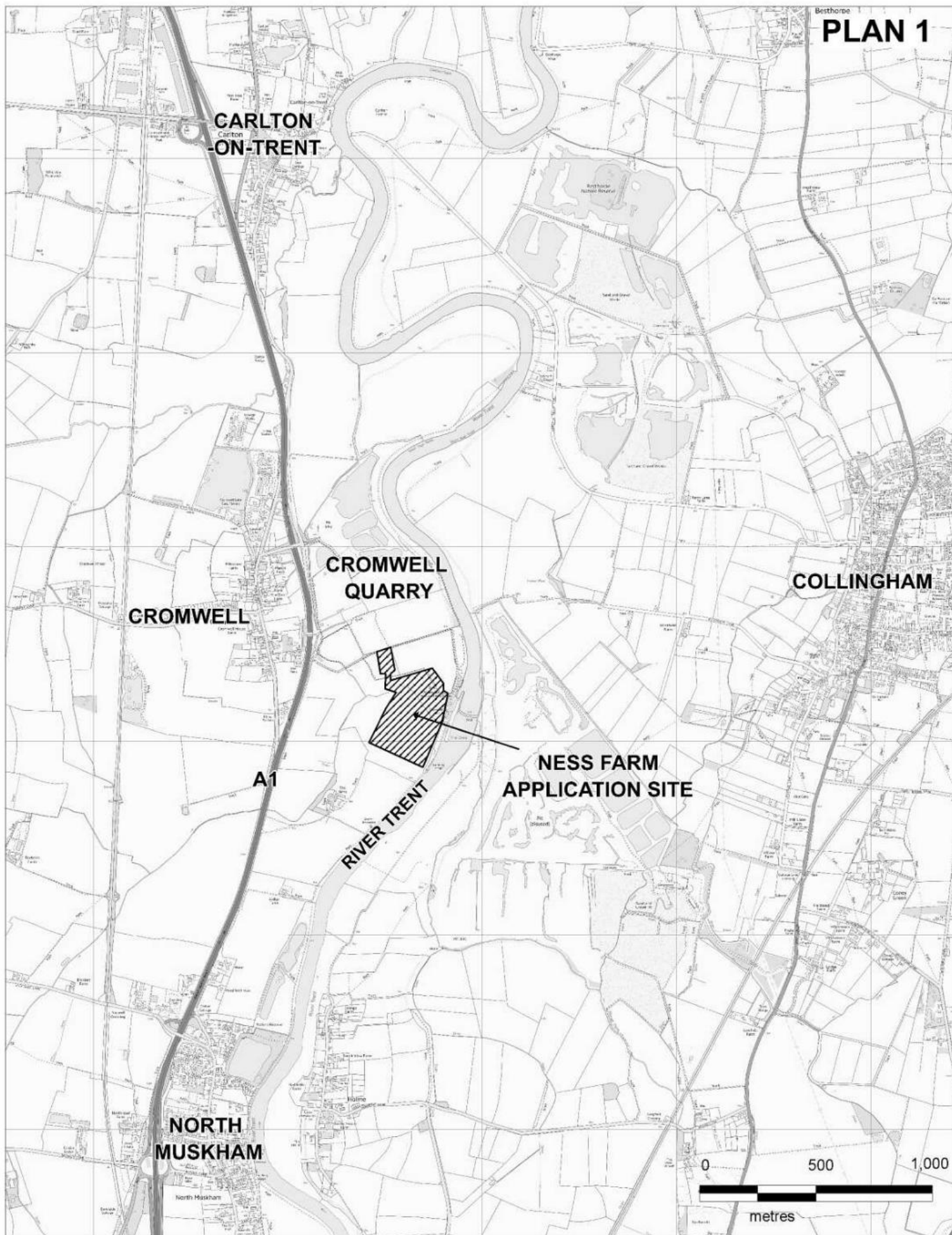
53. Should, for any reason the winning and working of minerals from the application site cease for a period in excess of 6 months which in the reasonable opinion of the MPA constitutes a permanent cessation of mineral extraction, then within three months of the receipt of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted to the MPA. 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 restoration scheme shall be implemented within 12 months of its

approval by the MPA, and shall be subject to the aftercare provisions of Conditions 50-52 above.

Reason: To achieve a satisfactory restoration of the site in the event of premature closure of the site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Informatives/notes to applicants

1. Western Power Distribution advise that there is 11kV network pylons currently running through the site which will need to have a diversion prior to extraction. the restoration scheme incorporating ponds are likely to be attractive to birds which can cause damage to power lines. Western Power therefore favour the use of underground cables within any power cable diversion scheme which may be carried out.
2. The consent of Severn Trent Water will be required for either a direct or indirect connection to the public sewerage system under the provisions of Section 106 of the Water Industries Act 1991. Current guidance notes and an application form can be found at www.stwater.co.uk or by contacting Severn Trent Water New Connections Team (01332 683369). Although statutory sewer records do not show any public sewers within the site there may be sewers which have recently been adopted under the Transfer of Sewer Regulations. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and it is advised that Severn Trent Water should be contacted (0247 771 6843).
3. The potential of providing a connection from the site to the River Trent to allow fish and eels to access the restoration area for the purposes of refuge and breeding grounds should be investigated as part of the aftercare of the site.
4. The applicant is encouraged to work with NCC Heritage Team to assist with the maintenance and repair of the clapper gates situated to the north of the planning application site on the riverside embankment.



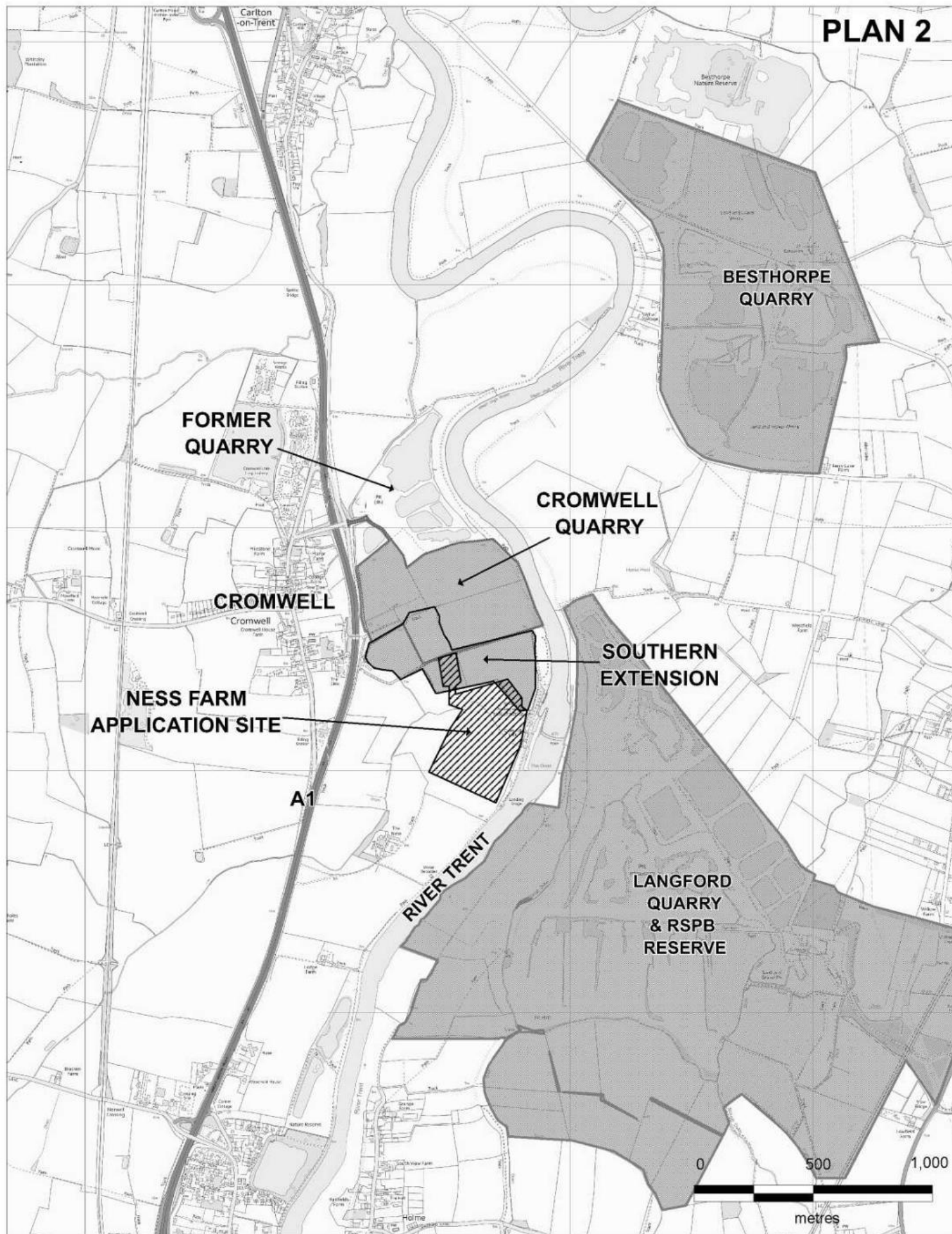
**Nottinghamshire
County Council**

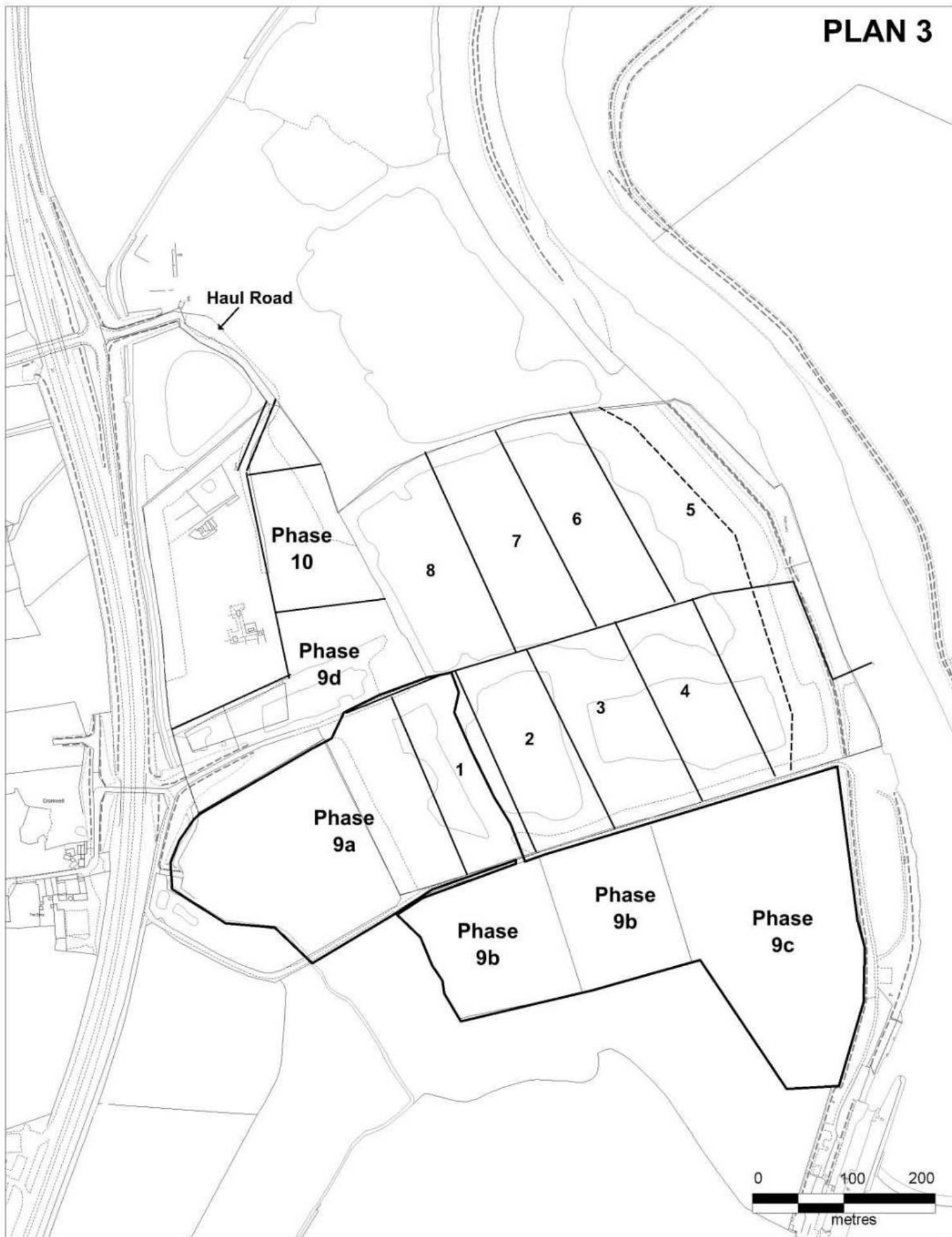
Proposed southern extension to the quarry for the extraction of approximately 550,000 tonnes of sand and gravel with restoration to agriculture and nature conservation. Ness Farm and Cromwell Quarry, The Great North Road, Cromwell, Nottinghamshire. Planning Application No. 3/22/01790/CMA
To allow for amendments to the working scheme and restoration plan, to facilitate working a southern extension at Ness Farm. Planning Application No. 3/22/01788/CMA
To allow an update to the method of quarrying and use of the plant site, access, haul road and silt lagoons in order to work a proposed extension at Ness Farm. Planning Application No. 3/22/01787/CMA
Cromwell Quarry, The Great North Road, Cromwell, Nottinghamshire.
Planning Application No. 3/22/01787/CMA

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2023)



Scale 1:25,000
Produced by: JW
Date: APRIL 2023



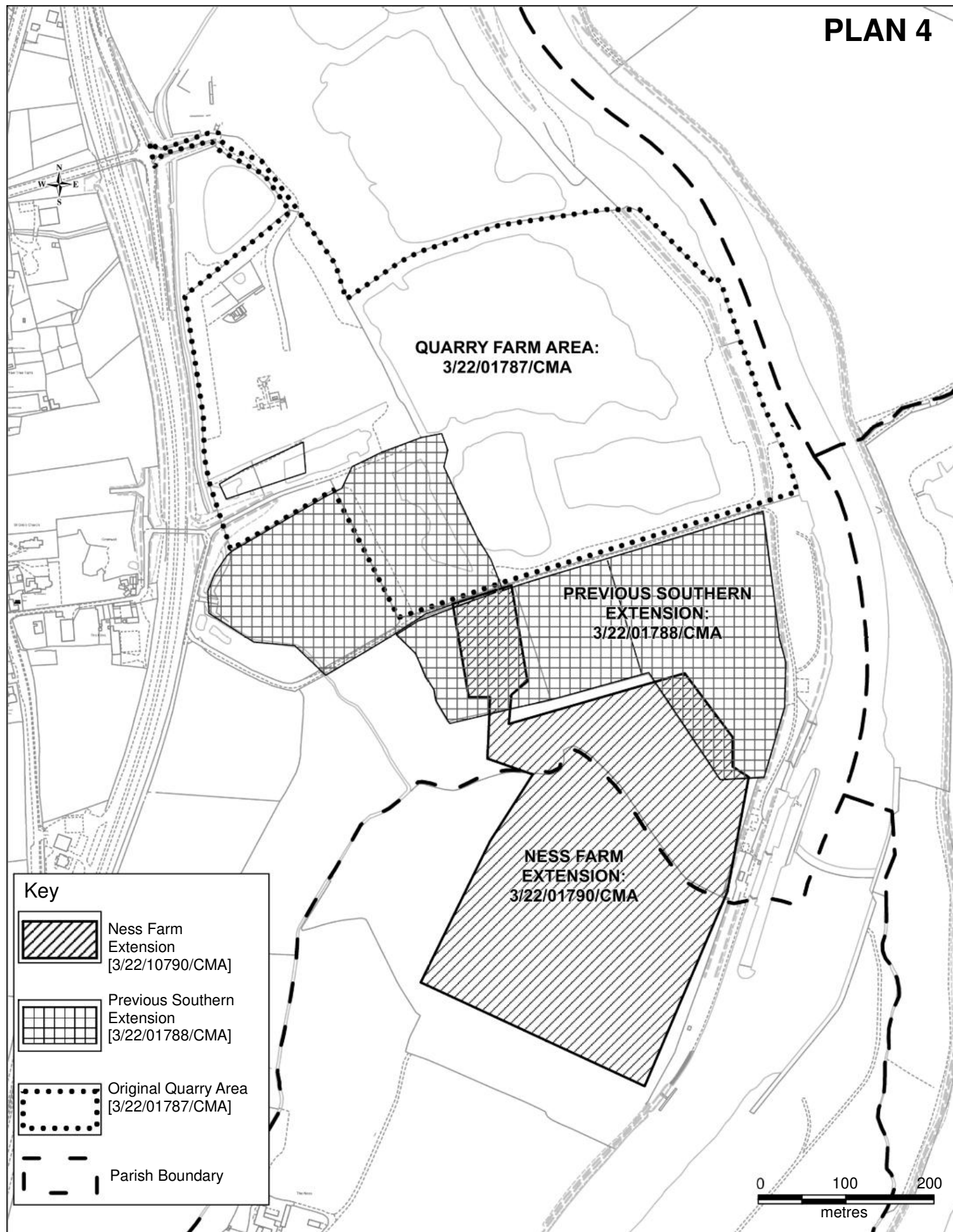


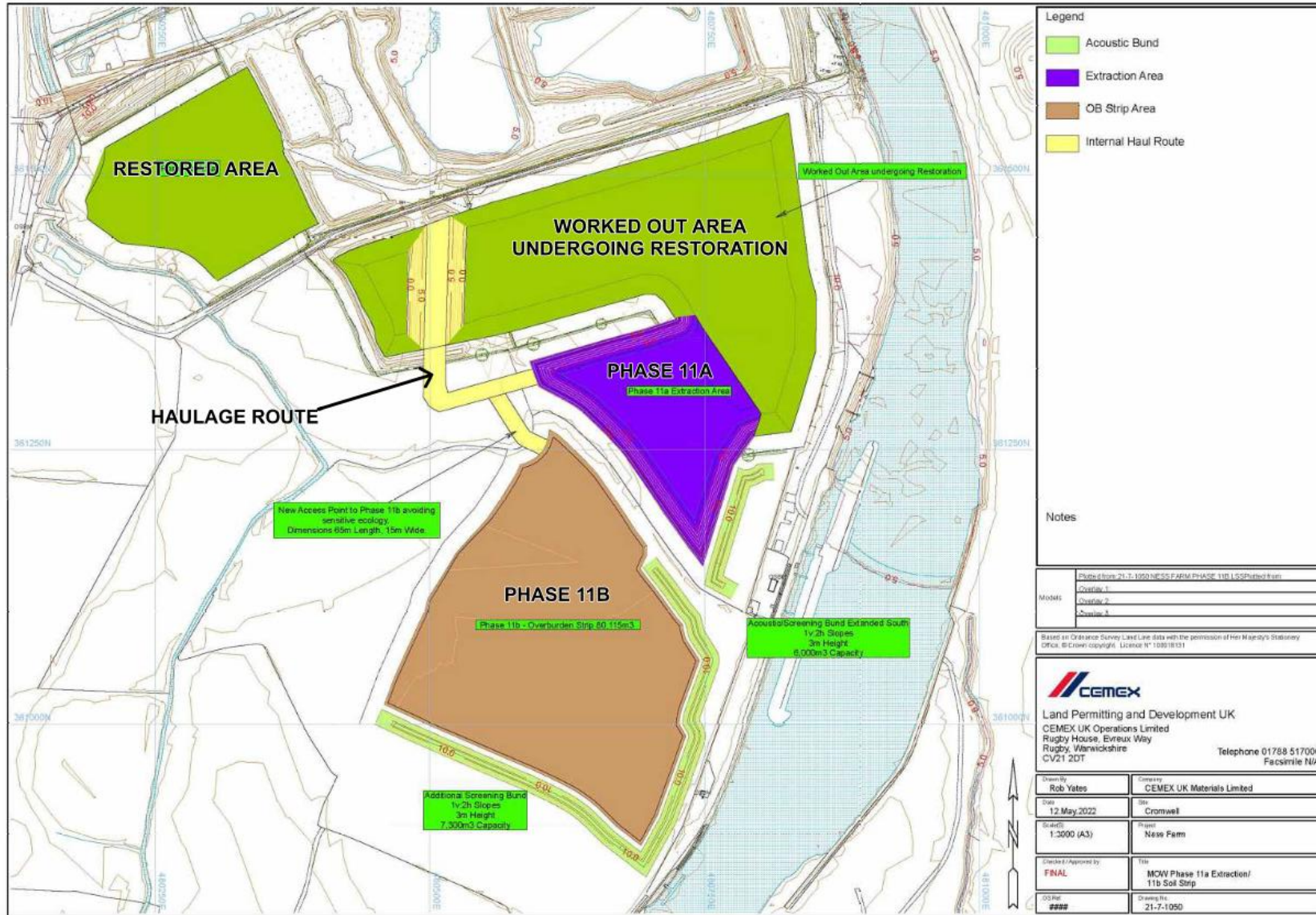
**Nottinghamshire
County Council**

Proposed southern extension to the quarry for the extraction of approximately 550,000 tonnes of sand and gravel with restoration to agriculture and nature conservation. Ness Farm and Cromwell Quarry, The Great North Road, Cromwell, Nottinghamshire. Planning Application No. 3/22/01790/CMA
 To allow for amendments to the working scheme and restoration plan, to facilitate working a southern extension at Ness Farm. Planning Application No. 3/22/01788/CMA
 To allow an update to the method of working, plans and management of use of the plant site, access, haul road and silt lagoons in order to work a proposed extension at Ness Farm.
 Cromwell Quarry, The Great North Road, Cromwell, Nottinghamshire.
 Planning Application No. 3/22/01787/CMA
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2023)



Scale 1:5,000
 Produced by: JW
 Date: APRIL 2023





**Nottinghamshire
County Council**

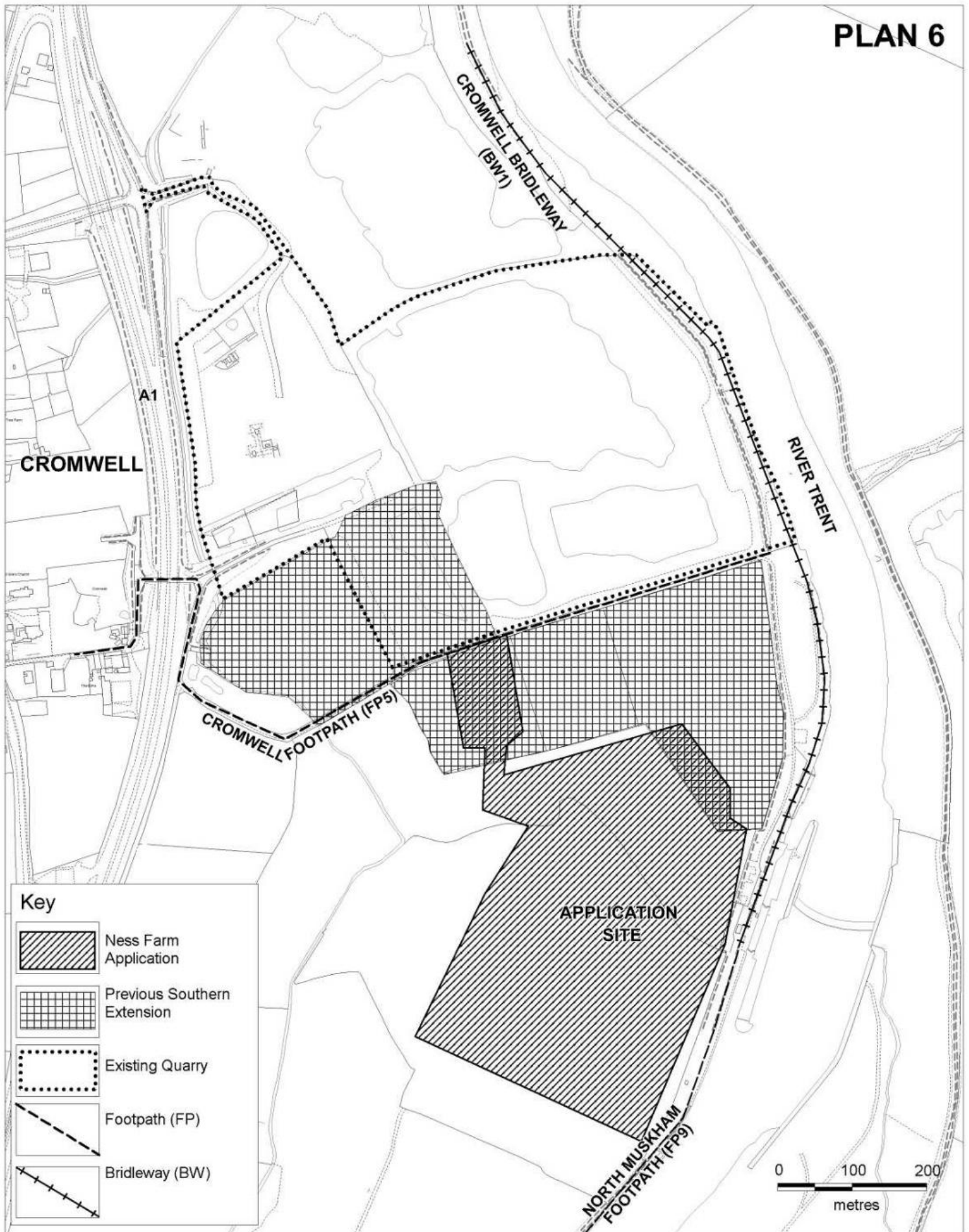
Proposed southern extension to the quarry for the extraction of approximately 550,000 tonnes of sand and gravel with restoration to agriculture and nature conservation. Ness Farm and Cromwell Quarry, The Great North Road, Cromwell, Nottinghamshire.
Planning Application No. 3/22/01790/CMA
To allow for amendments to the working scheme and restoration plan, to facilitate working a southern extension at Ness Farm.
Planning Application No. 3/22/01788/CMA
To allow an update to the method of working plans and the retention and use of the plant site, access, haul road and silt lagoons in order to work a proposed extension at Ness Farm.
Cromwell Quarry, The Great North Road, Cromwell, Nottinghamshire.
Planning Application No. 3/22/01787/CMA

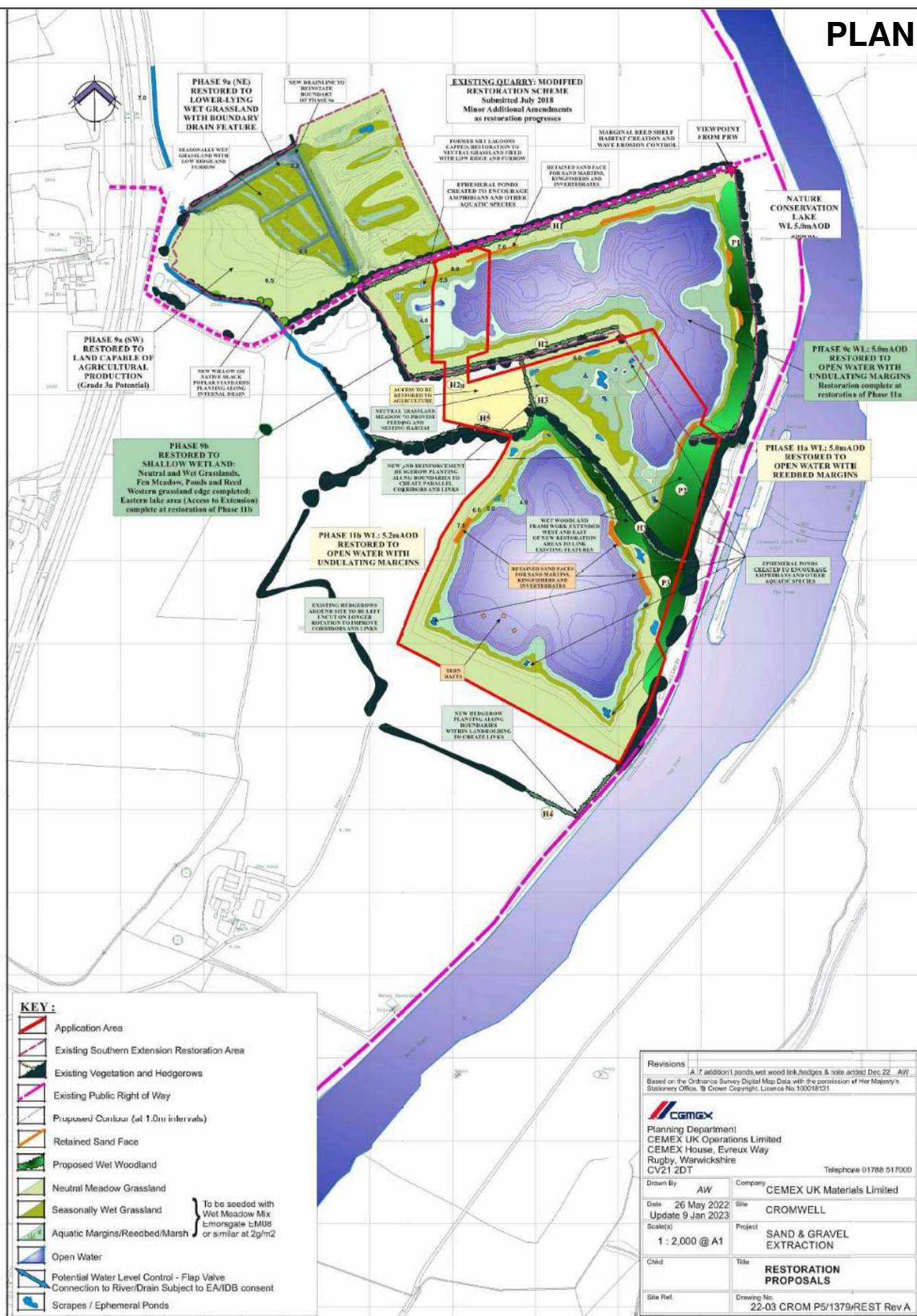
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2023)



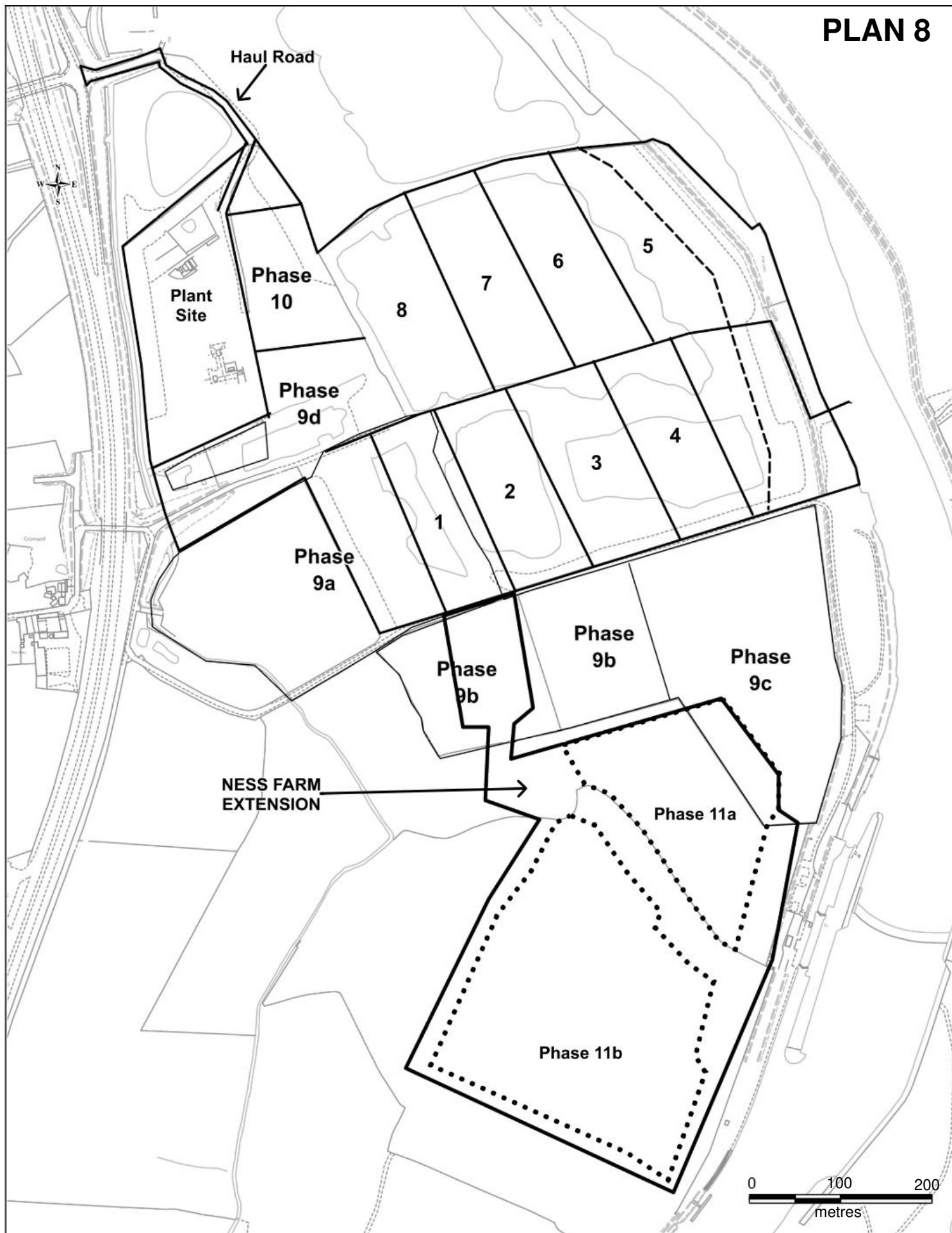
Not to scale
illustration only
Produced by: JW
Date: APRIL 2023

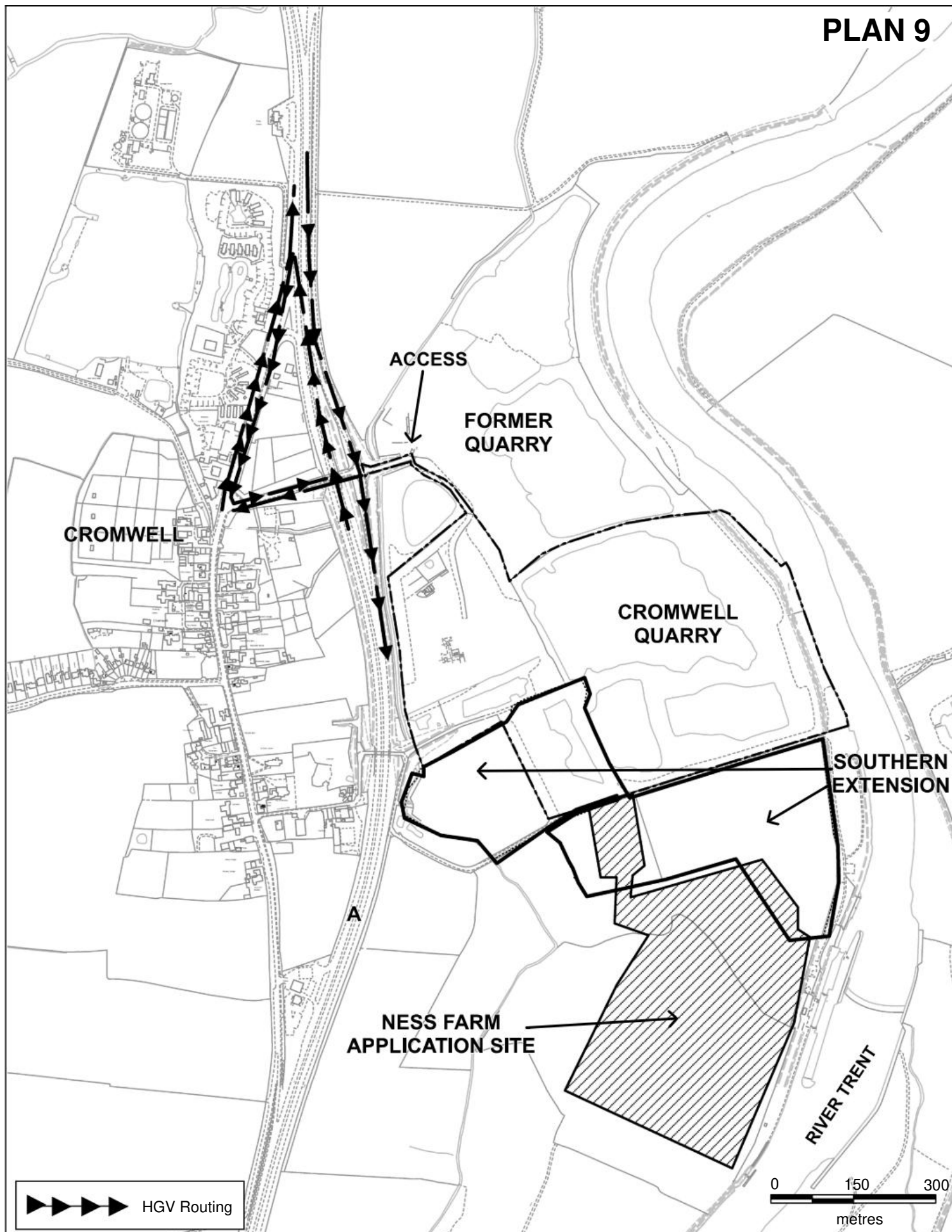
PLAN 5





PLAN 8





6 June 2023

Agenda Item 8

REPORT OF THE INTERIM CORPORATE DIRECTOR FOR PLACE**BASSETLAW DISTRICT REF. NO.: 1/23/00374/CDM**

PROPOSAL: CONSTRUCTION OF NEW 315 (1.5FE) PLACE PRIMARY SCHOOL WITH 26 PLACE NURSERY OVER TWO PHASES (1ST PHASE 1FE 210 PLACE WITH 26 PLACE NURSERY) ASSOCIATED PLAYING FIELDS, CAR PARKING (INCLUDING LIGHTING COLUMNS 4M HIGH), LIT SERVICE AREAS AND SPRINKLER TANK, HARD SURFACED OUTDOOR PLAY AND FOOTPATHS. SOLAR PANELS TO SCHOOL BUILDING ROOF (PHASES 1 AND 2). ASSOCIATED LANDSCAPING AND COVERED AREAS TO NURSERY/RECEPTION CLASSES, SUN CANOPIES, FENCED SPRINKLER TANK AND BIN STORE, 3.0M AND 2.4M HIGH PERIMETER/INTERNAL FENCING

LOCATION: LAND OFF GATEKEEPER WAY, GATEFORD, WORKSOP, NOTTINGHAMSHIRE

APPLICANT: NOTTINGHAMSHIRE COUNTY COUNCIL CHILDREN AND FAMILIES

Purpose of Report

1. To consider a planning application for the erection of a 315 place Primary school in two phases with a 26-place nursery on land west of Gatekeeper Way, Gateford. The key issues relate to the scale, siting and design of the building; potential amenity impact; and the impact of traffic associated with arrivals and departure. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

2. Gateford Park is a residential estate development under construction accessed from Ashes Park Avenue via Churchill Way (Plan 1), lying approximately 3km north of Worksop town centre. A school site and area to be developed as public open space form part of an outline planning permission for 750 houses, although the estate is not yet fully built out.
3. The proposed school site is located centrally within the site of the outline permission, bounded to the south by Harlequin Drive with Gatekeeper Way on

its eastern side. A junction with Azure Place is formed on Gatekeeper Way opposite the proposed school site.

4. Churchill Way and Harlequin Drive are on a planned bus route through the estate and have a carriageway width of 6.75m. Gatekeeper Way has been designed with an initial carriageway width of 6.75m to take account of the known location of the proposed school, and reduces to 5.5m in width to the north of the school site. Houses are occupied on Gatekeeper Way to the east, Harlequin Drive to the south, and Crystal Court to the west which is separated from the school site by an intervening area between 33m and 50m in width to be developed as public open space.
5. Levels on an area of land to the north of the school site are currently being raised by the developer to create an area of public open space with sports pitches, play equipment and additional related facilities (Settlement Equipped Play Area). A 3m wide tree-lined footway/cycleway Greenway is to be provided by the housing developer adjacent to the proposed school site northern boundary. A Greenway with similar design characteristics has already been provided on the eastern side of Gatekeeper Way and would continue along the application site northern boundary (Plan 2), although a dropped kerb tactile crossing for pedestrians and cyclists is not currently provided.
6. The 1.55ha. application site is generally rectangular in shape with a 140m frontage to Gatekeeper Way, varying in width between 105m – 118m. The site is generally flat with a fall of approximately 2.6m from the south-west to the north-east corner. A vertical boarded timber fence is currently erected on the frontage to Harlequin Drive, with a visibility splay provided at the junction with Gatekeeper Way. An electricity sub-station is provided on the western side of Gatekeeper Way 35m to the north of the junction but is excluded from the application site.

Background

7. The applicant has advised that the most recent review of school place provision and projected demand has identified a shortfall in pupil places in the Gateford-Shireoaks Primary Pupil Place Planning Area. A new 210 place Primary school would satisfy forecast demand for pupil places arising directly from the 750-house development at Gateford Park. There are other developments under construction in the Gateford-Shireoaks Primary Pupil Place Planning Area, for example at Gateford Common approximately 1.4km to the south-west of the school application site, that generate a need for Primary school places.
8. The applicant has advised that a new school needs to be operational for September 2024 in order to meet projected Primary school place demand.

Planning history

9. (Bassetlaw DC) 14/00431/OUT (approved May 2015) - Outline permission for residential led development comprising up to 750 Dwellings, including amongst

other matters, a one-form entry Primary school including a community hall and two junior playing pitches and incidental formal and informal open space. The permission was subject to a s106 Agreement including land and the provision of a financial contribution towards the building of a Primary school.

10. (Bassetlaw DC) 20/00109/RES (approved July 2020) - Reserved Matters Application for the Appearance, Landscaping, Layout and Scale for 276 Dwellings on Phase 5, 6 and 7 - Gateford Park includes a landscaping scheme providing a hedge parallel to the school northern boundary between the school land and adjacent Greenway (Paragraph 5).
11. (Bassetlaw DC) 20/01558/VOC (approved April 20121) – A variation of conditions related to a Reserved Matters Application (20/00109/RES) to amend house types (but not landscaping) retains an avenue of trees but omits a hedge along the northern boundary of the proposed school. This is the latest approved revision, currently being built.

Proposed Development

Phase 1

12. Planning permission is sought to construct a 315 place Primary school in two phases with 210 places being provided in the first phase. A 26-place nursery would be provided as part of the Phase 1 development. The proposed Phase 1 school building would be sited on a generally east-west axis on the northern part of the site with the main teaching wing sited 10m from and running parallel to the northern boundary. The proposed development is shown in context on Plan 2 with the Phase 1 site layout shown on Plan 3. The finished floor level of the building would be approximately 0.5m above the existing site level.
13. Classrooms would be provided either side of a central corridor extending westwards from the school entrance, administration and staff facilities. A school hall, kitchen and plant room would be provided towards the eastern end of the building. The overall length of the Phase 1 development would be 80m. The span of the classroom element of the building would be 19.4m with a ridge height of 5.0m (3.6m to eaves). An external canopy 17.5m x 4.9m, 3.8m in height reducing to 3.2m, would be joined by a flashing to the south elevation (Plan 4). The canopy would provide weather protection to part of an enclosed area of nursery and reception year outdoor play.
14. The school hall and an adjoining studio would have a building footprint 22m x 10.6m with a mono-pitch roof varying between 6.0m and 5.7m in height. The kitchen and plant room area would also have a mono-pitch roof reducing from 5.1m to 3.8m.
15. The building elevations would be principally an off-white-coloured silicone render finish above a red brick plinth with all-brick panels identifying building entry points, the west and the majority of north facing elevations of the hall studio, and east facing elevation of the kitchens and plant area. The roof,

aluminium window frames and doors would be coloured dark grey (RAL 7016) (Plan 5). Bat and bird boxes integrated into the building structure would be provided on the east facing elevation of the school hall and north facing studio elevation.

16. A metal standing-seam roof would be coloured dark grey (RAL 7016) with Photovoltaic (PV) panels provided above classrooms.
17. In addition to the roof-mounted PV panels, sustainable features would be incorporated in the building design including: high efficiency electrical and lighting; air source heat pumps; high levels of thermal insulation and air tightness; mechanical ventilation with zoned air quality management and natural ventilation.
18. The playing field (with drainage incorporated in the pitch make-up) would be provided on the southern part of the site adjacent to Harlequin Drive. A general-purpose tarmac area of hard outdoor play and a porous surfaced multi-use games area would be provided between the grass playing field and school building. A trim trail and sun canopies would be provided to the north of the multi-use games area. A grass amenity area would be provided at the western end of the school building as a temporary surface finish to the area intended for a Phase 2 extension.
19. The pedestrian entrance to the school would be on Gatekeeper Way, 46m to the north of the school car park access gate and approximately 25m to the north of the junction with Azure Place opposite. An enclosed area inside the school pedestrian entrance gate would be suitable for parent assembly typically at the end of the school day. A separate pedestrian service entrance gate giving access to a bin storage area would be provided at the northern end of the Gatekeeper Way frontage.
20. The application is submitted without a known school operator and actual staff numbers would be determined by the operating school Academy. The applicant's estimate is that there would be between 21 and 28 staff. Based on the assumptions in the Transport Assessment for the wider development, the submitted Transport Statement assumes a staff roll of 33 in Phase 1 (22 FTE) made up of 18 teaching staff, four office/ administration, four caretaker/kitchen staff and seven lunchtime supervisors operating standard school opening times.
21. 33 car parking spaces, including 2 disability spaces positioned closest to the school building entrance would be provided. Three 11kw fast charging electric vehicle (EV) charging points would be provided with one sited to allow users of the two disability spaces to charge. Ducting to all parking spaces would be provided to allow the provision of additional EV charging points with minimal disruption. The car park would be lit by 4m high lighting columns. The layout of the car park would allow a refuse vehicle to turn within the site.
22. An access control gate installed between the car park and main school entrance would prevent general pedestrian access to the school building via the vehicular entrance. Use of the gate would be limited to staff, visitors, disability parking space and other authorised users.

23. A sprinkler tank with pump housing would be accessed through the car park and would be enclosed by vertical hit-and-miss boarding 3.6m in height with the associated pump housing enclosed by 2.5m high timber fencing. Operational plant and a bin store would be provided to the north of the school kitchen enclosed by 2.4m high timber fencing.
24. 40 covered cycle parking spaces for use by children, staff and school visitors would be provided within the school operational fenced line positioned between the Early Years outdoor play and the all-purpose outdoor hard play area.
25. The school perimeter would be enclosed by 2.4m high Heras security fencing coloured Moss Green (RAL 6005), other than adjacent to grass playing field south of the car park on the frontage to Gatekeeper Way, along the frontage to Harlequin Drive and returning north past the playing field and the multi-use games area where the fencing would be 3.0m in height. A 2.2m high acoustic timber fence 40m in length to provide noise attenuation and screen visibility into the site is proposed on the frontage to Harlequin Drive centred on the rear garden of 75 Harlequin Drive opposite (Plan 1), in addition to the 3.0m Heras fencing.
26. A gate would be provided in the western boundary to allow balls passing over the fence to be easily retrieved, although this gate is not intended as a pedestrian entrance to the school.
27. An indicative landscaping scheme proposes an area of tree and hedge planting on the Gatekeeper Way frontage to filter views of the bin store and plant enclosure, with trees and hedging also to be planted on the highway frontages where 3.0m high perimeter fencing is proposed. It is not intended to plant a hedge on the northern boundary, as a hedge is to be provided by others on the adjacent Greenway.
28. Surface water would be attenuated before being discharged to the surface water drainage system for the wider residential estate development (subject of a Severn Trent Water adoption agreement) which in turn discharges to a balancing pond to the east (Plan 1).
29. At 210 capacity and with a 750-house development generating demand for 158 Primary pupil places it can be assumed that at capacity the remaining 52 places would be taken by children from outside of the area. A demand-led methodology in the Transport Statement suggests a local demand for 200 pupil places. Some children may be within walking distance of the school but live outside of the residential estate. Taking into consideration a 15% allowance for car sharing it is estimated that for the initial 1FE school there would be between nine and 44 vehicles dropping-off in proximity to the Gatekeeper Way entrance in the morning peak.
30. A draft School Zone has been submitted including School-Keep-Clear markings and guard rail outside the school pedestrian entrance, parking restrictions at junctions near the school (including at the junction with Harlequin Drive) and at the point where the Greenway crosses Gatekeeper Way, and advance school signage (Plan 6).

31. The application is also supported by the framework of a School Travel Plan which sets out initiatives and measures which can be adopted to reduce reliance on the car as a mode of travel to school. Measures to be developed would centre on: reducing reliance on the car as a means of travel to school by car by staff and parents (which would include opportunities for more sustainable school travel and potential future additional provision for cycling); use of a safe/suitable network of routes locally that encourages walking to school; safe crossing of roads near the school; and education related to healthy lifestyles/sustainable travel choices and the journey to and from school.

Phase 2

32. In Phase 2 the school corridor would be extended at its western end, on the area temporarily laid to grass in Phase 1, to provide three additional classrooms and a practical space, meeting rooms, group room and toilets (Plan 7), allowing the school to expand to 315 pupil places. The extension would be 20.8m in length and of the same span, height and external finishes as the classroom wing of the Phase 1 building (Plan 8).
33. In considering the expansion of the school to 1.5FE it is assumed that all additional 105 pupils would travel by car. In expanding to 1.5-form entry at full capacity it is anticipated that there would be between 98 and 133 vehicles dropping-off (taking account of car sharing) in the morning peak from trips generated from outside of the Gateford North development.
34. To sensitivity test a future expansion to 1.5FE in Phase 2, the Transport Statement assumes that an additional four teachers and four support staff would be employed, with a total staff roll of 41 (30 FTE). No additional car parking would be provided in Phase 2. The Transport Statement explains it is likely that the nine Phase 1 visitor spaces would be used by the eight additional teaching staff, and other than for one space displacing visitor parking off-site onto the local highway network.

Consultations

35. **Bassetlaw District Council** – No objection. *The District Council would encourage the County Council to seek opportunities for biodiversity enhancement and enhanced soft landscaping.*
36. **NCC Highways Development Control** – No objection to the proposed school layout and subject to conditions requiring: provision of a School Zone as submitted also to include dropped kerbs with tactile paving both sides of the car park access and both sides of Gatekeeper Way where it crosses the cycle/footpath adjacent the northern site boundary; provision of the car park; appointment of a school travel plan co-ordinator; a school travel plan; and prior to Phase 2, a Transport Statement to include a review of existing employee and pupil travel modes and origins, on-site car parking availability, on-street car parking demand, an assessment of the transport impact of the proposed extension, and any proposed mitigation measures.

37. *The principle of a one-form entry primary school was considered within the Transport Assessment submitted in support of the Gateford Park residential development at outline planning stage and which was intended to satisfy the forecasted demand of pupils arising directly from the proposed 750 houses. At that time, the transport impact of the proposed school on the wider transport network was predicted to be negligible as the movements of pupils was largely expected to be contained within the Gateford Park development.*
38. *This proposal includes a nursery, and the school would be 50% larger following the completion of the second phase. These two elements are now considered in the Transport Statement as well as the previously permitted one form entry primary school.*
39. *The Transport Statement considers the demand for pupil places from the Gateford Park development under two scenarios. The first is based on 2011 Census data and the second is based on the pupil places calculation contained in the County Council's Developer Contributions Strategy 2021 (DCS) which is derived from data obtained from the Office of National Statistics. Based on Census data, the Transport Statement predicts that the Gateford Park development would generate a demand for 200 pupil places. Based on the DCS, the TS predicts that the Gateford Park development would generate a demand for 158 pupil places. It is reasonable to assume that the development would likely generate somewhere between the two figures, acknowledging that the DCS is more recent. The TS assumes that the remaining pupil places (10 - 52 increasing to 115 which would be 157 following Phase 2) will be filled by children who live beyond the development.*
40. *The Transport Statement utilises data obtained from the National Travel Survey to predict the mode of travel of pupils who live beyond the Gateford Park development. Based on the National Travel Survey, 56% of children are predicted to walk and 44% would arrive by car. Of the offsite pupils, a total of 4 are then predicted to arrive by car following Phase 1 of the school opening increasing to 51 following Phase 2 if 200 pupil places are filled from within the Gateford Park development. If 158 pupil places are filled from within the Gateford Park development, based on the Transport Statement assumptions, a total of 23 pupils who live beyond the Gateford Park development would be predicted to arrive by car following Phase 1 of the school opening increasing to 69 following Phase 2. However, that scenario assumes that pupil travel choice is not affected by distance.*
41. *The likelihood is that children who live nearest are those most likely to walk whereas those from further afield would be those most likely to arrive by car. Assuming all school journeys follow national trends, of all pupils (210 rising to 315), 92 would arrive by car following the opening of Phase 1, rising to 139 following Phase 2 regardless of whether they live on or beyond the Gateford Park development. Of those car journeys, 15% are predicted to be carrying more than 1 child based on the Nottinghamshire School Travel Survey undertaken in 2021. The total of parent/guardian car trips would then be 79 following Phase 1 of the school opening increasing to 118 following Phase 2 and who would park on-street. However, given that the school is largely*

intended for pupils from a small geographical area within the Gateford Park development, this is likely to be a robust assessment as there would be ample opportunities to walk to the school from within the development.

42. *By the time of implementing Phase 2 a Transport Statement to be submitted for prior approval can be informed by the travel patterns associated with the Phase 1 development including the demand for on-site car parking and the extent of on-street parent parking. The school safety zone and travel plan can then be updated to deal with any issues that may be predicted based on empirical data.*
43. **Sport England** - No objection. Advice is given on the design of facilities and opportunities for people to lead healthy lifestyles drawing attention to Sport England Active Design guidance.
44. **Via Landscape** – No objection subject to a condition requiring details of landscaping plans and specifications. *Moderate to minor adverse landscape and visual impact arising from the development [compared to its pre-development appearance (a field)]. Boundary and screening planting should be included where required: along the northern boundary, to serve as a screen to prevent the play areas being overlooked from the adjacent public open space; along the boundary to Harlequin Drive and Gatekeeper Way to help break up views into the site from residences in those directions; and within the site, tree and ornamental shrub planting is to be encouraged where practicable to further screen and break up the elevations of buildings and major structures like the bin storage areas and the sprinkler tank structure.[The design of the sprinkler tank enclosure has subsequently been changed to that described at Paragraph 23.]*
45. **NCC Nature Conservation** – No objection subject to conditions requiring the provision of ecological mitigation measures: control of vegetation clearance during the bird nesting season; employing a Precautionary Method of Works for reptiles, amphibians and other species such as hedgehog; installation of bat and bird boxes (details to be agreed); and ecological enhancement through the creation of wildflower grassland and areas of scrub as part of a landscape scheme.
46. *The supporting Preliminary Ecological Appraisal Report indicates that the site is of overall low ecological value, comprising poor semi-improved grassland and young willow scrub, regenerated on former arable farmland.*
47. **NCC Archaeology** - No objection. *Archaeological potential has been fully and thoroughly dealt with [through the development of the wider site].*
48. **NCC Flood Risk** – No objection subject to subject to a condition requiring submission of a detailed scheme of surface water.
49. **Via Land Reclamation** – No objection subject to conditions to require: completion of the final geo-environmental assessment to inform the need for gas protection measures to be incorporated in the design; a watching brief for contamination with remediation strategy and validation as appropriate; and an Environment Management Plan to screen for contaminants, waste management and pollution control measures to be employed.

50. *Four rounds of gas and groundwater monitoring have been included in the Geo-Environmental Assessment. Preliminary results of the monitoring classify the site as CS1 (very low hazard potential). However, the results for the final two rounds of monitoring need to be considered and included within the final ground gas risk assessment.*
51. **Via Noise Engineer** - No objection subject to conditions to: address potential noise arising from construction including liaison with the public and how complaints are to be managed; design details of an acoustic fence; and control of operational plant. [A 2.4m high acoustic fence 66m in length was originally proposed along the frontage to Harlequin Drive but has subsequently been reduced in height and length (Paragraph 25).] The [originally] proposed acoustic fencing can be reduced to the extent (40m) and height (2.2m) as recommended in the noise assessment. Due to some uncertainty in the predicted noise level due to the limitations of the data available to model the noise levels, an assessment of noise levels can be undertaken when the school is occupied to determine actual noise levels in the garden area of 75 Harlequin Drive. Should the actual noise levels exceed 50dB LAeq,T then the acoustic fencing should be installed. Measures must be provided to ensure that the acoustic fencing does not suffer from ball strikes. Otherwise, there is a risk that the fencing would be counter-productive and could exacerbate noise levels with a greater risk of noise complaints.
52. *There is potential for some increase in noise levels from indoor school activities when windows are partially opened for ventilation at the nearest Noise-Sensitive Receptors. However, the increase in noise levels will not be at a level which could generate noise issues.*
53. *It is understood some concerns have been raised regarding the visual impact of the [originally] proposed 2.4m acoustic fence to the southern boundary adjacent to the proposed playing fields. A 2.4m acoustic fence will provide the protection required, although the extra length and height is not strictly necessary according to the noise assessment findings.*
54. *The submitted noise assessment has modelled a 2.2m high acoustic fence with a length of 40m centred opposite the central point of the rear garden area of 75 Harlequin Drive to maximise the level of noise reduction, and is predicted to reduce noise levels to 49.6dB LAeq,T thereby satisfying the World Health Organisation guidance.*
55. *A 40m acoustic fence at 2.2m can be provided from the outset (i.e. the 210 capacity Phase 1 school), or alternatively its installation can be delayed until an assessment of actual noise levels can be undertaken to confirm that the acoustic fence is required, given there is some level of uncertainty in the predicted noise level. It should be noted for context, that the acoustic fence is only predicted to provide a marginal benefit in terms of noise reduction to the affected property with a predicted noise reduction of 2.3dB. While this reduces noise levels below 50dB LAeq,T, in real terms a reduction of this magnitude will likely only provide a small notable benefit to those in the garden of the house.*

56. *Measures should also be taken to ensure that the acoustic fencing does not suffer from ball strikes, as any benefit provided in terms of screening general activity noise from the playing fields would be outweighed by the impulsive impact noise from balls hitting the fence which would be far more likely to lead to noise complaints.*
57. *Mechanical fixed plant will need to be designed to achieve a cumulative plant noise limit level of 39.0 dBA at the closest Noise Sensitive Receptors.*
58. *The contractor should employ appropriate noise controls, following recommended guidance in BS5228-1:2009 (Code of practice for noise and vibration control on construction and open sites) to ensure that any construction noise impacts are kept to a minimum.*
59. **Police Force Architectural Liaison Officer** - No objection. *Having reviewed the plans and referencing Secured by Design Schools guidance there are many aspects of the recommendations that have already been incorporated in this development. The applicant is encouraged to apply for Secured by Design certification.*
60. **Severn Trent Water Limited** – No objection. *Foul and surface water is to connect to sewers under adoption and approval will be needed from the current owner to connect to these sewers. After sewer vestment, formal section sewer connection approval will be required from Severn Trent.*

Soakaways should be considered as the primary method of surface water drainage. Satisfactory evidence that a more sustainable drainage option is not available will need to be submitted before a discharge to the public sewerage system is considered.
61. **Cadent (Gas) and National Grid (Electricity Distribution)** – No response received. Any responses received shall be orally reported.

Publicity

62. The application has been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
63. Councillor Sybil Fielding has been notified of the application.
64. No representations have been received.

Observations

65. The Publication Version of the Bassetlaw Local Plan 2020-2038 has been through Examination although the outcome of that examination has yet to be published. The Plan is well advanced in terms of its preparation with no policies relevant to the determination of this application subject to objections and the policies in the Plan can consequently be given significant planning weight.

Policies in Bassetlaw Core Strategy and Development Management Policies DPD (2011) (BCS&DMP) remain relevant.

66. National Planning Policy Framework (2021) (NPPF) Paragraph 95 advises that *great weight* should be given to the need to create, expand or alter schools through decisions on planning applications. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. (NPPF Paragraph 119).
67. The principle of building a school as part of the wider Gateford Park residential development has been established through the grant of outline planning permission (14/00431/OUT) in 2015 by Bassetlaw District Council and subsequent revisions to the permission. Applying the pupil place formula a development of 750 houses generates demand for 158 primary age places. Demand for school places has been identified by the applicant in the Gateford-Shireoaks Pupil Place Planning area which can be accommodated in Phase 1 of the proposed 1.5 form entry school. 74 places have recently been provided at St Luke's Shireoaks (2.2km to the south-west) but while taking this into account the applicant has still identified an un-met projected demand for 138 Primary pupil places by 2026-27, which broadly corresponds to the demand for pupil places arising from the 750-house development at Gateford Park (Table 1) although the school may also be a choice for parents outside Gateford Park that live nearby. The application includes a Phase 2 expansion and although there is no imminent need, a grant of permission would give planning certainty that the school can be expanded to provide an additional 115 pupil place capacity should demand arise.

	PAN				School years							Whole school projection	
			Net										surplus / deficit place
Planning Area	FA	IJ	ca	Proj Yea	R	1	2	3	4	5	6	TOT	
Gateford-Shireoaks	110	0	840	2022-23	126	119	130	113	115	119	121	843	-3
Gateford-Shireoaks	110	0	840	2023-24	114	130	128	137	119	124	125	877	-37
Gateford-Shireoaks	110	0	840	2024-25	140	118	134	134	141	127	130	924	-84
Gateford-Shireoaks	110	0	840	2025-26	135	142	125	136	136	148	131	953	-113
Gateford-Shireoaks	110	0	840	2026-27	130	137	149	130	137	143	152	978	-138

Table 1: Projected demand for pupil places in Gateford-Shireoaks Pupil Place Planning Area not including the school places that would be provided by the proposed school

68. Although already considered in earlier applications determined by Bassetlaw District Council, the central location of the school within the Gateford Park development, adjacent to public open space at the heart of the estate and with the Greenway providing good non-car based access, the proposed siting of the school is in an appropriate sustainable location. The school would also be accessible by bus with a route to be provided along Harlequin Drive.

Traffic and Travel

69. The grant of outline planning permission 14/00431/OUT established the general location of the school, bounded by Harlequin Drive and Gatekeeper Way. As the principal road through the wider residential estate, it has been the view of NCC Highways Development Control that access to the school should be from Gatekeeper Way with the intention that Harlequin Drive does not become the focal point for day-to-day comings and goings. Through the approval of reserved matters applications for the wider residential development, NCC Highways Development Control has ensured that the highway adjacent to the school on Gatekeeper Way has been constructed with a greater carriageway width of 6.75m which allows for parking on the road without obstructing two-way traffic movement. This approach is consistent with Bassetlaw Local Plan 2020-2037 Publication Version (BLPPV) Policy ST55 *Promoting Sustainable Transport and Active Travel 2.b)i* (a design that would not compromise the free-flow of traffic on the public highway). The carriageway adjacent to the area of open space to the north of the school site can also accommodate parked vehicles which is unlikely to cause significant detriment to the amenity of facing properties. On-street parking associated with school drop-off and pick-up is likely to be limited to short periods at the beginning and end of the school day during term time. It is noted that no representations have been received from residents, who will have been aware of the proposed location of the school as part of the planned residential estate.
70. The proposed first phase of development would provide places for 210 children and in addition a 26-place nursery. Although the 750-house residential estate would generate a demand for 158 pupil places and broadly matches the projected demand in the wider pupil place planning area to 2026-27 that is not to say that only children from the estate will attend the school. There will be children living close to the proposed school that currently have a school place elsewhere that do not transfer, and also pupils from beyond the estate that are given a school place at the new school. Over time, while school selection can be subject in part to parental choice, all things being equal children at first admission are likely to attend their closest school.
71. For those children with a school place living in the Gateford Park development the location of the school within the residential estate should make it reasonably easy to access without a need to rely on a car as a means to get to and from school. However, parents may still choose to drive to school for their convenience or a part of a daily commute. It is estimated that when the Phase 1 school is occupied at full capacity, up to 44 car journeys would be made to travel to the school from outside the Gateford Park estate. The NCC Highways Development Control consultation response explains that the impact on the highway network of traffic associated with a 210-place school has already been considered as part of the 14/00431/OUT grant of outline planning permission.
72. NPPF Paragraph 113 states that *all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed*. Traffic impacts associated with parent drop-off and pick-up near to schools are often raised as matters of concern, but in this instance no representations have been

received. On-street parking in itself is not a problem where it does not give rise to highway safety issues or cause significant detriment to residential amenity.

73. Schools are designed to comply with standards for indoor and outside space. The proposed development, taking account of the proposed Phase 2 to increase the school capacity to 315 pupil places, fully uses the land made available to the County Council through the s106 Agreement issued in September 2015 attached to the 14/00431/OUT grant of outline planning permission. In this instance, the size of site, layout and distribution of elements within it means that there is no opportunity for the applicant to provide an area within the school site dedicated for drop-off and pick-up if land is to be safeguarded to extend the school and increase its capacity to 315 pupils. Furthermore, making provision for off-street parking for parents for relatively short periods of the day where traffic can be accommodated on the highway (specifically provided at a wider width to accommodate cars parked during drop off and pick up times) without impacting on network capacity or safety is not an economic use of land. In addition to this, facilitating travel by car does not encourage more sustainable travel modes (as encouraged in NPPF Paragraph 112(a)), and is not considered to be an appropriate response to the County Council's declared climate crisis. The Greenway running through the estate, which when constructed will adjoin the northern boundary of the school, will offer a convenient route to the school by cycle or on foot, as an alternative to making the school journey by car, and would be consistent with BLPPV Policy ST55 *Promoting Sustainable Transport and Active Travel 2.d*).
74. The proposed School Zone on Gatekeeper Way is considered to be appropriate although the proposed draft Traffic Regulation Order would be the subject of a separate process and public consultation. Having regard to the wider site planning history which has identified the location of a school site, it is considered that there is a reasonable prospect of a Traffic Regulation Order to regulate errant parking being successful.
75. The school will need to take responsibility in managing the traffic impacts of the school and are in a strong position to influence parent and child behaviour through travel initiatives. This can be best achieved through a School Travel Plan. As yet, an Academy has not been appointed to operate the school, but should be involved in the development and review of the Travel Plan. Any review should be carried out regularly in liaison with the local community and civil enforcement officers, evidence consultation with NCC Road Safety Team in the promotion of sustainable travel and road safety education, and propose revised initiatives and measures where the Primary School Travel Plan targets are not being met. The submitted School Travel Plan framework includes initiatives to encourage sustainable travel and will need to be developed and completed by the school once the school is in operation (Condition 25 and Conditions 27-28). This approach would be consistent with Bassetlaw Local Plan 2020-2037 Publication Version BLPPV Policy ST55 *Promoting Sustainable Transport and Active Travel 2.c*).
76. The wider area is relatively flat which should encourage cycling as a convenient sustainable mode of school travel. The location of 40 covered cycle parking

spaces within a secure area within the site is considered to be suitable. The need for additional cycle spaces is a matter that can be considered in the regular review of a School Travel Plan (Condition 27 I)).

77. Although the school is to be delivered in two phases the proposed 33 space car park to be constructed in Phase 1 is considered to be suitably sized to accommodate additional staff demands when the school is enlarged. Avoiding the need for additional car park works would be less disruptive to an operational school. Suitable provision has been incorporated in the design to allow convenient access for staff, visitors and mobility impaired visitors to the school from the car park via an intercom or similar system. Controlling use of the gate will direct parents and children accessing the school to use the designed pedestrian access, rather than attempting to cross the car park (Condition 30).
78. The proposed number and location of EV charging points is considered to be appropriate and inclusive through their location. In addition, all spaces are to be provided with ducting to facilitate future EV vehicle charging and would be in accordance with NPPF Paragraph 112e), objective of Paragraph 107e) and in compliance with BLPPV Policy ST50 *Reducing Carbon Emissions, Climate Change Mitigation and Adaptation* (Condition 22).
79. At present there is no foreseeable demand for construction of the Phase 2 school expansion. However, should the expanded school be required, NCC Highways Development Control has identified that children attending an enlarged school are likely to travel from further afield with most of the additional journeys being by car. Traffic impacts arising will need to be managed, and with an unknown start date it is recommended that prior to commencement of the Phase 2 development a Transport Statement relevant to conditions at the time, taking account of the Phase 1 school in operation and monitoring in compliance with the Travel Plan is submitted and approved, and may include the need for additional off-site highway measures to regulate traffic movements associated with an enlarged school (Conditions 32-33). Although the car park has been designed to accommodate on-site turning for a refuse vehicle and other delivery vehicles there is some scope to mark-out additional car parking spaces if required to meet an identified operational need.

Design, Landscape and Ecology

80. BCS&DMP Policy DM4 – *Design and Character* criteria B *General Design Principles* sets out general design principles against which proposals should be assessed including: architectural quality where height, scale, mass, materials and detailing should respect its context; the use of appropriate boundary treatments in the public realm; not having a detrimental effect on the amenity of nearby residents and not being detrimental to highway safety; and consideration to carbon reduction, and is carried forward in BLPPV Policy 48 *Protecting Amenity* with explanatory text at Paragraph 9.5.4 which states:

While Policy 48 seeks to ensure good living standards, this does not mean that there will not be any impacts; the extent of the impacts and whether they amount to the 'significant adverse effect' required by the policy will be a matter of professional judgement informed by consultations with experts from different disciplines and organisations, as well as those residents and occupiers affected. Where there will be an impact on amenity, different scheme designs, conditions or other appropriate forms of mitigation will be considered to reduce the impact especially where this will bring the impact on amenity to a level which is considered acceptable to the decision maker.

81. Suitable sustainable features are incorporated in the building design (Paragraph 17). The applicant has commented on the possibility of PV battery storage on the site, which has been discounted on the grounds of: lack of space either within the building or externally; the capital expenditure, operational cost and maintenance along with battery systems having a life expectancy of around 8-10 years; and the anticipated electrical demand pattern of the building not lending itself to battery storage at this scale. The electricity generated by the PV array is to be used by the school during opening hours, with little surplus to charge batteries during the day.
82. The single storey school building will have a relatively low profile in the landscape and will be viewed in the context of open space to the north and west, and school playing field to the south. The proposed scale, massing and choice of proposed facing materials is considered to be acceptable with the final details reserved by recommended Condition 14. Attention has been given to the detailed treatment of the hall and kitchen elevations in proximity to Gatekeeper Way.
83. The building has been designed to accommodate an extension in a complementary design without significant impact on the drainage layout proposed in Phase 1. An appropriate condition is recommended to limit noise from installed fixed plant (Condition 29).
84. Indicative landscape proposals are included with the application and are acceptable in principle (Plan 3). Notably the proposal omits planting along the northern fenced boundary separating the school from the Greenway. There is a degree of uncertainty in plans approved by Bassetlaw District Council whether the hedge approved by permission 20/00109/RES will still be provided by the developer (Paragraphs 10-11). This matter will need to be clarified but if not to be provided as part of the Greenway can be addressed through the landscaping scheme to be submitted to satisfy recommended Condition 18a).
85. The supporting acoustic report advises that a 2.2m fence 40m in length centred on the rear garden of 75 Harlequin Drive would be adequate to safeguard neighbouring amenity. The consultation response from Via Noise has suggested that while the fence would provide acoustic attenuation based on a modelled assessment, the fence would only reduce noise by 2.3dB albeit to an acceptable level (Paragraph 55). Taking into consideration the potential marginal acoustic benefit of a fence, the need for fencing needs to be considered against visual

impact on the streetscene. If the acoustic fence is not required, a more suitable boundary treatment can be provided along the frontage through the planting of a hedge. It is recommended that prior to the acoustic fence being erected a noise survey, with the playing field in use, is undertaken to determine the need for the acoustic fence, with the outcome informing the boundary landscape treatment (Condition 26b). The condition provides an appropriate safeguard should a noise issue requiring mitigation be identified. Some additional screen hedge planting may be required in the south-east corner of the site at the junction of Gatekeeper Way and Harlequin Drive, and in addition should an acoustic fence not be needed, hedge planting will need to be provided in substitution along the Harlequin Drive frontage to visually reduce views into the site. It is not proposed to plant a hedge along the western boundary with the adjacent area of proposed public open space and in providing visual connectivity between the two spaces this approach to landscaping is considered to be appropriate.

86. Suitable boundary treatments are proposed seeking to screen and soften the more functional bin storage and plant area in the north-east corner of the site through timber enclosures, tree and hedge planting. The proposed sprinkler tank and pumphouse timber enclosure would not be screened by landscape planting although the enclosure design has been changed to address the matter raised in the Via Landscape consultation response (Paragraph 44). The sprinkler tank and pump enclosure would be set back from the highway frontage and its visual impact is considered to be acceptable, although the north elevational treatment facing the school building requires further consideration (Condition 15d)).
87. The proposed site layout makes suitable provision for outdoor hard play, grass playing pitch and informal soft play for the Phase 2 expanded school. The proposed use of porous tarmac construction on the multi-use games area would allow a surface with a consistent gradient to be laid without risk of ponding/icing in frosty weather. Details of the hard play construction and finished levels need to be submitted (Condition 19).
88. Use of the outdoor hard play area is likely to give rise to relatively short periods of noise during the school day focussed on a central area within the site, and its location is unlikely to give rise to noise complaints. Activity on the grass playing field would be closer to residential properties on Harlequin Drive but is likely to be organised and supervised activities with participants dispersed across the area. Any unacceptable level of noise identified from activity close to the southern boundary would be mitigated by necessary acoustic fencing to an approved specification (Condition 15a). In addition, there is the potential that balls striking timber or metal fencing can become a source of annoyance. From experience elsewhere in Nottinghamshire this can in part be reduced through design (for example using rubber washers when joining metal fence panels, or mesh off-set from a timber fence) (Note 4).
89. 3m high boundary Heras fencing adjacent to the grass playing field and multi-use games area is considered to be a reasonable response to an anticipated problem of balls being kicked over, and would not have an overbearing impact on the visual amenity of Harlequin Drive or Gatekeeper Way. The provision of a

gate in the western boundary will allow convenient access to the adjacent area of open space and the ability to more easily recover balls that pass over the boundary fencing. Daily use of the gate as a means of access to and from the school could lead to excessive wear and impact the usability of the adjacent public open space and, for the avoidance of doubt, it is recommended that use of the gate is restricted (Condition 31).

90. The provision of integrated bat and bird boxes into the structure of a building offers effective permanent ecological enhancement and also an educational benefit for the school. Bird and bat droppings can create a problem of streaking on brickwork or render. However, the boxes can be installed to stand proud whilst still being integrated into the building structure. Suitable locations for bat and bird boxes have been identified on the east and north facing elevation of the hall and studio. Notwithstanding submitted plans it is recommended that details of bat and bird boxes integrated into the building structure (target bird species house sparrow and starling) are submitted prior to the commencement of development (Condition 13a)). In summary, the scale, siting and design of the building, and impact on the amenity of neighbouring properties, is considered to be acceptable in compliance with the BCS&DMP Policy DM4 – *Design and Character* criteria B *General Design Principles* and includes welcome ecological enhancement for bats and nesting birds through the provision of boxes integrated into the building structure.
91. Whilst a requirement for development to meet biodiversity net gain targets has not yet been introduced as a planning requirement, achieving biodiversity net gain is a sustainable objective. The ecology of the site can be enhanced to create new habitat. Mammal gateways should be incorporated in the northern and western boundaries to allow species to access from the adjacent open space and transit the site (Condition 13c).

Drainage, Lighting and Construction

92. BLPPV Policy ST53 *Protecting Water Quality and Management* 3 sets out a hierarchy and standards for the management and disposal of foul and surface water, while BLPPV Policy ST52 *Flood Risk and Drainage* – 4. *Surface Water Flood Risk* directs where appropriate the incorporation of sustainable drainage systems informed by the Lead Local Flood Authority. The results from soakaway testing do not preclude the use of soakaways on this site. However, the presence of clay seams within the underlying strata will render the use of soakaways ineffective. The proposed scheme of surface water drainage discharging to the adoptable residential estate public sewerage network is acceptable in principle subject to the submission of a detailed scheme of surface water drainage for the school site (Condition 10). Advice on information to be submitted to satisfy Condition 10 is provided in recommended Note 2. The applicant is advised that connection to the public sewerage system will require a consent from Severn Trent Water Ltd (Note 3).
93. Although the school would be sited with public open space to the north and west, and school playing field to the south, the location has suburban characteristics which in terms of lighting design is classified as an area of

medium district brightness. Although there are no bat habitats locally, the application includes the provision of bat boxes in the building structure and any scheme of external lighting should take account of their location. It is recommended that external lighting to be installed should be designed to be compliant with Institute of Lighting Professionals Guidance for the Reduction of Obtrusive Light – Zone E3 (Suburban), with consideration given to the location of proposed bat boxes (Condition 16).

94. Further geo-environmental assessment will be required to inform the building design (Condition 7) along with a watching brief to deal with unexpected contamination which may be encountered (Condition 8).
95. It will need to be ensured that levels at the boundary of the site tie in with levels for the adjacent open space to the west and Greenway to the north and is the subject of recommended Condition 6viii).

Other Options Considered

96. 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

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

Crime and Disorder, Safeguarding of Children and Adults at Risk Implications

98. The proposed school site would be secured by perimeter fencing. Internal fencing would be provided to control access to areas of the school when in operational use.

Data Protection and Information Governance

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

Financial Implications

100. Referenced in Paragraph 74 above, the applicant would be expected to cover all reasonable legal costs incurred by the County Council during the drafting and execution of the Traffic Regulation Order.

Human Rights Implications

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

Public Sector Equality Duty Implications

102. There are no specific Equalities issues arising. Level access would be provided throughout the school and accessibility issues would be addressed through compliance with the Building Regulations. Electric Vehicle charging would be provided in a location suitable for use by drivers using disability parking spaces.

Implications for Sustainability and the Environment

103. These have been considered in the Observations section above.
104. There are no Human Resource implications or implications for Service Users.

Statement of Positive and Proactive Engagement

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

been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

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

DEREK HIGTON

Interim Corporate Director - Place

Constitutional Comments (JL 25/05/2023)

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

Financial Comments (SES 23/05/2023)

108. The financial implications are set out in Paragraph 100.
109. The applicant would be expected to cover all reasonable legal costs incurred by the County Council during the drafting and execution of the Traffic Regulation Order.

Background Papers Available for Inspection

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at: www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=FR3/4513

Electoral Division and Member Affected

Worksop West

Councillor Sybil Fielding

Report Author/Case Officer

David Marsh

0115 9932574

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

RECOMMENDED PLANNING CONDITIONS

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

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

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

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

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

- (a) Location Plan and Block Plan (Drawing 230150-ARC-A01-EX-D-A-010002 Rev P03) received by the CPA on 18 March 2023.
- (b) Context Site Plan (Drawing 230150-ARC-A01-EX-D-A-010013 Rev P01) received by the CPA on 21 April 2023.
- (c) Proposed Site Plan (Phase 1) (Drawing 230150-ARC-A01-EX-D-A-010008 Rev P06) received by the CPA on 25 May 2023.
- (d) Proposed Site Sections (Drawing 230150-ARC-A01-EX-D-A-010020 Rev P02) received by the CPA on 6 March 2023.
- (e) Proposed Floor Plan (Phase 1) (Drawing 230150-ARC-A02-00-D-A-020001 Rev P04) received by the CPA on 21 April 2023.
- (f) Proposed Elevations (Phase 1) (Drawing 230150-ARC-A03-XX-D-A-030001 Rev P04) received by the CPA on 21 April 2023.
- (g) Proposed Roof Plan (Phase 1) (Drawing 230150-ARC-A02-R1-D-A-020070 Rev P03) received by the CPA on 18 March 2023.
- (h) Proposed Building Sections (Phase 1) (Drawing 230150-ARC-A04-XX-D-A-040032 Rev P02) received by the CPA on 18 March 2023.
- (i) Bird/Bat Box Locations (Drawing 230150-ARC-A03-XX-D-A-030003 Rev P01) received by the CPA on 21 April 2023.

- (j) Fence Types (Sheet 1) – excluding reference to 2.4m high fencing acoustic system on Harlequin Drive (Drawing 230150-ARC-A14-EX-D-A-140040 Rev P03) received by the CPA on 18 March 2023.
- (k) Fence/Gate Types (Sheet 2) (Drawing 230150-ARC-A14-EX-D-A-140041 Rev P05) received by the CPA on 25 May 2023.
- (l) Bin Store Elevations (Drawing 230150-ARC-A14-EX-D-A-140021 Rev P02) received by the CPA on 6 March 2023.
- (m) Sprinkler Tank Enclosure - subject to Condition 15d), Early Years Canopy and Cycle Shelters (Drawing 230150-ARC-A14-EX-D-A-140020 Rev P03) received by the CPA on 25 May 2023.
- (n) Proposed Site Plan (Phase 2) (Drawing 230150-ARC-A01-EX-D-A-010009 Rev P05) received by the CPA on 25 May 2023.
- (o) Proposed Floor Plan (Phase 2) (Drawing 230150-ARC-A02-00-D-A-020002 Rev P04) received by the CPA on 21 April 2023.
- (p) Proposed Elevations (Phase 1) (Drawing 230150-ARC-A03-XX-D-A-030002 Rev P04) received by the CPA on 21 April 2023.
- (q) Proposed Roof Plan (Phase 1) (Drawing 230150-ARC-A02-R1-D-A-020071 Rev P02) received by the CPA on 18 March 2023.

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

Construction

4. Shrub, scrub or other vegetation clearance works that are to be carried out between the months of March to August inclusive in either:

a) Phase 1; or

b) Phase 2

of the development shall only be undertaken in accordance with a methodology which shall be first be submitted to and approved in writing by the CPA. Works to be carried out in accordance with the approved methodology shall only be undertaken following inspection by a suitably qualified ecologist and written confirmation from the ecologist first being submitted to the CPA that breeding birds would not be adversely impacted by the proposed clearance works.

Reason: To avoid disturbance to birds during the breeding season.

5. During each Phase of Development, unless in the event of an emergency, or as otherwise may be previously agreed in writing with the CPA:

Phase 1

- a) no construction deliveries or work shall take place on Sundays, Public or Bank Holidays;
- b) no construction deliveries to site shall take place on any day other than between 07:30–18:00 hours Monday to Saturday;
- c) no construction work shall be carried out or plant operated except between 07:30–18:00 hours Monday to Saturday;
- d) noise generated by construction activities on the site shall not exceed 65dB (L_{Aeq, 1hr}) measured at a distance of 3.5m from the nearest façade of a property.

Phase 2

- e) no construction deliveries or work shall take place on Sundays, Public or Bank Holidays;
- f) no construction deliveries to site shall take place on any day other than between 07:30–18:00 hours Monday to Friday and 07:30– 13:00 hours on Saturday;
- g) no construction work shall be carried out or plant operated except between 07:30–18:00 hours Monday to Friday and 07:30–13:00 hours on Saturday;
- h) no construction related vehicle movements to and from the school site shall take place;
 - i) 30 minutes before and 15 minutes after the start of the operational school day;
 - ii) 30 minutes before and 30 minutes after the end of the operational school day.
- i) noise generated by construction activities on the site shall not exceed 65dB (L_{Aeq, 1hr}) measured at a distance of 3.5m from the nearest façade of a property.

Reason: To safeguard the amenity of nearby residents and in the interests of highway and pedestrian safety.

6. Prior to the commencement of:

- a) Phase 1; or
- b) Phase 2

of development, details of the method of working during the relevant construction phase, in the form of an environmental management plan, to include:

- i) lorry routeing for construction traffic from the principal highway network;
- ii) details of the location and layout of the construction access; provision for the parking of vehicles within the site belonging to construction operatives and/or visitors; areas for loading and unloading plant and materials; location and appearance of site compound/material storage areas including the height of any cabins to be sited; and details of any external lighting;
- iii) measures to prevent the deposit of debris on the adoptable/public highway;
- iv) measures for the control of noise (including site hoarding), vibration and dust emissions to minimise noise impacts of construction to the lowest practicable levels (including mitigation measures in the event of a complaint);
- v) control of pollution measures to be employed including aquifer protection measures during construction work;
- vi) a scheme for the recycling/disposal of surplus soils and waste resulting from construction and validation of an absence of contaminants in imported soils;
- vii) employing a Precautionary Method of Works for reptiles, amphibians and other species such as hedgehog (referenced in Table 9 of the supporting Preliminary Ecological Appraisal Report) including measures to safeguard risk to mammals during the period of construction; and
- viii) (Phase 1 only) details of proposed finished levels relative to land immediately outside the school perimeter fence along the northern and western boundaries

shall be submitted to and approved in writing by the CPA. All construction shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the CPA.

Reason: In the interest of highway safety, to protect the amenities at present enjoyed by the occupiers of nearby properties, to prevent pollution, and in the interest of safeguarding ecology.

Contamination

7. No development approved by this planning permission shall be commenced until the final geo-environmental assessment, including data from all six rounds of monitoring, has been completed and submitted to and approved in writing by

the CPA. If significant risks are identified, appropriate ground gas protection measures should be incorporated in the building design to mitigate against risks identified.

Reason: To ensure that the risk of ground gas to the proposed development is low and that, if required appropriate ground gas protection measures are included within the proposed buildings.

8. Prior to the commencement of works during:

a) Phase 1; or

b) Phase 2

a watching brief shall be maintained to deal with any unexpected contamination which may be encountered. If during construction, contamination not previously identified is found to be present, no further works shall be carried out in the area identified, unless first agreed in writing by the CPA, until a remediation strategy to deal with the identified contamination (including validation that contamination has been satisfactorily remediated) has been submitted to and approved in writing by the CPA. Works shall be carried out in accordance with the approved details.

Reason: Details are required to be submitted prior to the commencement of development to provide an appropriate methodology that will ensure that risks of site contamination are properly identified and addressed.

9. The CPA shall be notified in writing within 7 days of the date of the completion of each Phase of the development the development. Within two months of the completion of development, a validation report to confirm an absence of contaminants notified to the CPA in compliance with Condition 8 shall be submitted to and approved in writing by the CPA.

Reason: To ensure that the site is left in a satisfactory condition and does not pose a risk to human health and the environment.

Drainage

10. Notwithstanding details submitted in support of the application, prior to the commencement of Phase 1 main site works a scheme of surface water drainage based on the principles set out on Proposed Drainage Layout Drawing Number 230150-BSP-C03-XX-D-C-030240 Rev P05 supporting the application and demonstrating no increase in flood risk on the site or any receiving drainage system, and taking into account the drainage requirements of Phase 2 of the development, shall be submitted to and approved in writing by the CPA.

Reason: Details are required prior to the commencement of development to prevent the increased risk of flooding from surface water both on and off site in compliance with NPPF Paragraph 167.

11. It shall be demonstrated to the written satisfaction of the CPA that there is capacity in the receiving surface and foul water drainage systems and that consent to connect has been agreed with Severn Trent Water (or the land owner in advance of adoption of the drainage system).

Reason: To prevent the increased risk of flooding and to minimise pollution by ensuring the provision of a satisfactory means of foul and surface water disposal.

12. Surface and foul drainage works shall be completed in accordance with the approved details prior to each Phase of development hereby approved first being brought in to use.

Reason: To prevent the increased risk of flooding and to minimise pollution by ensuring the provision of a satisfactory means of foul water disposal.

Design Details

13. Prior to the commencement of development:
 - a) notwithstanding elevations approved by Condition 3i) the design detail of bats boxes and bird nest boxes (including target species house sparrow and starling), which shall be integrated into the building structure;
 - b) an ecological enhancement plan for the wider site setting out the areas of habitat to be retained, enhanced and created, including wildflower meadow and scrub (referenced at Paragraph 6.1.2-6.1.3 of the supporting Preliminary Ecological Appraisal Report); and
 - c) a plan showing the proposed location of mammal gateways in the northern and western perimeter boundary fence to allow access and transit between the school site and adjacent open space;

shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

Reason: For the avoidance of doubt as to the development permitted and to enhance the ecology of the site.

14. Prior to their use on site in Phase 1 of development samples and/or a schedule of all proposed facing materials and finishes, including paving, shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details, other than with the prior written consent of the CPA.

Reason: In the interest of visual amenity and to accord with Bassetlaw Core Strategy and Development Management Policies DPD (2011) (BCS&DMP) Policy DM4 – Design and Character criteria B General Design Principles.

15. Prior to being installed or erected, details of:

- a) (subject to Condition 26) the design and acoustic qualities of the 2.2m high close-boarded timber fence to be erected on the southern site boundary with Harlequin Drive shown on Drawing 230150-ARC-A01-EX-D-A-010008 Rev P06 (Condition 3 c)), for the avoidance of doubt centred on the facing rear garden of 75 Harlequin Drive;
- b) design measures to minimise the impact of ball strike on the approved acoustic fence;
- c) design measures to minimise the impact of ball strike on approved 3.0m high perimeter fencing; and
- d) the design of the north facing elevation of the sprinkler tank enclosure, notwithstanding details shown on Drawing 230150-ARC-A14-EX-D-A-140020 Rev P03 (Condition 3m))

shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details, installed prior to the school first being brought into use, and shall be so retained throughout the life of the development.

Reason: To safeguard the amenity that occupiers of the adjacent properties on Harlequin Drive could reasonably expect to enjoy.

16. Prior to external lighting being installed in:

- a) Phase 1; or
- b) Phase 2

of the development, the location and design details of external light fittings, and a lighting scheme demonstrating compliance with Institute of Lighting Professionals Guidance for the Reduction of Obtrusive Light – Zone E3 and designed in consultation with an ecologist giving consideration to the location of lighting in proximity to proposed bat boxes, shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, and to control the potential impact of external lighting on bats in order to ensure the favourable conservation status of a protected species.

17. Prior to the school first being brought into use a School Zone generally in accordance with details shown on Drawing H/JAB/4244/01 (Proposed Signing

and Lining Plan) and Drawing H/JAB/4244/02 (Signing Schedule) incorporating off-site highway works (pedestrian guardrail, markings, associated signage, tactile pedestrian dropped kerb crossings on both sides of the access into the car park and on both sides of Gatekeeper Way where it crosses the cycle/footpath adjacent the northern site boundary, and other measures as appropriate) on Gatekeeper Way and the adjacent highway network shall be installed to the written satisfaction of the CPA.

Reason: In the interest of highway safety.

18. Within 6 months of the commencement of Phase 1 of Development a scheme, including a programme for the provision of landscaping to include:

- a) species, locations, planting size and planting density (including if required, notwithstanding details shown, hedge planting along the northern boundary);
- b) an area of wildflower grassland, scrub, trees and hedgerow to accord with the ecological enhancement plan required in compliance with Condition 13b);
- c) establishment methods (including tree pit detail); and
- d) a schedule of maintenance including a Landscape Management Plan to guide ongoing management of created and retained habitats (including relaxed summer mowing regime of wildflower grassland)

generally in accordance with landscaping details shown on Drawing 230150-ARC-A01-EX-D-A-010008 Rev P06 (Condition 3c)) shall be submitted to and approved in writing by the CPA. Other than as may be agreed in the programme for the provision of landscaping and planting, the approved landscaping and planting scheme shall be completed not later than the first planting season following the development first being brought into use. Any tree, plant, shrub or grass seeding that fails to become established within 5 years of the completion of the approved planting and landscaping scheme shall be replaced to the satisfaction of the CPA.

Reason: In the interest of visual amenity.

19. Within 6 months of the commencement of Phase 1 of Development:

- a) the construction specification for hard play areas;
- b) a grid of finished levels/contours of areas of hard play; and
- c) grass pitch design making reference to Sport England design guidance *Natural Turf for Sport* <https://www.sportengland.org/media/4564/natural-turf-for-sport.pdf>

shall be submitted to and approved in writing by the CPA. Areas of hard play and sports pitches shall be provided in accordance with the approved details prior to the development first being brought into use or in accordance with a timetable that shall first be agreed in writing with the CPA.

Reason: To ensure the provision of pitch and outdoor facilities to a standard fit for purpose.

Prior to Occupation

20. Prior to the approved school first being brought into use the School Zone scheme approved in compliance with Condition 17 has been implemented to the written satisfaction of the CPA unless such other timescale has been first agreed in writing by the CPA.

Reason: To ensure the provision of safe and suitable access to the development in the interest of highway and pedestrian safety.

21. 40 covered cycle spaces shall be provided prior to the opening of the Phase 1 development.

Reason: To promote the use of sustainable non-car based travel alternatives and to promote healthy lifestyles.

22. Prior to the approved development first being brought into use electric vehicle charging points shall be provided as approved (Condition 3c)), or in such other number or location as may first be agreed in writing by the CPA, within the car park and all car parking spaces shall be provided with ducting to facilitate the future provision of electric vehicle charging.

Reason: To enable the use of non-carbon based technology in accordance with Paragraph 112e) of the National Planning Policy Framework.

23. The access gates to the school car park shall open inwards only.

Reason: So that when the gates are closed a vehicle waiting to enter can stop clear of the carriageway, in the interest of highway safety.

24. No part of the development shall be first brought into use until the vehicle access, off-street vehicle/cycle/scooter parking, turning and servicing areas have been constructed, drained through trapped gullies with an overall capacity compatible with the site being drained and to prevent unregulated discharge of surface water on to Gatekeeper Way, surfaced with a bound material and marked out in accordance with the approved plans to the satisfaction of the CPA. The vehicle access, vehicle parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.

Reason: To ensure the timely provision and retention of car parking and service areas in the interest of highway safety.

25. Prior to the school first being brought into use, the Head Teacher of the new Primary School, or other suitably authorised person, shall appoint and thereafter continue to employ or engage a Travel Plan Coordinator (details and any subsequent change of appointment to be provided to the CPA) who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives.

Reason: In the interest of promoting sustainable travel.

Post-Occupation

26. Notwithstanding approved plans showing the provision of an acoustic fence on the boundary to Harlequin Drive, or any details that may be approved in compliance with landscaping Condition 18, within 2 months of Phase 1 of the approved development first being brought into operational use, a noise survey assessing school activity on the playing field in accordance with an agreed methodology, demonstrating the need for the acoustic fence to mitigate unacceptable noise impact on the residents of Harlequin Drive, shall be submitted to and approved in writing by the CPA. In the event that acoustic fencing is required, the fence to be approved in compliance with Condition 15 shall:
- a) be installed to the written satisfaction of the CPA within a timescale to be approved; and
 - b) inform the landscaping proposals to be undertaken in compliance with Condition 18.

Reason: To safeguard the amenity that residents on Harlequin Drive could reasonably expect to enjoy and in the interest of visual amenity.

27. The Travel Plan Coordinator shall within 3 months of:

- i) Phase 1 - the new school;
- ii) Phase 2 - expansion to 315 pupil places

first being brought into use provide a completed Primary School Travel Plan aimed at reducing reliance on the private car as the principal means of staff and parent transport to and from the school, including timelines for monitoring, review and implementation, to the written satisfaction of the CPA. The Primary School Travel Plan shall include initiatives to:

- a) promote education relating to sustainable travel and road safety education, in consultation with NCC Road Safety Team;
- b) raise awareness of the problems car journeys can create;
- c) reduce travel by vehicle to and from school;

- d) promote car sharing;
- e) raise awareness amongst parents of the issues of travel to school;
- f) manage student drop-off and pick-up; and
- g) manage school related parking for school events outside of normal school hours.

The School Travel Plan shall include:

- h) the scope and a programme for monitoring school related short-term parking on the public highway, and any potential highway safety issues arising;
- i) the scope and a programme for monitoring pedestrian-cyclist movements associated with the school's peak operation times;
- j) a proposal to attain periodic staff-pupil travel pattern behaviours, through origin-destination-post code-multi modal surveys;
- k) modal shift targets; and
- l) demand for, and future provision of, additional covered cycle spaces;

and demonstrate that active engagement has taken place with the local community and civil enforcement officers.

Reason: In the interest of highway safety and to promote sustainable travel.

28. Subsequent to the report required by Condition 27, the Travel Plan Coordinator shall submit a report to the CPA within 12 months following:

- i) Phase 1 - the new school;
- ii) Phase 2 - expansion to 315 pupil places

first being brought into use, and thereafter submit annual reports for a minimum period of 5 years from the first occupation of each Phase of development, and until the Primary School Travel Plan single occupancy car passenger targets have been met. The annual monitoring reports shall summarise the data collected over the monitoring period (Condition 27h)-27 l)), evidence that active engagement has taken place with the local community and civil enforcement officers, evidence consultation with NCC Road Safety Team in the promotion of sustainable travel and road safety education, and propose revised initiatives and measures where the Primary School Travel Plan targets are not being met, including implementation dates, to be approved in writing by the CPA.

Reason: In the interest of highway safety and to promote sustainable travel.

29. Following completion of Phase 1 of the development, the combined fixed plant noise rating level (including penalties) when assessed in accordance with BS4142:2014 shall not exceed 39dB LAeq_{1hr} at the nearest sensitive receptor. In the event that the noise limit is exceeded, a scheme of noise mitigation shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenities enjoyed by the occupiers of nearby residential properties.

30. The gate connecting the school car park and school building entrance/assembly area shall not be used other than by staff, visitors, users of disability parking spaces or other authorised users, and shall be controlled to prevent unauthorised users walking between the two areas.

Reason: In the interest of operational safety within the school site by preventing uncontrolled pedestrian movement parents/carers and children through the school car park, consequently requiring parents/carers and children to use the designated school pedestrian access gate.

31. The gate provided in the western perimeter fence shall not be used as a school access/egress point at the beginning/end of the school day other than with the prior written consent of the CPA.

Reason: For the avoidance of doubt as to the development permitted, and in order that that any planning implications that could arise from use of the point of access can be assessed.

Phase 2

32. Not less than six months prior to commencement of the approved Phase 2 expansion to 315 pupil places, a methodology for a traffic survey to be carried out and inform a Phase 2 Transport Statement shall be submitted to and approved in writing by the CPA.

Reason: In the interest of highway safety and to minimise the potential highway related implications of the development.

33. Prior to the commencement of Phase 2 of the approved development, a Transport Statement informed by the traffic survey carried out in accordance with details approved in compliance with Condition 32 shall be submitted to and be approved in writing by the CPA. The Transport Statement shall include a review of existing employee and pupil travel modes and origins (outward postcode only), on-site car parking availability, on-street car parking demand, an assessment of the transport impact of the proposed extension, and any proposed mitigation measures. Approved measures shall be in place to the

written satisfaction of the CPA prior to Phase 2 of the development first being brought into use.

Reason: In the interest of highway safety.

34. Unless using the same materials as approved for Phase 1 approved in compliance with Condition 14, prior to their use on site in Phase 2 of development samples and/or a schedule of all proposed facing materials and finishes, including paving, shall be submitted to and approved by the CPA in writing. Development shall be carried out in accordance with the approved details, other than with the prior written consent of the CPA.

Reason: In the interest of visual amenity and to accord with Bassetlaw Core Strategy and Development Management Policies DPD (2011) (BCS&DMP) Policy DM4 – Design and Character criteria B General Design Principles.

35. Within 3 months of the commencement of Phase 2 of development a scheme, including a programme for the provision of landscaping to include:
- a) species, locations, planting size and planting density;
 - b) grass sowing;
 - c) establishment methods (including tree pit detail); and
 - d) a schedule of maintenance including a Landscape Management Plan to guide ongoing management of created and retained habitats

generally in accordance with landscaping details shown on Drawing 230150-ARC-A01-EX-D-A-010009 Rev P05 (Condition 3n)) shall be submitted to and approved in writing by the CPA. Other than as may be agreed in the programme for the provision of landscaping and planting, the approved landscaping and planting scheme shall be completed not later than the first planting season following the development first being brought into use. Any tree, plant, shrub or grass seeding that fails to become established within 5 years of the completion of the approved planting and landscaping scheme for Phase 2 of the development shall be replaced to the satisfaction of the CPA.

Reason: In the interest of visual amenity.

36. If an acoustic fence has not been provided in compliance with Condition 26, within 2 months of Phase 2 of the approved development first being brought into operational use, a noise survey assessing school activity on the playing field in accordance with an agreed methodology, and the need for an acoustic fence on the southern boundary of the site to mitigate an identified unacceptable noise impact on the residents of Harlequin Drive shall be submitted to and approved in writing by the CPA. Any identified measures shall:
- c) be implemented to the written satisfaction of the CPA within a timescale to be approved; and

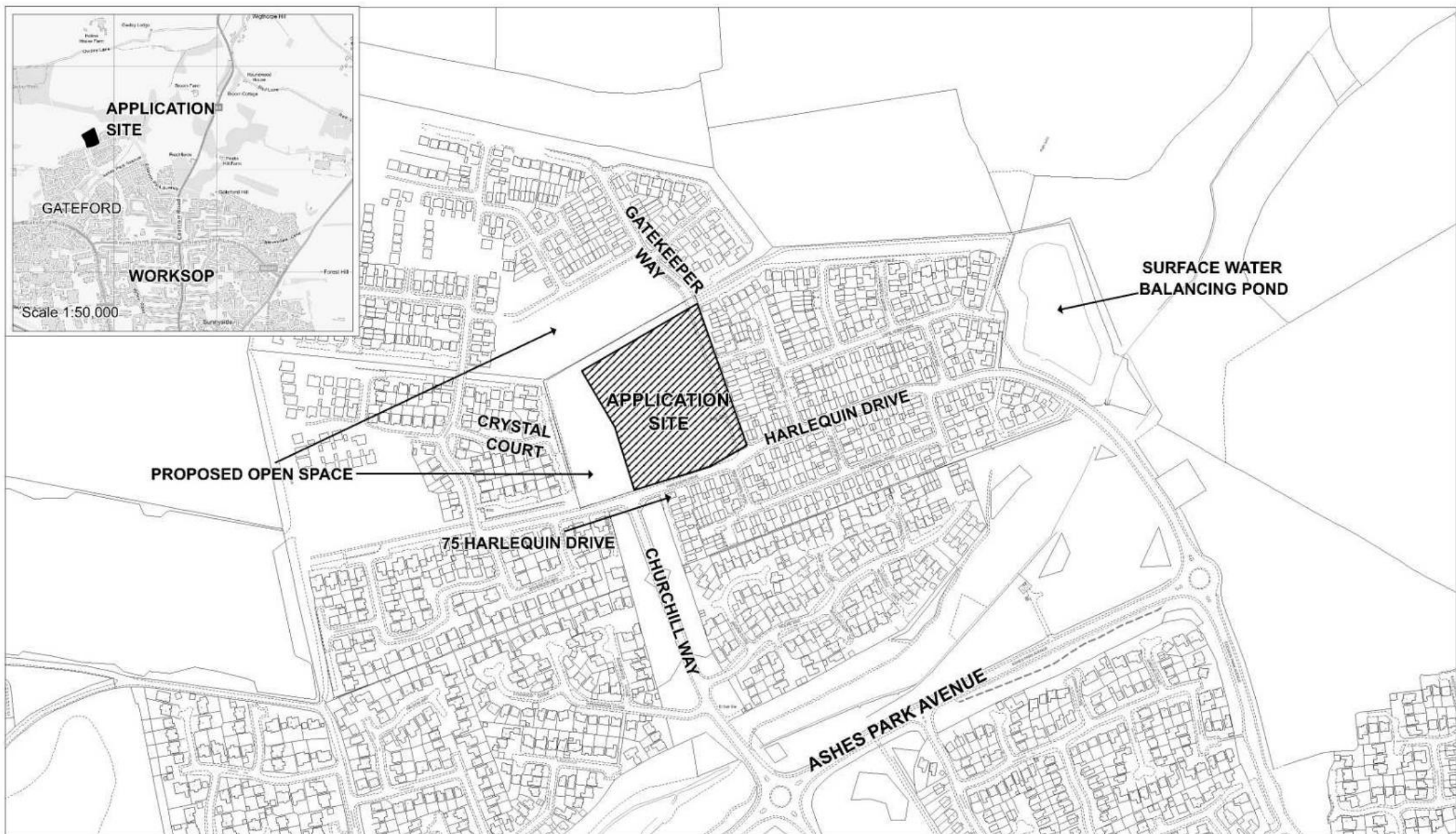
- d) inform the landscaping proposals to be undertaken in compliance with Condition 35.

Reason: To safeguard the amenity that residents on Harlequin Drive could reasonably expect to enjoy and in the interest of visual amenity.

Informatives/notes to applicants

1. There is potential for some noise disturbance from the construction of the proposed school. It is noted that the site is within an area of ongoing housing construction. There are occupied dwellings in proximity to the new school, so the contractor should employ appropriate noise controls, following recommended guidance in *BS5228-1:2009 (Code of practice for noise and vibration control on construction and open sites)* to ensure that any noise impacts are kept to a minimum.
2. With reference to Condition 10 NCC Flood Risk Management advise that the submission should:
 - Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.
 - Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
 - Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods showing:
 - No surcharge shown in a 1 in 1 year.
 - No flooding shown in a 1 in 30 year.
 - For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
 - Evidence to demonstrate the viability (e.g. Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
 - Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
 - Evidence of approval for drainage infrastructure crossing third party land where applicable.

- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
 - Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.
3. The consent of Severn Trent Water will be required for either a direct or indirect connection to the public sewerage system under the provisions of Section 106 of the Water Industries Act 1991. Current guidance notes and an application form can be found at www.stwater.co.uk or by contacting Severn Trent Water Developer Services Team (Tel: 0800 707 6600).
- Severn Trent Water advise that although statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.*
- This response only relates to the public wastewater network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.*
4. With reference to: Condition 15a) acoustic fencing should usually have a gravel board partially sunk below finished ground level by 50-100mm; Condition 15b) noise impact on timber fencing can be a source of annoyance; and Condition 15c) it is advised that the impact of ball strike can be reduced by using rubber washers when assembling fencing.
5. With reference to Condition 29 it is advised that mechanical plant should be installed on anti-vibration mountings.
6. Advice has been given by Nottinghamshire Police on Designing Out Crime in the consultation response received by the CPA on 11 April 2023 which is attached.



**Nottinghamshire
County Council**

Construction of new 315 (1.5FE) place primary school with 26 place nursery over two phases
Land off Gatekeeper Way, Gateford, Worksop, Nottinghamshire.

Planning Application No. 1/23/00374/CDM
[Page 159 of 180](#)

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
Controller of Her Majesty's Stationery Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2023)



Scale: 1: 5,000
Produced by: JW
Date: June 2023

PLAN 1



**Nottinghamshire
County Council**

Construction of new 315 (1.5FE) place primary school with 26 place nursery over two phases
Land off Gatekeeper Way, Gateford, Worksop, Nottinghamshire.

Planning Application No. 1/23/00374/CDM
[Page 160 of 180](#)

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
Controller of Her Majesty's Stationery Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2023)



Not to scale
illustration only
Produced by: JW
Date: June 2023

PLAN 2

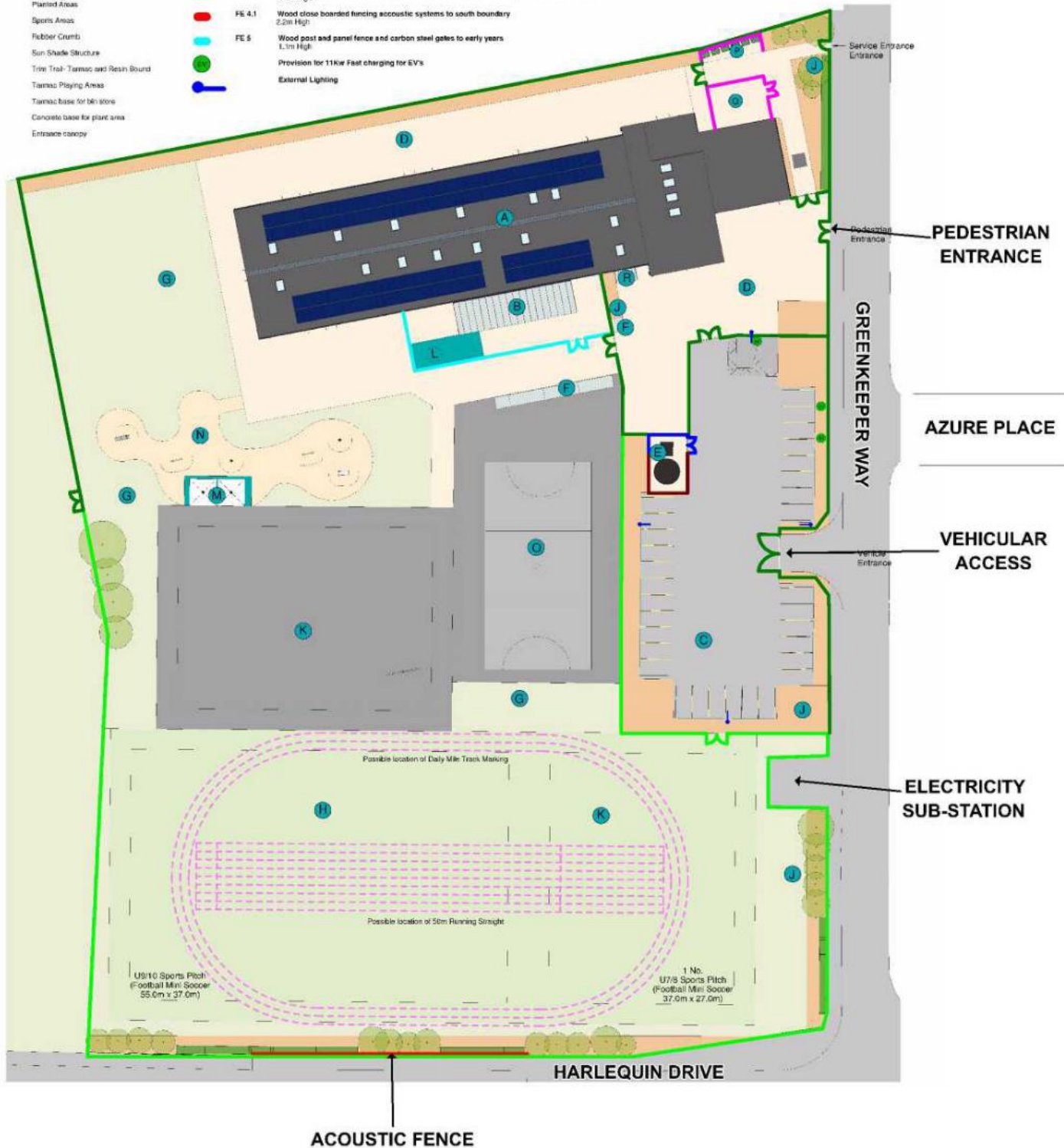
PLAN 3

Site Plan Legend

Note Number	Note Text
1	Main School Building FFL -
2	Early Years Canopy
3	Vehicle/Tarmac Area/ Car Park
4	Pedestrian Internal Tarmac Areas
5	Concrete base for sprinkler tank
6	Cycle Storage
7	Grass Amenity Area
8	Playing Field
9	Planted Areas
10	Sports Areas
11	Rubber Crumb
12	Sun Shade Structure
13	Tree Trunk/Tarmac and Resin Bound
14	Tarmac Playing Areas
15	Tarmac base for bin store
16	Concrete base for plant area
17	Entrance canopy

Fences/ Gates Legend

FE 1	Metal mesh panel fencing and Carbon steel gates to boundary 2.4m High
FE 2	Metal mesh panel fencing and Carbon steel gates to boundary 3.0m High
FE 3	Metal post and rail fencing and Carbon steel gates to sprinkler tank 3.5m High
FE 3.1	Metal post and rail fencing and Carbon steel gates to sprinkler tank 2.4m High
FE 4	Wood close boarded fencing acoustic systems to plant, bin enclosure & Harlequin Drive 2.4m High
FE 4.1	Wood close boarded fencing acoustic systems to south boundary 2.2m High
FE 5	Wood post and panel fence and carbon steel gates to early years 1.1m High
	Provision for 11kw Fast charging for EV's
	External Lighting



Construction of new 315 (1.5FE) place primary school with 26 place nursery over two phases.
Land off Gatekeeper Way, Gateford, Worksop, Nottinghamshire.

Page 161 of 180

Planning Application No. 1/23/00374/CDM

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2023)

Not to Scale
illustration only
Produced by: JW
Date: June 2023

Legend

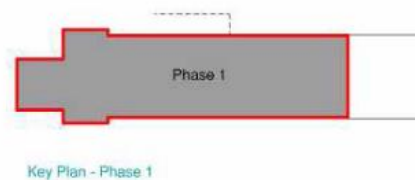
Circulation Kitchen Plant Storage
 Classrooms Learning Resources Staff & Admin.
 Hall WC's



1 Ground Floor Plan Phase 1
1:100

Finish floor level: 42700

Room Area Schedule			Room Area Schedule			Room Area Schedule		
Room Number	Name	Area	Room Number	Name	Area	Room Number	Name	Area
001	Head (Meeting)	17.0 m ²	028	Pupil Toilet Suite	15.5 m ²	053	SEN/Therapy/MT	30.0 m ²
002	Gen. Office	19.0 m ²	029	Cloaks	3.5 m ²	054	Staff Work Rm.	7.9 m ²
003	Entrance Lobby	11.6 m ²	030	Yr. 2 (Infant)	60.3 m ²	055	Server	6.7 m ²
004	Interview	5.8 m ²	031	Lobby/Circulation	6.9 m ²	056	General St. (Stock/Maint.)	6.0 m ²
005	General St. (Stock/Maint.)	7.2 m ²	032	Corridor	50.1 m ²	057	Staff Room (prep and social)	29.6 m ²
006	Woodwork / Appliances (kitchen)	2.5 m ²	033	Diak. Boards	10.4 m ²	058	Library	26.9 m ²
007	Sick Bay	4.5 m ²	034	Store (S)	1.6 m ²	059	Corridor	71.1 m ²
008	Accessible WC	3.8 m ²	035	Store (S)	1.7 m ²	060	Rapax	4.5 m ²
009	WC (Staff)	2.8 m ²	036	Store (S)	1.7 m ²	061	Small Group Rooms (1)	11.8 m ²
010	WC (Staff)	2.3 m ²	037	Yr. 5 (Junior)	53.4 m ²	062	Studio Lobby	7.0 m ²
011	WC (Planning)	11.3 m ²	038	Store (T)	2.4 m ²	063	Club Store	2.6 m ²
012	WC (Planning)	11.3 m ²	039	Store (T)	1.4 m ²	064	Studio	35.0 m ²
013	Cloaks	2.5 m ²	040	Pupil Toilet Suite	15.9 m ²	065	Hall	148.2 m ²
014	Kit. Bay (B)	3.8 m ²	041	Cloaks	4.2 m ²	066	Service/Dining Furniture St.	14.4 m ²
015	Hygiene Room 1	7.9 m ²	042	Yr. 5 (Junior)	53.5 m ²	067	PE Store	15.1 m ²
016	Nursery	56.0 m ²	043	Yr. 4 (Junior)	52.9 m ²	070	Exc. Store	3.5 m ²
017	Teaching St. (N)	3.3 m ²	044	Store (T)	1.3 m ²	071	WC	1.8 m ²
018	Small Group Rooms (2)	8.7 m ²	045	Store (T)	1.6 m ²	072	Cloaks	2.6 m ²
019	Cloakroom	5.3 m ²	046	Pupil Toilet Suite	16.2 m ²	073	Dry Store	3.1 m ²
020	WC (Reception)	11.4 m ²	047	Cloaks	4.2 m ²	074	Teaching St. (R)	2.5 m ²
021	Cloaks	3.4 m ²	048	Yr. 3 (Junior)	53.3 m ²	075	WC (Staff)	2.5 m ²
022	Reception	90.8 m ²	049	Diak. Boards	9.5 m ²	076	WC (Staff)	2.4 m ²
023	Multi Use Teaching Space (Tennis)	47.4 m ²	050	Kitchen	49.1 m ²	077	Room	Not Placed
024	Yr. 1 (Infant)	66.5 m ²	051	Chiv. St.	5.9 m ²	080	Plant	28.6 m ²
025	Store (T)	1.8 m ²	052	Hygiene Room 2	8.6 m ²			
026	Store (T)	1.5 m ²						



Key Plan - Phase 1

Scale 1:100
10 m

Not to Scale
 illustration only
 Produced by: JW
 Date: June 2023



**Nottinghamshire
County Council**

Construction of new 315 (1.5FE) place primary school with 26 place nursery over two phases
Land off Gatekeeper Way, Gateford, Worksop, Nottinghamshire.

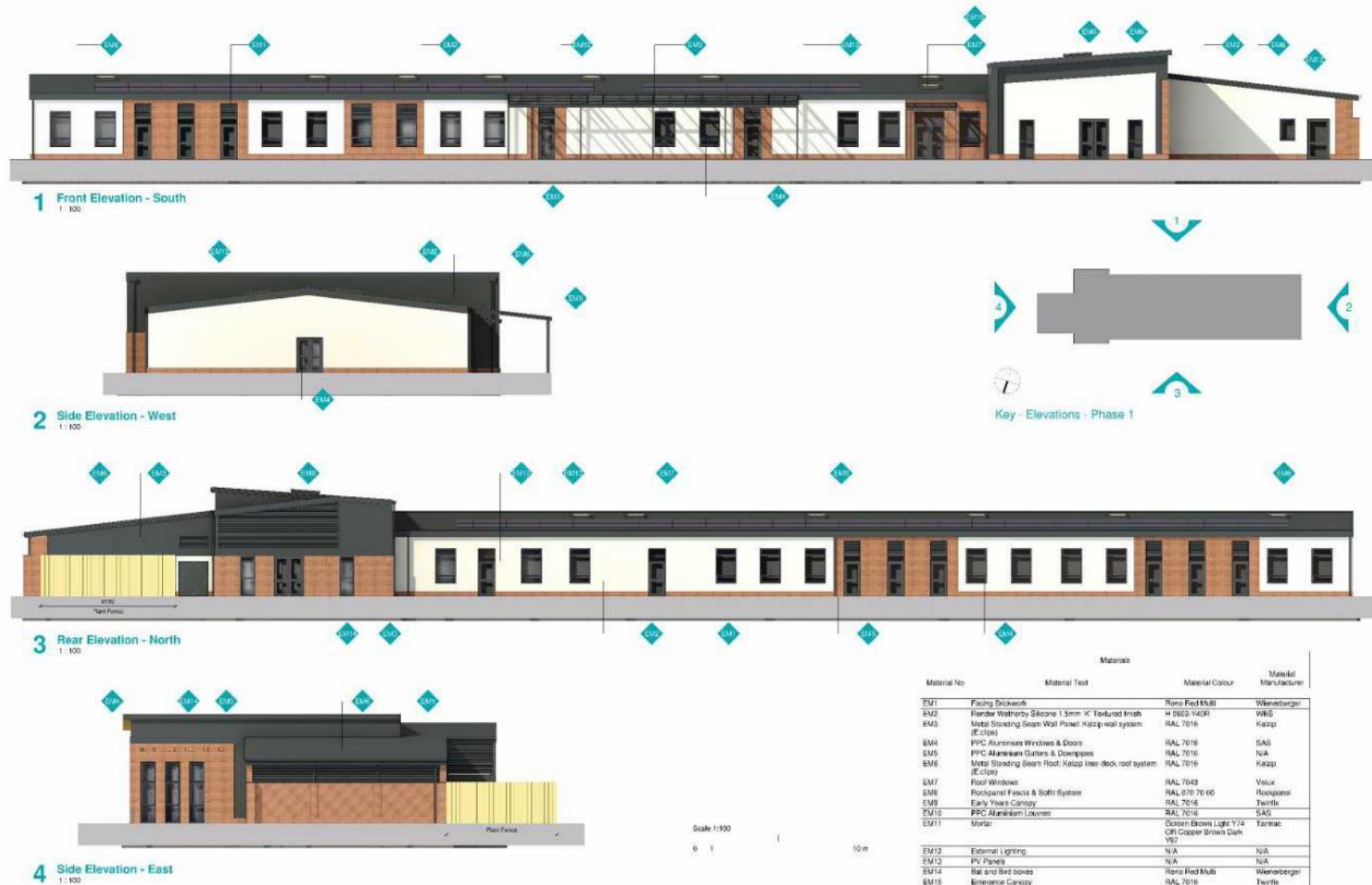
Planning Application No. 1/23/00374/CDM
Page 162 of 180

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
Controller of Her Majesty's Stationery Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2023)



Not to Scale
 illustration only
 Produced by: JW
 Date: June 2023

PLAN 4



Material No	Material Text	Material Colour	Material Manufacturer
EM1	Facing Brickwork	None Red M88	Waverley
EM2	Render Weathered Silicone 1.5mm 'X' Textured finish	H 002 740R	WBS
EM3	Metal Standing Seam Wall Panel: Katap wall system (E clasp)	RAL 7016	Katap
EM4	PPC Aluminium Windows & Doors	RAL 7016	SAS
EM5	PPC Aluminium Gutters & Downpipes	RAL 7016	N/A
EM6	Metal Standing Seam Roof: Katap liner-deck roof system (E clasp)	RAL 7016	Katap
EM7	Roof Windows	RAL 7043	Velux
EM8	Rockpanel Facade & Soffit System	RAL 070 70 60	Rockpanel
EM9	Early Years Canopy	RAL 7016	Twinkl
EM10	PPC Aluminium Louvers	RAL 7016	SAS
EM11	Mortar	Golden Brown Light Y14 CR Copper Brown Dark Y57	Formac
EM12	External Lighting	N/A	N/A
EM13	PV Panels	N/A	N/A
EM14	Ball and Bird boxes	None Red M88	Waverley
EM15	Entrance Canopy	RAL 7016	Twinkl

This document is a draft of the proposed development and is not to be used for construction purposes. It is for information only and is subject to change without notice. The proposed development is subject to planning permission and is not to be used for construction purposes.

Nottinghamshire County Council

Project Name
New Primary School

Site Name
Gateford Park Primary School

Project No
230150

Project Name
230150-ARC-A03-XX-D-A-030001

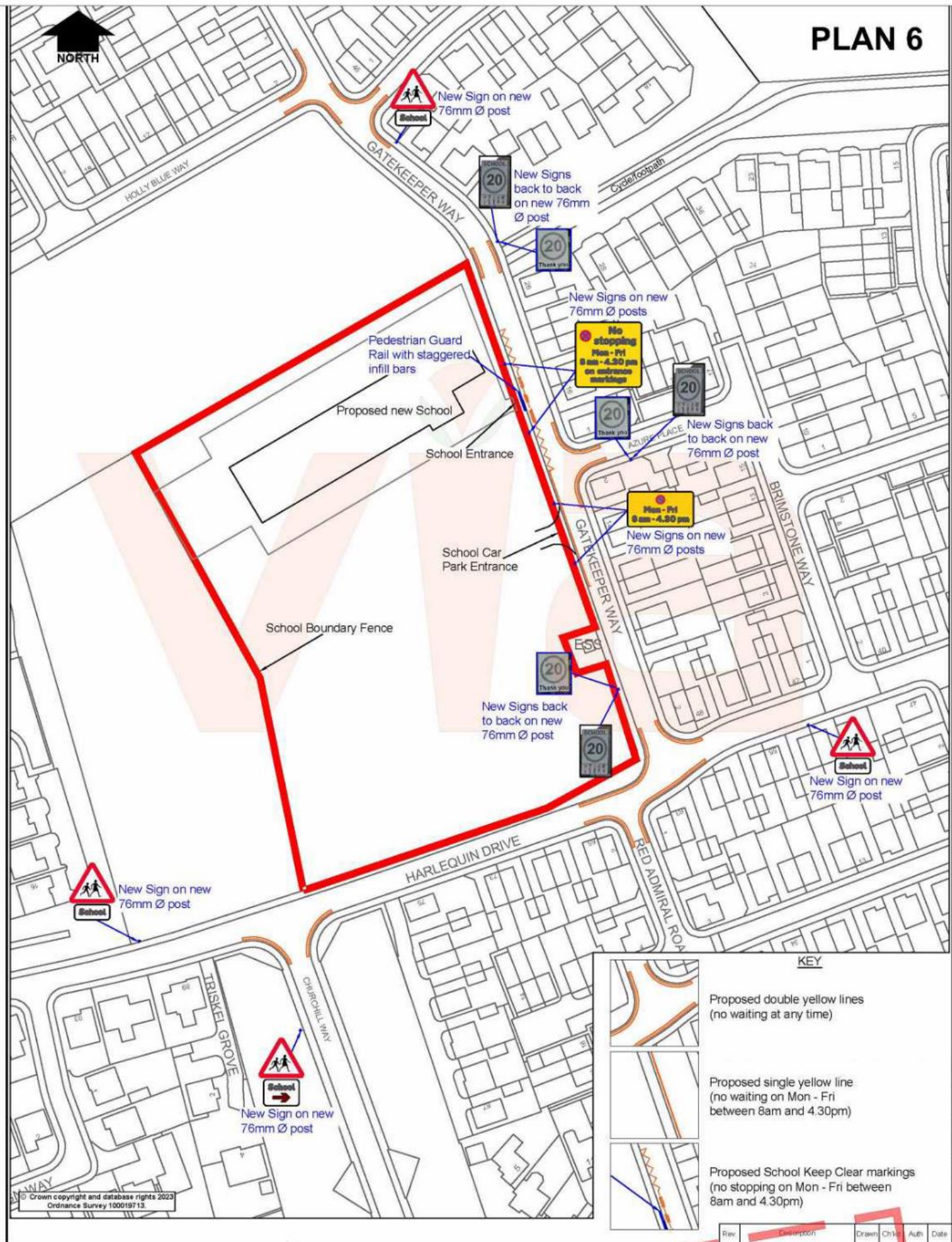
Scale
S4: Review and Authorisation

Project
P04

Client
A1

As indicated

arcpartnership
230150-ARC-A03-XX-D-A-030001

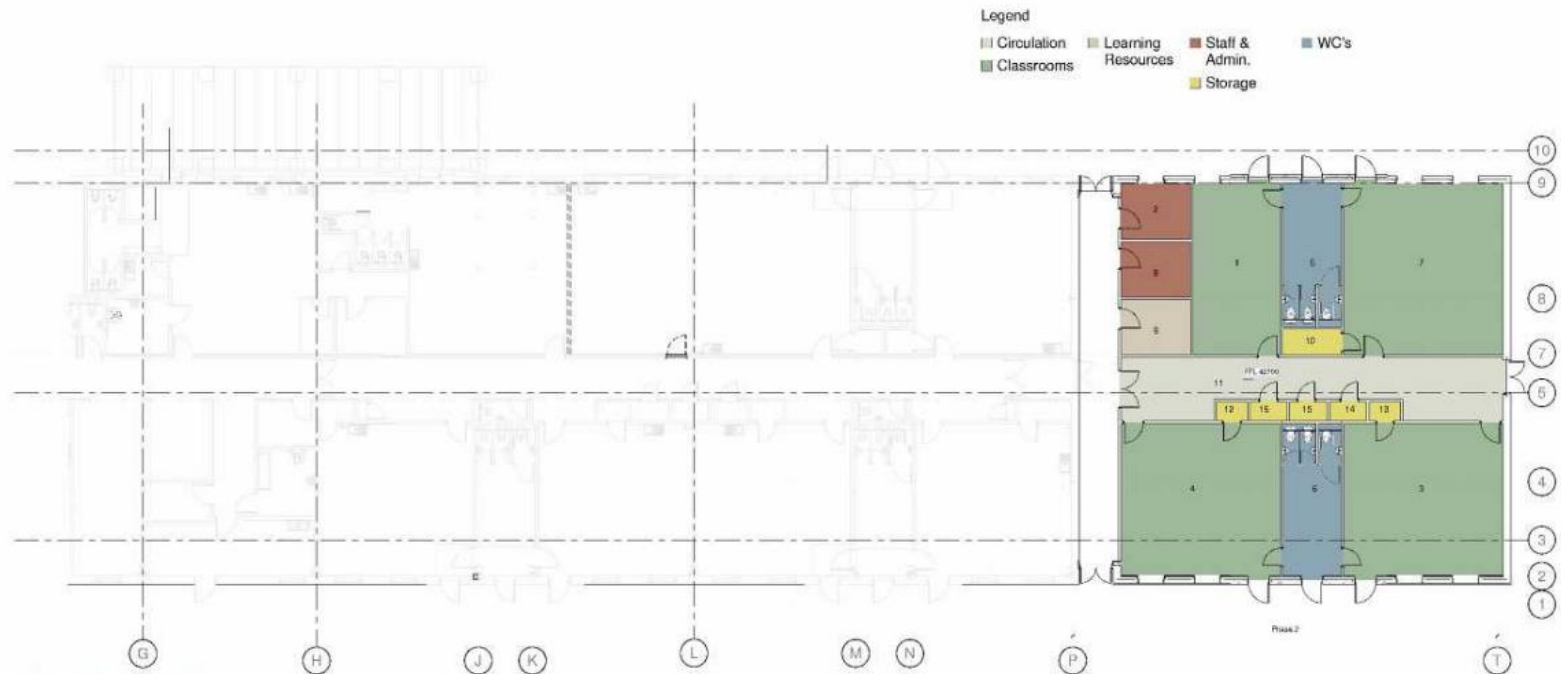


Construction of new 315 (1.5FE) place primary school with 26 place nursery over two phases.
Land off Gatekeeper Way, Gateford, Worksop, Nottinghamshire.

Page 164 of 180
Planning Application No. 1/23/00374/CDM

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2023)

Not to Scale
illustration only
Produced by: JW
Date: June 2023



1 Ground Floor-Planning Phase 2
1:100

Finish floor level: 42700

Room Area Schedule - Phase 2		
Room Number	Name	Area
1	Practical Space	34 m ²
2	Meeting	9 m ²
3	Jan Classroom With Sink	55 m ²
4	Jan Classroom With Sink	55 m ²
5	Pupils WC/Cloaks	19 m ²
6	Pupils WC/Cloaks	20 m ²
7	Extensive Infants	62 m ²
8	Meeting	9 m ²
9	Group Room	9 m ²
10	Store (T)	4 m ²
11	Corridor	48 m ²
12	Store (T)	1 m ²
13	Store (T)	1 m ²
14	Store (T)	2 m ²
15	Store (T)	2 m ²
16	Store (T)	2 m ²

Scale 1:100
0 1 10 m

Key Plan - Phase 2

Phase 2

Rev. 01: 01/01/2023: Revised For Tender
Rev. 02: 01/01/2023: Update with Planning Application
Rev. 03: 01/01/2023: Planning Application
Rev. 04: 01/01/2023: Final Plan

arcpartnership

3rd Floor, East West Building, 1 Robinson Road, Nottingham, NG1 1AF
0115 951 0000, www.arcpartnership.co.uk

Nottinghamshire
County Council

Project Name: New Primary School

Project No: 230150

Client: Gateford Park Primary School

Client Ref: 9C/R0989

Drawing No: Proposed Floor Plan Phase 2

Project: Gateford Primary School, Gateford, Nottingham

230150-ARC-A02-00-D-4-020002

Rev. 01: 01/01/2023: Revised For Tender

Rev. 02: 01/01/2023: Update with Planning Application

Rev. 03: 01/01/2023: Planning Application

Rev. 04: 01/01/2023: Final Plan

Rev. 05: 01/01/2023: Final Plan

Rev. 06: 01/01/2023: Final Plan

Rev. 07: 01/01/2023: Final Plan

Rev. 08: 01/01/2023: Final Plan

Rev. 09: 01/01/2023: Final Plan

Rev. 10: 01/01/2023: Final Plan

Rev. 11: 01/01/2023: Final Plan

Rev. 12: 01/01/2023: Final Plan

Rev. 13: 01/01/2023: Final Plan

Rev. 14: 01/01/2023: Final Plan

Rev. 15: 01/01/2023: Final Plan

Rev. 16: 01/01/2023: Final Plan

Rev. 17: 01/01/2023: Final Plan

Rev. 18: 01/01/2023: Final Plan

Rev. 19: 01/01/2023: Final Plan

Rev. 20: 01/01/2023: Final Plan

Rev. 21: 01/01/2023: Final Plan

Rev. 22: 01/01/2023: Final Plan

Rev. 23: 01/01/2023: Final Plan



6 June 2023**Agenda Item 9**

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

Purpose of the Report

1. To report on the planning applications received by the Development Management Team between 10th February 2023 and 12th May 2023, to confirm the decisions made on planning applications since the last report to members on 28th February 2023, to report on the Council's current performance, and to detail the applications likely to come before the Committee in the coming months.

Information

2. **Appendix A** highlights the applications received and those determined since the last report to members on 28th February 2023. **Appendix B** reports on the Council's performance against statutory targets for the speed and quality of decisions. **Appendix C** sets out the Committee's work programme for forthcoming meetings and members are asked to give consideration to the need for any site visits that would be beneficial on any application scheduled to be reported to Committee in the near future.

Other Options Considered

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

Reasons for Recommendations

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

Statutory and Policy Implications

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

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

Financial Implications

6. There are no direct financial implications arising from this report.

RECOMMENDATIONS

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

Derek Higton
Interim Corporate Director for Place

For any enquiries about this report, please contact:

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

Constitutional Comments (JL 25/05/2023)

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

Financial Comments (PA 25/05/2023)

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

Background Papers and Published Documents

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

- None.

Electoral Divisions and Members Affected

- All.

Planning Applications Received and Determined
From 10th February 2023 – 12th May 2023

Division	Member	Received	Determined
BASSETLAW			
Worksop West	Cllr Sybil Fielding	Construction of new 315 (1.5FE) place primary school with 26 place nursery over two phases (1st phase 1FE 210 place with 26 place Nursery) associated playing fields, car parking (including lighting columns 4m high), lit service areas and sprinkler tank, hard surfaced outdoor play and footpaths. Solar panels to school building roof (Phases 1 and 2). Associated landscaping and covered areas to nursery/reception classes, sun canopies, fenced sprinkler tank and bin store, 3.0m and 2.4m high perimeter/internal fencing, at Land off Gatekeeper Way, Gateford. Validated on 20/03/2023.	

Division	Member	Received	Determined
Retford West	Cllr Tracey Taylor/Cllr Mike Quigley MBE	The extraction, processing and export of pulverised fuel ash from former ash disposal lagoons and their progressive restoration, and associated development including earthworks, dewatering and soil storage, ponds and excavations, hard and soft surfacing and landscaping and boundary treatment, buildings and structures, plant, conveyors, utility connections, roadways, parking, drainage, and ancillary development, at Former ash disposal lagoons south of Lound, Retford. Validated on 23/03/2023.	
Worksop South	Cllr Nigel Turner		Construction of three 2-storey extensions to northern wings of the Outwood Academy Portland, single storey extension to both the existing dining room and kitchen, additional hardstanding and associated site landscape works. Additional cycle bays, cycle lockers, electric vehicle charging points and additional electric vehicle infrastructure, at the Outwood Academy Portland. GRANTED on 01/03/2023.
Worksop South	Cllr Nigel Turner		Retrospective application for the erection of a 2-bay modular portacabin, at Tarmac National Skills & Safety Park, Nether Langwith Quarry. GRANTED on 08/03/2023.

Division	Member	Received	Determined
Misterton	Cllr Tracey Taylor		Proposed western extension to existing Misson Grey Sand Quarry incorporating modifications to previously approved restoration schemes referenced 1/15/01574/CDM and 1/32/11/00020, at Misson Quarry. GRANTED on 19/04/2023.
MANSFIELD			
Mansfield North	Cllr Anne Callaghan BEM/Cllr Ben Bradley MP		Single classroom nurture unit and associated landscape works, at Leas Park Junior School. GRANTED on 19/04/2023.
NEWARK & SHERWOOD			
Muskham and Farnsfield	Cllr Scott Carlton/Cllr Bruce Laughton		Variation of condition 10 of Planning Permission 3/21/01307/CMA to remove poultry waste feedstock sourcing restriction, at Rainworth Energy Ltd. GRANTED on 14/04/2023.
Muskham and Farnsfield	Cllr Scott Carlton/Cllr Bruce Laughton		Variation of conditions 1 and 3 of planning permission 3/21/00282/CMA - to retain the site for a further 12 month period for the purposes of geothermal testing in conjunction with the nearby Whip Ridding Farm wellsite. At the Kirklington "A" Wellsite. GRANTED on 13/03/2023.

Division	Member	Received	Determined
ASHFIELD			
Sutton West	Cllr Tom Hollis	Removal of condition 10 of planning permission 4/V/2021/0386 to allow continued use as a small (2-bed) home for children in the care of the local authority, at 32 Sudbury Drive, Huthwaite. Validated on 05/05/2023.	
Selston	Cllr David Martin	Installation of 1 No. TSR Motor Control Centre (MCC) Kiosk and 1 No. FST Motor Control Centre (MCC) Kiosk, at Pinxtton Sewage Works. Validated on 10/03/2023.	
Sutton Central and East	Cllr Samantha Deakin		Security shutters and solar panel installation, at The Mill Adventure Base. GRANTED on 03/03/2023.
Kirkby North	Cllr Andy Meakin		Erection of single storey classroom with solar panels, 2m and 1.2m high fencing, plus 4 additional parking spaces, at Bracken Hill School. GRANTED on 15/03/2023.

Division	Member	Received	Determined
BROXTOWE			
Greasley and Brinsley	Cllr Elizabeth Williamson	Installation of a Motor Control Centre (MCC) Kiosk, an Activated Sludge Process (ASP) Blowers Kiosk and a Sludge Thickener Building, at Newthorpe Sewage Treatment Works. Validated on 29/03/2023.	
GEDLING			
Carlton West	Cllr Errol Henry JP		Retain existing temporary classroom until 31 December 2023: (7/218/0016NCC expires 31 January 2023), at All Hallows C of E Primary School. GRANTED on 13/02/2023.
Calverton	Cllr Boyd Elliott		Retain existing temporary classroom until 31 August 2023 (7/2017/1563NCC expires 31 January 2023), at St Wilfrid's C of E School. GRANTED on 03/03/2023.

Division	Member	Received	Determined
Calverton	Cllr Boyd Elliott		Site drainage works and resurfacing to alleviate surface water flooding. Provision of extended footway and relocation of existing lighting column, at Lambley Primary School. GRANTED on 14/04/2023.
RUSHCLIFFE			
Bingham West	Cllr Neil Clarke MBE		Section 73 planning application to vary Conditions 3 & 12 of Planning Permission 8/19/00378/CMA, to allow a four year extension for the completion of tipping operations beyond the current expiry date of the 28th November 2022 (Condition 3) and to remove the requirement to carry out highway improvement works at the site access on Kinoulton Road (Condition 12). At Canalside Industrial Park. GRANTED on 20/04/2023.

Statutory Targets

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

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

The following targets apply and the County Council's performance during Quarter 4- 1st January 2023 to 31st March 2023 is reported below:

- For major developments (which includes all minerals and waste proposals) the speed threshold is to determine 60% of these applications within the statutory period of 13 or 16 weeks (or an extended period agreed with the applicant) measured over a rolling two-year period. During Q4 100% of applications were determined within the required period or within an agreed extension of time.
- For non-major developments the speed threshold is to determine 70% of these applications within the statutory period of 8 weeks (or an extended period agreed with the applicant) measured over a rolling two-year period. During Q4 100% of applications were determined within the required period or within an agreed extension of time.
- For major and non-major developments (measured separately) the 'quality' threshold is for fewer than 10% of these applications to be overturned at appeal measured over a rolling two-year period. No appeals have been received or determined during this period.

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

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

Target Committee	Planning App No.	Location	Development	Current Progress
18 th July 2023	7/2022/0752NCC	Calverton (Burntstump) Quarry, Ollerton Road, Arnold, NG5 8PR	Variation of conditions 7, 8 and 50 of permission 7/2005/0263 so to extend the time to work the remaining mineral reserves until 7 Jan 2042 with restoration by 7 Jan 2043	Revised restoration plan and related information currently out for consultation. Subject to the outcome of this the application will be brought to committee.
18 th July 2023	7/2022/0751NCC	Calverton (Burntstump) Quarry, Ollerton Road, Arnold, NG5 8PR	Variation of condition 2 of permission 7/2003/1323 to retain the weighbridge, associated buildings and soil mound for the proposed duration of mineral extraction operations to 7 Jan 2042	The determination of this planning application is linked to 7/2022/0752/NCC (above) and will be determined at the same planning committee.
18 th July 2023	3/23/00239/CMW	The Yard, Great North Road, Newark on Trent, Nottinghamshire, NG24 1DP	Reconfiguration and extension of existing recycling yard including raising ground levels, new/extended buildings, weighbridge, external walls and new access	The report is currently being prepared with the applicant required to confirm staff parking arrangements.

18 th July 2023	4/V/2022/0643	Parts Emporium Ltd, Sidings Road, Kirkby in Ashfield, Nottinghamshire, NG17 7JZ	Part retrospective change of use of land and buildings for the acceptance, storage and treatment of end-of-life vehicles including ancillary storage of salvaged parts	Further information received regarding ground remediation mitigation. Currently out for re-consultation. Following re-consultation further noise survey work has been requested to address concerns that the noise impact assessment does not provide a representative assessment of the noise impacts associated with operations.
----------------------------	---------------	---	--	---

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

Planning Application: 4/V/2023/0279
Location: 32 Sudbury Drive, Huthwaite, Sutton-in-Ashfield, NG17 2SB
Proposal: Removal of condition 10 of planning permission 4/V/2021/0386 to allow continued use as a small (2-bed) home for children in the care of the local authority
Current Progress: This application will be brought to committee in accordance with the Committee Code of Conduct owing to an objection from the Local Member. Currently out for consultation.

Planning Application: 3/19/00100/CMM
Location: Cromwell North Quarry, Land Between Carlton on Trent and Cromwell, Newark
Proposal: Proposed extraction of 1.8 million tonnes of sand and gravel together with the erection of mineral processing plant and associated ancillary infrastructure. the provision of a new access, and the progressive restoration of the site to nature conservation over a period of 9 years.
Current Progress: A request for the submission of supplementary environmental information was made under Reg. 25 of the EIA Regs in May 2019. This request for information covered air quality, transport, access, quarry dewatering, floodlighting, landscaping, ecology, noise, protection of River Trent, contaminated land and archaeology. The planning application raises key planning issues in respect of need and mineral supply within Nottingham. The applicant initially delayed their response to the Reg 25 request to allow decisions to be made regarding site allocations as part of the review/examination of the Replacement Minerals Local Plan. The Cromwell North site has not been allocated

as part of this process. Officers have recently met with the applicant who has confirmed that they are now in the process of compiling the additional information that has been requested with a view to submitting this information over the next couple of months and progressing the planning application for determination.

Planning Application:	3/20/01244/FULR3N
Location:	British Sugar Corporation Ltd Sports Ground, Great North Road, Newark On Trent, NG24 1DL
Proposal:	Change of use from former sports field to land to be used for conditioning (drying by windrowing) of topsoil material recovered from sugar beet delivered and excavated from soil settlement lagoons onsite, and engineering works to construct an internal access route to serve the soil conditioning area and excavate a flood storage compensation area.
Current Progress:	A supplementary flood risk assessment has been requested from the applicant. British Sugar are currently considering the scope of information required to provide their flood risk response.
Planning Application:	3/22/00059/CMM
Location:	Land south of Church Street, Southwell, Nottinghamshire, NG25 0HG
Proposal:	Flood alleviation works including construction of an earth bund, flow control structure, and related ground works, landscape planting, boundary works including fencing, and ancillary operations.
Current Progress:	Revisions to scheme have been made and the applicant is currently preparing a revised flood risk assessment to consider the flood impacts of this revised scheme.
Planning Application:	1/23/00410/CDM
Location:	Former ash disposal lagoons south of Lound, Retford. DN22 8SG
Proposal:	The extraction, processing and export of pulverised fuel ash from former ash disposal lagoons and their progressive restoration, and associated development including earthworks, dewatering and soil storage, ponds and excavations, hard and soft surfacing and landscaping and boundary treatment, buildings and structures, plant, conveyors, utility connections, roadways, parking, drainage, and ancillary development.
Current Progress:	There has been a significant level of public response and these along with consultee responses are now being reviewed. Further information will be requested from the applicant as required.

