

## **Planning and Rights of Way Committee**

**Tuesday, 14 September 2021 at 10:30**

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

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### **AGENDA**

- |   |  |           |
|---|--|-----------|
| 1 | Minutes of the meeting held on 27 July 2021  | 3 - 18    |
| 2 | Apologies for Absence  |           |
| 3 | Declarations of Interests by Members and Officers:- (see note below)<br>(a) Disclosable Pecuniary Interests<br>(b) Private Interests (pecuniary and non-pecuniary) |           |
| 4 | Declarations of lobbying   |           |
| 5 | Change of Use - 32 Sudbury Drive, Huthwaite, Sutton in Ashfield  | 19 - 60   |
| 6 | Variation to Hours of Working and Lighting - Two Oaks Quarry, Coxmoor Road, Sutton in Ashfield   | 61 - 116  |
| 7 | Development of a Waste Management Facility - Land off Private Road No 3, Colwick Industrial Estate   | 117 - 178 |
| 8 | Registering a new Town or Village Green between Back Lane and The Pinfold, Misson  | 179 - 184 |
| 9 | Development Management Progress Report   | 185 - 192 |

### **Notes**

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

Customer Services Centre 0300 500 80 80

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

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

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

Meeting PLANNING AND RIGHTS OF WAY COMMITTEE

Date Tuesday 27 July 2021 (commencing at 10.30am)

**Membership**

Persons absent are marked with 'A'

**COUNCILLORS**

Richard Butler (Chair)  
Sybil Fielding (Vice-Chair)

Andre Camilleri	John Ogle
Robert Corden	Philip Owen
Jim Creamer	Tom Smith - A
Paul Henshaw	Roger Upton
Andy Meakin	Daniel Williamson
Nigel Moxon	

**SUBSTITUTE MEMBERS**

Bruce Laughton for Tom Smith

**OFFICERS IN ATTENDANCE**

Pete Barker – Chief Executive's Department  
Rachel Clack – Chief Executive's Department  
Sally Gill – Place Department  
Trish Hennessy – Place Department  
Rebecca Kirkland – Place Department  
Joel Marshall – Place Department  
Jonathan Smith – Place Department  
Debbie Wragg – Place Department

**1. MINUTES OF PREVIOUS MEETINGS HELD ON 22 JUNE 2021 AND 29 JUNE 2021**

The minutes of the meetings, having been circulated to all Members, were taken as read and were confirmed, and were signed by the Chair

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Tom Smith.

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

Councillor Moxon declared a private, pecuniary interest in Item 8, Improvement to Leen Valley Golf Club, Wigwam Lane, Hucknall, and undertook to leave the meeting during consideration and voting on this item.

Councillor Fielding declared an interest in Item 7, Variation of Conditions on Land at Springs Road, Misson as she had lobbied government regarding cross-border consultation on such applications, which did not preclude her from speaking or voting on that item.

### **4. DECLARATIONS OF LOBBYING OF MEMBERS**

Councillor Ogle declared that he had been lobbied regarding Item 7, Variation of Conditions on Land at Springs Road, Misson, which did not preclude him from speaking or voting on that item.

### **CHANGE IN THE ORDER OF ITEMS ON THE AGENDA**

Given the number of speakers present at the meeting Committee agreed that the order of items be changed as follows:

5. (unchanged) Annual Report by Trading Standards
6. (was 7) Variation of Conditions on Land at Springs Road, Mission
7. (was 8) Improvements to Leen Valley Golf Club
8. (was 6) Review of NCC's Pre-application Planning Advice Charging Schedule
9. (unchanged) Development Management Progress Report

### **5. ANNUAL REPORT OF THE LICENSING WORK CARRIED OUT BY THE TRADING STANDARDS AND COMMUNITIES SERVICE**

Ms Hennessy introduced the report which updated Committee on the work carried out by the Trading Standards and Communities Service.

Following Ms Hennessy's introductory remarks Members then debated the item and the following comments and questions were responded to: -

- Ms Hennessy agreed to confirm whether there had been an increase in fireworks licence applications during the latest reporting period.

*(After the meeting Ms Hennessy wrote to members confirming that there had actually been a decrease in such applications - 51 explosives licences were issued in the previous reporting period, whereas 36 licences were issued during the latest reporting period.)*

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

### **RESOLVED 2021/008**

- 1) That the appropriate use of the media to highlight the results of the fireworks safety inspections programme for the coming licensing period (October/November 2021) be approved.
- 2) That a further annual update report be submitted to the meeting of the Committee in June 2022.

### **UPDATED NATIONAL PLANNING POLICY FRAMEWORK**

At this point in the meeting Mr Smith informed members that the National Planning Policy Framework (NPPF) had been updated on 20 July 2021, which was after the papers for this meeting had been published. Mr Smith explained that this meant that the reports concerning the Land at Springs Road, Misson and the Leen Valley Golf Club contained references to the 2019 version of the NPPF. Mr Smith confirmed to Committee that officers had reviewed the changes to the NPPF and that they did not materially affect the Recommendations in either report.

### **6. VARIATION OF CONDITIONS ON LAND AT SPRINGS ROAD, MISSON**

Mr Smith introduced the report which considered two planning applications seeking a three-year extension to the time limited permissions at the Misson Springs exploratory shale gas site.

Mr Smith informed members that the first application sought a variation to the original Condition 4 in order to extend the timescales for the evaluation and restoration stages at the well site for a further three years until November 2023. Mr Smith explained that the original permission also included scope for a second, horizontally drilled well, but this application clarifies that this horizontal well will not now be drilled as part of this proposal.

Mr Smith informed members that the second application sought to vary the original Condition 6 of the planning permission in order to retain a series of associated groundwater monitoring boreholes, again for an additional three years and to fall in line with the extended life being sought for the wider well site.

The following points of clarification were then addressed:

- No work could commence on site until all of the conditions had been met and the extended permission would expire in November 2023 regardless.
- Mr May, representing Frack Free Misson, questioned the explanation given of the moratorium stating that it does not stop shale gas development but introduces a presumption against ministerial consent for associated hydraulic fracturing. Mr Smith responded by quoting from paragraph 180 of the report:

*“The Government continues to recognise the importance of natural gas as a source of secure and affordable energy as we aim to reach net zero emissions by 2050. The Committee on Climate Change predict that we will still be consuming almost 70% of the gas we consume today in 2050 under our net zero target as significant reductions across building, industry and power are offset by demand for gas to produce hydrogen. It is therefore critical that the UK continues to have good access to natural gas from both domestic and international markets.”*

*“On the basis of the current scientific evidence, Government is confirming today that it will take a presumption against issuing any further Hydraulic Fracturing Consents. This position, an effective moratorium, will be maintained until compelling new evidence is provided which addresses the concerns around the prediction and management of induced seismicity. While future applications for Hydraulic Fracturing Consent will be considered on their own merits by the Secretary of State, in accordance with the law, the shale gas industry should take the Government’s position into account when considering new developments.”*

Mr Marshall stated that this announcement made it clear to the industry that it was not to bring forward any more proposals and that the applicant in this case had recognised that by mothballing the site and not drilling a second borehole.

Following Mr Smith’s introduction, Mr Dennis May from Frack Free Misson was then given the opportunity to speak and **a summary** of that speech is set out below:

- It is disingenuous for the applicant to reason that the moratorium prevented or is preventing the previously permitted exploratory works from being carried out at Misson. The drilling rig was withdrawn from the site some 7 months before the moratorium came into effect. That was a commercial decision.
- It is inaccurate to claim that restoring the site will sterilise the mineral resources, that protocol does not apply to hydrocarbons, least of all shale gas.
- The so called ‘pressing need’ for shale gas exploration cited in the application is outdated and has been rendered null and void by subsequent government reports.
- The pursuance of shale gas, one of the most polluting means of fossil fuel extraction, is incompatible with climate targets and therefore unsustainable.
- Is the well site still needed?
- There are no significant end users of low grade geothermal energy within 2km of the site

- Last September the relevant government minister stated that fracking is 'extremely unlikely to happen in England'
- With regards to the moratorium, all attempts and assurances regarding seismic controls have proved ineffective resulting in 100% failure rate. The Oil and Gas Authority (OGA) state that even 'research proposed' is inconsistent with government policy aims.
- One industry source stated that the lifting of the moratorium would be a 'political rather than a scientific' decision, yet the government stipulates the latter. Others have stated that fracking is 'commercially unviable' unless permitted seismic limits are raised, deeming that their business objectives should take priority over community safety.
- This is not a unique position, this industry sells itself on the back of 'gold standard regulations' whilst at the same time regarding such measures, especially the planning regime, as a burden from which it should be exempt. There is an increasing catalogue of non-compliance and regulatory failings.
- Perhaps the question should be rephrased: 'Is it a reasonable prospect that planning permission would be granted for the intended activities?' which, if permitted, would incur noise levels well in excess of the limit for the SSSI. Fracking pumps are every loud. Transposing modelling from sites in Lancashire indicates that noise levels at the SSSI boundary would be 4 times greater than the limit prescribed by Natural England.
- Permitting this application will only delay the inevitable. This site will never be suitable for noisy industry.
- The temporary nature of the original development was cited as a mitigation against harm to the SSSI. It proved not to be the case.
- Previous noise controls have demonstrably failed and a relevant planning condition was treated with contempt by the applicant.
- In the original decision the benefits of development were considered to outweigh the harm. That situation is now reversed.
- Your refusal of permission will be in line with current government policy, paragraph 80 of the NPPF and remove a proven threat to a nationally significant wildlife reserve.
- Councillors, this application is nothing more than a cynical attempt to manipulate the planning system in order to prop up a failed industry. You have adequate reason, justification and a duty to our communities to refuse this application.

There were no questions.

Ms Janice Bradley from the Nottinghamshire Wildlife Trust (NWT) was then given the opportunity to speak and a **summary** of that speech is set out below:

- I am the head of Nature Recovery (North) for the Trust and I am a professional ecologist with over 30 years' experience of evaluating impacts of development on biodiversity.
- NWT greatly welcomed that NCC declared a Climate Emergency in May this year and made a commitment that all committees of the council will be expected to ensure that the decisions they make adhere to this principle. This application is an effective test of that principle.
- This application to delay the restoration of the well site makes clear that the intent behind the delay is to enable the applicant to apply to frack in the area should the Government moratorium be lifted. Thus the proposal to delay the restoration cannot be separated from the reason behind it – they are indivisible.
- This exploratory drilling site lies within an area of particular ecological sensitivity, being in proximity to several SSSIs and LWS which are dependent on good air quality, a stable noise environment, and continued surface, sub-surface and groundwater flows, for the conservation of their features of ecological importance. In addition the site is within 125m of our Misson Training Ground SSSI (Misson Carr Nature Reserve) which hosts a rich assemblage of rare species.
- NWT strongly object to this application to extend the restoration period because we consider that permitting this extension would, by definition, mean that this Committee is accepting that a fracking application might be brought forward, and so is fundamentally contradictory to the stated Government, and NCC, aims to tackle the causes of climate change. It cannot be acceptable that the extraction of a new fossil fuel would be permitted in Nottinghamshire in the face of the climate emergency.
- The committee report provides a carefully worded case that demonstrates the difficulty of balancing rapidly emerging government statements and policy, versus the planning system that lags behind those changes. But fundamentally, since this permission was originally granted, the world has moved on. There is now a moratorium against fracking and the UK has signed up to more stringent CO2 emission reduction targets, indeed this changed context is clearly acknowledged in the Officer's report.
- This is fundamentally the wrong place for an industrial fossil fuel operation, adjacent to the last remnant of nationally important fen habitat in Nottinghamshire, occupied by three of the rarest breeding species in the County, which are also sensitive to noise and disturbance. The fen habitat is vulnerable to degradation from the nitrogen-rich emissions that would be produced by the operation.
- During construction of the well site in 2018 the applicant was not able to meet the noise limits which had been set in agreement with Natural England.



- In the 2018 breeding season during which construction and drilling were underway, surveys of the breeding long eared owls indicated that they moved eastwards from the site that they had used for many years.
- The report argues that delaying restoration would be no more harmful than restoring the site now, that is not true. Delaying restoration by a further 3 years would mean that an even greater disturbance would be experienced by those birds that have recolonised the SSSI. In accordance with our legal obligations we have carried out extensive habitat management in the last 12 months and have secured funds to further improve the condition of the SSSI. Any further delay would affect our ability to improve the hydrological conditions of the site and neither Natural England nor NCC's Ecologist took this into account.

There were no questions.

Mr Ard Battye, a director from the applicant IGas, was then given the opportunity to speak and a **summary** of that speech is set out below:

- The applications before you today, in line with planning policy, are to vary 2 conditions of our existing planning permissions in order to extend the operational period of the site at Springs Road for a further 3 years and additionally retain the groundwater monitoring boreholes associated with the site.
- We believe this site remains of national importance. The trend of increasingly importing oil and gas on super-tankers from overseas, generating 4 times the emissions of our own indigenous resource before it reaches the UK continues.
- Despite COVID-19 induced reductions in UK gas demand in 2020, imports of Liquefied Natural Gas increased by 5% from 2019 and represented a near record 42% of total gas imports.
- In volume terms, the UK imported nearly 55 times as much Liquefied Natural Gas (LNG) from shale fields of the USA in 2020 compared to 2017.
- We believe there is a huge opportunity to reduce the UK's global carbon footprint through domestic production with UK shale gas we move closer to 2050.
- UK shale gas generates one quarter of the pre combustion emissions LNG creates.
- The Committee on Climate Change recently identified a shortfall in the supply of oil and gas that our own resources could address. In June the Committee stated that the North Sea would be unlikely to be able to meet the future demand for oil and gas and that a new additional supply would be needed.
- We are looking to retain the option for a relatively short time to allow us to work with regulators and government towards a safe and responsible lifting of the moratorium.
- It will also give us time to consider alternative development at the site. We acquired a geothermal development business in 2020. We are going through a process of looking at all of our wells and the subsurface information we possess

to better understand the geothermal potential across all of our areas of operations including our site at Springs Road.

- During the entire operation at Misson we have upheld our HSE, environmental, planning and community responsibilities and will continue to do so. This will include routine maintenance such as regularly inspecting the well head and conducting well integrity tests.
- We support the officer's report before you today and hope that members support their officer's recommendations and grant approval.

The following point of clarification was then addressed by officers:

- In terms of iGas fulfilling all of its on-site responsibilities: the site has been subject to intense scrutiny and NCC's enforcement team have visited many times. There have been some breaches of conditions that have been resolved and all complaints have been investigated. NCC are satisfied that all operations on site are being carried out satisfactorily. The Environment Agency have confirmed that they have no concerns about the site.

Councillor Matthew Curtis from Misson Parish Council was then given the opportunity to speak and **a summary** of that speech is set out below:

- iGas have made it clear that their prime reason for seeking the extension is to reactivate the site and apply to drill and frack – should the current moratorium on fracking be lifted. When the original application was granted, those objecting to the plans were given the reassurance that this was for a temporary exploratory well site that did not include fracking. This 3 year extension not only challenges the concept of temporary but also therefore brings the prospect of fracking on this site a step closer.
- iGas are also on record as saying that the limitations on the site at Springs Road make it unsuitable for large scale production, the inference being that they would, at some time, require a new site in the area that could accommodate the number of wells to optimise production.
- The fact that iGas waited until almost the last minute to seek this extension has also not gone without notice. We note that the construction industry has managed to function throughout the pandemic and feel it is somewhat disingenuous for them to leave it this late to make a response. There is no reason this application could not have been made at a time when they could have undertaken the work within the time specified in the planning permission.
- This is not the first time that the conduct of iGas has been found wanting; there was an unexplained delay to the completion of the construction phase of the site during 2017 followed by an application to have the deadline extended beyond the start of the 2018 bird breeding season. Apart from creating a significant volume of work for all those participating in the consequent consultation it demonstrates either a lack of competence or a general lack of respect for the planning process on the part of iGas. This time NCC would appear to be under no obligation to grant permission and we feel that the application should be rejected and not reward them for their non-compliance.

- Since the threat of shale gas development was first raised in 2014 the lives of many local residents have been blighted, first by the uncertainty of what the enterprise might entail, then by the sheer effort involved making their concerns understood. Many of us have worked very hard to articulate these concerns and engage with a complex and highly technical planning process, and since permission was granted, each new phase of the development has brought new challenges which have impacted upon our daily lives. Specifically, the secrecy and intimidation encountered during the initial seismic surveys, the influx of protestors squatting on private land near the site, a massive police presence, ad hoc road closures, court injunctions threatening members of the local community and on site security making the area look like a prison. These are all things that we have had to contend with over the past six years and quite frankly, we have had enough. Extending the planning permission for another three years, whilst no doubt conferring a financial benefit on iGas, does nothing for the local community other than giving us another three years of anxiety.

There were no questions.

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

- This has been a significant site during my term as a county councillor and I have attended the liaison meetings throughout that time.
- I have no view on the industry, I want to focus on the application.
- I think it might be useful to state the chronology relating to the site:
  - 2014/15 – possibility of fracking first raised
  - October 2016 – test drilling agreed
  - May 2017 – Section 106 agreement signed
  - November / December 2018 – construction phase
  - May 2019 – test drilling ceased
  - November 2019 – moratorium, no work carried out since then
- The results of the core sampling analysis were positive, iGas made this known publicly and would no doubt proceed if allowed.
- At the end of 2020 the site should have been restored, but now iGas want to delay this, no works have been undertaken in the meantime as the assumption has been that work could be carried out in the future.
- The decision whether to keep the site mothballed or not, as the moratorium may or may not remain in place, is a decision that needs to be taken on valid planning grounds.

- The officer's report states that there is no indication that the moratorium will be lifted in the short term, but that it may be lifted some time in the future. We need to look at the conditions today.
- Permission is being sought to extend the timescales until 2023. What happens after that? If an extension is granted we do not want any operations to be given permission to start after 2023.
- I do not want the absence of comment from other communities to be construed as tacit consent, these communities are concerned with blight.
- The impact of the mothballed site is a daily reminder that it may become a live site in future.
- Is it appropriate to put the needs of a community before a commercial concern to save money? The moratorium could be lifted, iGas could apply again for permission that could be granted – the issue would be the cost of restoration now compared to the cost of doing so in the future.
- The decision should be made on the situation as it is today, not what might be in the future. The needs of the residents should be considered, not the issue of commercial advantage.

There were no questions.

Following the speeches and Mr Smith's introduction, Members debated the item and highlighted the following:

- This application is not about approving fracking, the recommendation in the report is to delay restoration. There is a moratorium in place which is convenient in that it allows the problem of deciding on fracking to be avoided, but the problem does not go away for the residents. There is no evidence to suggest that the moratorium will be lifted in the near future. There is no reason why the enforcement of restoration should not go ahead now.
- The area is blighted at the moment, the SSSI should be restored now. If the situation changes then it can be reassessed in the future.
- This is effectively a form of land-banking which is not good for communities.
- Restoration should be enforced now and if the moratorium is lifted the applicant can re-apply for permission.
- Applications for the extensions of permissions are not unprecedented, they have been granted for gravel extraction for example, though they do blight the communities affected.
- Members are usually aware of all of the issues when dealing with gravel extraction, ie there is usually knowledge about the likelihood of the required

material becoming available. There is no such certainty here, the authority has no control about when the moratorium may be lifted.

- Acknowledge that voting against officers' recommendations may have consequences for the Authority. The applicant may appeal and there will be a cost to the Authority.
- The moratorium should be indefinite.
- Officers acknowledge the uncertainty caused by the moratorium. Significant work will be required to remove the hardcore and containers from the site and a short time extension to 2023 may lessen the overall degree of disruption, depending on what happens to the moratorium.
- Officers understand the blight issue but they have visited the site and it is quiet at the moment with no drilling and no protesters present.
- Reasons for voting against a recommendation must be based on material planning considerations.

The meeting was adjourned at this point to allow officers to prepare written reasons for members who were minded to refuse permission in this case and for those reasons to be agreed before any vote was taken.

At the resumption of the meeting the Chair read out the following statement containing those reasons:

Given the present uncertainty surrounding the Government's moratorium on fracking, the proposed development would lead to the retention of the site in its present condition until November 2023 which is considered to be an unacceptable length of time, adversely impacting on the amenity of the local community and the local environment contrary to Policy DM1:Protecting Local Amenity of the Nottinghamshire Minerals Local Plan. These impacts are considered to outweigh the benefits of retaining the site in its present condition for this period of time. It is therefore considered that the application be refused to allow for the site's timely restoration in accordance with the NPPF.

The Committee then moved to the vote and the Chair declared that the motion had been lost.

## **RESOLVED 2021/009**

That the granting of section 73 planning permission under applications 1/20/01695/CDM (Proposal 1) and 1/21/00157/CDM (Proposal 2) be refused.

After the meeting, and in consultation with the Chair and Vice Chair, the following wording for the statement of reasons was agreed:

'Given the ongoing uncertainty surrounding the Government's moratorium on hydraulic fracturing originally enacted in 2019, the proposal would lead to the retention of the site and its associated boreholes in their present condition until

November 2023 which is considered to be an unacceptable length of time, continuing to adversely impact the amenity of the local community and the sensitive local environment contrary to policies DM1 (Protecting Local Amenity) and MP12 (Oil and Gas) of the Nottinghamshire Minerals Local Plan. These impacts are considered to outweigh the benefits of retaining the site in its present condition for this period of time, after considering all relevant material considerations. It is therefore considered that the application be refused to allow for the site's timely restoration in accordance with paragraphs 211 (e) and 215 (a) of the National Planning Policy Framework.'

## **7. IMPROVEMENTS TO LEEN VALLEY GOLF CLUB, WIGWAM LANE, HUCKNALL**

Councillor Moxon left the meeting at this point and did not return until after the debate and voting on this item had taken place.

Mr Smith introduced the report which considered a planning application to utilise imported inert soils to re-profile and re-landscape land relating to the existing golf course at Leen Valley Golf Club, as well as providing additional recreational facilities comprising an adventure golf putting facility and a toboggan run. Mr Smith informed members that the key issues related to the application's compliance with both waste management and Green Belt policy, residential amenity impacts, and the magnitude of the environmental impacts associated with the construction phase particularly in relation to lorry movements, noise, ecology and landscape.

Mr Smith informed Committee that the only change required to the papers circulated was an amendment to Condition 11 which referred to the 2019 version of the NPPF rather than the 2021 version.

There were no questions.

Following Mr Smith's introduction, Mr David Weller was then given the opportunity to speak and **a summary** of that speech is set out below:

- I am a golf course architect representing the applicant, Leen Valley Golf Club
- We were asked to look at 3 aspects of the club namely:
  - The driving range outfield
  - The provision of an adventure golf course
  - The provision of a summer toboggan run
- The current outfield was constructed poorly with imported soil on what was a former slag heap.
- The grading works direct the golfers towards the adjacent highway
- There is little in the way of sub-surface drainage and only a thin layer of topsoil which results in mud in winter and bare patches in summer

- This poor condition makes it difficult to collect balls and makes for an unappealing target area for customers
- The outfield lacks any visual target areas with some sections of the outfield not visible from the bays
- Not surprisingly this aspect of the business has been in decline and it is proposed to address the situation with a re-modelling scheme requiring importation of soil
- The re-shaping would have a number of benefits:
  - The outfield would be re-aligned to encourage golfers to hit farther away from the road
  - The severe slopes would be removed and with the addition of well shaped target greens the outfield would both be more appealing to customers and easier to maintain
  - The installation of subsoil drainage and appropriate shaping will greatly improve the ease of maintenance and therefore the look of the outfield throughout the year
  - It will also form part of a water recycling system where excess rainfall can be collected by a combination of the outfield shape and drainage pipes and transferred to the new water storage lagoon for use in the irrigation of the course at later date
  - Improved surface and drainage will also allow the use of robotic grass cutters and ball pickers which the industry is moving rapidly towards
  - The soils required for the works will be sourced from Environment Agency approved soils, this is primarily due to the nature of the existing course where, because of its history as a slag heap, no soil can be sourced from on-site.
- In addition to the range improvements the operator wishes to add the option of adventure golf to the facilities
- Adventure Golf is an ideal, complementary activity and the design will be landscaped-based with rocks, undulations, water and planting
- The theme elements will focus on local history and heritage
- Adventure Golf is very inclusive and can be enjoyed by all ages thereby broadening the customer base of the club
- The same can be said for the proposed summer tobogganing which will also have a wide appeal, though especially to the young
- The new features will hopefully bring in visitors who will also use other facilities at the club



- The applicant is keen to greatly enhance the facilities available at the club
- The proposals will result in an outfield less prone to flooding, more attractive to customers and enjoyed all year round
- Many golf courses are now successfully broadening the appeal of their facilities by introducing new leisure features and Leen Valley is keen to move forward also
- One of the products of Covid has been an increased interest in golf. Speaking to other operators they have seen a huge increase in players and memberships. Leen Valley would very much like to build on this renewed interest, I therefore hope that Committee can support this application.

There were no questions.

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

**RESOLVED 2021/010**

That planning permission be granted subject to the conditions set out in Appendix 1 of the report.

**8. REVIEW OF NCC'S PRE APPLICATION PLANNING ADVICE CHARGING SCHEDULE**

Mr Smith introduced the report which informed Members of the proposal to update the County Council's pre-application planning advice service and included a request to approve a proposed increase in fee levels.

Following Mr Smith's introduction, Members highlighted the following:

- Charges should be increased annually linked to RPI
- Reviewing charges every 4 years is not often enough
- An annual report to Committee is not required
- A report will be brought to Committee if any fundamental review is necessary
- The Chair and Vice Chair should agree with officers how to proceed in future

The Chair agreed to an alteration to the original motion to include a recommendation that the Chair and Vice Chair liaise with officers to agree a way forward

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

**RESOLVED 2021/011**

1. That Members approve the revised fee schedule for the pre-application advice service as set out in the report, to come into effect on 1<sup>st</sup> September 2021



2. That the Chair and Vice Chair liaise with officers to agree a revised way forward in future.

## **9. DEVELOPMENT PROGRESS MANAGEMENT REPORT**

Mrs Gill introduced the report, stating that it was the usual report brought regularly to Committee detailing the applications received, determined and scheduled.

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

### **RESOLVED 2021/012**

That the contents of the report be noted.

The meeting closed at 1.07pm

**CHAIR**



**14 September 2021****Agenda Item: 5****REPORT OF CORPORATE DIRECTOR – PLACE****ASHFIELD DISTRICT REF. NO.: 4/V/2021/0386**

**PROPOSAL: CHANGE OF USE FROM A RESIDENTIAL DWELLING TO A SMALL (2-BED) HOME FOR CHILDREN IN THE CARE OF THE LOCAL AUTHORITY. ALTERATION OF FRONT DRIVE.**

**LOCATION: 32 SUDBURY DRIVE, HUTHWAITE, SUTTON-IN-ASHFIELD, NG17 2SB**

**APPLICANT: HOMES2INSPIRE AND NCC CHILDREN & FAMILIES**

**Purpose of Report**

1. To consider a planning application for the change of use of a dwelling and alterations to site parking to use as a home for children in Local Authority care at 32 Sudbury Drive, Huthwaite. The key issues relate to the suitability of the location in land use terms, highway and amenity impacts. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

**The Site and Surroundings**

2. 32 Sudbury Drive is a four-bedroom detached house on a residential estate, known as the Whitegates estate, and is located approximately 560m to the south-west of Huthwaite town centre. The residential estate is accessed from Blackwell Road (B6026), 200m to the west of the junction with Common Road (B6027) (Plan 1).
3. The residential estate is served by a circular estate road (Whitegates Way and Sudbury Drive) with culs-de sac of Calke Avenue, Kedlestone Close and Stainsby Grove (Plan 2). The circular estate road is traffic calmed with kerb-to-kerb raised platforms along its length spaced for a residential road design speed of 25mph appropriate at the time of construction in the 1990s.
4. 32 Sudbury Drive is located opposite a grassed amenity area and play park at the south of the estate. There is a traffic calming platform immediately outside the property, and on its southern side a tarmac path leads to an enclosed area with play equipment. The traffic calming feature is a convenient level crossing point to the play area (Plan 3).

5. An integral garage of the original property has been converted to create a family room. The property has two hard-surfaced parking spaces and one additional shale surfaced space which emerges partially on to the raised traffic calming platform. The remainder of the front garden is planted.
6. The property has principal windows in the front and rear elevations (Plan 4). The largest bedroom has first floor windows in both the rear (north) and east elevations, with a clear-glazed side window directly facing a clear-glazed window in the side elevation of 30 Sudbury Drive which is a mirror-image in its design. The first-floor window in the west elevation is to an en-suite and is obscure glazed.

## Background

7. The applicant points to the County Council's duty to provide sufficient accommodation to care for those of their children who come into its care. This is known as its Sufficiency Duty. Where it cannot find suitable places within the county, placing children outside of the county strains their ties with their families, friends, supporting services and communities. This is of particular concern in the current national context where a rise in numbers of children needing local authority care is expected.
8. The applicant states that the County Council seeks to develop new children's homes within Nottinghamshire which provide a typical home setting, both in size and area. Whilst some children may benefit from living in large groups or in rural areas, many are best placed in houses and areas with some proximity and similarity to where they originate, especially where continued contact with birth families, friends and schools is intended.

## Proposed Development

9. Planning permission is sought to change the use of 32 Sudbury Drive to a home providing care for two children in Local Authority care, falling within Use Class C2: *Residential Institutions*. The application is made in partnership with Homes2Inspire, part of the Shaw Trust charity. The home would be registered with Ofsted before being opened.
10. The applicant advises that *the household would comprise one or two children, aged between 10 and 18, with a minimum of two appropriately trained adults present on shift on a rota basis. Other professionals may visit the property to provide care and support as required.*
11. *All NCC and H2I children's care homes have documented procedures staff must follow which have been approved by and are subject to inspection from Ofsted. These guide staff to support each child and maintain a safe and effective home. The home will be a safe haven for children in need of care, replicating many aspects of family-life in a domestic setting. The staff team will aim to create a happy environment and encourage engagement in activities which build confidence and independence.*

12. *The staff team would implement plans for either child to receive appropriate education, attending mainstream school wherever possible. Where a child with significant disabilities comes to live in 32, Sudbury Drive it is probable that their education would be partly or wholly in or provided with the support of specialist partners.*
13. *Each child would have their own bedroom and be encouraged to personalise with their own belongings. Communal facilities, such as the kitchen and living room, would be shared and each child would be included in cooking and cleaning activities, taking on appropriate chores as in a typical family home.*
14. A team manager covers two properties so would be at the home for 50% of the time. At least two staff would be on shift at all times operating a 25-hour shift system with staff handover taking place between 14:30-15:30 hours. During handover on some days there would be five staff on site for up to one hour.
15. The home would have a house pool car to transport the children. On the basis of all members of staff travelling by car and the manager being present, there would be six vehicles parked at the property or on the adjacent highway for an afternoon one-hour period each day. In addition, based on similar homes in the Homes2Inspire portfolio the applicant has advised there may be additional visitors making no more than one short weekly visit. Typical anticipated daily parking is shown in *Figure 1*.

	00:00-09:00	09:00-14:30	14:30-15:30	15:30-17:00	17:00-00:00
house pool car					
shift 1					
shift 1					
shift 2					
shift 2					
manager		50%	50%	50%	
total cars	3	3 or 4*	5 or 6*	3 or 4*	3

\*depending on whether the house manager is present

*Figure 1.*

16. The existing shale-surfaced parking space would be resurfaced with a bound finish and provided with drainage at the highway boundary. One or more electric vehicle charging points is to be provided following investigation to determine the best location. The established garden planting would be retained. The existing access arrangement over the raised traffic calming platform is not to be considered satisfactory by the applicant and it is proposed to re-site the traffic calming measure (as two traffic cushions) 18m to the east adjacent to 30 Sudbury Drive (Plan 5) to a position more evenly distanced from existing traffic calming features to the east and west (Plan 6).

Relocation of the traffic calming measure would be subject to a separate process including public consultation.

17. The children would each have a bedroom with en-suite. Resident staff would each have a bedroom which could also be used for related office work.

## Consultations

18. **Ashfield District Council** - Recommends refusal. *Ashfield District Council raise concerns with the proposal in respect to the impact on the amenity of neighbouring properties and highway safety. At 26 May 2021, 55 objections have been received from neighbouring properties raising a number of concerns. Policy HG8 of the ALPR 2002 states that development of residential care homes will be permitted where the amenity of neighbouring properties is protected. All proposals must ensure that the amenity of residents in the neighbourhood is protected and that undue disturbance or an adverse change in character of the locality will not arise. It is stated that during handover periods of staff shifts there will be five members of staff on site for up to one hour with a requirement for two members of staff on site at any one time.*
19. *Given the close proximity of the property to neighbouring properties, there are significant concerns with regards to potential noise and disturbance resulting from the proposed change of use. There are concerns in terms of the possible frequency of the comings and goings of staff and visitors in this particularly sensitive residential location. Furthermore, there are concerns with regards to enforcing the number of staff working on site at any one time in the interests of reducing the overall impact on neighbouring properties.*
20. *The proposed plans demonstrate four off-street car parking spaces, however the parking spaces do not meet the County Council's minimum dimension standard of 2.4m x 5.5m. The submitted planning statement indicates that as a worst-case scenario, all four off-street spaces would be used and an additional two on-street car parking spaces will be required. As a result, it is considered that the proposal does not provide adequate off-street car parking for the proposed use to the detriment of the capacity and safety of the highway in this location. [Members should note that the application has subsequently been amended to reduce the proposed number of on-site parking spaces to three spaces but no further response has been received from the district council at the time of the report being published].*
21. **NCC Highways Development Control** – No objection subject to the provision of the submitted proposed access arrangements.
22. *Highways are restricted to considering the impact of an application on capacity of the highway network and highway safety. The tests for both are “severe” and “unacceptable” respectively.*

23. *In respect of capacity, this proposal will not have a severe impact on the capacity of the adjacent highway network. Indications of the magnitude of such use classes which could create capacity impacts are within the Nottinghamshire Highway Design Guide and states that developments with 50 or more bedrooms should be assessed. It should be noted that even then, such a development may not create a severe impact on capacity of the highway network. A 4-bed dwelling falls significantly below this.*
24. *NCC parking standards were adopted in January 2021 and require one space per three bedrooms and 1 space for the maximum number of staff on site at one time. Where this is not met the guide states: 'developments will not be supported should they be likely to result in excessive on street parking that would: – impair road safety; – obstruct access for vehicles, including for service vehicles, the emergency services and buses; and – obstruct footways and be a hazard to cyclists and pedestrians, including those with mobility or visual impairments.'*
25. *In terms of highway safety, whilst there is a potential under-provision of parking during the day, Monday to Friday, it is not considered that vehicles parked on a residential estate road in this location would represent an unacceptable road safety issue, given the scale of the proposal / under-provision and in consideration of the fact there is no current excessive demand for on-street parking.*
26. *The proposals require an existing traffic calming feature to be relocated to enable unhindered access to the proposed parking spaces. A desktop study indicates that the existing loose stoned area is used as an informal parking space, using the flat-topped traffic calming feature to gain access. In doing so, the loose stones are being transferred to the highway, which is a potential road safety issue. The proposals will formalise this parking, providing a suitable bound surface, with the existing drainage extended to prevent discharge of surface water to the public highway.*
27. *It is required to re-site the traffic calming feature. This is carried out under a process separate to planning and the proposed type and location can only therefore be considered indicative. It is noted that the existing feature aligns with a path to the children's park to the south. Whilst not intended as a crossing facility, it should be noted that it is bad practice to align such features with paths as they can infer pedestrian priority, to the detriment of pedestrian safety.*
28. *With reference to the possible number of cars associated with the use: it is thought unlikely that the young people and their friends will all drive cars, if any, and that the friends would be there on a regular basis and/or both at the same time. The scenarios of managers being there before school and professional staff and Ofsted being there at the same time are unlikely and is considered unlikely to be a daily occurrence in any case. Gardeners / window cleaners and deliveries etc would all be similar to any other domestic dwelling.*
29. *The above noted, even with vehicles over and above that which can be accommodated within the curtilage, as highlighted previously there is no*



*current excessive demand for on road parking in this area and it is not considered that any additional demand associated with the proposed use would represent an unacceptable highway safety issue.*

30. NCC Highways Development Control has made comments on representations made on a second round of consultation (Paragraph 37) which includes the proposed relocation of traffic calming on Sudbury Drive:
- a) *Parking on-street adjacent to the bend - Parking that could take place would be in practice no different to additional vehicles and visitors parking to visit any of the houses in the vicinity of this bend. Opposing vehicles would be limited due to the quiet residential nature of this road and therefore the risk is minimal. Notwithstanding the above, rules regarding parking on bends is contained within the Highway Code. There is very little demand for on-street parking within this estate, meaning there are plenty of alternative places to park.*
  - b) *Impact of parking on emergency service vehicles - The parking will represent little difference to parking which could be associated with existing residences. Furthermore, the road conforms to current standards which take into account access by emergency service vehicles, along with much larger refuse vehicles.*
  - c) *Pavement parking will be encouraged - The road is wide enough to accommodate additional parked vehicles on the carriageway. Pavement parking is an obstruction, currently dealt with under police powers.*
  - d) *Insufficient space to park on the highway between house drives - There are plenty of opportunities to park in the vicinity, without obstructing driveways.*
  - e) *Difficulty crossing to the park due to parked vehicles - This road can be crossed at many points on the approach to the park, avoiding where parked vehicles may be.*
  - f) *The highway is too narrow - The carriageway is 5.5 metres (increasing to 5.6 metres through the bend). Whilst built to superseded design standards, this width matches the requirements of the current Nottinghamshire Highway Design Guide.*
  - g) *Removal of crossing point/re-siting of traffic calming feature/speed increased adjacent to park - With regards to re-siting the hump, its use as a crossing point to the park has been explored in the previously submitted consultation. The existing flat-topped hump is sited 60 metres from the hump to the west and 82 metres from the hump to the east. By moving it approximately 10 metres to the east, the distance between speed reducing features will be more equidistant, reducing approach speeds to and adjacent to the park, from the east, maintaining a more even speed from both directions, in the vicinity of the park as a whole. An alternative location outside number 34 has been suggested. As the location is indicative this could be explored during*



*detailed design, but could be discounted as it decreases the spacing with the hump to the west but increases it with the hump to the east.*

- h) Type of traffic calming feature / potential damage to vehicles - The drawing is indicative and the feature can be substituted for a round topped road hump. All traffic calming features are specifically designed to allow vehicles to drive over them without damage at speeds of around 20mph and less.*
- i) Difficulty accessing properties - The indicative location of the new traffic calming is not within the bounds of the dropped vehicular access for any property and will not therefore create an issue.*
- j) Conflict with parking taking place associated with an existing Childminding business - The Highway Authority are not aware of any planning applications submitted to change/vary the use of another dwelling in the area for use as a childminding facility. However, as we have had no complaints associated with this alleged use, this suggests there is no issue with parking additional to residential use in this vicinity.*
- k) Disruption due to Highway works - Works within the highway are commonplace and are managed such to reduce the impact of any disruption. These works are minor and will not create significant impact on this quiet residential road. As the road forms a loop, alternative access in either direction is available, to avoid the works.*

31. **Police Force Architectural Liaison Officer** – No objection.

32. **NCC Access Officer** – No objection. *The house appears to be designed to Approved Document M Part 1: Dwellings, Category 1: Visitable Buildings. With the proposed parking layout there is space for a wheelchair user to park and alight from their car. There are 3 steps to the front entrance door but there is an access path down the side of the building where there will be level access to a rear door or possibility of creating a ramped access.*

33. *The house has a ground floor toilet designed in accordance with ADM Volume 1 'visitability' standards and there is potential to adapt the building internally if there is a child in a wheelchair.*

## **Publicity**

34. The application has been publicised by means of a site notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.

35. A 214-signature petition has been received objecting on the following grounds:

- a) Increased volume of traffic, noise and air pollution
- b) Parking congestion in the area of the property, particularly at shift handover

- c) On-street parking required during busy times
  - d) Increased risk of accidents involving children using the play area opposite
  - e) Staff smoking in the rear garden impacting neighbouring property
  - f) The home will be for children with challenging behaviours
  - g) Increased anti-social behaviour, burglaries and drug dealing
  - h) Deterrent to children being allowed to use the park opposite
  - i) Change to the character of a peaceful neighbourhood
36. 77 representations from 55 households on Sudbury Drive (24) , Kedlestone Close (6), Calke Avenue (10), Stainsby Grove (4), Whitegates Way (10) (all properties on the Whitegates Way estate) and Parkland View (1) (900m to the east-south-east) have been received raising objections on the following grounds:

#### **Location Suitability**

- a) Adverse change to the character of the area (41)
- b) Children with challenging behaviour/unknown backgrounds/accommodating youth offenders (35)
- c) Increased drug use/dealing (10)/unwelcome visitors and anti-social behaviour (29) and related traffic/speeding (2)
- d) Safety concerns/Increase in crime and damage/fear of crime/incidents/ police incidents (54)
- e) Opposite a park is unsuitable. Not an appropriate location for the use (36)
- f) Deterrent to use of the park (25)
- g) Other properties could be used/brought back into use (19)
- h) The site is not in a sustainable location requiring significant travel by car/no amenities (6) A mixed-use location is more suitable

#### **Traffic**

- i) Increase in traffic (40)
- j) Inadequate on-site parking (14)
- k) Increase in on-street parking including additional support service vehicles (28)
- l) Obstructive parking (6) Obstruction to emergency vehicle access (2)

- m) Risk to pedestrian safety from parking and crossing to the park (21)
- n) Poor visibility – bend on the approach (16)
- o) On street parking will create a hazard (10)
- p) Staff/visitor parking will not be managed without Traffic Regulation (2)
- q) The path to the park meets the road at the existing traffic hump and would be moved (4). Traffic safety impacts of moving the traffic calming (6)
- r) Moving the hump is less of a deterrent to speeding (2)
- s) Limited/reduced available space for on-street parking (6) (One resident points to attending a property close by for child-care)
- t) Need for additional commercial waste collection and specialist transport
- u) No provision for electric vehicle charging [a charging point is proposed in the revised proposal subject of this report].

### **Amenity**

- v) Frequent coming and goings/staff handover/other visitors (11)
- w) Change in property frontage character (car parking) (10)
- x) Unneighbourly behaviour and noise disturbance (26)
- y) Loss of privacy – to neighbouring property/overlooking (8)
- z) Impact on sleep/health/welfare (13)
- aa) Vehicle pollution (2) next to the park
- bb) Impact of child/staff smoking on neighbours (4)
- cc) Disruption during highway works (2)
- dd) Increased area/resident property security is required (3)
- ee) Inadequate drainage for on-site parking spaces
- ff) No provision for the storage and removal of waste/odours
- gg) Lack of property maintenance

### **Safeguarding**

- hh) Hostility to residents and operators (2)

## **Management**

ii) Concerns over applicant management style/reported experiences/risk to children in the applicant's care/challenging behaviours at other properties (Ofsted reports) (20)

jj) Request for incident management procedures

## **Procedure**

kk) Poor/lack of widespread County Planning Authority consultation (14)

## **Other matters**

ll) Inappropriate/non cost-effective use of public funds and staffing costs (2)

mm) Loss of value (24)

nn) Additional permissions will be required (e.g. Building Regulations)

37. Consultation has taken place on the amendment reducing the proposed number of on-site parking from four to three spaces, and the proposed relocation of the traffic calming feature on Sudbury Drive. 21 representations have been received from 18 properties on the residential estate (Sudbury Drive (13), Calke Avenue (4), Kedlestone Close (1), Stainsby Grove (2) and Whitegates Way (1) raising the following objections:

## **Location Suitability**

- a) More sustainable/better locations for the use are available (7).
- b) Lack of access to services (2) no facilities on the estate.
- c) Antisocial behaviour/risks to the neighbourhood (4).
- d) High police call out to similar properties operated by the joint applicant (4).
- e) Fear/deterrent to use of the park (3).
- f) The use is not appropriate/adverse change to the character of the area (6).

## **Traffic**

- g) Increased on-street parking/congestion (15) Impact on use by emergency vehicles (2).
- h) Proximity to a bend is a highway safety issue (8). The highway is narrow/inadequate width (4).
- i) Pavement parking will occur/be encouraged (3). Insufficient space to park on the highway between house drives to accommodate staff parking

requirements. Impact on neighbouring property. Moving the traffic calming measure is a means to get permission passed and allow on-street parking.

- j) Safety/difficulty crossing to the park due to parked vehicles (11). Moving the traffic calming will worsen safety for park users. Larger vehicles (vans/scrap collectors) drive at speed (3).
- k) The existing speed calming hump has so far been adequate in its location (3). Removal of a crossing point to the park.
- l) Speed cushions are ineffective in reducing speed and can be driven around (4) – a hump across the full carriageway is more effective. Speed cushions cause vehicle damage.
- m) Inappropriate location for the traffic calming (2). Vehicles will speed next to the play park. The speed cushion will be outside a property drive (3). The speed hump location will cause difficulty accessing property. An alternative traffic calming location outside 34 Sudbury Drive is suggested.
- n) Disruption caused by highway works.

### **Management**

- o) Poor quality of care and leadership provided by the operator.
- p) The operator should have a robust management plan.

### **Procedure**

- q) Application consultation has been poor.
- r) The property has already been purchased (3).
- s) Objections are not being taken into account (4).

### **Other matters**

- t) Inappropriate/non cost-effective use of public funds (5).
- u) Impact on mental health/anxiety (3).

- 38. Councillor Tom Hollis objects to the proposal: *Whilst I acknowledge that under the Children's Act 1989 (Section 22G), Nottinghamshire County Council has a duty to provide, on behalf of the people of Nottinghamshire, sufficient accommodation to care for those of their children who come into its care, I believe that this is simply in the wrong area.*
- 39. *Within the supporting statement for this application it makes a number of misrepresentations especially when talking about local amenities. The supporting statement says that "Local amenities include, a range of nearby shops, several outdoor walking and recreation facilities and Huthwaite Library."*

*This is simply untrue – shops on Blackwell Road (B6026) are some distance away. The nearest convenience stores are more than half a mile away and can only be accessed via a busy road. Huthwaite Library is a considerable walk from Sudbury Drive – it is only open for 7 hours a week – on a Monday and a Thursday. To claim that this is a facility benefitting local people is simply untrue – it has a minimal impact.*

40. *There are no bus services nearby as the document states – meaning social mobility opportunities are almost non-existent. There is simply not the local infrastructure to support this application. Many local people have contacted me regarding the unsuitability of this application. If indeed, this council are serious about consultation – then they would reject this application.*
41. *The cost of the property is approaching £300,000 – it is one of the most expensive estates in Sutton-in-Ashfield. As you will know, the Council has a fiduciary duty to spend taxpayer's money wisely. This property is almost double the average house price of £152,000 in Sutton (according to Zoopla – June 2021). As I have discussed with the Chairman of the Planning Committee – I would be happy as the County Councillor for the area – to work with the applicants to find a more suitable, better value for money alternative. Sutton has more appropriate locations for a property of this nature with better infrastructure so that residents at these homes will not be as isolated.*
42. *I believe that this application will impact on the amenities of local people. The application talks about up to 5 cars at any one time being parked on this residential road for 24 hours a day, 7 days a week.*
43. *In conclusion, I do not object to the principal of housing children in need. For this specific application – it is purely about the expensive location with the lack of local infrastructure.*
44. *Lee Anderson MP has written on behalf of the residents of Sudbury Drive to object to the proposal. Sudbury Drive is a housing estate with a play park and a great community. In my opinion this site is not an acceptable area for this type of conversion for all the reasons highlighted in the objections from residents both to Nottinghamshire County Council and Ashfield District Council. Ashfield District Council has also raised its objection to this proposal which needs serious consideration along with individual objections from neighbouring properties.*
45. *The issues raised are considered in the Observations Section of this report.*

## **Observations**

46. *The proposed development proposes a small-scale child-care facility in the local community, meeting the County Council's duty to provide accommodation for children in care under the provisions of the Children's Act 1989.*

47. Ashfield Local Plan 2002 (ALP) Saved Policy ST1 – *Development* will allow development that amongst other criteria:
- b) will not adversely affect the character, quality, amenity or safety of the environment;
  - c) will not adversely affect highway safety; and
  - e) will not conflict with an adjoining or nearby land use.
48. ALP Saved Policy HG8 – *Residential Care Facilities, Houses in Multiple Occupation, Bedsits, Flats and Hostels* will permit the development of residential care homes (amongst other specified residential-type uses) where:
- a) the amenity of neighbouring properties is protected;
  - b) its design is acceptable in terms of appearance, scale and siting;
  - c) in the case of residential care homes the outlook from bedrooms and communal rooms is adequate;
  - d) adequate private garden is provided;
  - e) boundary treatment provides an acceptable standard of privacy and visual amenity;
  - f) access for vehicles and pedestrians, including disabled people, is safe and convenient;
  - g) parking facilities are provided in accordance with Council standards, as outlined in *Appendix 7*, and
  - h) landscaping complements and enhances its appearance.

With reference to Saved Policy HG8g) it should be noted that Appendix 7 is not 'Saved' and the current Highways Design Guide was adopted by the County Council in 2021.

#### Suitability of the Location

49. The proposed use falls within planning use class C2: *Residential Institutions* which includes the use of buildings as *residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres*. The proposed use is distinguished from use as a dwelling (Use Class C3) through not being a family unit/single household. With regard to the age of the children they would not be self-sufficient and would require care.
50. Having regard to examples of C2 use in the Use Class definition, the use includes properties and buildings which can be substantial in terms of their scale and potential impact arising from related staff and traffic movements. Although



within Use Class C2, the proposed use is of relatively small scale, seeking to provide a home for two children in the context of a residential housing estate. If the children were being cared for by fosters, the use would fall within the definition of Use Class C3 *Dwellings* and could take place without the need for planning permission.

51. The principal planning issues in determining this application are, in land use terms, the suitability of a care facility in an otherwise residential housing estate and the traffic and amenity impacts associated with the proposed use.
52. Use of the property as a care home for one or two children in care, in a home setting, would not be dissimilar to the occupation of a house, although the applicant has identified that there would be regular daily comings and goings by staff at the shift hand-over time (Paragraph 14). Considering the character of the proposed use, the location of a small-scale care home on a residential estate would not be out of character or inappropriate in the area.
53. NPPF Paragraph 130 advises, with reference to 12. *Achieving well-designed places*, that planning decisions should ensure that developments *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience*.
54. A significant number of representations raising objections to the suitability of the location relate to the background of children who may be resident and their past which may attract or lead to an increase in disruptive or anti-social behaviour. Whilst perception of crime has been held by the courts to be a material consideration it has been considered by an Inspector in determining an appeal<sup>1</sup> to be only material where the use, by its very nature, would provide a reasonable basis for concern. The Police have not objected to the proposed use. The facility would operate and be managed in accordance with established child-care practice and would need to be registered with, and would be subject to, inspection by Ofsted. Other procedures and controls are in place that would govern the management and operation of the children's home.
55. The County Planning Authority has been made aware that residents have been leafleted drawing attention to the proposal being to use the property to house young offenders. Such a proposal would fall within a separate Use Class C2A *Secure Residential Institution* and there is no permitted change between Class C2A and Class C2.

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<sup>1</sup> Appeal at 20 Pattens Lane, Rochester, ME1 2QT – Appeal reference APP/A2280/W/19/3222409  
<https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?fileid=33140902>



56. Objectors refer to alternative premises elsewhere being more suitable. A C2 use may be acceptable at properties in other locations but that is not the proposal presented for determination. The application site lies approximately 700m walking distance from the retail centre of Huthwaite on Market Place, and 820m walking distance from Huthwaite Library. After leaving the residential estate (390m walk) the nearest bus stops are 270m to the east close to the junction of the B6026 (Blackwell Road) and B6027 (Common Road). The property is in an urban area, not a remote site, and the cared for children would have the same access to community facilities as other residents of the housing estate.
57. In land use terms the principle of the use on a residential estate is considered to be acceptable, although detailed consideration needs to be given to the traffic and amenity impacts associated with the proposed use.

#### Traffic and Highway Impact

58. The proposed use would be likely to generate parking demand for six vehicles associated with the proposed use: a house pool car to transport the resident children; two on-shift staff; two staff at hand-over and a house manager likely to be on-site for 50% of the time. For the majority of the time there would be two staff cars and the house pool car, with the manager's car present for half of a 9-5 day shift (with a degree of flexibility in the hours that the manager may work). The property can accommodate three vehicles on the frontage which would result in up to three cars being parked on the adjacent carriageway for one hour at staff hand-over. Consideration needs to be given to the impact of parked vehicles on highway safety as well as a separate consideration of impact on amenity.
59. The carriageway on Sudbury Drive is 5.5m in width and 5.6m on the bend at 30 Sudbury Drive and is adequate to allow two medium sized commercial vehicles to pass (DfT Manual for Streets 2007). As house plots each have several on-site parking spaces, there is little on-street parking occurring on the estate and there is scope to park on the road without causing obstruction of drives or restricting access to service or emergency vehicles. Officers have witnessed a small number of cars and vans parked on the Sudbury Drive/Whitegates Way estate loop during the day. Delivery vans have also been observed passing the site presumed to be making a series of deliveries along the Sudbury Drive/Whitegates Way estate loop road.
60. 32 Sudbury Drive can be accessed by vehicles from two directions (Plan 7). The choice of route travelled to properties on the estate is likely to be determined by the shortest and most convenient route. Plan 7 shows that it is 235m from 32 Sudbury Drive to the junction with Whitegates Way rather than 350m via the route to the west. The mid-point of 295m lies to the west of 32 Sudbury Drive and only properties at 34-40 (evens) Sudbury Drive are likely to find passing the application site a shorter and consequently more convenient route to access and leave the estate.

61. 32 Sudbury Drive is located opposite a play area and there is ample capacity to park on the carriageway without causing obstruction or danger to the safety of vehicle movement on the highway. The application proposes to relocate the existing traffic calming platform which, when complete, would allow the white-line carriageway markings on the approach to be removed, and would increase the length of road available for on-street parking outside 32 Sudbury Drive.
62. The existing shale surfaced parking space is accessed across the raised highway platform, risks loose material being carried on to the carriageway, and may lead to surface water running on to the public highway. This would be addressed by extending the drainage channel to intercept surface water, and the proposed surfacing of the third parking space with a bound material. The relocation of the traffic calming feature would be the subject of a separate Order involving public consultation.
63. It has been raised in representations that the relocation of the traffic calming feature will be detrimental to safety as it currently provides a convenient crossing point to the park. However, Highways Development Control has advised in their consultation response that the provision of an at-grade crossing point at the end of a path leading from the enclosed play area could be detrimental to safety by giving pedestrians the impression of having priority over vehicles to cross the carriageway. Relocating the traffic calming feature would not remove a crossing point as there are already dropped kerbs the west, albeit not directly opposite each other but nevertheless at a point which provides pedestrians with good visibility in either direction. The proposal to relocate the traffic calming measure would remedy the current arrangement at the property, whereby a vehicle leaving and entering the highway from the presently shale surfaced parking space does so via the existing traffic calming feature, and its relocation to the east, closer to the bend in the highway, would serve to slow traffic on its approach to the play area. Relocation of the traffic calming feature would be the subject of a separate Order involving public consultation.
64. The recommendation of this report is that planning permission is granted for a time-limited period of two years. Should permission not be granted to extend the use beyond two years, and in consideration of the benefits and impact of relocating the traffic calming feature proposed by the applicant, NCC Highways Development Control has been asked for their view on deferring the relocation of traffic calming to the east.
65. *Based on the additional information, Via's Safer Highways Team and the Lead Auditor who undertook the road safety audit which looked at the proposed relocation of the hump, has been consulted. Their view is that the proposed relocation of the hump does not offer any additional safety benefit over the current situation and they would not have any significant concerns if the hump remained in its current position.*
66. *It appears that the requirement to relocate the hump seems to have been borne out of a strict interpretation of guidance provided at in Table T3.1.1 of the new Nottinghamshire Highway Design Guide which suggests that driveways should not normally be close to traffic calming features. It is noted in this case however,*

*that the driveway in question is already in close proximity to the hump, and it is already used by three vehicles. Consequently, in terms of the proposed use the situation is unlikely to be significantly different from that currently which has functioned satisfactorily for a number of years. In actual fact proposed surfacing and drainage will offer a degree of betterment as it will prevent loose material and water being discharged from private land in the public highway. The only difference here is the potential for overspill parking, during limited hours of the day.*

67. *It is stressed that the Nottinghamshire Design Guide is what it says in the title, a 'Guide', and there is some flexibility in its interpretation particularly in this case where the statement regarding traffic calming is qualified with the word 'normally'. There is no national design standard which prevents driveways being close to a traffic calming feature nor is there any legislative or legal reason preventing an access being constructed in close proximity to a hump.*
68. *With regard to the issues raised by the public about the safety implications of staff cars being parked in close proximity to the hump (Paragraph 36m)), colleagues in the Safer Highways Team have been consulted. They have confirmed that they do not consider this to be significant safety issue. Ironically it could be argued that leaving the hump in its current position may actually be of some benefit as it forces vehicles to slow down significantly at the very point on the highway where parked vehicles may be encountered on the carriageway and pedestrian conflicts may occur. Again, there is no legislative or legal reason why people cannot park in close proximity to, even on top of, the hump. Via's Highway Improvement Team (who regularly design such features for the County Council) have also confirmed the purpose of the existing white edge lines on the hump is not to prevent or discourage parking (it is not a H-Bar marking). Normally these markings are used where the traffic calming features do not extend across the entire width of the carriageway, and are used to denote the edge of the carriageway and guide vehicles onto the feature. In this case as the hump extends the full width of the carriageway these markings are unnecessary and appear to have been installed in error when the developer originally constructed the hump. Finally, I would stress the hump is simply a traffic calming feature, and is not, nor was it ever designed to be, a formal road crossing.*
69. *Given that the potential benefits of relocating the hump are limited, the likely disruption caused to the operation of the highway, as well as local residents by the works associated with its relocation, and the fact that the development is now being considered for a temporary permission, the Highway Authority would be content for the hump to remain in situ, but wish to reserve the right to review the arrangements should the applicant seek to make their permission permanent once a temporary permission expires.*
70. *Taking account of the additional advice from NCC Highways Development Control, it is considered appropriate not to require the traffic calming feature to be relocated should planning permission be granted for a temporary two-year period. Should the applicant apply for a further planning permission this matter can be reviewed and will benefit from any observations on the use of the*

property in this initial trial period. NPPF (2021) Paragraph 111 advises that *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

71. It is recommended that a minimum one electric vehicle charge point is provided and would be compliance with NPPF Paragraph 112e) (Condition 7).
72. It is concluded that the anticipated in comings and out goings from the property would not significantly differ from its occupation as a dwelling and that the parking of three cars on the carriageway for short periods of the day, with particular regard given to the observations of NCC Highways Development Control and Via Road Safety Team, would not be detrimental to highway safety such as to have a severe highway impact.

### Amenity

73. The amenity impacts of parking also need to be considered. ALP Saved Policy HG8g) will allow development to be permitted where parking facilities are provided in accordance with Council standards. The supporting text to the policy explains that *All proposals must ensure that the amenity of residents in the neighbourhood is protected and that undue disturbance or an adverse change in character of the locality will not arise.....Depending on the type of accommodation proposed and its location, it will be appropriate to provide adequate private garden facilities together with on-site parking provision, or communal open space areas.*
74. The applicant has suggested that through a Homes2Inspire policy, staff should park on the property frontage as space becomes available. Staff following that company policy would largely address the amenity impact of vehicles parked on the road. An informative to that effect is recommended (Note 2). Given the location of 32 Sudbury Drive on the estate, it has been observed that there is little passing traffic, and this is unlikely to change significantly. Whilst people living on the estate could walk to the amenity area either to play or walk dogs, there may be occasions where that journey is made by car. Vehicles being parked on the carriageway will not be out of character on a residential estate. Although sporadic, cars and trade vans working at premises have been observed parked on the carriageway during the day throughout the estate.
75. Given the nature of the use, it would be unlikely that attention would wish to be drawn to the presence of the children's home. In a more general context there will often be visitors throughout the day to residential properties where parking takes place of the highway: visits by friends and family; services; home deliveries; or, with the current increase in working from home, visits related to home working. Parking on the public highway can take place acceptably other than where it causes congestion or obstruction to through traffic.
76. The supporting text to ALP Saved Policy HG8g) explains that the need to provide on-site parking will be dependent on the type of accommodation and its

location. Having regard to the location of the property with only 30 and 32 Sudbury Drive facing onto the area of open space opposite, and available on-street parking capacity, it is considered that the parking of three cars on the road for a period of up to one hour each day during shift hand-over with the manager present or where there are occasional visitors would not significantly erode amenity such that planning permission should be refused. NCC Highways Development Control has confirmed that the proposal, including the retention of the highway speed reduction measure in its present location for an initial two year period, is acceptable.

77. Representations have been made regarding to the loss of the landscaped garden to create an additional parking space. That change to the frontage to Sudbury Drive has been omitted from the application presented for determination and no changes to the external appearance of the property are proposed, except for the provision of additional drainage and resurfacing of the existing shale surfaced parking space.
78. Notwithstanding the change of use, and with reference to the representation reported at Paragraph 36y), occupation of the property would be similar to the occupation of a house. The rear garden of the property is enclosed and provides an acceptable standard of amenity. There are views from first floor rooms to nearby properties, and adjacent properties will have similar views of the rear of 32 Sudbury Drive, but this relationship does not give rise to unacceptable impact on privacy from overlooking. Representations have been made about noise that may be generated. However, it is noted that in determining the appeal referenced at Paragraph 54 for change of use to Class C2 use as a five bed children's home with two carers, an Inspector commented that there was unlikely to be any significant difference from that created by its use as a single dwelling and potentially more if the parents of the family also frequently used the house and garden for leisure and entertaining. On the main issue of living conditions, the Inspector concluded there would be no harm to neighbours.
79. The facing clear-glazed windows at first floor level in the side elevations bear an unsatisfactory relationship and it is recommended that the window should be obscure glazed to address a potential threat to privacy of the neighbouring occupier (Condition 8).
80. The proposed layout of the building offers two child bedrooms with an additional bedroom/office for each of the resident staff. It is recommended that the maximum number of children in residential care at the premises should be limited to two (Condition 5). Subject to the recommended conditions it is concluded that the proposed development would not differ greatly in character from a house and the proposal would comply with the criteria of ALP Policy HG8.
81. In other amenity representations concern is raised about the property being able to cater for the needs of a child with disability and waste related issues. Whilst not a planning matter, the County Council would have a duty to place any child after carrying out appropriate assessments and provision to meet specific needs. The NCC Access Officer consultation response refers to adaptations that



may need to be made to the property. Concern is also raised about a lack of property maintenance, but as an Authority owned building repairs and defects are likely to be remedied quickly.

### Safeguarding

82. The issue of safeguarding has been raised in representations. There is a risk that children in the care of the Local Authority will be easily identified through their connection to the property, but this is a matter that will need to be managed by the applicant department in conjunction with Homes2Inspire.

### Management

83. Whilst in land use terms a well-run small scale children's home may integrate into a residential area there is a strength of opposition from local residents, supported by Cllr Tom Hollis and Lee Anderson MP, about what may happen to their community as a consequence of the proposal. Planning applications fall to be determined on their planning merit. Children's homes are inspected twice a year. In Ofsted *Main findings: children's social care in England 2021* it is reported that "*Just over 80% of all children's homes were judged good or outstanding, 18% require improvement to be good and 1% inadequate*". Although there would be an aspiration for all children's homes to be rated as *Outstanding* not all achieve that rating.
84. Representations have drawn attention to poor Homes2Inspire management practices reported on the internet and to police attendance at Homes2Inspire premises obtained through a Freedom of Information Request. The detail of that Freedom of Information request has not been provided, but it is noted that the Police do not raise an objection to the proposed use. The County Council as 'corporate parent' needs to make sure that any placements are safe and suitable for their children to live in and will need to be satisfied that appropriate practice is followed.
85. The Government's Planning Practice Guidance *Use of Planning Conditions* advises that "*Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period*". It is recommended that planning permission is granted for a time-limited period of two years, commencing from the time when the development is first brought into use (Condition 10), and will allow an appropriate assessment of the amenity and traffic related impact of the children's home in operation to support a further application at the end of the trial period. During the trial period, with regard to the observations of the NCC Highways Development Control and Via Road Safety, although found to be acceptable (subject to separate process), the proposed relocation of the traffic calming feature outside the property does not need to be carried out. A 6-monthly resident liaison committee should be set up, and the applicant should keep a log of complaints received including the date and any

remedial action taken (Condition 9). Furthermore, it is recommended that use of the property should be restricted to use as a regulated children's home (that is by definition subject to Ofsted inspection) and for no other purpose within User Class C2 (Condition 4).

### Procedure

86. Many residents have raised concerns over planning procedure and the publicity given to the application. It is unfortunate that shortly after posting a site notice outside 32 Sudbury Drive it was taken down and reported to have been displayed outside a different property by an unknown party. However, this was remedied through the display of a second notice. The number of representations received demonstrates that publicity given to application has been effective, and this has been carried out in accordance with the Statement of Community Involvement. All persons that submitted duly-made representations have been notified of the change made during consideration of the application.

### Other Matters

87. A grant of planning permission is only one consideration in the premises opening as a children's home. Other permissions such as Building Regulations approval and registration with Ofsted will be required. If undertaken, NCC Highways Development Control has identified the need for separate consent for proposed works to traffic calming on the public highway.
88. Loss of value to property and whether the development represents value to the public purse are not material planning to the determination of the acceptability of the proposed use of land.

### **Other Options Considered**

89. 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**

90. 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

91. No changes to the external appearance of the property are proposed. The Police do not object to the proposal. Incidents will be recorded and reported when a further application is made.

#### Data Protection and Information Governance

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

#### Financial Implications

93. The applicant would be expected to cover all reasonable legal costs incurred by the County Council in making an Order to relocate highway traffic calming referenced at Paragraphs 16 and 61.

#### Human Rights Implications

94. 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 proposed change of use. The proposals have the potential to introduce impacts such as noise disturbance and loss of residential amenity to adjacent residents. However, these potential impacts need to be balanced against the wider benefits the proposals would provide in providing a facility for the care of children in a residential environment. 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

95. The premises will need to comply with Part M of the Building Regulations. Satisfactory level access can be provided to the rear of the property with minor changes needed to provide a ramp to replace a step if required.

#### Safeguarding of Children and Adults at Risk Implications

96. The applicant as corporate parent will need to ensure that appropriate child safeguarding measures are in place.

#### Implications for Service Users



The proposal would provide a facility for the care of children in a compatible location.

#### Implications for Sustainability and the Environment

97. These have been considered in the Observations section above.
98. There are no Human Resource implications arising from the proposed development.

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

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

#### **RECOMMENDATIONS**

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

**ADRIAN SMITH**

**Corporate Director – Place**

#### **Constitutional Comments [SG 17/08/2021]**

This decision falls within the Terms of Reference of the Planning and Rights of Way Committee.

#### **Financial Comments [RWK 16/08/2021]**

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

## **Background Papers Available for Inspection**

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at:  
[www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=FR3/4275](http://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=FR3/4275)

## **Electoral Division and Member Affected**

Sutton West

Councillor Tom Hollis

Report Author/Case Officer

David Marsh

0115 9932574

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

FR3/4275

W002235.doc

**RECOMMENDED PLANNING CONDITIONS**

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

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

2. The County Planning Authority (CPA) shall be notified in writing of the date of commencement of the use as a children's home 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, supporting documents, and the following plans:

(a) Location Plan received by the CPA on 27 April 2021;

(b) Proposed Layout (Drawing TP2150434-002 Rev 1) received by the CPA on 30 July 2021.

For the avoidance of doubt the relocation of traffic calming shown on Drawing TP2150434-002 Rev 1 does not need to be undertaken.

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

4. This permission shall grant use of the premises for use as regulated children's home and for no other purpose within The Town and Country Planning (Use Classes) Order 1987 (as amended) Use Class C2.

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

5. No more than two children in care shall reside at the premises at any one time.

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

6. The permitted use as a children's home shall not commence before:

- a) surfacing of the third parking space within the curtilage of the property with a bound material (replacing loose shale) to prevent loose material being carried on to the public highway; and
- b) drainage to intercept surface water running onto the public highway from the site

has been completed to the satisfaction of the CPA.

*Reason: In the interest of highway safety.*

- 7. Prior to the premises first being brought into use as a children's home, a minimum of one electric vehicle charging point shall be provided.

*Reason: To facilitate zero-carbon travel in compliance with NPPF Paragraph 112e).*

- 8. Prior to the premises first being brought into use as a children's home, the first floor window in the east elevation of the property shall be obscure glazed or otherwise treated to the written satisfaction of the CPA to remove a direct view into the facing window of 30 Sudbury Drive.

*Reason: To safeguard the privacy of the neighbouring occupier in compliance with Ashfield Local Plan 2002 Saved Policy HG8.*

- 9. The applicant shall:

- a) keep a log of the date, source, nature and remedy of all complaints received; and
- b) engage with a keep minutes of meetings with local residents (including a record of invitees) which shall take place at not less that 6-monthly intervals, with the first meeting to take place after one month but no later than two months following the commencement of the use notified under Condition 2.

Details of the log of complaints and minutes of resident meetings shall be provided to the CPA within one month of a written request from the CPA.

*Reason: To record instances that may impact on the residential amenity of the area.*

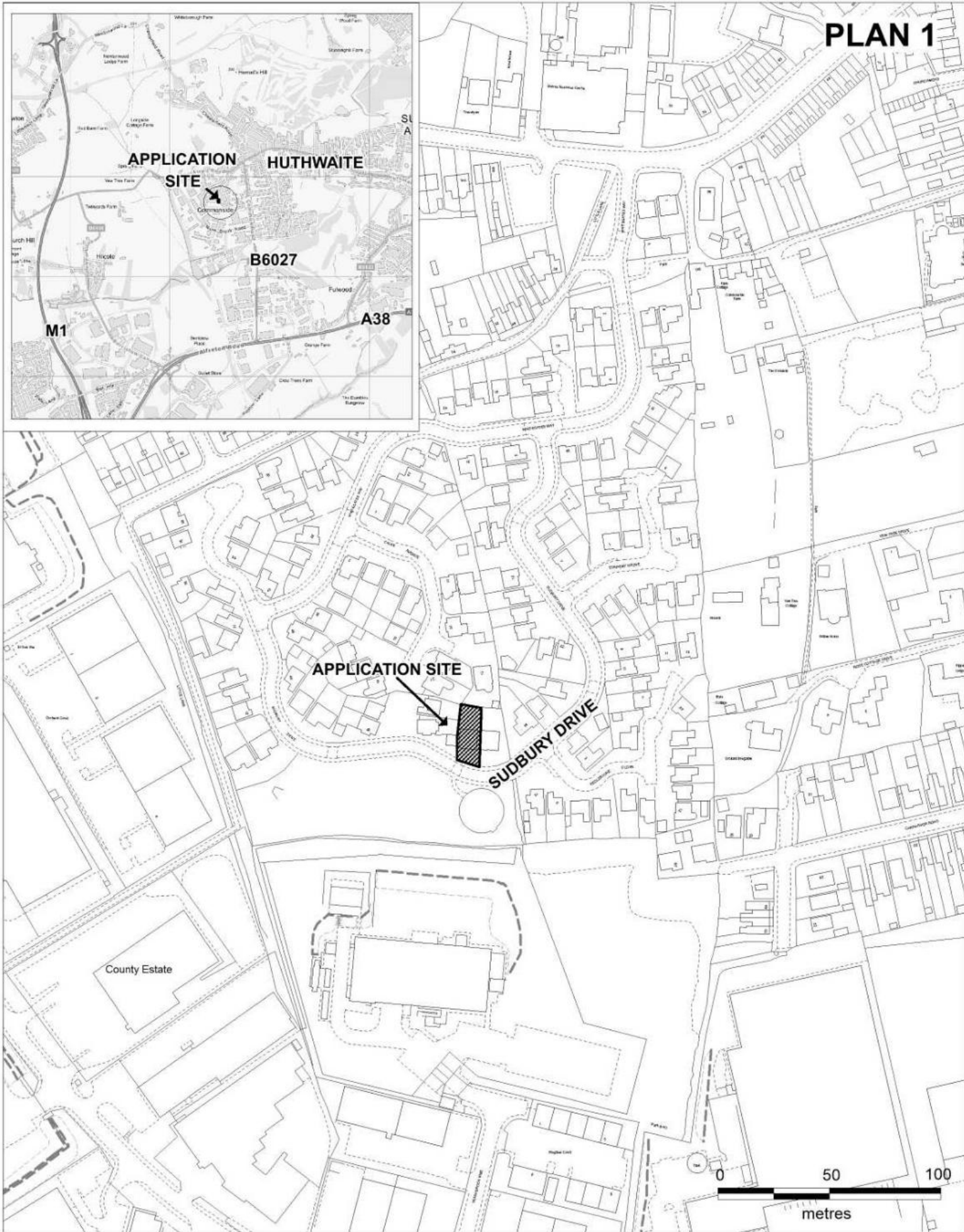
- 10. This permission is granted for a time-limited period of two years from the date of the commencement notified in compliance with Condition 2 of the permission. On expiry of the time-limited period use as a children's home (Use Class C2) shall cease and the property shall return to Use Class C3 *Dwellinghouse* unless expressly authorised by a further grant of planning permission.

*Reason: In order that the CPA may assess the acceptability of the proposed use on the character and amenity of the area.*

### **Informatives/notes to applicants**

1. With reference to Condition 9, the log of complaints and minutes of resident meetings should be included to evidence how the children's home has been operated when submitting an application to continue the permitted use time-limited by Condition 10.
2. Staff should park in on-site parking spaces when available in accordance with the parking policy set out in the submitted Planning Statement.





**Nottinghamshire  
County Council**

Change of use from a residential dwelling to a small (2-bed) home for children in the care of the local authority. Alteration of front drive.  
32 Sudbury Drive, Huthwaite, Sutton-in-Ashfield, Nottinghamshire.  
Planning Application No. 4/V/2021/0386

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Scale: 1:2,500

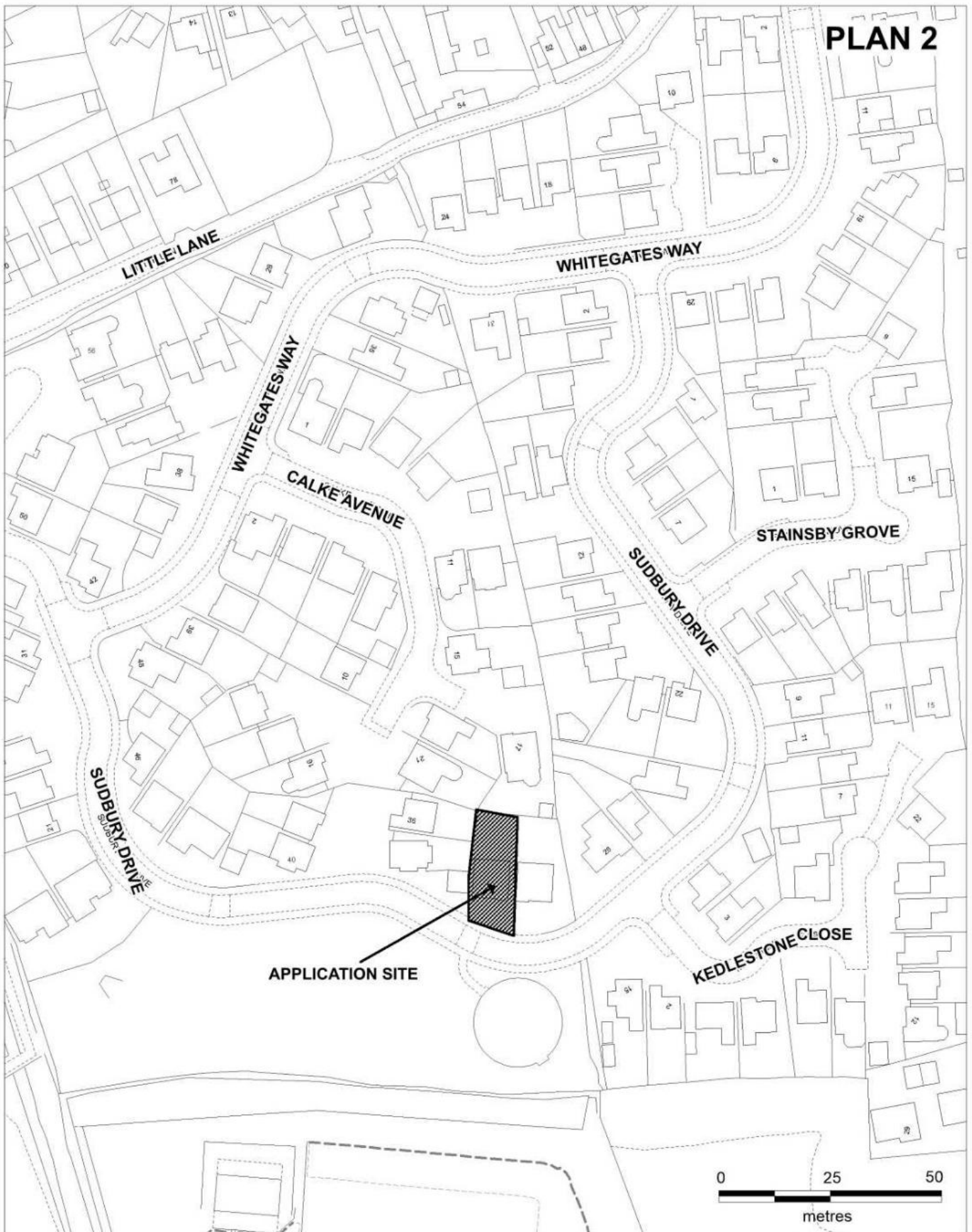
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Date: SEPT 2021

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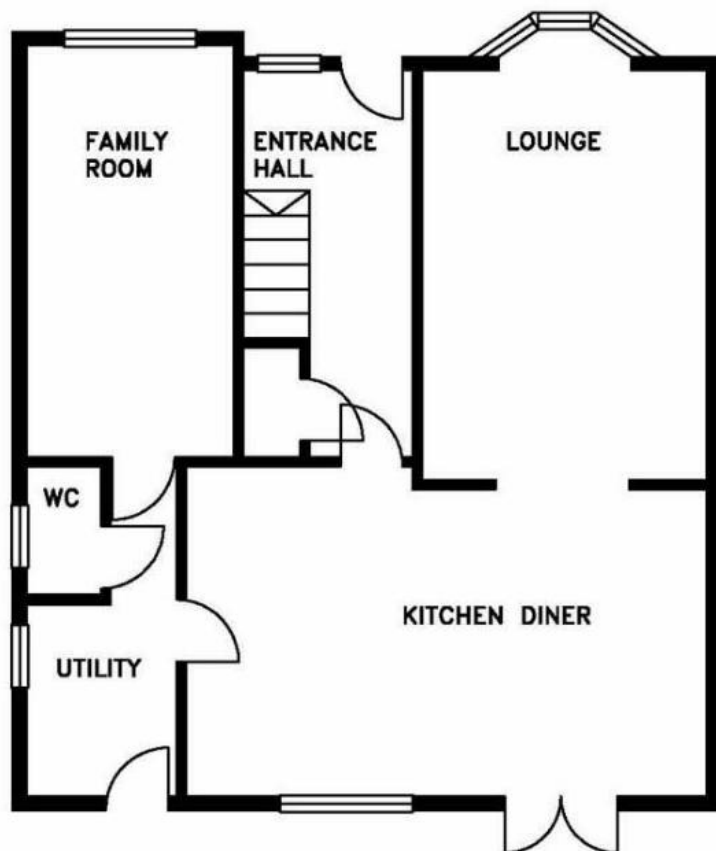
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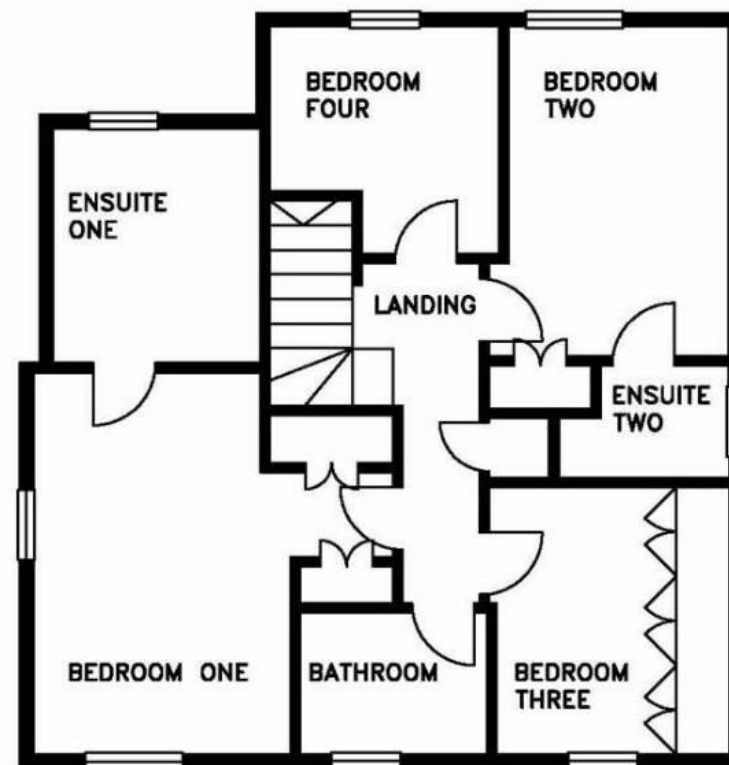






EXISTING FLOOR PLAN  
GROUND FLOOR

SCALE 0 500 1000 1500 2000



EXISTING FLOOR PLAN  
FIRST FLOOR

SCALE 0 500 1000 1500 2000



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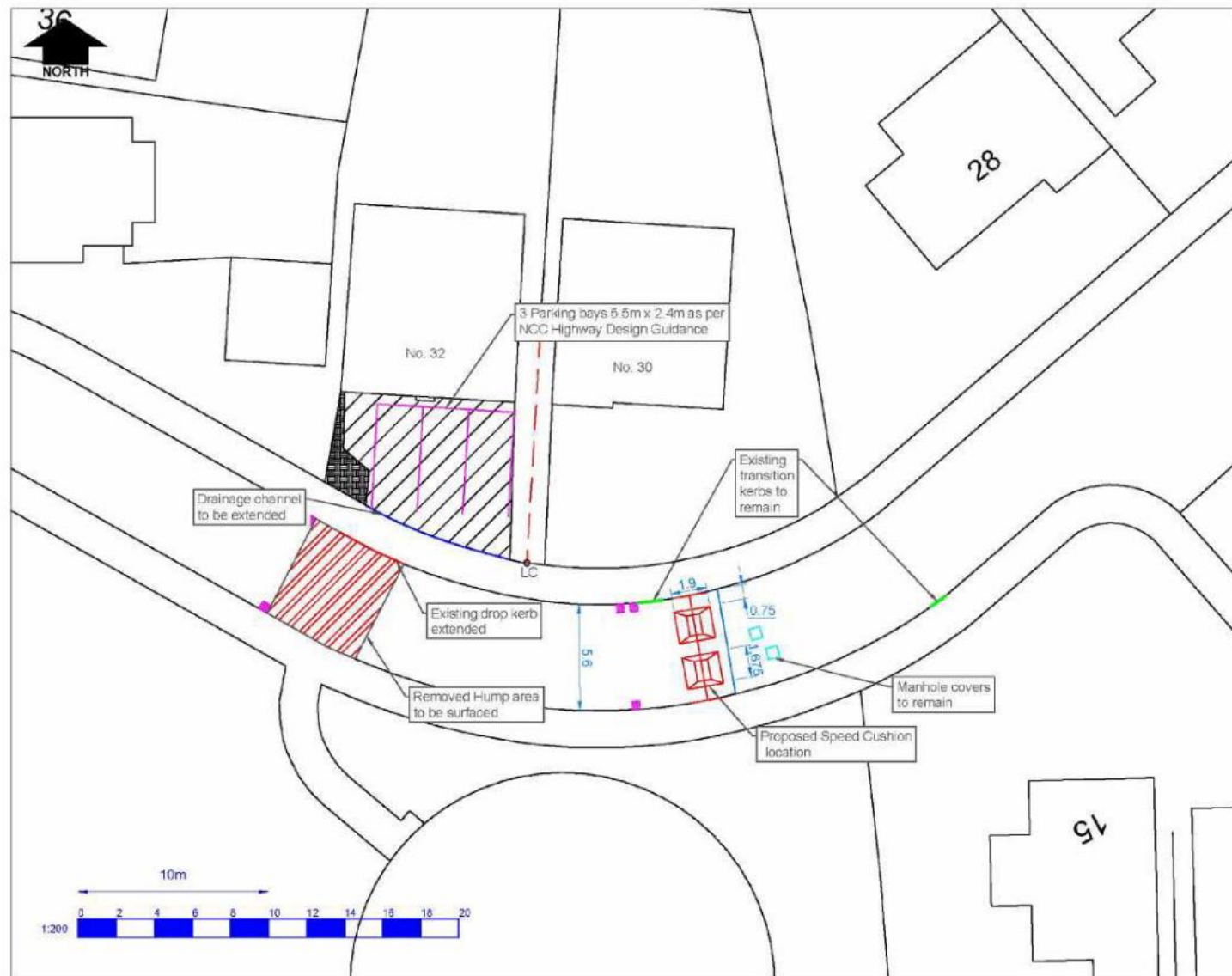
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Date: SEPT 2021

**PLAN 4**







**KEY**

	Driveway Boundary Line
	Proposed Speed cushion to be installed
	Existing Gullies to be retained
	Street Lighting
	Area to be treated with tarmac
	Vegetation Bordered by Timber Sleepers to be retained
	Existing Drainage Channel to be lengthened
	Existing Drop Kerb to be lengthened
	New Tarmac Surfacing

- NOTES**
1. This drawing is to be read in conjunction with all other relevant drawings, details and specifications.
  2. Scale as shown on drawing.
  3. All measurements are given in metres unless otherwise stated.
  4. Plan based on dimension survey. A full topographical survey will be required prior to commencement of work.
  5. All design layouts are in accordance with Nottinghamshire County Council Highway Design Guide.
  6. The property frontage is suitable to accommodate 3 parking bays. Bay size 2.4m by 5.5m

1	Revised and indicated speed to 10.5 speed cushions	10/7/20	JD	MH	07/04/21
Rev.	Description	Drawn	Checked	Auth.	Date
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32 Sudbury Drive New Parking Layout					
Scale	1:200 @A3				
Drawn	JD				
Checked	MH				
Auth.	MH				
Project No.	TP2150434-002				
					1

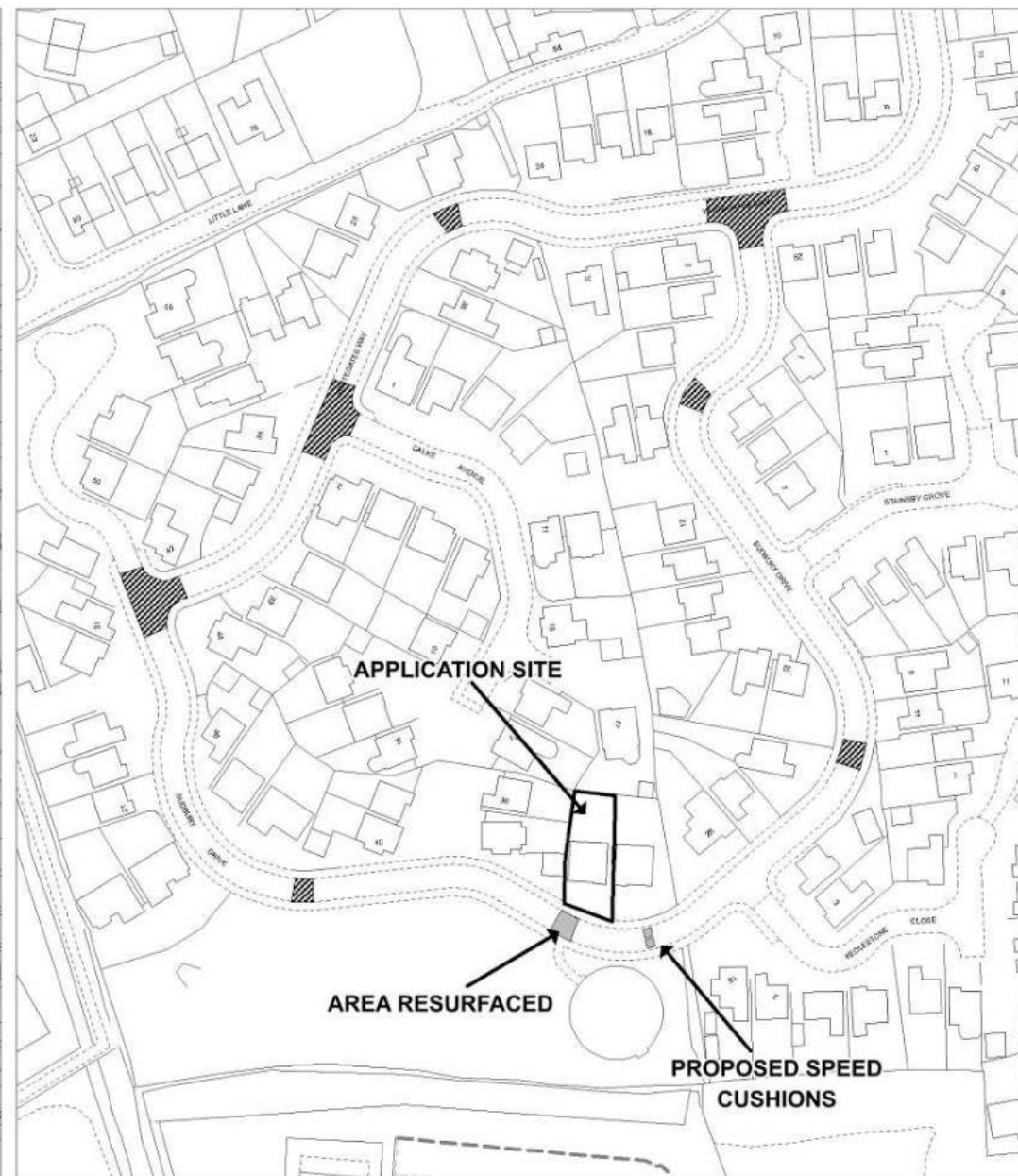
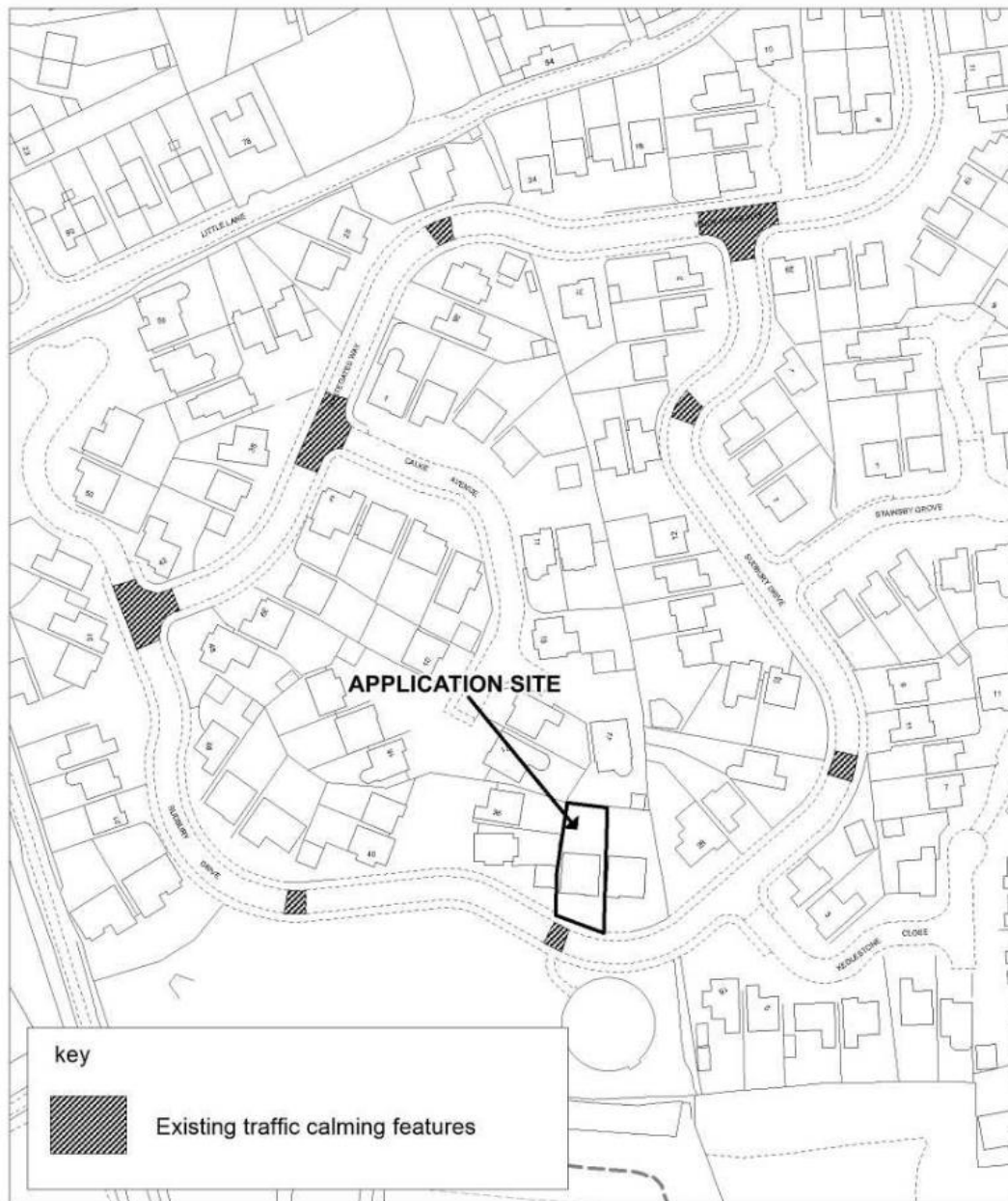
**via** in partnership with  
**Nottinghamshire County Council**  
 Nottinghamshire County Council  
 Nottingham City Centre, 5th Floor, 100 Victoria Street, Nottingham, NG1 1PU  
 Tel: 0115 951 2000  
 Fax: 0115 951 2001  
 Email: [planning@ncc.gov.uk](mailto:planning@ncc.gov.uk)  
 Website: [www.ncc.gov.uk](http://www.ncc.gov.uk)

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**PROPOSED LAYOUT**







**Nottinghamshire  
County Council**

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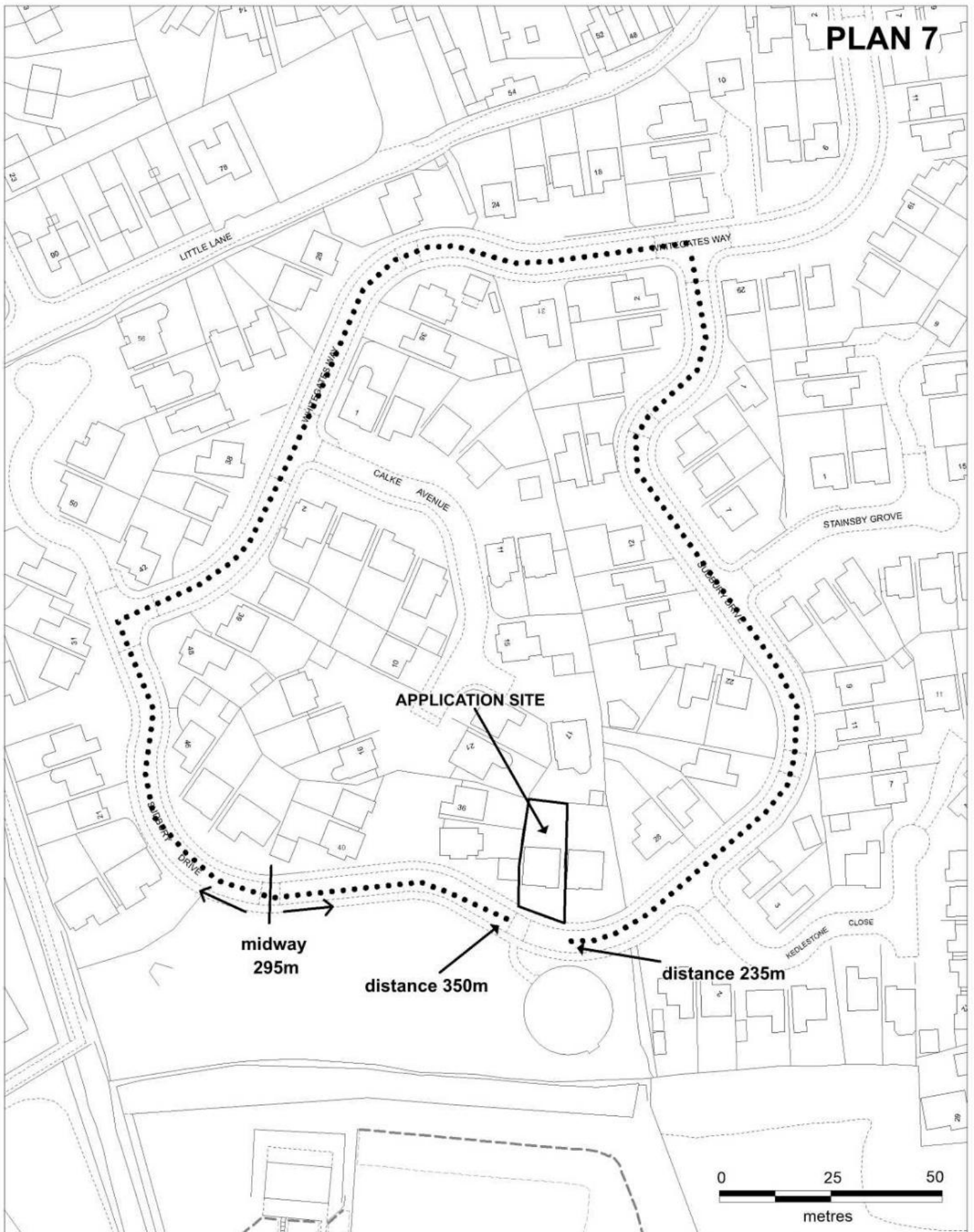
Date: SEPT 2021

**PLAN 6**





# PLAN 7





**14 September 2021****Agenda Item: 6****REPORT OF CORPORATE DIRECTOR – PLACE****ASHFIELD DISTRICT REF. NO.: 4/V/2021/0397**

**PROPOSAL:** VARIATION TO HOURS OF WORKING AND LIGHTING (CONDITIONS 21 AND 15 OF PLANNING PERMISSION 4/V/2019/0300). MINERAL CONVEYING, PROCESSING/TREATMENT, & SERVICING, TESTING, MAINTENANCE OF PLANT/MACHINERY TO 24 HOURS PER DAY MONDAYS TO SATURDAYS INCLUSIVE. (NO WORKING ON SUNDAYS OR BANK/PUBLIC HOLIDAYS). NO CHANGES TO THE TIMES FOR MINERAL EXTRACTION, SOILS OR OVERBURDEN STRIPPING, OR THE HOURS THAT VEHICLES MAY ENTER OR LEAVE THE SITE. VARIATION TO ALLOW FOR FLOODLIGHTING DURING EXTENDED WORKING HOURS (REVISED PROPOSAL)

**LOCATION:** TWO OAKS QUARRY, COXMOOR ROAD, SUTTON IN ASHFIELD, NG17 5LZ

**APPLICANT:** THE MANSFIELD SAND COMPANY LIMITED

**Purpose of Report**

1. To consider a section 73 planning application seeking variations to two planning conditions to enable 24 hour mineral processing between Mondays to Saturdays, together with any necessary servicing and maintenance of plant and machinery during those times, along with extended operation of the site floodlighting, at Two Oaks Quarry, near Sutton in Ashfield. The proposal has been amended during its consideration to remove a proposal to undertake mineral *extraction* over 24 hours. In addition it has been clarified that any night time servicing and maintenance of plant and machinery would be for urgent or emergency situations only, with the more routine maintenance remaining during the existing daytime hours.
2. The key issues relate to the potential impacts on local amenity through night time noise and lighting, and also how this may affect adjacent woodland habitats and the bird and bat populations it supports. The recommendation is to grant section 73 planning permission subject to the conditions set out in Appendix 1.



## The Site and Surroundings

3. Two Oaks Quarry is a silica sand quarry on the corner of the A611 Derby Road and Coxmoor Road, situated between Kirkby in Ashfield and the southern edge of Mansfield. The site lies in open countryside and is designated Green Belt. Thieves Wood (managed by Forestry England) borders the quarry on the south-eastern and north-eastern boundaries and is a Local Wildlife Site (LWS). To the north-west, on the opposite side of the A611, is Coxmoor Golf Club, itself covered by a LWS designation. The woods form part of a wider area covered by a potential prospective Special Protection Area (ppSPA), owing to a population of Nightjar and Woodlark and suitable heathland habitats, but which has not been formally proposed for designation. The site and surroundings are shown on the appended plans 1 and 2.
4. Access is taken from a dedicated access road off Coxmoor Road. Landscaping/screening bunds have been established along the boundaries with Coxmoor Road and the A611.
5. Extraction is currently in the latter parts of phase 1 in the north-eastern quadrant adjacent to Thieves Wood. Future phases 2 to 4 remain in agricultural use at this time. Phases 2 and 3 will take extraction over to the western side beyond the access road and phase 4 is scheduled across the fields to the south.
6. The former farm (in the control of the applicant) is retained vacant to the centre-north. The nearest residential receptors are located at Forest Lodge (550m to the north within Thieves Wood); properties at Stonehills Farm, Derby Road (approx. 250m north-east from the future phase 3 area); Coxmoor House, Derby Road (approx. 300 east of future phase 2) and Forest Farm (800m to the south). The Sherwood Observatory is approx. 1km to the east, alongside residential properties lining this section of Coxmoor Road.
7. After soil stripping, mineral extraction is undertaken generally by a pair of motor-scrappers working within the resulting void space and feeding the processing plant (currently via a conveyor line).
8. A series of temporary silt and clean water lagoons have been created within phase 1, and these are progressively created and filled as part of the extraction progress and will later form part of the site restoration including a shallow lake and areas of heathland. Other areas of the site are earmarked to be restored back to agriculture. Plan 3 illustrates the general arrangement of the site.
9. Within the centre of the quarry is a substantial array of processing plant and stocking areas. (Sand washing plant, Sand drying plant, Fibresand mixing plant, Soil steriliser, Bagging plant, Gravel plant, silos, conveyors etc). In turn this leads to a complex of modular offices, parking and the weighbridges, before the site access road leading out to Coxmoor Road from which minerals products are then delivered by road to customers across the UK.

## Planning history

10. Planning permission (Ref 4/2010/0178) was first granted for the development of the quarry by the Minerals Planning Authority (MPA) in March 2013 following the completion of a s106 legal agreement to secure various planning obligations. The quarry was a replacement for the applicant's site at Ratcher Hill, Mansfield. There have been several subsequent applications to vary planning conditions in the proceeding years, in particular condition 13 relating to the numbers of permitted HGV movements.
11. Permission was granted in April 2016 (Ref 4/V/2016/0062) to vary condition No.13 for a one-off increase to HGV numbers in the peak demand months of May and June of that year without increasing the annual limits.
12. In March 2017 committee resolved to approve a planning application (Ref 4/V/2016/0655) for a permanent variation to condition 13 to increase the annual limits for HGV movements to and from the site from 27,800 to 34,000 (17,000 in 17,000 out), but retaining the separate daily and weekly limits at existing levels. (The May/June peak was discontinued). This was subject to the prior completion of an updated legal agreement which was completed in September 2017 allowing the decision to be formally issued on the 20 September 2017.
13. In March 2018 committee approved an application (ref 4/V/2017/0690) to further vary condition 13 in order to reintroduce a peak May/June increase of 20% to the daily and weekly HGV movements during these months every year (from 200 to 240 movements a day), whilst maintaining the annual limit as approved under planning permission 4/V/2016/0655.
14. In December 2019 committee approved two section 73 applications. The first (ref 4/V/2019/0614) varied conditions 5, 22, 31 and 55 making changes to the layout and numbers of temporary silt lagoons in phase 1, with a consequential change to the restoration plan. This also permitted an additional motor scraper to be operated on site.
15. The second (ref 4/2019/0300) again amended condition 13 to increase the permitted daily, weekly and annual HGV movements with a maximum 380 movements per day during April, May, June and July and maximum 320 per day during remainder of the year. The annual limit was raised to 50,000 movements. This permission was later brought into effect following the installation of traffic monitoring cameras at two nearby junctions, as required by a planning condition.
16. Separately permission (4/V/2015/0589) was granted in 2017 for a 5MW solar farm on phase 4 of the quarry, time limited for 25 years. This was not implemented and has since lapsed.

## Proposed Development

17. This section 73 application seeks changes to the operational hours controlled under planning conditions 21 and 15 of the extant/operational planning permission ref 4/V/2019/0300.
18. The proposal, as amended, now seeks permission to vary two aspects of **condition 21**, as set out in the table below, which sets authorised hours for various activities.
19. Firstly it is proposed to extend the current authorised hours for mineral conveying, processing and treatment to 24-hours for Mondays to Saturdays inclusive (no working on Sundays and Bank Holidays). No change is now proposed to the separately authorised hours for mineral extraction with the initial proposal for 24 hour working now having been withdrawn. Instead it is proposed to create a stockpile of raised material during the current daytime hours which would be fed through the conveyor into the processing plant during the extended processing hours sought (24hrs).
20. Secondly the proposal seeks 24-hour servicing, testing, or maintenance of plant or machinery for Mondays to Saturdays, however the applicant now adds that beyond the current hours this would only be for emergency or urgent repairs/servicing. No change is proposed to the authorised hours for topsoil stripping times or the hours that associated HGVs can run. The changes to condition 21 are set out as follows.
21. Except in the case of an emergency when life, limb or property are in danger (with such instances being notified in writing to the MPA within 48 hours of their occurrence), or with the prior written approval of the MPA, the following shall not take place except within the hours specified below, except as provided for in Condition 22 below:

	Mondays to Fridays	Saturdays	Sundays Bank/ Public Holidays
<b><u>Mineral extraction</u></b>	<b><u>6am to 8pm</u></b>	<b><u>7am to 1pm</u></b>	<b><u>Not at all</u></b>
Mineral extraction, conveying, processing or treatment	<b><u>6am to 8pm</u></b> <b><u>24 hours</u></b>	<b><u>7am to 1pm</u></b> <b><u>24 hours</u></b>	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	<b><u>6am to 8pm</u></b> <b><u>24 hours</u></b>	<b><u>7am to 4pm</u></b> <b><u>24 hours</u></b>	Only with the prior written consent of the MPA
Vehicles entering and leaving the site for the purposes of collecting mineral or delivering soils, compost and synthetic fibres	6.30am to 7.30pm	7.30am to 12.30pm	Not at all

21. A consequential change is sought to the wording of **Condition 15** to enable floodlighting around the processing plant to operate within the extended hours of working, namely 24 hours Monday to Saturday inclusive. An updated lighting scheme has been provided, which could replace the currently approved details, however there are no physical changes proposed to the lighting or any new lighting.
22. Condition 15 requires floodlighting to be *“angled downwards and suitably shielded to ensure that it does not result in glare or dazzle to surrounding land, property and other users and shall ensure that no lighting levels over 1Lux occurs in habitat suitable for nightjar and woodlark during the bird breeding season (February to August)”*. The lighting is currently permitted during the existing authorised hours of operation, outside of which it should only operate on a movement sensor with a maximum lighting cycle of five minutes.
23. The justification put forward for the changes is to support increasing sales and customer demand for mineral product. Over the last 5 years quarry sales have been in the order of 375,000 tonnes to 400,000 tonnes per annum and in order to meet the present and anticipated sales requirements of approximately 450,000 tonnes per annum, the processing plant needs to be run for extended periods during night time hours.

## Consultations

24. **Ashfield District Council** - *(Comments based on original proposals including 24-hour minerals extraction. Any further comments stemming from re consultation on the revised proposals will be orally reported). Concerns raised in respect of potential noise and light pollution during night-time hours which may adversely impact the living conditions of neighbouring properties.*
25. *Condition 24 is of particular relevance. Should night-time working hours exceed the permitted maximum between set for 6am to 7am, this is likely to raise significant concerns/adverse impacts.*
26. *The impact of light pollution should be considered on neighbouring properties and the nearby Sherwood Observatory.*
27. **Natural England** – *No objection. The proposal, as amended, will not have significant adverse impacts on designated sites or upon breeding nightjar.*
28. *The proposed development is located in the Sherwood Forest area, which has been identified as important for breeding nightjar and woodlark and which may or may not in the future become a Special Protection Area (SPA). More information is provided in an advice note which outlines Natural England's recommended 'risk-based approach'.*
29. *Potential impacts on the breeding nightjar and woodlark population include disturbance, loss/fragmentation of habitats, bird mortality (e.g. from road traffic) and pollution/nutrient enrichment of habitats. The use of appropriate mitigation*

and/or avoidance measures should be considered to reduce the likelihood of significant adverse impacts.

30. *The application has been amended; to remove the proposed 24-hour mineral extraction aspect (maintaining the 24-hour processing, along with lighting). Due to this amendment, evidence now suggests that it is unlikely nightjar would be adversely impacted. Therefore no specific mitigation is requested.*
31. *Other advice on biodiversity net gain and standing advice is provided.*
32. **NCC (Nature Conservation)** – *No objection (on revised proposals, and after consideration of the consultation response from the Nottinghamshire Wildlife Trust.) Satisfied that the proposals are unlikely to give rise to a significant ecological impact, particularly in relation to bats and Nightjar, and including as a result of lighting, noise, and air quality.*
33. *The night time operation of the processing plant will not have a significant impact on Nightjar or Woodlark. The current condition (26) is fit for purpose. In the unlikely event that noise levels do exceed permitted levels, such occurrences are evidently unusual, and limited to small areas of the adjacent woodland which are not currently suitable for breeding Nightjar or Woodlark.*
34. *The primary issue of concern is the potential impact of noise on breeding Nightjar (and Woodlark) potentially utilising habitat patches within the adjacent woodland to the north and east.*
35. *Condition 26 of the planning permission currently controls noise, specifically in relation to Nightjar and Woodlark. Under this Annual Reviews are undertaken to identify potentially suitable breeding habitat for these two species, recognising that forestry operations could produce new habitat patches within the woodland.*
36. *No suitable breeding habitat has been identified in the most recent Reviews, and recent data from Birkland's Ringing Group has not identified any breeding Nightjar or Woodlark in proximity to the quarry.*
37. *Noise monitoring on the site boundaries, adjacent to two areas of regenerating forestry (albeit not considered to represent suitable breeding habitat) has confirmed that noise levels are kept within the limits permitted, except for a very small number of generally minor exceedances (which may potentially be a result of non-quarry noise), and that in fact, noise levels are generally comfortably below the maximum levels permitted.*
38. *The modelled noise levels submitted with this application suggest greater noise levels on the eastern boundary, but these are not borne out in real life, as confirmed by the monitoring.*
39. **NCC (Planning Policy)** – *No objection, subject to assessment of environmental and amenity matters.*
40. *Two Oaks Farm quarry is identified in Policy MP8 (Silica Sand) of the Nottinghamshire Minerals Local Plan (March 2021) and is currently the County's*



*only quarry extracting silica sand. There are sufficient permitted reserves at the site to ensure a steady and adequate supply throughout the plan period and therefore meeting the NPPF requirement to ensure a 10-year landbank.*

41. *The applicant has identified that in order to meet the expected demand for silica sand, particularly from May to June, an increase in output at this time is required. For this to be achieved the site needs to process minerals 24 hours a day, six days a week and so this application seeks to vary the operational hours. This application does not seek to extend the currently permitted area for extraction nor increase the permitted reserves for the site.*
42. *Policy SP1: Minerals Provision and Policy MP8 would be supportive of this application, in order to maintain a steady and adequate supply of mineral to meet current demand.*
43. *Attention is drawn to relevant Development Management policies within chapter 5 of the Minerals Local Plan. The decision maker will need to be satisfied that impacts such as noise, dust, air emissions and lighting, on local amenity and biodiversity, and also cumulative impact of the site overall, will be acceptable, and with suitable mitigations in place.*
44. *Policy SP3: Climate Change should also be considered which outlines how operational practices should minimise impacts on the causes of climate change for the lifetime of the development by being operated to help reduce greenhouse gas emissions.*
45. *Consideration should be given as to how extending the use of floodlighting may affect the site's energy consumption and whether the site could use more energy efficient lighting to support the move to a low carbon economy or whether other measures could be used- such as adding on-site renewable energy generation.*
46. **Nottinghamshire Wildlife Trust** - *Objection due to adverse noise impacts to breeding nightjar. (Comments based on original proposals including 24-hour minerals extraction. Any further comments stemming from re consultation on the revised proposals will be orally reported)*
47. *Agrees that there are unlikely to be significant increased impacts to bats from light or noise.*
48. *Objects however due to impacting on breeding nightjar. In particular the extended hours in the summer would impact the evening and night when nightjar 'chur', as a crucial part of their territorial and breeding behaviour. There is an obligation to ensure that there would be no adverse impacts to this Annex 1 Species classified under the Birds Directive.*
49. *The recorded locations of breeding nightjar since the quarry was established could indicate that they have moved away from noise/disturbance from the quarry. Although there may be other reasons such as habitats changes, the applicant has not assessed this. The applicant cannot therefore conclude that*

*the small local breeding population has not significantly changed over this time and that daytime working has no adverse impact.*

50. *This applicant does not appear to have acknowledged the critical importance of nightjar being active at dusk and night, when the quarry would be working were the hours to be extended. The churring that the nightjar use for attracting mates and asserting their territories only occurs at dusk and in the dark, and so the extension of quarrying noise into this sensitive period could have an impact.*
51. *Birds with lower frequency vocalisations (e.g. churring), and those which eat insects, are more likely to be impacted by anthropogenic noise*
52. *If it cannot be guaranteed that noise levels can be kept below 55dB (at the woodland edge) then extended working hours should not be permitted during the nightjar breeding season, mid-May to end of August. Noise levels should also be subject to continuous automatic monitoring with an alarm system and response triggered if the noise limit is exceeded, along with reporting to the MPA.*
53. *It should also be ensured that the parts of the quarry closest to Thieves Wood are completed and restored first, so that the impacts will reduce in these areas as soon as possible.*
54. **Via (Noise Engineer)** – *No objection subject to the inclusion of an additional noise condition to assess impacts of night-time operations for future extraction Phases 3 and 4, and also an update to condition 24 (noise limits).*
55. *A Noise Impact Assessment has assessed the quarry operation during extended night-time hours for extraction phases 1 and 2 however, the future extraction phases 3 and 4 were not assessed.*
56. *Extraction would be carried out during normal daytime operations, with materials excavated and stored close to the hopper. Overnight, the plant would only be required to operate within the area around the hopper to move material into the hopper/conveyor.*
57. *The modelled noise levels (LAeq,1hour) at the four nearest Noise Sensitive Receptors are at least 6 dB(A) below the recommended upper limit of 42 dB LAeq,1hour, (as set out in Minerals Planning Practice Guidance for the period 10am to 7am) which suggest that no adverse effects should arise from the suggested night-time operations.*
58. *Furthermore, it is anticipated that the proposed night-time operations will operate in compliance with the noise levels stated in Condition 26 to protect breeding birds.*
59. *Results from noise surveys on the woodland edge have confirmed that noise levels are kept within the limits permitted, except for a very small number of generally minor exceedances.*



60. *Due to the proposed reduced operations during the night-time it is anticipated that the average noise levels will be lower during the night-time when compared to the daytime period, respecting the noise limits established by condition 26.*
61. *A new condition should require an updated Noise Impact Assessment for extraction phases 3 and 4, to be approved in writing by the MPA prior to commencement of each phase.*
62. *In addition, Condition 24 should be amended by updating the receptor names and the respective noise limits for the day, evening, and night periods.*
63. **Environment Agency** - *Does not wish to comment*
64. **Ashfield District Council EHO**- No response received. Any response received shall be orally reported.

## **Publicity**

65. The application has been advertised by a press notice, two site notices and 27 neighbour notifications in accordance with the County Council's Adopted Statement of Community Involvement.
66. Cllr Samantha Deakin has been notified of the application.
67. One objection has been received citing existing issues with noise (the bunding being only partly effective), and light pollution (affecting enjoyment of the night sky) which are likely to be made worse with the proposals. The quarry is having a negative impact in what had been, beforehand, a remote, quiet location.
68. Concerns were initially raised by the Sherwood Observatory (located approx. 1.5km north on Coxmoor Road) that the lighting proposals could affect their activities including outreach events and future plans for a new science discovery centre. Assurances were requested that any lighting will be fit for purpose, will be switched off when not required and only shine where required with no stray light escaping skywards. The Observatory are now content subject to these measures being followed.
69. Re-consultation with the neighbours (and Observatory) was undertaken on the revised scope of the application (removing 24-hour mineral extraction).
70. One further letter of objection (from the same residential address) has been received. The resident notes that it appears no meaningful changes have been made to the application. It states noise is experienced from mobile plant including use of air horns. If approved the disturbance will extend into the evening and night. Despite lights being fitted with cowls, light pollution does occur. The original time limits on lighting was to protect the Sherwood Observatory and should not be changed.

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

## **Observations**

### Introduction

72. This application is being referred to Committee for decision as the proposals would enable an increase in minerals output greater than the delegated decision thresholds as set out in the Committee's Code of Best Practice.
73. As summarised above a series of section 73 applications have been granted in recent years, predominantly relating to the numbers of permitted HGVs serving the site in order to enable increasing rates of mineral extraction/sales. This further section 73 application, with the notable proposition for certain aspects of 24-hour operation, or at the very least un-restricted times of operation, can be seen in the same context of increasing demand and mineral sales.
74. Minerals working over 24 hours is not typical to the quarrying sector and the potential impacts to local amenity and the surrounding environment require careful examination. That assessment is now aided however by the removal of the initial proposal to also undertake 24-hour mineral extraction and instead limiting this to the processing of pre-dug/ stockpiled sand, along with emergency type repairs and plant servicing. The purpose of the 24-hour proposals would appear to be for flexibility and it does not follow that such operations would always run for such time. Nonetheless the assessment of the application has considered the worst-case scenario.
75. As a section 73 application the focus must be on the changes being sought and it must be recognised that there is a full planning permission in place for the quarry- including for three future phases of land, currently in agricultural use. If the changes are accepted a new planning permission is granted carrying forward the existing planning conditions and approved details as varied, and this would effectively take over from the extant permission if then brought into effect.
76. As with any planning application the proposals must be considered against the Development Plan (and in particular the Nottinghamshire Minerals Local Plan 2021) unless material considerations direct otherwise.

### Minerals supply issues

77. The quarry is formally allocated in the Nottinghamshire Minerals Local Plan (MLP) under Policy MP8 (Silica Sand). This states the extraction of remaining reserves at Two Oaks Farm will be utilised to contribute towards the provision of an adequate and steady supply of silica sand sufficient for at least ten years.
78. The ten year reference relates to the requirement under para 214c) and footnote 74 of the National Planning Policy Framework (NPPF) which requires Minerals Planning Authorities to plan for a steady and adequate supply of industrial

minerals including by maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment. Footnote 74 states that these reserves should be at least 10 years for individual silica sand sites.

79. The NPPF advises that a sufficient supply of minerals is essential in order to provide the infrastructure, buildings and goods the country needs. Best use also needs to be made of them to secure their long-term conservation. Paragraph 211 advises that great weight should be given to the benefits of mineral extraction, including to the economy when determining minerals planning proposals.
80. The MLP states that the remaining reserves of around 12 million tonnes are expected to be adequate for around 40 years, thereby satisfying the 10-year landbank per quarry requirement (or 15 years when significant new capital is needed).
81. Originally the quarry was proposed with expected rates of extraction of circa 250,000 to 300,000 tonnes per annum (tpa). The subsequent variations to the permitted HGV movements have enabled increased rates around 400,000 tpa, albeit including a range of other sand and gravel product lines arising from the quarry.
82. The applicant now references anticipated sales requirements for the site of 450,000 tpa. The limiting factor now relates to the internal operating hours for mineral processing, rather than the numbers and permitted times that the HGVs can run. There is no condition specifically limiting rates of output.
83. As the overall permitted area of the quarry has remained unchanged, the effect of increased rates of extraction is a steadily decreasing expected remaining life, however the quarry development still remains within phase 1 of 4 and it is still estimated to have a significant remaining life span (the application stating some 32 years remaining) to satisfy the MLP and NPPF landbank requirements.
84. Local and national planning policy for minerals is clear that supplying sufficient minerals is essential to the economic needs locally and nationally. (Including Strategic Objective 2 and Policy SP1 of the MLP).
85. Over the long lifespan of a site such as this, it is inevitable that there will be peaks and troughs in demand. It is important to recognise that minerals production needs to be responsive to the economic and market demands at the time, and likewise the planning system should be flexible to the needs of the economy, subject to the assessment of environmental impacts.
86. Arguably the need to support the national economic recovery is compelling, and whilst there are high levels of regional housebuilding and construction underway, there is anecdotal evidence of national supply shortages in construction materials, including aggregates.

87. The specialist and value-added silica sand products which are produced are in demand nationally, including in the multi-billion-pound sport sector where the use of natural and well-draining surfaces is required. The economic success and now the recovery of this sector depends on these products being available at the right time. Additionally, it is understood that other sand and gravel products are being sold into the general construction market, thereby contributing towards local needs and economic recovery, supporting local construction projects, contractors, and also ensuring the full utilisation of the minerals resource available for extraction.
88. Great weight should therefore be afforded to the benefits of the increased minerals supply which would be directly enabled by the proposed variations (increased processing hours), as advised by para 211 of the NPPF. The proposal would also support the applicant's business which itself is an important local employer.

#### Local and residential amenity

89. MLP Policy DM1 seeks to ensure that local amenity is protected from the adverse impacts of minerals development. A broad range of such impacts can arise such as noise, dust, air emissions, lighting, traffic, visual impacts etc and these should be avoided or adequately mitigated to an acceptable level.
90. Paragraph 211 of the NPPF directs Minerals Planning Authorities to ensure that there would be no unacceptable adverse impacts on matters including human health, taking into account any cumulative effect of multiple impacts from individual sites or others locally, and should ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source. Noise limits for extraction should also be set for nearby noise sensitive properties. Further technical guidance is contained in the Planning Practice Guidance.
91. The quarry is located in a rural situation, largely away from residential receptors, although there are a number of outlying properties in the area as set out above and on plan 2. The adjacent Forestry England woods are also of local recreational value and served by a dedicated car park further along Coxmoor Road.
92. As the proposed variations relate to the internal operations at the quarry, with no change to the present permitted HGV operations, the potential impacts arising from the extended 24-hour processing (and including on Saturdays) are likely to be of noise, dust and lighting. The programme/phasing of the quarry will not change, and restoration works will start to follow-on from the completion of mineral extraction in phase 1 in due course. Visual (lighting aside) and landscape issues therefore do not arise from the proposals.

#### *Noise*

93. Firstly in terms of noise, this is tightly regulated and monitored under the terms of the planning permission. As well as condition 21 stipulating the hours of operations, a condition (24) sets maximum permissible noise levels at the three closest receptors: Forest House (Thieves Wood Lane), Stoneshill House grouping (including a children's day nursery), and Coxmoor House (both on Derby Road). Noise is also controlled in the interests of biodiversity (condition 26) and this is considered later within the report.
94. During the present day-time hours of 7am to 7pm the limit at all properties is 55dB LAeq measured as an Equivalent Continuous Noise Level for 1 hour. For the hour between 7pm and 8pm this reduces to 52dB, whilst in the first hour between 6am and 7am the limit is 42dB. These levels correspond with the national Planning Practice Guidance for minerals development.
95. In terms of the proposed variations and extended processing hours, the key figure to meet is the 42dB limit which applies for the period 10pm to 7am as set out in the Minerals Planning Practice Guidance.
96. A noise assessment has been submitted and subsequently updated to factor in the future phase 2 area. The assessment models the noise from various activities – including mineral extraction works (which no longer form part of the proposal), the use of a 360 excavator to load a fixed stockpile into the remote hopper and conveyor during the proposed extended hours (24 hrs), and the operation of the processing plant in all its various parts, along with a complement of mobile plant such as a loading shovel and forklift- again over 24 hours.
97. The noise assessment concludes that the predicted noise levels at all the nearest properties, during the extended night time period, would (at 32 to 36dB) remain comfortably below the recommended upper limit of 42dB for the period 10pm to 7am as set out in the Minerals Planning Practice Guidance. Furthermore these calculated levels would result in no observable effects. This conclusion has factored in phase 2 when the conveyor and its feed hopper would be relocated over into the western part of the site.
98. It is therefore considered that the applicant has properly demonstrated that there will be no unacceptable noise impacts at any of the nearest residential properties during the extended hours of operation sought. However this is for phase 1 and 2.
99. As identified by the County Council's noise consultants (Via), the noise modelling has not looked further into future phases 3 and 4. This is understandable because these remain many years away and the details of if and where a conveyor line and hopper would be sited may have yet to be decided. As a safeguard a new condition is recommended to require updated details and noise assessments prior to entering each of phases 3 and 4. This will need to demonstrate that the existing noise limits can be complied with.
100. The limit of 42dB already forms part of condition 24, however it currently only applies to the early morning period (6am to 7am). As advised by Via, it would be

necessary and appropriate to make consequential amendments to condition 24 and in particular to extend the 42dB limit to apply between the hours of 10pm and 7am as per the Minerals Planning Practice Guidance in order to provide an adequate limit and safeguard as required by para 211 of the NPPF, with Policy DM1 following.

101. Other noise conditions should be rolled forward. Planning condition 22 provides added protection to the nearest properties, creating a 400m buffer area in which the mobile plant component cannot operate during the early hours of 06.00 and 07.00. This will come into play when extraction moves over to phase 2, towards the properties along the A611. Condition 23 also requires that all mobile plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the operator) use white noise reversing warning devices. As a further measure to contain noise (as well as dust and visual effects) the perimeter landscaped bunds would remain in place until later stages of restoration.
102. The proposals to enable plant and equipment maintenance on a 24-hour basis should not result in any unacceptable noise impacts, provided that this is limited to urgent and emergency situations only, as opposed to routine works. As such it is considered necessary to stipulate this proviso within the table under condition 21 as varied.
103. The other aspect that needs some consideration is the wider public use and enjoyment of the surrounding area. Coxmoor Golf Club lies to the west, across the A611 and Thieves Wood (together with Normanshill wood) are publicly accessible, managed by Forestry England and feature various public footpaths and other trails. These can be predominantly expected to be frequented during daylight hours, therefore some additional noise and activity may be experienced by recreational users on Saturday afternoons and evenings and on summer weekday evenings under the proposed variations. However now that the extended hours of mineral extraction aspect has been removed, such noise impacts would be limited as arising from the central processing plant area, which is suitably at distance from the edge of the woodlands.
104. It has been noted that the current Saturday hours of working were negotiated at the original planning application stage, specifically in the interests of local amenity and of the enjoyment of the woodland and other local amenities. The current hours (up to 1pm) are typical of the wider industry, however the proposed extended processing hours (without mineral extraction) into the remainder of a Saturday are now considered acceptable because these two aspects would be decoupled. The PPG, in recommending noise limits does so for different times of the day and night and does not differentiate between weekdays and weekends.
105. It should also be noted that at this point in the quarry programme, mineral extraction is starting to move north-west, towards the old farm and then over to phase 2. Restoration works to the series of silt lagoons in phase 1 will follow progressively and thus the overall impact of the quarry upon the woodlands and



its users should start to reduce. The fixed processing plant will however remain for all future phases in the years to come.

106. A planning condition also sets a 55dB limit for the woodland edge in the interests of biodiversity. This will also serve to limit noise to any recreational users as they pass through the area. Noise monitoring is undertaken regularly along this boundary and the results reported to the MPA. The latest data shows the quarry as complying with all noise limits. Therefore in light of the revised proposals, the current state of the quarry programme, together with the retention of noise limits and monitoring, it is considered that extended processing hours including Saturdays, would not unduly affect local recreational amenity.

### *Lighting*

107. The central processing plant area, along with the administration and vehicle areas are externally lit during the current operational hours, when seasonally required. This is governed under condition 15.
108. No physical changes or additions are proposed to the lighting which are all shielded and directed downwards, and the proposal to vary condition 15 simply seeks to change the text (within the condition and the accompanying scheme) so as to allow lighting to be operated during the extended processing hours, i.e. 24 hours Mondays- Saturdays.
109. Notwithstanding these proposed hours, it does not follow that the quarry would always operate full time through these days and so it will be necessary to ensure lighting is still only used as necessary during operational times. Thus the lighting would still be operated on movement sensors with a maximum 5-minute lighting cycle, so that lighting turns off when the site is closed. This is confirmed in the current wording of the condition and this should be retained.
110. There are no immediate properties affected by the lighting. The MPA also has no records of light related complaints or concerns since the quarry was established, however the quarry is only permitted to operate up to 8pm at present. Nonetheless a local resident now raises lighting as of a concern (see above).
111. A response has also been received from the nearby Sherwood Observatory raising some concern over increased lighting hours. Light pollution or sky glow is a material planning consideration and it can clearly affect the extent of astronomical observation. There are also ambitious plans to further develop the Observatory into a regional visitor attraction. The Observatory requests reassurances that lighting will be fit for purpose with no stray light escaping skyward.
112. An updated BREEAM lighting study submitted with the current application does not show any unacceptable levels of sky glow with only 2.7% of total lumens emitted above the horizontal, set against a technical limit of 5%. In other words, 97% of the lighting is correctly being directed only downwards across the areas it is required. The accompanying Lux plot clearly shows lighting is tightly



focussed within the processing plant area and the administrative offices and parking area. The study does not show an overall increase in sky glow and light pollution by running the additional hours at nights.

113. It is considered that the extended lighting hours are necessary for when processing would be undertaken and this should not result in any unacceptable impacts to local amenity including residents or users at the Observatory. This is subject to retaining the requirement for lighting to be turned off when the quarry process is not operating and it is also recommended that an open dialogue is maintained between the company and the Observatory should an issue arise. The liaison committee could also be a suitable forum to resolve such issues.
114. The lighting is not expected to interfere with local biodiversity as further set out below.

#### *Conclusion on amenity issues*

115. Finally in terms of dust generation, increased hours of minerals processing has some limited potential to add airborne emissions, however there is a broad dust control plan in place and the extended processing would be limited to the central processing area of the quarry, as opposed to the outlying extraction areas. Dust monitoring gauges around the quarry would register any increased dust, triggering a mitigation response from the management.
116. Overall the proposed extended hours of mineral extraction, processing and associated plant maintenance are not expected to result in any unacceptable noise, lighting, dust or local amenity issues, considering nearby properties and local recreational users. A range of planning conditions, with appropriate adjustments can continue to provide adequate safeguards. The proposal therefore is considered to accord with MLP Policy DM1 and national planning policy.

#### Ecological Impact

117. MLP Policy SP5 expects mineral developments to deliver a high degree of environmental protection and enhancement, including for nature conservation interests.
118. Policy DM4 supports minerals development proposals where it can be demonstrated that it would not adversely affect a range and hierarchy of designated wildlife sites, from European designated sites down to Local Wildlife Sites. The policy also affords protection to priority species and habitats. Where impacts to these interests cannot be avoided there is scope for mitigation and compensation as a last resort. The ability to balance any benefits of a development against ecological harms varies depending on the importance of the wildlife site, habitats or species. The policy more generally seeks to retain, protect, restore and overall enhance biodiversity, and it promotes, through restoration of minerals sites, the creation of priority habitats and corridors, linkages and stepping stones between such areas.

119. This follows the approach in the National Planning Policy Framework which sets out that planning decisions should protect and enhance sites of biodiversity value (in a manner commensurate with their statutory status or identified quality); minimise ecological impacts generally and provide net gains for biodiversity; and prevent new and existing developments from contributing to unacceptable levels of soil, air, water or noise pollution. Paragraph 180 states that in determining applications, if significant harm to biodiversity cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It goes on to consider the hierarchy of sites.
120. The wider Sherwood area continues to be subject to guidance (2012 and re-issued in 2014) by Natural England in respect of effects from development to populations of breeding Nightjar and Woodlark (Schedule 1 species) and which may, potentially, lead to a Special Protection Area being designated for the area.
121. Suitable habitats are present in Thieves Wood/ Nomanshill Woods bordering the quarry and which are also identified as 'Important Bird Areas' in the Natural England guidance (although not one of the 'Core Areas' for Nightjar/Woodlark). Thieves Wood (and additionally Coxmoor Golf Course) are also denoted as Local Wildlife Sites (LWS).
122. Natural England advises planning authorities to take a precautionary, 'risk-based' approach and to take reasonable and proportionate steps to avoid or minimise potential adverse impacts to these bird populations. Such impacts can be direct, indirect and cumulative and can include disturbance, mortality from road traffic, and air pollution and long-term nutrient enrichment of their habitats.
123. The proposed extended processing hours could generate increased indirect impacts of noise/disturbance, lighting and air emissions, upon the woodlands and bird and bat species it supports. An ecological impact assessment has been submitted with the application to consider these matters.
124. New bat surveys have been undertaken at the quarry indicating generally low activity levels, with some bats commuting through the area rather than foraging (with no suitable foraging habitat within the quarry). The risk of disturbance (and mortality) to bats from the increased processing and lighting hours is assessed as negligible and would not affect the population's favourable conservation status. The various ecological consultees are content with this conclusion.
125. The submitted ecological report rules out any impact to woodlark since none have ever been recorded in the locality since 2014, including pursuant to the surveys under condition 26 of the quarry planning permission.
126. In terms of the main concern- the potential impacts to nightjar from the extended hours, there are thought to be three or so individuals in the 3.1 sq. km around the quarry area- a population which has not significantly changed since the quarry was established in 2014. Since this time all recorded territories have been beyond a 500m distance-being the precautionary distance at which

disturbance could occur- and there has only typically been 0-1 breeding pair in the locality.

127. The ecological report notes that noise would be equivalent to, or less than, during the day, which has had no adverse impact on the small local breeding population. It further notes that planning condition 26 stipulates a noise limit of 55dB LAeq on the woodland edge specifically to control and remove noise impacts to this species (this is roughly the loudness of a low volume TV or a household refrigerator at 1m distance). It therefore considers the risk of noise disturbance to be negligible.
128. In response Natural England and the County's ecologist are both satisfied with the proposals.
129. Nottinghamshire Wildlife Trust however have raised an objection and do not agree with the conclusions on impacts to breeding nightjar. The main concern is to breeding behaviour on summer evenings and nights into which the extended processing hours would extend the hours of noise generation. Nightjar call or 'chur' at a low frequency to defend breeding territories and attract a mate. The noise from the quarry could interfere with breeding and ultimately reduce the available habitats by pushing these birds further away from the quarry. They note the 55dB noise limit as set under condition 26 but seek a guarantee that this would not be exceeded, and for it to be backed up with continuous automatic monitoring.
130. This concern has been considered by the County Council's ecologist and also rebutted by the applicant's ecologist. The MPA has the benefit of the annual reviews and noise survey results that are provided under condition 26.
131. The main reply is that no suitable breeding habitat has been identified in the most recent woodland surveys and the local ringing group has not identified any breeding Nightjar or Woodlark in proximity to the quarry. Noise levels from the quarry are kept comfortably within the specified limits (except for a very small number of minor exceedances, for reasons unknown). There is no evidence to show that nightjar have been forced to relocate because of disturbance from the quarry. It is also noted that disturbance from increasing walkers (and their dogs) through the woodlands poses a particular risk of disturbance to any birds.
132. Therefore the existing controls under planning condition 26, with its constituent annual reviews and regular noise monitoring, are considered to be satisfactory to cover the proposed extended processing hours in order to minimise, as far as possible, any potential adverse effects on breeding nightjar and woodlark.
133. As a further safeguard the recommended future noise assessments prior to entering phases 3 and 4, as requested by Via (noise), would inform a suitable working method and the design/location of any conveyor system serving those areas, which do include areas adjacent to Thieves Wood.
134. The site lighting is not expected to interfere with nightjar in the event they are in the adjacent woodlands. The lighting is focussed to the central processing area

and there is a good buffer to the woodland edge provided by the extraction areas in which mineral extraction, (along with soil stripping and replacement) would now remain within current permitted hours.

135. Air emissions from the processing is separately considered below, however the risk of air pollution degrading the woodland habitats is considered to be negligible.
136. Finally, there are no changes proposed to the site restoration, however the application estimates that speeding up of the production rates/quarry programme, should also enable a speedier delivery of the subsequent restoration of worked out areas (brought forward by approx. 20%). New heathland and wetland habitats would evidently benefit the local bat and bird species. There is however some uncertainty in this statement given the continued reliance on a large number of silt and other water lagoons, with only the initial examples approaching the point where some form of restoration works can start to commence. The phasing plans also show that several lagoons are expected to remain in place when extraction moves over to phase 2. In reality therefore, whilst the MPA will continue to seek restoration works at the earliest possibility, and some will start to be undertaken in the near term, it is likely that parts of phase 1, (alongside the central processing areas) will remain operationally active (for managing silt and water) for the foreseeable future.
137. In conclusion, whilst there are ecological sensitivities around Two Oaks quarry, they are now well understood and appropriate and bespoke controls are built into the current planning permission which should be continued and carried forward. The extended hours of processing and lighting would not lead to harmful ecological impacts and the status of breeding nightjar/woodlark populations would be safeguarded. Policies SP4 and DM4 are therefore considered satisfied.

#### Air emissions

138. The NPPF seeks to ensure that new and existing developments do not contribute to unacceptable levels of air pollution (para 174). Wherever possible proposals should help to improve local environmental conditions including air quality. Planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas (para 186).
139. Policy DM1 of the Minerals Local Plan seeks to protect local amenity from the various impacts of minerals developments including through avoiding unacceptable air emissions.
140. An Air Quality Assessment (AQA) has been submitted which concludes that the proposed operating hours amendments would not lead to any significant adverse impact on local air quality, considering both human and ecological receptors.

141. The AQA focuses on the increased operation of the sand drier and sand washing plant. Stack emissions of Nitrous Oxides (NOx) have been subject to new atmospheric dispersion modelling based upon worst case continued/unrestricted operation. Resulting emissions of NOx are expected to be low (negligible impact) and substantially less than the screening threshold of 1% of the annual mean air quality assessment level (AQAL) of 30 micrograms/cubic metre established to protect ecological sites -in this case the nearby woodland areas forming part of a ppSPA. (Short term impacts would also be negligible).
142. It is noted the modelling is based upon the fixed processing plant and also the minerals extraction aspect. The mobile plant component makes a limited contribution to overall emissions.
143. NOx emissions would not give rise to any significant effects to any nearby ecological receptor (including Coxmoor Golf course LWS) and Natural England have not raised air emission/deposition as a concern in this instance.
144. In terms of particulate emissions, the AQA finds that there would be no additional potential adverse impacts on human health receptors, whether due to disamenity dust or PM10 particles, as a result of the proposed extended operating hours, subject to the continued implementation of the Dust Management Plan under condition 27 of the current planning permission.
145. The drying plant is separately fitted with a centrifuge system to capture particulate emissions and is also covered by an Environmental Permit issued/overseen by Ashfield District Council. Monitoring data included with the AQA shows the system is acting effectively.
146. Given the distance and orientation to the nearest human health receptors, and low background PM10 concentrations, a potential (small) increase in such emissions would not be expected to result in significant adverse impacts.
147. The additional limited use of some mobile plant would give rise to some additional combustion emissions, but these would be very localised and would be considered negligible. This can be further confirmed now that the extended hours for mineral extraction have been withdrawn.
148. Accordingly the application demonstrates with confidence that the extended hours of processing would not give rise to any unacceptable emissions to local residents or ecological interests and as such accords with policies DM1 and DM4, along with national planning policy.

#### Climate change

149. Policy SP3 sets out that all minerals development, including site preparation, operational practices and restoration proposals should minimise impacts on the causes of climate change for the lifetime of the development by being located, designed and operated to help reduce greenhouse gas emissions, and move towards a low-carbon economy.

150. The proposals would entail extended processing and associated floodlighting hours. The processing aspect (and its required energy) would take place in any event during the life of the quarry and is linked to the available minerals reserves within the planning permission boundaries which would remain unaltered. However more processing would likely now take place in hours of darkness, beyond the current 8pm cut off time, requiring more use of the floodlighting. Whilst the application seeks 24-hour processing (Mondays to Saturdays), in practice this is for flexibility purposes and it is unlikely that the quarry would be processing continually for 24 hours. Nonetheless more grid energy will be utilised to operate floodlighting when the site is operating (they will be switched off at other times).
151. The flood lighting has passed a BREEAM standard for minimising sky glow (i.e. light wastage) as all lighting fittings are focussing light only where it is needed. The fittings also appear reasonably energy efficient, although newer LED products with improved energy efficiency are on the market. If the lighting was to be run for 24 hours this would result in approx. 192 tonnes of CO<sub>2</sub> per annum being released through the necessary grid supplied electricity. The previous assessment for when the lighting was originally installed was based on a 12-hour operation, thus on paper this would be a doubling of energy use and CO<sub>2</sub> emissions. Caution should be applied to these figures as in practice 24-hour operation may not necessarily occur. Grid supplied electricity is also increasingly made up from renewable or low carbon sources. Nonetheless an increased reliance on lighting and its consequent emissions contribution, does bring the proposals into some tension with the objectives of Policy SP3.
152. The applicant responds to this matter by advising of the various initiatives under development. This includes a switch to running mobile plant using biodiesel in the 'very near future' which they calculate will reduce carbon emissions by 88% saving an estimated 700 tonnes of CO<sub>2</sub> per annum. Other measures being pursued include incorporation of 40% recycled content into plastic bag/packaging.
153. The initiatives being taken to reduce the quarry's carbon emissions are welcomed, although they do not directly address the floodlighting issue. Therefore the applicant could be asked to review the lighting, along with the availability of more efficient LED lighting products and this could be covered by an informative note. However this does not completely remove the minor level of tension with Policy SP3.

### Conclusion

154. After considering the matters of noise, lighting, and air emissions upon both local and residential amenity and on adjacent woodland habitats, the revised proposals to enable 24 hour processing of minerals (Mondays to Saturdays) along with operation of floodlighting and the ability to undertake any urgent repairs to plant and equipment, are considered acceptable and would enable the quarry to meet an increasing demand for its minerals products. This can be achieved within/without changing the current permitted numbers of HGV



movements and their timings. Cumulatively there has been a recent history of changes to facilitate greater rates of output from this site, however at each planning application stage the total environmental and amenity impacts have been found to be acceptable.

155. It is considered that this further section 73 planning application should be granted in order to support the pressing economic need for mineral products, which is particularly acute at this time. This however would not be to the expense of local amenity or ecology as adequate protections remain in place within the planning conditions, as varied, subject to making certain changes/additions. The site will also continue to be subject to routine monitoring both by the operator and by the Minerals Planning Authority.
156. The proposals are considered to accord with the relevant policies of the Development Plan, particularly Minerals Local Plan policies SP1 (Minerals Provision), MP8 (Silica Sand), SP5 (The Built, Historic and Natural Environment), DM1 (Local Amenity), DM4 (Protection and Enhancement of Biodiversity etc) and DM8 (Cumulative Impacts) and are further supported by national planning policy which affords great weight to the economic benefits of minerals extraction. Together these are considered to outweigh any minor tension with policy SP3 (Climate Change).

#### Updates to conditions

157. If the variations to conditions 21 and 15 are granted, some minor additions and consequential changes are required. A new condition is needed for noise assessments and details of working prior to phases 3 and 4 as advised by Via (noise). Updates to condition 24 and the night time noise limits at the nearest receptors are also needed. Certain other conditions require minor updates to define the scope of the permission and to incorporate previously approved details.

#### Legal Agreement

158. A legal agreement is in place covering the matters listed below and it will continue to have effect should the further s73 application be granted.
- i) HGV routing scheme preventing HGVs travelling up Coxmoor Road, north of the crossroads junction with Derby Road, as well as preventing the use of Little Ricket Lane, Ravenshead and the B6020 east of the A60.
  - ii) Maintenance of the site access.
  - iii) An annual dilapidation survey of the B6139 Coxmoor Road and repair if necessary.
  - iv) Prevention of queueing on the highway prior to site opening



- v) Lizard translocation
- vi) Additional aftercare
- vii) A site liaison committee

### **Other Options Considered**

159. 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**

160. 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

161. The quarry is a secure site and the proposal would entail extended periods of staff presence and operation.

#### Data Protection and Information Governance

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

#### Human Rights Implications

163. 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

164. The report and its consideration of the planning application has been undertaken in compliance with the Public Sector Equality duty.
165. It is considered the changes would not result in any form of unlawful discrimination after considering any potential effects. People with certain protected characteristics, such as children/older aged people, or those with certain disabilities can be disproportionately affected by impacts of quarrying such as noise, dust/combustion emissions. However in this instance any such impacts are considered to be within acceptable planning thresholds and are controlled robustly through planning conditions.
166. The application proposal may not directly advance equality of opportunity between people who share a protected characteristic and those who do not share it, nor foster good relations between people who share a protected characteristic and those who do not. However these objectives are considered satisfied through the Council's approach to consultation and there is also a site liaison committee which can be convened from time to time through which local residents or interested groups can raise concerns with the MPA and the quarry management.

### Implications for Sustainability and the Environment

167. These have been considered in the Observations section above including impacts to habitats and species and climate change implications.
168. There are no implications with regards safeguarding children/adults at risk; finance; human resources; or for service users

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

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

### **RECOMMENDATIONS**

170. It is RECOMMENDED that section 73 planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

**ADRIAN SMITH**

**Corporate Director – Place**

**Constitutional Comments [RHC 1/9/2021]**

Planning & Rights of Way Committee is the appropriate body to consider the content of this report by virtue of its Terms of Reference.

**Financial Comments [RWK 23/08/2021]**

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

**Background Papers Available for Inspection**

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at: <https://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4265>

**Electoral Division and Member Affected**

Sutton Central & East – Cllr Samantha Deakin

Report Author/Case Officer  
Joel Marshall  
0115 9932578

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



## RECOMMENDED PLANNING CONDITIONS

### Commencement and duration of the permission

1. This permission is for the continuation of the extraction and processing of silica sand, including the provision of a site access road, landscaping and screening bunds. Sand and soil processing plants and other associated infrastructure. Restoration to agriculture and nature conservation. Quarry offices, quarry processing plant, sand drying, sand bagging plant and quarry lagoons subject to not complying with the hours of operation under conditions 21 and 15 as previously approved, but for the avoidance of doubt does not change the authorised hours for undertaking mineral extraction.

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

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

3. The extraction of minerals from the application site shall be completed no later than 13th October 2064.

*Reason: To ensure that mineral extraction is completed within an acceptable timeframe.*

### Approved plans

4. From the commencement of the development to its completion, a copy of this permission including all plans and documents hereby approved, and any other plans and documents subsequently approved in accordance with this permission, shall always be available at the site offices for inspection by the MPA during normal working hours.

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

5. The development hereby permitted shall only be carried out in accordance with the details contained within the planning application forms, Planning Application Document and Environmental Statement (ES) received by the MPA on 30

March 2010, and the Regulation 22 Submissions received by the MPA on 30 March 2012, 19 September 2012 and 14 December 2012, including any subsequent approved modifications and in particular the plans and details identified below, unless amendments are made pursuant to the other conditions below:

- (i) 'Plan PA2 – Planning Application Area' received by the MPA on 30 March 2010;
- (ii) Dwg TW952-D1v2 Rev D and document entitled 'Notes to accompany TW952-D1D received by the MPA (in respect of Condition 6 of Planning Permission 4/2010/0178) on 15 May 2013 and approved in writing by the MPA on 28 May 2013;
- (iii) 'Figure L5 – Mitigation Cross Sections' received by the MPA on 30 March 2010;
- (iv) Drawings numbered '192-S-03 – Sheet 1 – Access Junction', '192-S-04 – General Arrangement Long Section Chainage 0.000 – 300.000', '192-S-06 – General Arrangement to Show Visibility Splay at Junction' and '192-S-21 – General Arrangement to Show Visibility Splay at Junction – Sheet 2', and the accompanying statement entitled 'Extracts from Richard Parker Consultancy (RPC) report issued in support of the planning application', all received by the MPA on 19 April 2013 and approved in writing by the MPA on 6 June 2013 pursuant to NMA/2810;
- (v) Drawing Number PL13-1 Rev 6– Proposed Plant Layout and Elevations and Drawing Number PL13-2 Rev 6– Cross Sections Through Proposed Plant, both received by the MPA on 19 October 2015 and approved on 6 November 2015 in respect of NMA/3385 amending condition 14 of Planning Permission 4/2010/0178 and the subsequent amendments as listed under condition 14 below;
- (vi) 'Plan PA10 – Cross-Sections Through Proposed Design' received by the MPA on 30 March 2010;
- (vii) Dwg 'Working Method -Phase 1 Revised May 2019' received by the MPA on 3 September 2019 and 'Appendix A- High Level Lagoons' received by the MPA on 28/02/19 (in respect of application ref 4/V/2019/0614) and as further amended by dwg titled 'Quarry Site Plan- May 2020', dated 11/05/2020 and received by the MPA on 10/06/2020 (pursuant to NMA/4144 for a new fresh water storage lagoon in lieu of planned silt lagoon no. 11 within phase 1c).
- (viii) Dwg 'Working Method- Phase 2a+2B Revised January 2014' received by the MPA on 11 February 2014 (pursuant to NMA/2994) and approved in writing by the MPA on 7 April 2014.
- (ix) 'Plan R22-5 – Working Method – Phase 2c' received by the MPA on 30 March 2012;
- (x) 'Plan R22-6 – Working Method – Phase 3' received by the MPA on 30 March 2012;



- (xi) 'Plan R22-7 – Working Method – Phase 4a' received by the MPA on 30 March 2012;
- (xii) 'Plan R22-8 – Working Method – Phase 4b' received by the MPA on 30 March 2012;
- (xiii) 'Plan R22-9 – Final Site Soil Movements' received by the MPA on 30 March 2012;
- (xiv) 'Plan PA3 – Proposed Restoration Scheme & Cross Section' received by the MPA on 28 February 2019 (in respect of application ref 4/V/2019/0614).
- (xv) 'Plan R22-12 – Site Location and 400m Margin to Residential Properties' received by the MPA on 30 March 2012;
- (xvi) Planning application forms and Supporting Statement received by the MPA on 28/02/19. Landscape and Visual Appraisal Statement received 03/09/19;

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

### **Site screening, planting and security**

6. Perimeter landscape protection and planting shall be maintained throughout the life of the development in accordance with the following details previously approved by the MPA:
  - i) Dwg TW952-D1v2 Rev D and document entitled 'Notes to accompany Tw952-D1D received by the MPA (in respect of Condition 6 of Planning Permission 4/2010/0178) on 15 May 2013 and approved in writing by the MPA on 28 May 2013, except where the approved details were subsequently amended by:
  - ii) Drawing Number PL13-1 Revision 4 – Proposed Plant Layout and Elevations; Drawing Number PL13-2 Revision 4 – Cross Sections Through Proposed Plant; Working Method – Phase 1 Revised January 2014; and Working Method – Phase 2a and 2b Revised January 2014 as approved under NMA/2994 on 7 April 2014 (which permitted the replacement of rabbit proof fencing with individual guards and an extension of the screening bund at the site entrance and incorporated a revised bund alongside Thieves Wood);
  - iii) Drawings PL13-1 Revision 6 – Proposed Plant Layout and Elevations; and PL13-2 Revision 6 – Cross Sections Through Proposed Plant received by the MPA on 19 October 2015 as approved under NMA/3385 on 6 November 2015.

*Reason: In the interests of visual amenity and biodiversity in accordance with policies DM1 and DM4 of the Nottinghamshire Minerals Local Plan.*

7. All security fencing erected around the perimeter of the site shall be maintained in accordance with the following details as previously approved by the MPA (in respect of Condition 7 of Planning Permission 4/2010/0178) so as to ensure the site's security throughout the life of the development.
- (i) Document entitled 'Condition 7 – Fencing scheme 2, 28 Jan 2013' received on 28 January 2013 and approved in writing by the MPA on 13 March 2013;
  - (ii) Drawing entitled 'Peart Fencing – Masterview Profile Panel 2.0m x 3.0m' received on 3 January 2013 and approved in writing by the MPA on 13 March 2013;
  - (iii) Document entitled 'MasterView Profile' received on 3 January 2013 and approved in writing by the MPA on 13 March 2013;
  - (iv) Drawing Number 'TOF – SF1 – Proposed Security Fencing' received by the MPA on 3 January 2013 and approved in writing by the MPA on 13 March 2013;
  - (v) Plan PL13-1 Rev 6 – Proposed Plant Layout & Elevations received by the MPA on 19 October 2015 and approved 6 November 2015 pursuant to NMA/3385 (relating to amendments to post and wire fencing in phase 1).

*Reason: To ensure the security of the site and also to minimise the opportunity for human disturbance from the site on adjacent habitats suitable for nightjar and woodlark.*

### **Quarry access and protection of the public highway**

8. Throughout the life of the development hereby permitted, all vehicles entering and leaving the site shall only use the access road as constructed in accordance with the following details previously approved by the MPA pursuant to NMA/2810 on 6 June 2013:

Drawings numbered '192-S-03 – Sheet 1 – Access Junction', '192-S-04 – General Arrangement Long Section Chainage 0.000 – 300.000', '192-S-06 – General Arrangement to Show Visibility Splay at Junction' and 192-S-21 – General Arrangement to Show Visibility Splay at Junction – Sheet 2', and the accompanying statement entitled 'Extracts from Richard Parker Consultancy (RPC) report issued in support of the planning application', all received by the MPA on 19 April 2013.

*Reason: To ensure that all quarry traffic obtains access to the site along a permanently bound hard surfaced road thus ensuring that there is no damage to the public highway and to ensure compliance with Policy DM9 of the Nottinghamshire Minerals Local Plan.*

9. The access road shall be maintained in a satisfactory condition at all times to ensure that vehicles travelling between the public highway and the plant site travel along a permanently bound surfaced road.

*Reason: To ensure that all quarry traffic obtains access to the site along a permanently bound hard surfaced road thus ensuring that there is no damage to the public highway and to ensure compliance with Policy DM9 of the Nottinghamshire Minerals Local Plan.*

10. Measures shall be employed throughout the life of the development to prevent the deposit of mud, clay and other deleterious materials upon the public highway in accordance with the document entitled 'Mansfield Sand, Two Oaks Quarry, Condition 10' received by the MPA on 7 June 2013 and approved in writing by the MPA on 17 June 2013.

*Reason: To ensure that no vehicle shall leave the site in a condition whereby mud or other deleterious material is carried onto the public highway in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.*

11. In the event that the measures approved under Condition 10 above prove inadequate, then within one week of a written request from the MPA, a scheme including revised and additional measures to be taken in order to prevent the deposit of materials upon the public highway shall be submitted to the MPA for its approval in writing. The additional measures to protect the surrounding roads shall be implemented within one month of their approval and thereafter maintained and used at all times.

*Reason: To ensure that no vehicle shall leave the site in a condition whereby mud or other deleterious material is carried onto the public highway in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.*

12. Signage erected on the site to notify HGV drivers of the lorry routeing agreement in place shall be maintained for the life of the development in accordance with the previously approved details 'Mansfield Sand, Two Oaks Quarry, Condition 12' received by the MPA on 13 May 2013 (in respect of Condition 12 of Planning Permission 4/2010/0178) and approved in writing by the MPA on 13 May 2013.

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

13. The number of HGVs entering and leaving the site shall not exceed the following:

- a) Except for the period 1 April to 31 July inclusive there shall be no more than 320 HGV movements to and from the site in any one working day

(160 in, 160 out) and no more than 1650 HGV movements to and from the site in any one week (675 in, 675 out).

- b) For the period 1 April to 31 July inclusive there shall be no more than 380 HGV movements to and from the site in any one working day (190 in, 190 out) and no more than 1950 HGV movements to and from the site in any one week (825 in, 825 out).

Over the course of any calendar year, total HGV movements to and from the site shall not exceed 50,000 (25,000 in, 25,000 out).

Written records shall be maintained of all HGV movements into and out of the site, including HGVs taking sand and sand-based products off site, HGVs delivering soils, compost and other materials into the site, and HGVs delivering plant and machinery to the site for operations such as soil stripping, with the records kept for a minimum period of two years. Copies of the HGV vehicle movement records shall be made available to the MPA within 7 days of a written request being made by the MPA.

*Reason: To limit vehicle movements at the proposed quarry in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.*

#### **Quarry plant area**

14. The quarry plant area, plant, equipment and supporting infrastructure shall be maintained in accordance with the following previously approved details:
- (a) Dwgs PL13-1 Rev 6– Proposed Plant Layout and Elevations and PL13-2 Rev 6– Cross Sections Through Proposed Plant, (both received by the MPA on 19 October 2015 and approved by the MPA on 6 November 2015 in respect of NMA/3385 amending condition 14 of Planning Permission 4/2010/0178 and as further amended by:
  - (b) Dwg 'TO 18-1 V3 Proposed Site Offices' received by the MPA on 27/11/08 along with the accompanying photographs (additional photographs received on 20/11/18) pursuant to NMA3928 approving additional site offices etc on 04/12/18;
  - (c) Dwgs 'Gravel Plant Location & Lagoon 11 Design – Plant Area November 2019' dated 27/11/19, 'Gravel Plant Location & Lagoon 11 Design – Quarry Area November 2019' dated 09/08/19 and 'Indicative Gravel Plant Sections' dated 27/11/19 received by the MPA on 29/11/19 along with the accompanying overview document received by the MPA on 11/07/19, pursuant to NMA4018 approving a revised gravel washing plant on 29/11/19 and;

- (d) Dwg titled 'Gravel Stocking Area Design' dated 15/10/2020, received by the MPA on 30/10/2020 (Revision to include cut 1 and cut 2) pursuant to NMA/4194 for an enlarged gravel stocking area.

*Reason: In the interest of visual amenity to ensure compliance with Policy DM1 of the Nottinghamshire Minerals Local Plan and to protect the openness of the Green Belt in accordance with the National Planning Policy Framework.*

15. Unless a new scheme is subsequently approved by the MPA pursuant to this condition, all floodlighting to be used at the site shall be maintained for the life of the development in accordance with Drawing Number D21071/PY/I, dated 22/04/21 and received by the MPA on 28/04/21 and the accompanying statement - Condition 15 Floodlighting Revised (appendix D) received by the MPA on 06/05/21.

Floodlighting shall be angled downwards and suitably shielded to ensure that it does not result in glare or dazzle to surrounding land, property and other users and shall ensure that no lighting levels over 1Lux occurs in habitat suitable for nightjar and woodlark during the bird breeding season (February to August).

The floodlighting shall not be used on Sundays, Bank or Public Holidays. Outside these hours any external lighting shall be individually operated through a movement sensor switch with a maximum lighting cycle not exceeding 5 minutes.

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

16. Throughout the life of the development hereby permitted, the external appearance of all fixed plant, equipment and supporting infrastructure shall be maintained to the satisfaction of the MPA in order to preserve their original external appearance. Any works which the MPA considers are required to maintain the external appearance of all fixed plant, equipment and supporting infrastructure shall be carried out within one month of a written request being made by the MPA.

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

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent amended legislation, no buildings, fixed plant, or machinery, other than those approved under Condition 14 above, shall be erected or placed on the site without the prior written approval of the MPA.

*Reason: To protect the openness of the Green Belt in accordance with the National Planning Policy Framework.*

## Phasing and cessation of mineral extraction

18. Mineral extraction shall only be carried out in accordance with the phasing plans listed in condition 5 above. Mineral extraction in any phase or sub-phase shall not commence until mineral extraction has been completed, or substantially completed, within the preceding phase or sub-phase to the satisfaction of the MPA. The MPA shall be notified in writing of the date of commencement of mineral extraction in any phase or sub-phase at least seven days, but not more than 14 days, prior to the commencement of mineral extraction in that phase or sub-phase.

*Reason: To ensure the phased working and timely restoration of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.*

19. The MPA shall be notified in writing of the date of the cessation of mineral extraction.

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

20. All plant, equipment and supporting infrastructure shall be removed from the site and the site shall be entirely restored within 12 months of the cessation of mineral extraction, as notified under Condition 19 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.*

## Hours of working

21. Except in the case of an emergency when life, limb or property are in danger (with such instances being notified in writing to the MPA within 48 hours of their occurrence), or with the prior written approval of the MPA, the following shall not take place except within the hours specified below, except as provided for in Condition 22 below:

	Mondays to Fridays	Saturdays	Sundays Bank/ Public Holidays
Mineral Extraction	6am to 8pm	7am to 1pm	Not at all
Mineral conveying, processing or treatment	24 hours	24 hours	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	24 hours (urgent or emergency situations only 8pm-6am)	24 hours (urgent or emergency situations only 8pm-6am)	Only with the prior written consent of the MPA
Vehicles entering and leaving the site for the purposes of collecting mineral or delivering soils, compost and synthetic fibres	6.30am to 7.30pm	7.30am to 12.30pm	Not at all

*Reason: To minimise the impact of the development on the amenity of the local area in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan, to minimise the impact of the development on the public highway network in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan, and to reduce the disturbance on nearby breeding birds in accordance with the Conservation of Habitats and Species Regulations 2010.*

22. Notwithstanding the hours of operation detailed in Condition 21 above, mineral extraction, including the use of two motorised scrapers, a dozer and the conveyor, shall not take place between 6am and 7am within the 400 metre buffer zones identified on 'Plan R22-12 – Site Location and 400m Margin to Residential Properties' received by the MPA on 30 March 2012. Where mineral extraction is taking place in close proximity to any of the 400 metre buffer zones, the extent of the buffer zones shall be clearly marked in accordance with details previously submitted to, and approved in writing by, the MPA.

*Reason: To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.*

## **Noise**

23. All mobile plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the operator) used on the site shall incorporate white noise reversing warning devices and be fitted with silencers maintained in accordance with the manufacturers' recommendations and specifications to minimise noise disturbance to the satisfaction of the MPA.

*Reason: To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan, and to ensure that breeding birds are not adversely affected.*

24. The free field noise levels associated with the development, when measured in the curtilage of any of the noise-sensitive properties listed below, shall not

exceed the following limits measured as an Equivalent Continuous Noise Level for a 1 hour LAeq (free field):

Criterion Noise Levels LAeq, 1 hour			
Location	LAeq (7am – 7pm)	LAeq (7pm – 10pm)	LAeq (10pm– 7am)
Bright Sparks/ Stonehills House, Derby Road	55	52	42
Coxmoor House, Derby Road	55	52	42
Forest Farm, off Derby Road	55	52	42
Forest House, Thieves Wood Lane	55	52	42

*Reason: To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.*

25. Prior to commencing mineral extraction in each of phases 3 and 4, where this would involve any new or relocated conveyor system, an updated Noise Impact Assessment shall be submitted to and approved in writing by the MPA. The assessment shall inform the methods of working and design/location of any conveyor system and shall demonstrate that the noise limits set out in conditions 24 and 27 can be complied with.

*Reason: To inform the future design and working arrangements for phases 3 and 4 should this involve conveying of minerals and to ensure that noise levels including from extended night time operations would be minimised and remain within the noise limits set to protect nearby residential and ecological receptors.*

26. Notwithstanding the requirements of Condition 24 above, for temporary operations such as soil stripping, replacement and bund formation, the LAeq 1 hour (free field) noise level in the curtilage of any noise sensitive property shall not exceed 70 dB(A). Temporary operations which exceed the normal day to day criterion shall be limited to a total of eight working weeks in a year at any individual noise sensitive property. The dates of these occurrences shall be recorded and available to the MPA in writing with one week of a written request from the MPA.

*Reason: To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.*

27. Operational noise at the site shall be managed in accordance with the 'Protocol for Control of Noise to Protect Nightjar and Woodlark' – May 2013, received by the MPA on 10 May 2013 and approved in writing by the MPA on 30 May 2013 (in respect of Condition 26 of Planning Permission 4/2010/0178), whereby it shall be ensured that the continuous sound level from the site does not exceed 55 dB LAeq and the peak sound level does not exceed 80 dB LA(max) at any point on land surrounding the site that has the potential to support breeding nightjar and woodlark.

In accordance with the approved details, the following details shall be submitted to the MPA for its approval in writing throughout the life of the development (except where otherwise stated):

- i) An annual review of potential new breeding areas for nightjar and woodlark created by forestry operations on adjacent land, to be carried out in advance of the breeding season;
- ii) The results of noise monitoring carried out in January or February each year in positions adjacent to any potential nesting/breeding areas for nightjar and woodlark;
- iii) The results of noise monitoring carried out periodically throughout the nightjar and woodlark breeding seasons adjacent to areas identified as potential nesting sites.

The approved noise management measures shall be implemented in accordance with the approved details throughout the life of the development.

*Reason: To ensure that breeding birds are not adversely affected by the development in accordance with the National Planning Policy Framework and to also protect the amenity of nearby recreational users.*

## **Dust**

28. Measures shall be taken to minimise the generation of dust and reduce its impact on nearby dust sensitive receptors, including the Sherwood Observatory, nearby properties and habitats suitable for nightjar and woodlark, to acceptable levels and provide for dust monitoring.

The dust management plan ('Dust Management Plan V.1 – 9.01.2013' received by the Minerals Planning Authority on 22 March 2013 and approved on 3 June 2013 (in respect of Condition 27 of Planning Permission 4/2010/0178)) shall be implemented for the life of the development.

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

29. All HGVs entering the site to deliver soil, compost, and synthetic fibres, and all HGVs leaving the site with sand and sand-based products, shall be fully sheeted.

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

### **Archaeology**

30. Development shall progress in accordance with the approved Archaeological Mitigation Strategy by Pre-Construct Archaeological Services Ltd, received by the MPA on 12 April 2013 and approved in writing by the MPA on 21 May 2013 (in respect of Condition 29 of Planning Permission 4/2010/0178), including the programme of further archaeological investigations required by this strategy which shall be completed and the findings submitted to the MPA for its approval in writing prior to any works commencing on phases 2 and 3.

*Reason: To ensure that that adequate archaeological investigation and recording is undertaken prior to the development taking place, in accordance with policies SP5 and DM6 of the Nottinghamshire Minerals Local Plan.*

### **Stockpile heights**

31. Following the commencement of extraction from Phase 1b, stockpiles in the plant site area including stockpiles of excavated (as dug) minerals; site-sourced soils waiting to be processed; imported soils, compost and synthetic fibres waiting to be processed; and processed materials shall not exceed 10 metres above the ground levels of the plant site as set out in the details submitted and approved under Condition 14 above.

*Reason: In the interest of visual amenity to ensure compliance with Policy DM1 of the Nottinghamshire Minerals Local Plan and to protect the openness of the Green Belt in accordance with the National Planning Policy Framework.*

### **Mineral extraction**

32. Mineral extraction shall only be carried out using two motorised scrapers, and a dozer. All excavated mineral shall be transported from the working phase to the processing plant area by field conveyor only. The conveyor shall be maintained

throughout the life of the development hereby permitted to the satisfaction of the MPA.

*Reason: To minimise the impact of the development on the amenity of the local area, in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.*

33. No blasting shall take place on the site in association with the mineral extraction hereby permitted.

*Reason: To minimise the impact of the development on the amenity of the local area in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.*

34. Only sand and gravel extracted from within the site, as detailed on 'Plan PA2 – Planning Application Area' received by the MPA on 30 March 2010, shall be processed on the site. No sand and gravel shall be imported into the site for processing.

*Reason: To limit vehicle movements at the proposed quarry in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.*

## **Pollution control**

35. A scheme for surface water drainage for the site shall be implemented and maintained in accordance with the following details previously approved by the MPA on 30 May 2013 (in respect of Condition 34 of Planning Permission 4/2010/0178):

- a) Documents entitled 'Design Philosophy for Surface Water Drainage Revision 1'; 'Halfren Water Report'; and 'Two Oaks Quarry -Environmental Statement' all received by the MPA on 10 April 2013;
- b) Drawings Numbered '192-S-02 (Site Plan) B'; '192-S-03 (Junction GA) F'; '192-S-04 (Long Section 0-300) G'; '192-S-05 (Long section 300 - 500) F'; '192-S-06 (Visibility Splay sheet 1) E'; '192-S-07 (Parking Layby) C'; '192-S-08 (Corner to plant area) C'; '192-S-09 (Section @30m) E'; '192-S-10 (Section @50m 100m) G'; '192-S-11 (Section @150m 200m) E'; '192-S-12 (Section @250m) D'; '192-S-13 (Section @300m) D'; '192-S-14 (Section @350m) D'; '192-S-15 (Section @400m) D'; '192-S-16 (Section @450m) B'; '192-S-17 (Section @500m) A'; '192-S-18 (Section @525m) A' all received by the MPA on 20 March 2013.
- c) Surface Water Calculations received by the MPA on 20 March 2013;
- d) Documents entitled 'Balancing Lagoons –No Discharge Off Site' and 'Balancing Lagoons – Greenfield Run-Off Rate' both received by the MPA on 15 May 2013.

*Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.*

36. A scheme for the disposal of foul drainage shall be implemented in accordance with the following details previously approved by the MPA on 30 May 2013 (in respect of Condition 35 of Planning Permission 4/2010/0178):
- a) Document entitled 'Design Philosophy for Foul Water Drainage – Revision 1';
  - b) Document entitled 'Biotec 1 and Biotec 2 – Installation and Operation Guidelines';
  - c) Document entitled 'Biotec 3 and Biotec 4 – Installation and Operation Guidelines';
  - d) Document entitled 'Installation Guidelines for BioDisc Units BA, BAx, BB and NB';
  - e) Document entitled 'Installation Guidelines for BioDisc Units BC, NC';
  - f) Drawing Number 'DS1146P: BA-BB-BAx BioDisc Gravity Sales Drawing';
  - g) Drawing Number DS0456P: 'BC BioDisc General Dimensions Customer Drawing';
  - h) Document entitled 'BioDisc Sewage Treatment Plans Units BA – BG';
  - i) Document entitled 'Siting and Installation Considerations for BioDisc Units BA – BG and Nitrification Versions';
  - j) Drawing Number '192-S-38: Weigh Bridge and Office Proposed Foul Drainage Plan.

All received by the MPA on 10 April 2013.

*Reason: To ensure the satisfactory means of foul drainage disposal from the site in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.*

37. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas, and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the oil separator which shall be maintained in accordance with the manufacturer's instructions throughout the life of the development.

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

38. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus



10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, of the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets 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.*

## Ecology

39. Prior to the commencement of mineral extraction in each phase or sub-phase, ecological management plans shall be submitted to the MPA for its approval in writing. The plans shall detail measures to improve the biodiversity of those areas of the site not subject to operational activities and shall include, but not necessarily be limited to, any or all of the following measures as appropriate:

- (i) Management of hedgerows to increase their size and density to the benefit of breeding birds and bats;
- (ii) The provision of suitable field margins (wild bird seed areas) sown with high energy seed yielding plant species that shall remain intact during the winter months;
- (iii) The location of the wild bird seed areas shall be notified in writing to the MPA each year within two weeks of being sown.
- (iv) Timescales for the provision and ongoing maintenance of the proposed measures.

Additionally with respect to phase 1:

- a) The wild bird seed areas shall continue to be sown, established and maintained in accordance with the details in the document entitled 'Condition 38: Ecological Management Plan' produced by Eco-Tech and received by the MPA on 24 April 2013 (pursuant to Condition 38 of Planning Permission 4/2010/0178) albeit that the location of the areas shall be rotated from year to year;
- b) The location of the wild bird seed areas shall be notified in writing to the MPA each year within two weeks of being sown;

The ecological management plans shall be implemented in accordance with the approved details.

*Reason: In the interest of protecting species and their habitats in accordance with the National Planning Policy Framework.*

40. Site clearance works within each phase and sub-phase, and that involve the destruction and removal of vegetation, including felling, clearing or removal of trees, shrubs or hedgerows or the removal of any standing crops, shall not commence until all potential habitats for protected species have been investigated by a qualified ecologist and a report of the investigation has been submitted to, and approved in writing by, the MPA. In the event that protected species or nesting birds are present, the report shall provide a working design, method and timetable to mitigate any undue adverse effects on the species involved. The mitigation measures shall be implemented as approved prior to any site clearance works taking place within that phase.

*Reason: In the interest of protecting species and their habitats in accordance with the National Planning Policy Framework.*

### **Soil stripping, handling and storage**

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

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

42. Soil handling shall be undertaken in accordance with the general Soil Handling and Soil Movement Scheme for Two Oaks Quarry received by the MPA on 19/4/13 (under 4/2010/0178). A detailed soil handling scheme for each phase, sub-phase, part phase or part sub-phase of the development shall be submitted in writing to the MPA at least one month prior to the stripping of any soil from that area of the site. Such a scheme shall include the following details:

- (i) The size, location, volume and composition of soil storage mounds;
- (ii) A methodology statement for the stripping and storage of soils;
- (iii) The types of machinery to be used;
- (iv) The routes to be taken by plant and machinery involved in soil handling operations;
- (v) The depths of subsoil and topsoil to be stripped;
- (vi) Which soils are to be retained for restoration purposes and which are to be used in the production of 'fibresand' products.

The soil handling schemes shall be carried out in accordance with the approved details.

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

43. 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, or storage of topsoil, subsoil or mineral deposits, until all available topsoil and subsoil has been stripped from that part.

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

44. Soil stripping shall not commence until any standing crop or vegetation has been cut and removed.

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

45. Topsoil, subsoil, and soil making material shall only be stripped when they are in a dry and friable condition and movements of soils shall only occur:

- (i) When all soil above a depth of 300mm is in a suitable condition that it is not subject to smearing;
- (ii) When topsoil is sufficiently dry that it can be separated from subsoil without difficulty;
- (iii) When there are no areas of standing water on the surface of soils in the area to be stripped, traversed or used for soil storage.

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

46. All further storage mounds that will remain in situ for more than 6 months, or over winter, shall be seeded within 3 weeks of their construction with British Seed House A4 Low Maintenance seed mix at 35g/m<sup>2</sup> unless an alternative seed mix is otherwise previously agreed in writing by the MPA. Seeding should aim to provide a suitable grass sward on the outside faces of any perimeter storage mounds/screening bunds and a winter supply of high energy seed yielding plant species on the inside faces as well as on all internal soil storage mounds. The mounds shall thereafter be maintained free of weeds until used for restoration purposes.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy*

*DM3 of the Nottinghamshire Minerals Local Plan and in the interests of biodiversity.*

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

*Reason: To ensure there are sufficient soils available for the restoration of the site and to ensure all available soil resources are conserved and managed, in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.*

### **Phased restoration**

48. Details of the restoration of the four main phases of the site and the plant site shall be submitted in writing to the MPA within the following timescales:

<b>Phase</b>	<b>Date for restoration details to be submitted</b>
1	Within 12 months of the completion of mineral extraction within phase 1a
2	Within 12 months of the completion of mineral extraction in phase 2a
3	Within 12 months of the commencement of mineral extraction in phase 3
4	Within 12 months of the completion of mineral extraction in phase 4a
Plant site	Within 12 months of the commencement of mineral extraction in phase 4b

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

### **Soil replacement for agricultural and woodland restoration**

49. The MPA shall be notified in writing at least 5 working days before each of the following:
- (i) Overburden/sand substrate has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out; and

- (ii) 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
- (iii) 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 the proper restoration of the site, conserving and managing all available soil resources, in accordance with policies DM3 and DM12 of the Nottinghamshire Minerals Local Plan.*

50. Topsoils and subsoils shall only be replaced when they and the ground on which they are to be placed are in a dry and friable condition and no movements, respreading, levelling, ripping or loosening of subsoils or topsoils shall occur:

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

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

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

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

52. Prior to the placement of any subsoils, the quarry floor shall be ripped to a minimum depth of 250mm with tine spacings no wider than 1.5m.

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

53. The top soil and upper subsoils shall be replaced to an overall combined depth of no less than 750mm.

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

54. The re-spread subsoil shall be approximately, and at least a minimum of, 350mm in depth and shall be cross-ripped:

- (i) To provide loosening to a minimum depth of 400mm with tine spacings no wider than 1.5m, and
- (ii) 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 utilised for the creation of refugia areas for reptiles and amphibians, or buried at a depth not less than 2 metres below the final settled contours.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with policies DM3 and DM12 of the Nottinghamshire Minerals Local Plan and in the interest of habitat creation.*

55. The re-spread topsoil shall be approximately, but no more than a maximum of, 400mm in depth and shall be rendered suitable for agricultural cultivation by loosening and ripping:

- (i) To provide loosening to a minimum depth of 450mm with tine spacings of 1.5 metres or closer;
- (ii) 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 utilised for the creation of refugia areas for reptiles and amphibians, or buried at a depth not less than 2 metres below the final settled contours.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with policies DM3 and DM12 of the Nottinghamshire Minerals Local Plan and in the interest of habitat creation.*

### **Restoration of areas to heathland, wetland areas and woodland**

56. Within the timescales prescribed in Condition 48 above for those phases, part phases, sub-phases or part sub-phases to be restored to heathland, wetland areas and woodland, details of the restoration of those areas shall be submitted to the MPA for its approval in writing. The details shall be in accordance with 'Plan PA3 – Proposed Restoration Scheme & Cross Section' received by the MPA on 28 February 2019 with the aim of creating a mosaic of heathland, acid grassland, short ephemeral vegetation and bare ground with a varied micro-topography, including areas of open water of varying sizes and in clusters, and clumps of scrub and oak-birch woodland. The details shall include the following:

- (i) The results of a walk-over survey carried out to identify evidence of, or potential for, protected species along with the results of any further detailed protected species carried out as necessary;
- (ii) The results of surveys carried out to identify features that have arisen naturally or as a consequence of excavation works which are of value (or



have the potential to be of value) in the context of creating a diverse heathland habitat, and details of how the survey results have been taken into account when drawing up the restoration details;

- (iii) Target habitats with reference to the UK Biodiversity Action Plan;
- (iv) Woodland, wetland margin and heathland species mixes and establishment methods which should be of native genetic origin and appropriate to the local area, including the source of heather brash and numbers, species, planting, positions and sizes of all trees and shrubs;
- (v) Substrate preparation (where required), including the creation of micro-topography features;
- (vi) Details of the reshaping of the silt lagoons in phase 1 to a shallower edge profile;
- (vii) Habitat transition areas between the agricultural grassland areas and the heathland areas;
- (viii) Sandstone faces;
- (ix) The provision of appropriate refugia areas for reptiles and amphibians using, where appropriate, any rocks, boulders or stones picked in accordance with Conditions 54 and 55 above;
- (x) Timetable for the implementation of the restoration works.

The restoration of the site shall be provided in accordance with the approved details.

*Reason: To ensure the phased restoration of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan and to provide for extensive heathland and acid grassland after use in accordance with Policy SP2 of the Nottinghamshire Minerals Local Plan.*

## **Aftercare**

57. Following the restoration of any phase or sub-phase of the site, that phase or sub-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.*

58. Prior to any phase or sub-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.*

59. An aftercare scheme and strategy for each phase or sub-phase shall be submitted for the written approval of the MPA at the same time as the submission of the restoration details for that phase or sub-phase in accordance with the timescales detailed in Condition 48 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:
- (i) Cultivations;
  - (ii) Weed control;
  - (iii) Scrub control on heathland areas;
  - (iv) Sowing of seed mixtures;
  - (v) Soil analysis;
  - (vi) 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;
  - (vii) Drainage amendments;
  - (viii) Subsoiling and underdrainage proposals;
  - (ix) Management practices such as the cutting of vegetation;
  - (x) Tree protection;
  - (xi) Remedial treatments;
  - (xii) Irrigation;
  - (xiii) Fencing;
  - (xiv) Proposals for a survey visit by a suitably qualified ecologist, to be undertaken in year 5, to assess the ecological interest of those parts of the site restored to heathland, wetland areas and woodland, including their habitats, flora and fauna, to inform management practices for the additional periods of aftercare secured through legal agreement; and
  - (xv) A report detailing the findings of the survey visit referred to in (xiv) above, to be submitted to the MPA at 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.*

60. 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 59 (vi) above, having regard to the condition of the land, progress in its rehabilitation and necessary maintenance.

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

61. The aftercare programme shall be implemented in accordance with the details approved under Condition 59 (vi) above, as amended following the annual site meeting carried out in accordance with Condition 60 above.

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

### **Alternative Restoration**

62. 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 in writing to the MPA for its approval in writing. Such a scheme shall include details of the final contours, provision of soiling, sowing of heathland habitat, planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these conditions.

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

63. The revised restoration scheme approved under Condition 62 shall be implemented within 12 months of its approval by the MPA, and shall be subject to the aftercare provisions of Conditions 59 – 61 above.

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

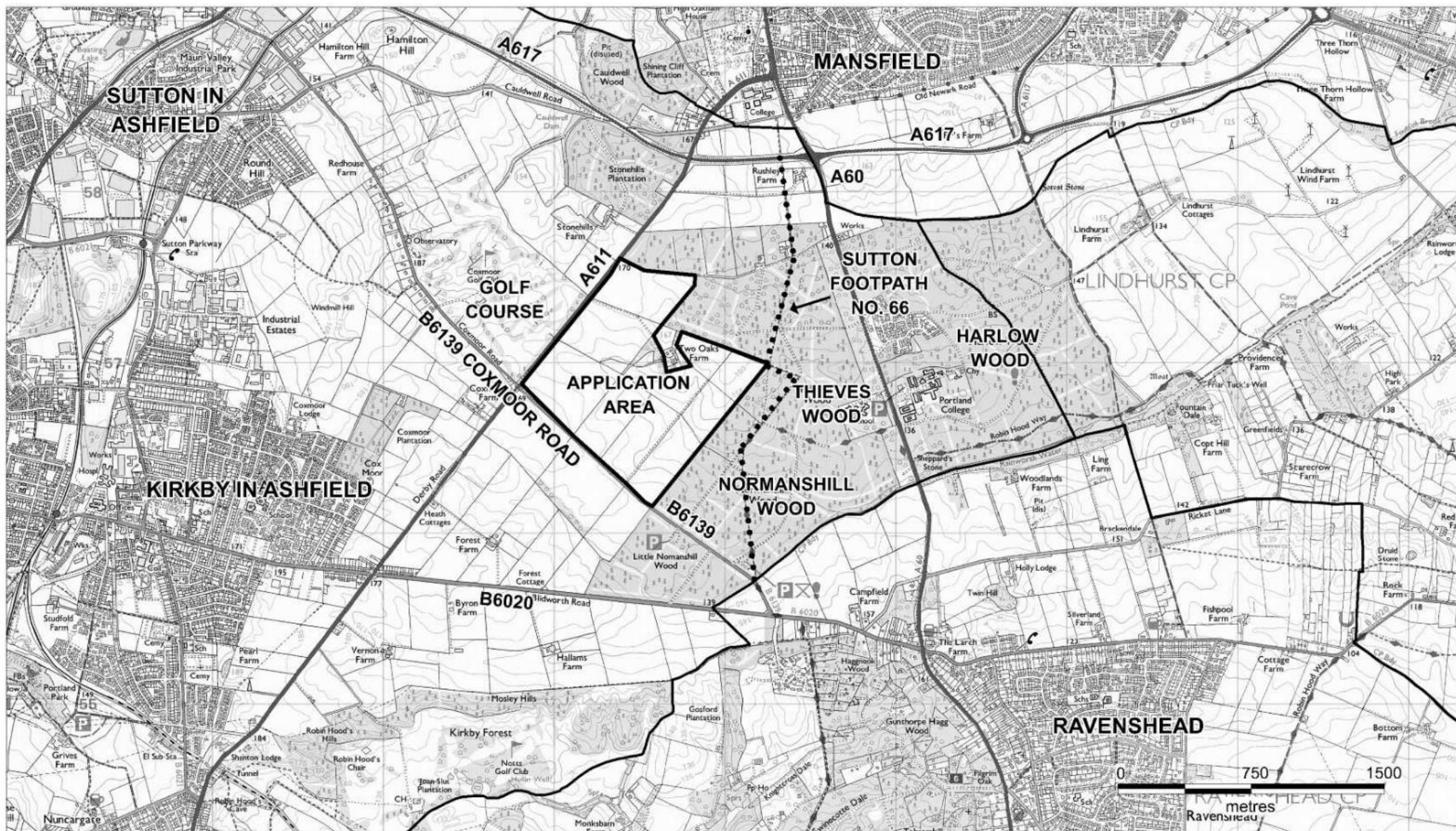
*End of conditions*

### **Informatives/notes to applicants**

1. This notice of planning permission and the attached conditions should be read alongside the associated Section 106 legal agreement dated 19 September 2017.
2. Your attention is drawn to the consultation responses from the Environment Agency dated 23 June 2010, Central Networks dated 6 May 2010 and the Highways Authority dated 9 November 2012 copies of which have been previously forwarded.
3. It is the objective of the Nottinghamshire Minerals Local Plan (Policy SP3) that all aspects of minerals development should minimise impacts on the causes of climate change by reducing greenhouse gas emissions and move towards a low-carbon economy. Technological improvements (particularly LEDs) mean that there are more energy efficient floodlighting products on the market compared to the existing fittings. The company should take the opportunity to review the floodlighting and the energy and costs savings that may be available from fitting new products.







**Nottinghamshire  
County Council**

Variation to hours of working and lighting (conditions 21 and 15 of planning permission 4/V/2019/0300). Mineral conveying, processing/treatment, & servicing, testing, maintenance of plant/machinery to 24 hours per day Mondays to Saturdays inclusive. (No working on Sundays or Bank/Public Holidays). No changes to the times for mineral extraction, soils or overburden stripping, or the hours that vehicles may enter or leave the site. Variation to allow for floodlighting during extended working hours (Revised proposal).

Two copies to be submitted to Mansfield, Nottinghamshire.  
Planning Application No. 4/V/2021/0397

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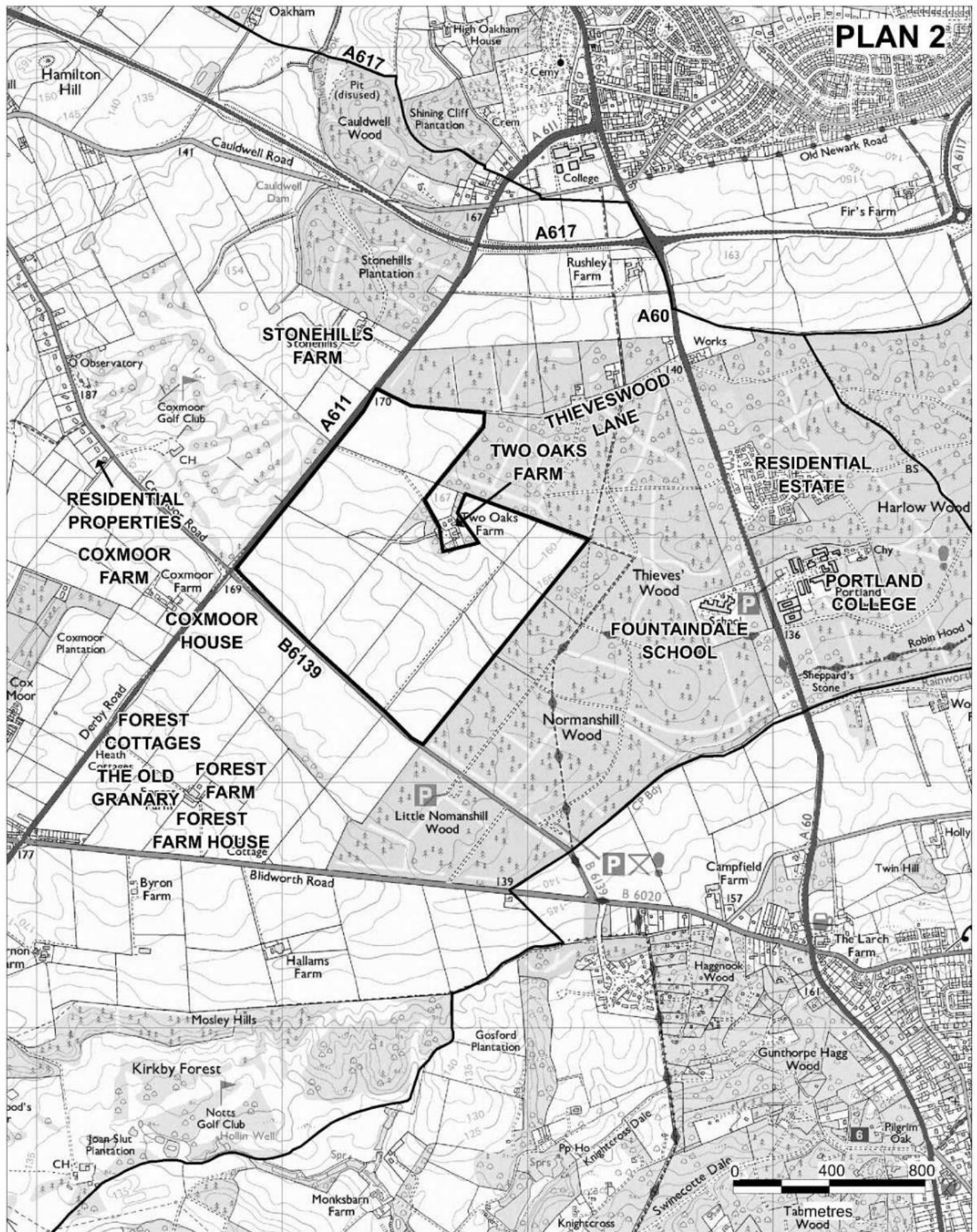
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Date: SEPT 2021

**PLAN 1**









**Nottinghamshire  
County Council**

Variation to hours of working and lighting (conditions 21 and 15 of planning permission 4N/2019/03300). Mineral conveying, processing/treatment, & servicing, testing, maintenance of plant/machinery to 24 hours per day Mondays to Saturdays inclusive. (No working on Sundays or Bank/Public Holidays). No changes to the times for mineral extraction, soils or overburden stripping, or the hours that vehicles may enter or leave the site. Variation to allow for floodlighting during extended working hours (Revised proposal).

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Quarry Lane, Field, Nottinghamshire,  
Planning Application No. 4N/2021/03397

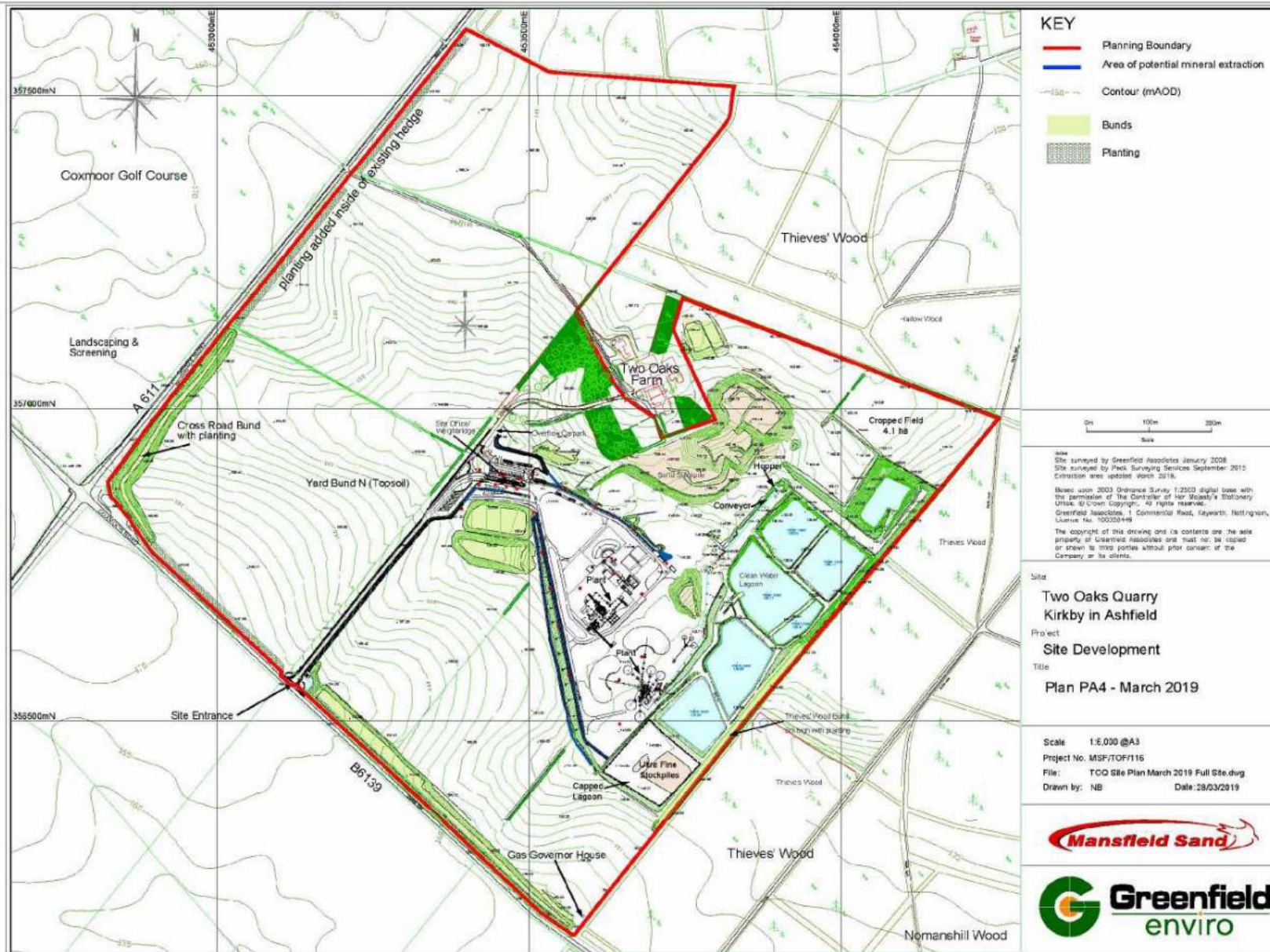
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**14<sup>th</sup> September 2021**

**Agenda Item: 7**

**REPORT OF CORPORATE DIRECTOR – PLACE**

**GEDLING DISTRICT REF. NO.: 7/2021/0648NCC**

**PROPOSAL: DEVELOPMENT OF A WASTE MANAGEMENT FACILITY COMPRISING A WASTE TRANSFER STATION INCORPORATING REFUSE DERIVED FUEL (RDF) PRODUCTION, A TWO STOREY OFFICE/WELFARE BUILDING, FIRE WATER TANK AND PUMP HOUSE, TWO WEIGHBRIDGES, A WEIGHBRIDGE OFFICE, PARKING AREAS FOR HGVS AND STAFF AND VISITORS, ODOUR ABATEMENT SYSTEM WITH 17.5M STACK, EXTERNAL BAYS FOR THE STORAGE OF INERT MATERIALS, GLASS, ROAD SWEEPINGS, AN AREA FOR THE STORAGE OF BIN SKIPS, PERIMETER FENCING, FUEL TANK AND ASSOCIATED WORKS.**

**LOCATION: LAND OFF PRIVATE ROAD NO. 3, COLWICK INDUSTRIAL ESTATE, NOTTINGHAM, COLWICK, NG4 2BA**

**APPLICANT: VEOLIA ES (UK) LTD**

**Purpose of Report**

1. To consider a planning application for the development of a new waste transfer station at Private Road No. 3 within Colwick Industrial Estate.
2. The key issues relate to the need to develop a replacement waste transfer station to manage municipal and commercial/industrial waste streams and the potential benefits of enabling this waste to be managed locally in compliance with the waste hierarchy, the suitability of the site for the development, and consideration of potential environmental effects.
3. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

**The Site and Surroundings**

4. The application site is located approximately 3 miles east of Nottingham City Centre within Colwick Industrial Estate in the Borough of Gedling (see Plan 1). The industrial estate is extensive and incorporates a variety of uses including light and general industry, warehousing and waste activities. The application site is

located relatively centrally within the industrial estate. The industrial estate is served by a network of private roads which access onto the A612 Colwick Loop Road. The Nottingham to Newark railway line is located to the north of the development site, beyond the railway line is Victoria Business Park which incorporates a mix of commercial and retail properties.

5. The planning application site incorporates 2.179 hectares land (see Plan 2, comprising part of a larger parcel of industrial land owned by a company known as British Drilling and Freezing and used for the storage of heavy industrial machinery including drilling rigs and various container units. The site has recently been used for the storage of empty waste skips and containers owned by the applicant.
6. The planning application site has road frontages onto Private Road No. 3 to the north and Private Road No. 5 to the west. The site boundary incorporates a metal chain link fence with sections of hedging and shrub planting. The application site is open and level with a stone surface and does not incorporate any buildings.
7. Vehicular access to the site is obtained from both Private Road No. 3 in the north eastern corner of the site, and Private Road No. 5 in the south western corner of the site.
8. The land surrounding the application site is industrial in character with a mix of B2, B8 and sui-generis land uses. Amongst these is the Colwick driving test centre to the south, a vehicle repair workshop (formerly a skip transfer business) and ready-mix concrete plant to the west on the opposite side of Private Road No.5, a gas cylinder company to the north on the opposite side of Private Road No. 3 with a new Sainsbury supermarket is currently being constructed further to the north-west on Private Road No. 3. The remainder of the existing drilling and freezing land is located to the east. The nearest residential properties are located within Netherfield beyond Colwick Loop Road, a distance of over 280m to the north (see Plan 3)
9. The southern boundary of the site is some 80m north of the River Trent. The site and much of the surrounding area is located within Flood Zone 3.

## **Background**

10. The applicant, Veolia Environmental Services (Nottinghamshire) Ltd holds the long-term integrated waste management contract with Nottinghamshire County Council. As part of this contract Veolia is required to provide a network of facilities to manage Nottinghamshire's municipal waste needs. The current network of facilities incorporates a waste transfer station at Freeth Street in Nottingham City which receives approximately 35,000tpa of residual and recyclable Local Authority collected waste from Broxtowe, Gedling, Rushcliffe and Nottingham City and 5,000tpa of street sweepings.
11. The Freeth Street site is located adjacent to the River Trent within a largely industrial area but the City Council plan to comprehensively redevelop the site



and surrounding area over the next 15 years into a new sustainable residential community as part of the Riverside redevelopment. In the medium to long term, a waste management facility would conflict with this vision for the regeneration of the area and the future development of residential properties is likely to hinder the day to day operations of the waste transfer station. Consequently, there is a need to find a replacement site for Freeth Street to ensure Veolia maintains its ongoing obligations imposed within Nottinghamshire's waste management contract.

12. Furthermore, in September 2020 the Freeth Street waste transfer station was extensively damaged by fire. The damage from the fire required Veolia to demolish half of the transfer station structure with the remaining steel framework subject to a temporary repair to enable Veolia to continue to accept dry recyclable material from local authorities, but severely constraining the wider operation of the facility. If Freeth Street were to be rebuilt it would need a fire suppression system to be installed, and the transfer station would need to be constructed with fire breaks inside the building. This would reduce the storage capacity of the transfer station to an extent that it would not be suitable for the waste streams and tonnages that it accepted prior to the fire and there is no land availability to extend the site and construct a larger facility.

### **Proposed Development**

13. Planning permission is sought for the development and operation of a waste transfer station. The facility would be constructed on the southern half of the planning application site (see Plan 4) with HGV access obtained from Private Road No. 3. No development is sought on the northern part of the planning application site fronting Private Road No. 3 which is referenced as Phase 2. This area would continue to be used for the storage of machinery by the drilling company and the applicant's empty skips and waste containers.
14. The key elements of the proposed waste transfer station development would comprise (See Plan 5):
  - a. Waste transfer building: The new waste transfer building would be located towards the southern side of the site and be rectangular shaped measuring 71.6m by 41m, constructed with a pitched roof with an eaves height of 11.3m rising to 13.2m at its ridge. The building would be of a steel portal framed construction incorporating a 3m high concrete push wall around its base and steel cladding above externally finished in a goosewing grey colour. Three 7.5m tall vehicle access doors would be installed in the front (east facing) elevation fitted with fast acting opening doors. Pedestrian access doors would also be provided. Internally the building has a series of precast concrete push walls to create segregated storage areas for different waste streams.
  - b. Odour attenuation unit and 17.5m stack: The odour attenuation unit and 17.5m stack would be developed to the south of the main waste transfer building externally finished in a goosewing grey colour. The odour attenuation unit will maintain the building under negative air pressure and

filter odours, odorous dust and bioaerosols from the building. It is proposed to operate the odour abatement system between 05:00 hours and 23:00 hours.

- c. Office and Welfare Building: The site office/welfare building would be located to the west of the waste transfer building. The building would be two-storey in height with a floor area of 21.3m by 12.4m, a pitched gable roof and an eaves height of 5.8m with an overall ridge height of 7.5m. External materials have not been specified. The ground floor of the building would incorporate a welfare room to be used by visiting drivers and site operatives with office accommodation provided at first floor.
- d. Weighbridge and office: Two weighbridges are proposed south of the principal access/exit into the site off Private Road No.3. A single storey flat roofed modular weighbridge kiosk measuring 6m by 2.4m would be located between the two weighbridges.
- e. Site surfacing and drainage: The site would be engineered to provide surface water drainage connecting to an underground surface water attenuation tank installed beneath the hardstanding vehicle manoeuvring area to the frontage (east) of the waste transfer building. Surface and foul water connections would be made to the existing drainage facilities provided within the industrial estate.
- f. Parking areas for HGVs and refuse collection vehicles: Vehicle access for all waste carrying vehicles would be from Private Road No.3. Overnight parking for 13 HGVs and manoeuvring areas would be provided in the open yard area to the front (eastern) elevation of the waste transfer building.
- g. Car parking for staff and visitors: Car parking for staff and visitors would be accessed from Private Road No. 5. 32 car parking spaces (including disabled spaces, car sharing spaces and EV charging points) would be provided. The development is expected to employ circa 32 staff. In addition, if required a secure area for cycle parking would also be provided.
- h. Fire water deluge tank and associated pump house: A fire water tank to store water to feed a sprinkler system for the building is located immediately to the south of the waste transfer building. The water storage tank would have a diameter of 10.3m and a height of 11.2m.
- i. Fuel and Ad-blue tanks: sited within the HGV parking/manoeuvring area to the frontage (east elevation) of the waste transfer building.
- j. External bin / skip storage area: External storage bays would be provided in the open yard area to the front (east) of the waste transfer building for glass, inert, clinical waste bins, road sweepings and green waste.
- k. External storage for empty skips and waste containers, alongside the storage of drilling equipment would continue to be provided in the 'Phase 2' area of land between the waste transfer building and the land to the south of Private Road No. 3 under the existing lawful use of this piece of

land and thus planning permission is not sought for these activities as part of the this planning application.

- I. Perimeter fencing with gates would be erected around the site's perimeter boundaries. Metal mesh fencing would be erected to a height of 2.35m.

#### Operational Details

15. The waste transfer station would provide a strategic bulking point for up to 125,000 tonnes per annum of locally collected waste from both household and commercial and industrial waste streams.
16. The waste transfer station has been designed to be able to operate 24 hours a day, but the core hours of operation are expected to be 0600 – 2200. The operation of the site during the early and late hours of the day would allow waste collections from businesses in town centres during less congested times of the day to be managed at the facility. Flexibility is sought to allow for HGV bulker movements (typically 1 or 2 per hour) and the processing of waste within the building during the night-time period but there would be no overnight loading or unloading externally in connection with the externally stored waste.
17. Waste material would be transported to the site via refuse collection vehicles and articulated bulk vehicles and off-loaded within the designated tipping bay. A visual inspection of the input loads would be carried out with manual removal of non-suitable material.
18. The operation of the site would generate a maximum daily average of 95 HGV trips (190 movements) on weekdays. The peak hour for deliveries would be between 08:00-09:00 when there would be 16 HGV trips (32 movements). During the afternoon peak period there would be 2 HGV trips (4 movements). There would also be 35 car trips (70 movements) each day.
19. The waste inputs into the site would incorporate a mix of recyclable waste streams and residual waste. The waste transfer station incorporates a series of segregated bays both within the building and externally to store these wastes, bulk them up and enable them to be transported to waste processing facilities for treatment.
20. Residual waste material would be unloaded, stored and processed within the waste transfer building. Processing of this waste within the Colwick facility would be restricted to shredding the waste to reduce its particle size and make a more homogeneous product known as refuse derived fuel (RDF). The RDF processing plant would be installed and operated within the building with the plant being loaded via a feed hopper using mobile plant. The shredded RDF would be transferred into an RDF output bay prior to being bulked or baled. Tipped residual waste and shredded and baled RDF material would be retained within the building to control dust and odour releases.
21. The waste transfer building would incorporate two internal bays for the storage of mixed dry recyclable waste materials. Small volumes of clinical waste would

be stored within the building (within individual bins) before being bulked for transfer to a suitable treatment or disposal facility. There would be no processing of these waste streams on site.

22. Green waste, glass, inert and road sweeping wastes would be tipped into external bays located in the open yard area to the frontage of the waste transfer station where they would be bulked and then loaded for transfer to suitable recovery facilities. The external storage bays would have a combined area of 35.6m by 9.6m and would utilise interlocking concrete blocks to enclose the green waste, glass and inert waste bays to a height of 4m and 2.5m concrete push walls in the road sweeping bay.
23. During the course of processing the planning application revised plans have been submitted which have modified the external layout of the site. The originally submitted scheme incorporated four bays for the storage of waste wood, an area for the storage of empty clinical bins and the provision of an underground drainage tank within the northern 'Phase 2' area. The revised plans modify the layout by re-siting the clinical storage bays and underground drainage tank into the southern 'Phase 1' development area and removing the waste wood storage bays altogether from the scheme. The applicant states that any waste wood requiring management would be diverted to an alternative Veolia facility. The changes to the layout have been made in light of a commercial decision taken by the applicant in response to the drilling company having a continuing need for the storage of drilling machinery on the northern area of the site in the short to medium term.

## Consultations

24. **Gedling Borough Council:** *Do not object*
25. *Gedling Borough Council confirm that the site is located within an allocated employment area and flood zone 3. The consultation response incorporates as an appendix a detailed response from the Environmental Health Officer which raises the following matters:*
  - a. *Land Contamination: Planning conditions should be imposed to require further assessment work to refine the Conceptual Site Model and remediate any ground contamination issues.*
  - b. *Air Quality: The proposed development constitutes a medium development for the purpose of the Air Quality and Emissions Mitigation - Guidance for Developers document which relates to Policy LPD11 of the Local Development Plan 2018. Under the provisions of this guidance medium developments are required to provide Type 1 and 2 emission mitigation as follows:*

*Type 1 Mitigation*

    - *Provision of electric vehicles charging facilities.*

- *Submission of a Construction Emission Management Plan; detailing the control of dust and emissions during demolition and construction.*

#### *Type 2 Mitigation*

- *Provision of a Travel Plan of mitigation measures that will discourage the use of high emission vehicles and facilitate the uptake of low emission vehicles.*
- *Promotion of cycling and walking (via the Travel Plan)*

*Planning Conditions are recommended to regulate the provision of electric charging points, a Construction Emission Management Plan, and the adoption of a travel plan to discourage the use of high emission vehicles, facilitate cycling, walking and public transport use.*

26. **Environment Agency:** *Do not object, recommending planning conditions in respect of managing flood risk and contaminated soils within the site.*
27. *In terms of managing flood risk, the Environment Agency originally raised an objection to the planning application based on concerns that if there was a sudden breach of the River Trent flood defences the application site would be inundated with flood water with the flood risk assessment not identifying any safe refuge or route of escape for occupiers of the site. To address these concerns the applicant has supplemented their flood risk assessment to incorporate a flood evacuation and management plan and this supplementary information has enabled the Environment Agency to withdraw their objection subject to a planning condition being imposed to ensure that flood resilient design and construction techniques are incorporated into the development of the site in accordance with the specification set out within the revised submitted flood risk assessment.*
28. *In terms of groundwater and contaminated land, the Environment Agency advise that the previous use of the site as a fuel storage depot presents a medium risk of contamination that could be mobilised during construction and result in pollution of controlled waters. The applicant's site investigation report demonstrates that it will be possible to manage the risks posed to controlled waters by this development, but further detailed information will be required before built development is undertaken. The Environment Agency recommend that this should be provided by a submission under a planning condition requiring the submission of a remediation strategy.*
29. *The Environment Agency confirm that the operation of the facility will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 1, confirming that these regulations require operators to demonstrate that they have taken all reasonable precautions to mitigate impacts of their operations. The Environment Agency advise that the permit controls cannot eliminate all emissions with potential for some residual impacts to occur which may cause local residents concern. In particular, the Environment Agency advise that when new development is built near to an*



existing operational facility this would not automatically trigger a review of the permit controls.

30. **Via (Reclamation):** Do not object but recommend planning conditions are imposed to regulate the remediation of historical ground contamination from previous uses of the site.
31. The site investigation report indicates that the redevelopment of the site will require remediation works to the ground to be carried out to protect the River Trent to the south from groundwater contamination. This could comprise removal of source material, such as residual tanks, asbestos or contaminated made ground, in-situ treatment of contaminated groundwater, or a combination of measures. Gas protection measures will also be required in buildings on site, to protect future site users from ground gas and vapours. Additional investigation and monitoring are required to fully investigate the areas of concern and inform the remediation strategy.
32. The ground investigation indicates that the proposed development may require deeper foundations for the proposed buildings. A piling risk assessment should be carried out if a piled foundation approach is to be considered. This will be needed to protect the Secondary A and Secondary B Aquifers from further contamination and to prevent any new pathways for any residual contamination in the made ground and underlying aquifers to migrate to sensitive receptors, such as the River Trent to the south and the SPZ III in the north of the site.
33. Shallow groundwater levels were recorded at the site (<1.5m). Sufficient information will be needed to ensure that the foundation designs take account of the shallow groundwater levels and that the materials used are resistant to chemical attack from the soils and shallow groundwater.
34. During the construction stage of the development, appropriate measures will need to be in place to safely collect and dispose of any residual contaminated materials encountered, e.g. contaminated groundwater entering excavations. Contaminated materials are likely to require disposal as hazardous waste, subject to a waste classification assessment.
35. **Via (Noise Engineer):** Raise no objections to the development, subject to planning conditions to regulate noise emissions.
36. The planning submission is supported by a noise impact assessment which calculates the predicted level of noise emissions from site operations including construction works and transport related noise emissions. The noise assessment satisfactorily demonstrates that peak noise emissions are unlikely to exceed reasonable threshold levels and thus the operation of the site is unlikely to result in justifiable noise complaints.
37. Planning conditions are recommended to regulate the noise emissions from the site to ensure that:
- Noise levels from the site will not exceed the background noise level (L90) at any nearby receptor when assessed in accordance with BS4142:2014.



- *In the event of a justifiable noise complaint received by the WPA, the applicant shall conduct a noise survey to determine compliance with the above condition and in the event the noise level is exceeded the applicant shall submit a scheme of noise mitigation.*
  - *Vehicles under the operator's control shall be fitted with broadband type (white noise) reversing alarms.*
38. **NCC (Highways):** *Raise no objections, subject to planning conditions.*
39. *The Highway Authority is satisfied that the transport associated with the development would not have a detrimental impact on highway safety. Planning conditions are recommended to require the vehicle parking and turning facilities to be fully constructed and the provision of cycle parking facilities prior to the site becoming operational.*
40. **VIA (Countryside Access):** *Raise no objections. Carlton Footpath 22 runs to the north of the application site but would not be impacted by the development.*
41. **Canal and River Trust:** *Raise no comments.*
42. **Cadent Gas Limited Company:** *Do not object, but Cadent Gas identify that they have apparatus within close proximity of the development site and request the developer contacts Cadent Plant before any works are carried out to ensure the apparatus is not affected by the proposed works.*
43. **Western Power Distribution:** *Do not object, but the company confirm they have apparatus within close proximity of the development site.*
44. **Severn Trent Water Limited:** *No representation received.*

## **Publicity**

45. The application has been publicised by means of site notices, the publication of a press notice in the Nottingham Post and neighbour notification letters sent to the occupiers of adjoining businesses in accordance with the County Council's adopted Statement of Community Involvement. No representations have been received.
46. Cllr Mike Adams has been notified of the application.

## **Observations**

### Need for the Facility

47. Nottinghamshire and Nottingham Waste Core Strategy (WCS) Policy WCS 3: Future Waste Management Provision seeks to provide sufficient waste management capacity to meet Nottinghamshire's needs and ensure that the new

waste management capacity is delivered which manages waste in accordance with the waste hierarchy. The policy is set out below:

#### Policy WCS3 Future waste management provision

The Waste Core Strategy will aim to provide sufficient waste management capacity for its needs; to manage a broadly equivalent amount of waste to that produced within Nottinghamshire and Nottingham. Future waste management proposals should accord with our aim to achieve 70 % recycling or composting of all waste by 2025. Proposals will therefore be assessed as follows:

- a) priority will be given to the development of new or extended waste recycling, composting and anaerobic digestion facilities;
- b) new or extended energy recovery facilities will be permitted only where it can be shown that this would divert waste that would otherwise need to be disposed of and the heat and/or power generated can be used locally or fed into the national grid;
- c) new or extended disposal capacity will be permitted only where it can be shown that this is necessary to manage residual waste that cannot economically be recycled or recovered.

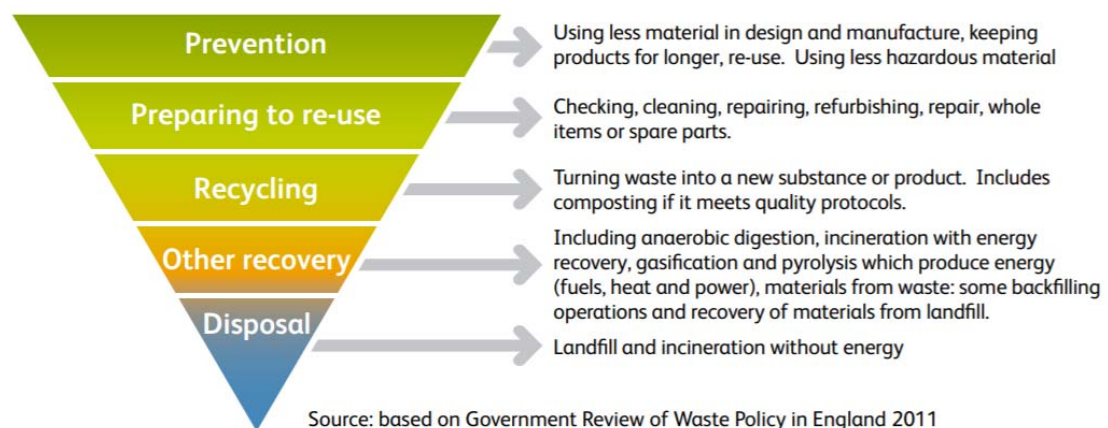
- 48. The applicant, Veolia Environmental Services UK Limited has a long-term contract with Nottinghamshire County Council to provide a network of facilities to manage Nottinghamshire's municipal waste arisings. The existing waste transfer station at Freeth Street serves an important part in delivering this contract insofar that it receives approximately 35,000tpa of residual and co-mingled dry recyclable Local Authority collected waste from Broxtowe, Gedling, Rushcliffe and Nottingham City and 5,000tpa of street sweepings, but the restricted size of the site constrains the operational capacity of the facility.
- 49. The proposed Colwick facility is designed to have a significantly larger maximum operational capacity at 125,00tpa. The applicant states the larger capacity is required to reflect changes to the type and frequency of wastes that will be required by the Resources and Waste Strategy including the potential for weekly waste food collections, free green garden waste collections from all properties and additional recyclable collections. The specification of the Colwick waste transfer station provides flexibility to accommodate these changes as well as provide the ability for the applicant to develop its commercial offering within Nottinghamshire.
- 50. The fire at the Freeth Street site has restricted the operational capacity of this existing facility and the imminent redevelopment of the Waterside area limits the amount of capital investment the applicant is willing to spend on this site, putting at risk the medium to long term availability of the Freeth Street waste transfer site. If the Freeth Street facility was to close without a suitable replacement site being available the local authorities which currently feed into the site would not have any locally accessible facilities to manage their waste resulting in extended journey distances and meaning that Veolia would not be fulfilling its contract obligations.
- 51. The Colwick waste transfer station would provide a replacement facility for the Freeth Street site, serving as a strategic bulking point for general waste and recyclable materials originating from the Greater Nottingham area. Its use would contribute to the overall waste management capacity of the County and provide a

modern facility to support sustainable waste management for municipal and commercial and industrial waste streams, enabling them to be bulked for onward transportation of residuals and recyclable materials to facilitate their reuse and recovery. As part of a wider network of waste management facilities the Colwick waste transfer station would ensure that there is an appropriate geographical network of waste facilities to manage Nottinghamshire's waste arisings.

52. The development therefore is consistent with first part of Nottinghamshire and Nottingham Waste Core Strategy Policy WCS3: Future Waste Management Provision which seeks to provide sufficient waste management capacity to manage a broadly equivalent amount of waste to that produced within Nottinghamshire and Nottingham.

### Waste Management Policy

53. The second part of WCS Policy WCS3: Future Waste Management Provision seeks to ensure that planning decisions are made in accordance with the waste hierarchy. Figure 2.1 of the WCS identifies the waste hierarchy and is set out below.



54. There is a raft of European and national legislation, policy and targets which all seek to deliver more sustainable waste management, underpinned through the application of the Waste Hierarchy which gives priority to preparing waste for re-use, then recycling, then recovery, and last of all disposal (e.g. landfill).
55. The Waste (England and Wales) Regulations 2011 requires everyone involved in waste management to use all reasonable measures to apply the waste hierarchy (except where, for specific waste streams, departing from the hierarchy is justified in lifecycle thinking on the overall effects of generating and managing the waste). This legal obligation on waste producers and transferors provides over-arching controls within the waste industry and assists in ensuring that waste is sent to an appropriate facility for treatment. The regulations are regulated by the Environment Agency through the Environmental Permitting (England and Wales) Regulations 2010.

56. Waste transfer stations such as the facility proposed at Colwick serve an important intermediary role to receive smaller amounts of waste collected locally from both householders and local businesses enabling them to be bulked prior to onward transportation to the relevant recycling, recovery and disposal facilities. These intermediary facilities deliver more beneficial management of locally derived waste streams, enabling a greater proportion of materials to be recycled, treated and/or recovered; and reducing transport distances and thus make an important contribution to delivering sustainable waste management.
57. There is an established need for a waste transfer facility to serve the Broxtowe, Gedling, Rushcliffe and Nottingham City areas. The development of the Colwick waste transfer station would address concerns relating to potential shortfalls in the local availability of capacity if the Freeth Street site was to close. The new facility would enhance the current level of sustainable waste management specifically in respect of increasing the level of capacity to manage commercial and industrial waste streams whilst forming an essential component of the Nottinghamshire Waste PFI contract. The new waste transfer station would therefore contribute to delivering sustainable waste management, contributing towards national and local targets to increase levels of recycling and diversion of waste from landfill disposal.
58. The operations associated with this particular waste transfer station adds a more beneficial step in terms of the treatment of residual waste in relation to its processing into RDF. This adds value to the residual waste stream and is beneficial in that it moves residual waste higher up the waste hierarchy enabling its recovery off-site and diversion from landfill.
59. The proposed development is therefore consistent with the waste hierarchy as set out in national policy and underpinned by WCS Policy WCS3.
60. Paragraph 1 of the National Planning Policy for Waste (NPPW) advises waste planning authorities to plan positively to deliver new waste management infrastructure which assists in delivering waste management at a higher level in the waste hierarchy.

#### Location of development in context of the development plan policy

61. WCS Policy WCS4: Broad locations for waste treatment facilities in conjunction with Appendix 2, Table 8 (Indicative size of waste treatment facilities) seeks to promote a spatial pattern of development in relation to developing waste facilities across the County based on their scale and size. Appendix 2 of the WCS identifies 'large' scale transfer stations as those with a minimum throughput capacity of 50,000 tonnes per annum and a site area of between 1 and 1.5 hectares. Taking these indicative thresholds, the proposed waste transfer station, with an annual throughput of 125,000 tonnes per annum developed on a site area of 2.179 hectares would be termed a large-scale facility in the context of appendix 2 of the WCS. As such, there is explicit local waste policy support for this size of facility in the Colwick area, close to the built-up urban areas of Nottingham.

62. WCS Policy WCS7: General Site Criteria sets out a criteria-based approach to identify the types of locations that are likely to be suitable for different waste management processes including an indication of the size/scale of development that is likely to be acceptable. The policy identifies that new waste transfer stations can be appropriate development in employment locations and on derelict land, which has been previously developed, subject to there being no unacceptable environmental impacts. This approach is broadly supported by Paragraph 4 of the NPPW which prioritises the re-use of previously developed land as appropriate locations for new waste management facilities.
63. The Gedling Borough Local Planning Document Policies Map confirms that the planning application site is located within a designated industrial estate. Gedling Local Planning (GLP) Document: Part 2 Local Plan 'Policy LPD 44 - Retention of Employment and Employment Uses' is the relevant policy for the industrial area. Policy LPD 44 seeks to retain industrial land in employment use within Use Classes B1 – B8 and sui generis uses of a similar nature and is supportive of the further expansion of these sites for employment purposes subject to there being no unacceptable environmental and amenity impacts. The application site is also previously developed land.
64. It is therefore concluded that the locational policies of the development plan are supportive of the development of the waste transfer facility within Colwick Industrial Estate, subject to there being no unacceptable environmental impacts. The development is similar in character to the predominantly employment uses located elsewhere across the wider Colwick Industrial Estates and would provide valuable local employment both directly in terms of the transfer station itself, and to associated transport and supporting local businesses in terms of providing a valuable local waste collection and management service.

#### Consideration of Environmental and Amenity Impacts

65. NPPF paragraph 180 states that the focus of the planning decision should be to ensure that the new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
66. Both the NPPF and NPPW reference the fact that it is the pollution control organisation's responsibility to control processes or emissions, and that planning authorities should assume that these regimes would operate effectively. The Environment Agency have confirmed in their planning consultation response that the day to day control of environment emissions will be regulated and enforced through an Environmental Permit and there is clear direction set out within NPPF paragraph 183 that pollution controls should not be duplicated by the planning authority.
67. Whilst acknowledging that the day to day control of environment emissions from the process are regulated and enforced by the Environment Agency through an Environmental Permit, there is an obligation in the assessment of this planning



application to have an understanding of the level of environmental releases from the process to enable the planning authority to determine the effect these emissions would have on the amenity of occupiers of adjacent properties and this approach is reflected in WCS Policy WCS13.

68. WCS Policy WCS13: Protecting and enhancing our environment supports the development of a network of waste management facilities which maintain and where possible enhance environmental quality. The policy is set out below:

#### **Policy WCS13 Protecting and enhancing our environment**

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

69. Supporting paragraph 7.61 acknowledges that the detailed impacts will be controlled through the saved policies of the Nottinghamshire and Nottingham Waste Local Plan (WLP) and relevant policies from the District Councils' Local Development Frameworks.
70. Appendix B of the NPPW incorporates further guidance on the potential environmental issues associated with waste development, advising that particular consideration should be given to protection of groundwater, instability, landscape and visual impacts, nature conservation, conserving the historic environment, traffic and access, air emissions including dust, odours, vermin and birds, noise, light and vibration, litter, and potential land use conflict.

#### **Traffic and access considerations**

71. WLP Policy W3.14: Road Traffic states that planning permission will not be granted for waste management facilities where the vehicle movements likely to be generated cannot be satisfactorily accommodated on the highway network or where such movements would cause unacceptable disturbance to local communities.
72. The new Colwick waste transfer station will replace the existing Freeth Street facility and displace the existing vehicle movements associated with this existing facility to Colwick and therefore not generate additional traffic on the wider highway network.
73. The planning application is supported by a transport statement which provides a quantified assessment of the maximum levels of operational traffic associated with the development and assess the capacity of the surrounding road network to accommodate the projected traffic levels, taking into account issues of safety and general site accessibility.



74. The transport statement incorporates a calculation of the number of trips that are likely to be generated by the development based on waste throughput. The assessment is based on an annual throughput of 125,000 tonnes, but in order to provide a robust assessment of the traffic associated with the facility, a 20% contingency for waste (HGV) movements has been applied. The assessment identifies that the development is forecast to generate an average daily traffic flow of 95 HGV deliveries (190 two-way movements) and 35 cars (70 two-way movements). During the morning peak period (08:00 – 09:00 hours) the development would generate an hourly flow of 16 HGV deliveries, whilst during the evening peak period (17:00-18:00 hours) the development would generate an hourly flow of 2 HGV deliveries.
75. For comparative purposes, the traffic statement also incorporates a calculation of the predicted traffic flows that would be expected from a typical industrial redevelopment of the application site. This assessment indicates that the waste transfer facility would generate lower levels of trip generation than that would be expected to occur for a typical alternative industrial/warehouse redevelopment of the site and thus enable a conclusion to be reached that the volume of traffic associated with the development is considered reasonable.
76. The waste transfer facility would have separate accesses for HGVs and cars with HGVs accessing from Private Road No.3 via the existing vehicular access to the northeast of the site and staff and visitors accessing from a new access onto Private Road No.5. Swept path analysis has demonstrated that HGVs and cars can successfully navigate the site. The site design segregates cars from larger commercial vehicles and benefits safety on site. The case officer has met with representatives of the Driving Standards Agency who have highlighted that the location of their driving test centre on Private Road No.5 means there are a lot of novice learner drivers in the area and therefore they fully support the fact that HGVs will access the site from Private Road No.3 thus assisting in reducing the number of HGVs on Private Road No. 5 and separating these larger vehicles from novice drivers starting and finishing their driving tests. A planning condition is recommended to regulate the access facilities into the site and ensure that HGVs only access from Private Road No.5.
77. Car parking provision at the site has been provided at a level which is consistent with the parking standards incorporated in Gedling Borough Council's Local Planning Document Part 2 Local Plan. Although this document does not contain any standards for waste developments, it does incorporate standards for B8 – Storage or Distribution uses and this has been referenced to guide the provision of 32 spaces in the staff and visitor car park (including 2 disabled spaces), along with 13 HGV spaces in the internal service yard and 10 cycle spaces. A planning condition is recommended to ensure that the HGV and car parking facilities including associated manoeuvring areas and the cycle spaces are provided as part of the development.
78. In terms of access to the wider higher network, Private Road No. 3 forms part of a network of industrial access roads which serve Colwick Industrial Estate and connects to the A612 Colwick Loop Road via either Private Road No. 1 or the recently constructed new access junction onto the A612 to the east. A third

potential access route to the A612 via Mile End Road to the west is regulated by an environmental weight restriction which was put in place to protect occupiers of residential properties on Mile End Road from environmental disturbance from HGVs and would prohibit HGVs associated with this development from using this road (see Plan 6).

79. Whilst WLP Saved Policy W3.15 provides scope to impose lorry routeing restrictions upon waste development, in this instance the ready access of the site to the A612 and the weight restriction on Mile End Road means that there would not be a requirement for any lorry routeing controls as part of the planning permission in this instance.
80. Overall, the proposed development would not result in any material adverse impacts on the surrounding road network. The A612 provides efficient access to the main urban centres of waste arisings including, Nottingham city, Broxtowe, Gedling and Rushcliffe and there is nothing to indicate that the proposed route to be taken by vehicular traffic accessing and egressing the site would be anything other than suitable in terms of highway capacity and safety.
81. The proposed waste transfer station is in accordance with WCS Policy WCS11: Sustainable Transport given that it would provide a local waste management facility within close proximity to the main centres of waste arisings in the Nottingham, Broxtowe, Gedling and Rushcliffe areas, so helping to deliver a reduction in the distance that waste is transported and associated carbon emissions. The new waste transfer station would deliver an accessible local delivery point capable of storing, treating and bulking up local waste for subsequent onward transportation to suitable recovery facilities, in larger vehicles. As such, the proposal would accord with WCS Policy WCS14 (Managing Climate Change), given that it has been designed and located, and would be operated, so as to minimise potential impacts on climate change.
82. The Highways Authority underlines the acceptability of the proposals, subject to the parking and turning areas being surfaced in a bound materials and cycle parking provision being provided. As such, the proposed development is considered to accord with WLP Saved Policy W3.14 and the NPPF.

#### Sustainable Transport

83. The development incorporates 32 car parking spaces with reference made in the planning statement for the provision of electric vehicle charging but with no specific numbers or locations. In line with paragraph 104 of the NPPF developments should be designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. To facilitate the uptake of low emission vehicles a planning condition is recommended to ensure the proposed electric vehicles points are installed and maintained.
84. Furthermore, it is recommended that a planning condition is imposed to require a detailed travel plan to be provided to demonstrate how car based trips to and from the site will be minimised through encouraging the use of more sustainable

transport including plans for encouraging the use of low emission vehicles at the site.

### Landscape and Visual Impact

85. Paragraph 7 of the NPPW seeks to ensure that waste management facilities are well-designed, so that they contribute positively to the character and quality of the area in which they are located.
86. WLP Policy W3.3: Plant and Buildings seeks to minimise the visual impact of waste management facilities by siting them in locations which minimise impacts to adjacent land, providing appropriate screening and minimising building and storage heights. Similarly, WLP Saved Policy W3.4: Screening seeks to secure both the retention and protection of existing features which have value in terms of screening and landscaping to minimise visual impacts, including earth mounding, fencing, and/or tree and shrub planting.
87. WCS Policy WCS15 (Design of waste management facilities) states that all new or extended waste management facilities should incorporate high standards of design and landscaping, including sustainable construction measures.
88. In terms of the landscape effects, the development site is located within a large industrial estate and segregated from residential receptors. The development would not change the landscape character of the site or the surrounding area which is characterised by industrial uses and their associated buildings. It is therefore concluded the proposed development would have a minimal impact on the existing landscape.
89. Visually, the 17.5m stack associated with the odour attenuation unit would be the tallest element of the proposal. It is located adjacent to the proposed waste transfer building which although is lower in height at 13m tall to the ridge, has a much greater scale. WLP Policy W3.3 encourages the siting of waste transfer facilities in locations which minimise impact on adjacent land, acknowledging the benefit of siting facilities adjacent to existing buildings has in reducing visual impacts. The planning application is centrally located within Colwick Industrial Estate and there are no sensitive visual receptors within the wider industrial estate or beyond. The buildings and structures proposed to be built are of a similar scale to surrounding development wherein it is noted the adjacent premises to the east incorporate a four-storey warehouse. The development is a modern, well designed facility of a scale and appearance commensurate to the wider industrial estate setting thus satisfying the policy requirements of WCS Policy WCS15. It is therefore concluded that there would not be any significant adverse visual impacts from the development and the design and siting of the facility is considered appropriate in the context of WLP Policy W3.3.
90. To ensure the development visually integrates into the wider area planning conditions are recommended to regulate the construction materials used within the buildings and to require the submission of a landscaping scheme for the site

including the retention, management and supplementary planting of the existing perimeter hedge and shrub planting in accordance with WLP Policy W3.4.

### Noise

91. WLP Policy W3.9: Noise enables planning conditions to be imposed to reduce the potential for noise impact. The policy encourages restrictions over operating hours, sound proofing plant and machinery, alternative reversing alarms, stand-off distances, and the use of noise baffle mounds to help minimise noise impacts.
92. A noise assessment has been undertaken to consider the levels of noise emissions from both the construction and operation of the proposed facility and the potential for these emissions to affect the amenity of adjacent and nearby land users. The noise assessment has been prepared in line with technical guidance contained in British Standard BS4142:2014+A1:2019, 'Methods for rating and assessing industrial and commercial sound'.
93. The noise assessment has taken recordings of background noise levels at the nearest sensitive receptors comprising residential properties at Nether Pasture in Netherfield, residential properties in Holme Pierrepont, recreational users in Holme Pierrepont Country Park and the adjacent industrial unit. The representative background noise levels at these locations was shown to vary between 45dB to 51dB LA90 during the daytime period (07:00 – 23:00). Night-time periods (23:00 – 07:00) show representative background sound levels to range between 34dB to 35dB LA90.
94. The level of noise likely to be generated at these receptors during both the daytime core operating period and for the night-time operations has been calculated based on the following operational controls:
  - Delivery and collection of glass between 07:00-19:00 hours (Monday to Sunday);
  - Operation of waste transfer building and RDF production/bulking 24 hours and 7 days per week;
  - The proposed core hours of operation will typically be expected to be 06:00 – 22:00 hours with occasional export bulker movements (typically 1 or 2 per hour) outside these hours;
  - The odour control fan would operate between 05:00 to 22:00 hours.
95. The results of noise assessment conclude:
  - The predicted noise contribution at the nearest residential receptor from the operation of the waste transfer facility and bulking activities during daytime shows a level ranging between 27dB(A) to 37dB(A) Leq1hr which are well below typical residual sound levels that would provide good masking of any site attributable noise. During night-time periods the noise level range from peak noise activities is shown to range between 27dB(A) to 30dB(A) Leq15mins.

- The predicted noise contribution from the operation of the site at Holme Pierrepont country park is shown to vary between 46dB(A) to 54dB(A) Leq1hr. This is not deemed to be significant when considering guidance for protection of amenity in accordance with World Health Organisation and BS8233:2014.
  - Noise level at the nearest office (i.e. within an industrial unit) is likely to range between 52dB to 64dB LAeq8hrs during the daytime and is within a design range of 55dB to 65dB LAeq8hrs in accordance with BS8233: 2014 (assuming an open window) and 65dB to 75dB LAeq8hrs with a closed window.
  - The results of noise calculations (in accordance with BS5228-1: 2009+A1:2014) of the highest likely noise levels generated during the construction phase of the development shows that during peak noise periods noise levels are unlikely to exceed reasonable threshold levels for short term temporary noise sources at nearest residential receptors. The noise level at the nearest commercial office (within an industrial unit) may be exceeded for short periods, however this is a temporary noise situation and best practice would be applied during the construction works to control and minimise noise.
96. This noise assessment demonstrates that the proposed operation of the site would generate noise levels within relevant noise standards and guidelines. The site is located in an industrial location with the closest residential receptors around 280m to the north west beyond Colwick Loop Road. The analysis of the data concludes that, subject to the recommended mitigation measures, the proposed development would not result in adverse noise impacts upon the nearest sensitive receptors and noise would not result in any significant detriment to the amenity of occupiers of adjacent land.
97. VIA's Noise Engineer has reviewed the noise assessment and agrees with its conclusions, raising no objection to the development on noise grounds subject to the incorporation of planning conditions to regulate the level of noise emissions from the site to ensure that:
- Noise levels from the site do not exceed background levels at any residential receptor.
  - The operator investigates and takes action in the event of a noise complaint.
  - The use of broadband (white noise) reversing alarms.
  - Restrictions on the hours of site activities in accordance with the scheme sought planning permission.
  - The building construction incorporates noise attenuating features.
98. It is therefore concluded that the proposed construction and operation of the waste transfer station would not result in any significant adverse noise impacts to nearby sensitive noise receptors or any significant detriment to the amenity of occupiers of adjacent industrial/commercial land and therefore, subject to

recommended planning conditions, the development accords with WLP Policy W3.9.

### Odour

99. The waste transfer station would receive mixed waste streams including both recyclable and residual waste streams. Whilst the composition of recyclable waste means that it has limited potential to release odour, residual waste can be extremely malodorous and if not properly managed can result in an odour nuisance to surrounding land users.
100. The issue of odour release is frequently the subject of concern in relation to waste management facilities and so consequently the waste industry has evolved its practices to minimise the potential for odour releases. The planning submission incorporates a consideration of the odour management control process that would be utilised to reduce the level of odour releases from the installation. These controls include:
- The building would be of an air-tight construction.
  - The building would be fitted with fast acting door closures which would ensure the access doors within the waste transfer building would only open to allow the passage of delivery vehicles into and out of the building.
  - An odour abatement system incorporating air extraction equipment, activated carbon filter and stack would be installed in the waste transfer building. The system would remove odours, odorous dust and bio-aerosols from the extracted air at a rate of 2.5 air changes per hour and keep the waste transfer building under negative pressure thus reducing fugitive odour emissions escaping when the doors are open. During non-operation hours, the odour abatement system would not operate, but air inlet louvres will automatically close to prevent the escape of odours from the building. The odour abatement system would be programmed to operate 1 hour before operations recommence to avoid higher intensity emissions from the build-up of odour within the building overnight being combined with mechanical operations agitating the materials at the start of the business day.
  - Unloading of waste would be undertaken within the building.
  - Delivery vehicles would be enclosed to prevent fugitive odour emissions during transport.
  - Regular movement of wastes off the site will ensure there is a constant turnover of waste further minimising the potential of any malodours.
101. The level of odour control draws on experience built up by the applicant in terms of managing these types of waste facilities using proven techniques which have been adapted with the aim of ensuring effective management control of odours and are therefore considered to be robust.



102. The planning consultation response from the Environment Agency acknowledges that the Environmental Permitting Regulations require operators to demonstrate that they have taken all reasonable precautions to mitigate impacts of their operations, but recognises that there are limits to the measures that an operator can take to eliminate all emissions and thus identify potential for some residual odour impacts which may cause local concern, specifically identifying the potential for impacts within 100m radius of the site.
103. Having regard to the advice from the Environment Agency in terms of the potential for some localised odour emissions from the facility, it is important in the context of the planning decision to ensure the location is appropriate in terms of its proximity to surrounding uses which may be sensitive to odour, particularly residential property. In this context, the location of the planning application site is located centrally within the industrial estate and remote from residential properties, the nearest of which are located around 280m away. The potential for odour nuisance to impact on the amenity of residential property is therefore considered to be low.
104. The development site is directly adjoined by industrial and business properties which could be exposed to some level of odour from the operation of the site. The Environmental Permit will ensure the operation of the site utilises 'best available technique' to limit the level of odour release, with controls also recommended through the planning conditions to ensure that all residual waste transfer and RDF processing including storage are undertaken within the building, that the building is operated with an air filtration system to maintain negative air pressure as set out in the planning submission and the doors of the building are kept shut with fast acting closures, except to allow for the passage of delivery vehicles.
105. The odour abatement system would predominantly be required in the daytime when RDF shredding operations are undertaken. Outside the daytime hours waste processing is not proposed and therefore the abatement system would be shut down over night when activities are limited to occasional deliveries. If these control practices were not sufficient, Condition 22 incorporates a requirement for the operator to take additional steps or measures to reduce odour releases and under the requirements of this condition the 24 hour operation of the odour abatement system could be requested, if considered necessary.
106. With these environmental controls in place it is concluded that the level of odour emissions from the development would be satisfactorily controlled and ensure that the level of odour release would not be significant at surrounding industrial and business properties thus satisfying the requirements of WLP Policy W3.7.

#### Dust

107. WLP Policy W3.10: Dust identifies that dust emissions from waste processing facilities are capable of being managed and reduced by implementing appropriate dust mitigation practices. Measures include the siting of facilities

remote from sensitive receptors and the enclosure of dust generating operations within buildings and enclosed areas.

108. The composition of the waste streams received by the facility comprising mainly residual waste and dry recyclables have low potential for dust generation. These materials would be handled, stored and processed within an enclosed building thereby containing potential dust releases.
109. External storage of waste is limited to comparatively small quantities of glass, green waste, inert waste and road sweepings within dedicated storage bays, and the storage of empty skips with no processing of these waste streams. Furthermore, the external servicing areas within the site would be hard-surfaced to minimise dust generation associated with movement of vehicles.
110. Planning conditions are recommended in accordance with WLP Policy W3.10 to regulate the level of dust emissions from the site including controls relating to the location of waste storage on the site, the sheeting of delivery lorries, the cleaning of hard surfaces and storage bays, and to ensure the main doors to the proposed waste transfer building remain closed when not in use for vehicular entry/exit.
111. The construction activities associated with the development of the waste transfer station has potential to generate dust emissions but these can be satisfactorily managed through a Construction Environmental Management Plan regulated by planning condition to ensure that construction practices are employed to minimise the level of dust emissions and thus reduce the significance of any impact.
112. It is therefore concluded that the development would not give rise to significant dust issues at any phase of the development, including during the construction works and thus ensure compliance with WLP Policy W3.10.

#### Mud

113. The external servicing areas within the site would be hard surfaced to minimise mud generation associated with movement of vehicles, and to prevent any arisings of mud and debris. Potential mud and detritus from construction activities can be regulated through the Construction Environmental Management Plan. As such, the proposals fully accord with WLP Policy W3.11: Mud.

#### Litter

114. WLP Saved Policy W3.8: Litter seeks to control litter generation on waste management facilities by the imposition of planning conditions and controls over operating practices.
115. A number of key measures would be adopted to minimise the occurrence of windblown litter. Principal control would come from the Environment Agency's

permitting regime which would place controls over litter. The waste transfer station would operate under strict site management procedures to ensure windblown litter is effectively managed in accordance with its Environmental Permit. Measures deployed would include tipping and storage of residual and recyclable waste materials within the waste transfer building which would effectively minimise the potential for windblown litter and the transportation of waste materials in enclosed or sheeted vehicles. External storage of waste would be restricted to waste streams which are not vulnerable to windblow. Perimeter security fencing would also assist in minimising windblown litter releases from the site.

116. Subject to planning conditions securing aspects such as the sheeting of lorries servicing the site, storage location of waste facilities and the erection of perimeter fencing, the proposed development would not give rise to any significant litter concerns and would be compliant with WLP Policy W3.8.

#### Vermin

117. The main controls to limit nuisance from vermin (rodents, flies and birds) would be imposed through the Environmental Permit issued by the Environment Agency, and in line with the NPPF and NPPW direction, the planning authority would not be seeking to duplicate these controls.
118. The permitting regime would control site operations, and in particular, would ensure the regular throughput of incoming waste and its rapid turnaround, which would limit the potential for vermin nuisance.
119. Efficient operational practices would seek to minimise the potential for vermin and pests. Mitigation measures would include the handling and storage of waste materials in the confinement of the waste transfer building only; ensuring all external doors are secure; ensuring the main building is well-maintained and weather proofed at all times; and ensuring the rapid transit of collected waste to approved treatment facilities to minimise the time waste is held on site after receipt.
120. Subject to the implementation of the measures detailed above and the rigorous application of the Environmental Permit, vermin would be suitably controlled and the proposals should not give rise to any associated problems.

#### Lighting

121. The potential for light pollution is a material consideration. The NPPW makes reference to the potential for light pollution at Appendix B (locational criteria) and the need for this aspect to be considered along with the proximity of sensitive receptors.
122. The location of the site is distant to residential property and separated from the public highway by intervening industrial units. A planning condition is recommended to require the submission of a floodlighting scheme with details

of appropriate angling and shielding to minimise light spill to adjacent land and minimise the potential for adverse impact on local amenity.

### Flood Risk

123. Planning policy relating to the management of flood risk is incorporated in the NPPF and its supporting Planning Practice Guidance Note concerning flood risk and coastal change. NPPF paragraph 159 encourages development to be undertaken in low flood risk areas and directs development away from areas at highest risk but acknowledges that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. NPPF Paragraph 167 advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding and where it can be demonstrated that:
- a. within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b. the development is appropriately flood resistant and resilient;
  - c. it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d. any residual risk can be safely managed; and
  - e. safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
124. GLP Policy LPD 3 - Managing Flood Risk is consistent with NPPF policy insofar that it states that where development in areas of flood risk is considered acceptable it will only be considered appropriate when informed by a site specific flood risk assessment. Proposals should include mitigation measures to protect the site and deal with any residual flood risk to include flood resistance/resilience measures, provide safe access and escape routes. WLP Policy W3.5: Water Resources states that planning permission will not be granted for waste management facilities where the development affects the integrity or function of floodplains unless the harm can be mitigated by engineering measures and/or operational management systems.
125. The planning application is supported by a flood risk assessment which has been supplemented during the course of processing the planning application to resolve an objection originally raised by the Environment Agency and incorporate a flood evacuation and management plan in the event of a sudden breach of the River Trent flood defences.
126. The planning application site is located in Flood Zone 3 of the River Trent. Flood Zone 3 is land assessed as having the highest level of flood risk with an annual probability of the land flooding 1 in every 100 years or greater.

127. Although the site is sited within Flood Zone 3, it does benefit from the flood defences of the Nottingham Trent Left Bank Flood Alleviation Scheme which provide a level of flood protection up to at least the 1 in 100 Year event. However, the flood risk assessment acknowledges that flood defences can be breached and if this was to occur in a worse case flood event comprising a 1 in 100 year flood event plus 30% addition for climate change the development site would become inundated with flood water with flood levels predicted across the entire site to be 22.23m AOD in comparison to existing ground levels in the range from 20.49 to 22.70m AOD meaning that flood depths would range from 0 – 1.740mm.
128. The flood risk assessment identifies that it is impractical to raise finished floor levels above the 1:100 year + 30% climate change level. Additionally, external levels need to be kept at existing to ensure access/egress of lorries delivering material to the site. The flood risk assessment therefore recommends that the site retains its existing level, except for the office space which should be raised a minimum of 500mm above existing levels with flood resilience and resistance measures employed through the adoption of a flood contingency plan whereby the site would receive flood alerts and flood warnings relating to the River Trent flooding from the Environment Agency and the site operator would implement a flood evacuation plan in the event of a flooding event. The flood contingency plan would have specific reference to securing waste material that could be carried away by flood waters and establishing a safe evacuation procedure for staff in the event of flooding. The Environment Agency has reviewed the supplementary flood risk assessment and has not raised any objections to the planning application subject to a planning condition being imposed to require flood resilient design and construction techniques are incorporated in the development of the site in accordance with the specification set out within the revised flood risk assessment including the setting of finished floor levels within the proposed office building being set now lower than 500mm above existing levels.
129. It is therefore concluded that subject to the implementation of the proposed mitigation measures which would be regulated by planning condition, the development could proceed without being subject to significant flood risk and the development would not increase flood risk to the wider catchment area subject to suitable management of surface water runoff discharging from the site as set out in the following section.
130. The approach identified by the applicant to manage flood risk is considered consistent with the requirements of NPPF, GLP Policy LPD 3 and WLP Policy W3.5.

#### Management of Surface Water

131. NPPF Paragraph 169 requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. WLP Policy W3.6: Water Resources encourages the use of planning conditions to protect surface and groundwaters, supporting the use of impermeable hardstandings where waste is stored, handled or treated and the use of separate drainage systems for clean and dirty site water run-off.

132. GLP Policy LPD 4 - Surface Water Management is consistent with the NPPF insofar that it requires all development proposals to pro-actively manage surface water including the use of appropriate surface treatments and sustainable drainage systems in order to minimise the risk of flooding on the development site without increasing flood risk elsewhere.
133. The planning application is supported by a concept surfacing and drainage plan which details the waste transfer site would be hard surfaced with rainwater and foul/contaminated waters collected and managed separately. The scheme details areas of parking and manoeuvring would be hard surfaced with drainage falls engineered to discharge water. Surface water from these parking areas would be collected together with rainwater from building roofs and discharged to an underground attenuation tank before being released to the wider surface water drainage system of the industrial estate at a greenfield rate after passing through an oil interceptor and thus provide attenuation for storm events. Some of the surface water would be used by the waste transfer station for dust control suppression and firewater. Water discharges from areas used for waste storage including the internal area of the waste transfer building and the external storage bays and the foul water from the office/welfare facility would be separately collected from surface water to manage risk from contamination and disposed to mains sewer. Modifications made through the submission of revised plans have amended the drainage layout and reconfigured the siting of the underground surface water attenuation drainage tank and associated pipework into the 'Phase 1' development area.
134. The concept drainage system is considered satisfactory in principle insofar that it ensures that drainage flows are attenuated to a green field rate and managed to control pollution therefore representing a sustainable drainage solution for the site in accordance with the policy tests set out within the NPPF, GLP Policy LPD 4 and WLP Policy W3.6, subject to a planning condition requiring the submission of a detailed drainage scheme for the site prior to the commencement of the development.

#### Ground Contamination

135. The NPPF strongly supports the re-use of land that has been previously developed and of low environmental value. It identifies that when re-development proposals come forward for previously developed land, opportunities should be taken to remediate and mitigate the despoiled, degraded, derelict condition of the land, address any contamination issues and ensure the land is suitably stable. NPPF paragraph 183 states that planning decisions should ensure that:
- a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation),



- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990, and
  - adequate site investigation information, prepared by a competent person, is available to inform these assessments.
136. GLP Policy LPD 7 - Contaminated Land identifies that planning permission will be granted for development on land potentially affected by land contamination provided effective and sustainable measures are taken to assess, treat, contain or control the contamination so as to ensure that it does not expose the occupiers of the development and neighbouring land users to any unacceptable risk, threaten the structural integrity of any building built on or adjoining the site and/or compromise the operation of utilities infrastructure, cause or allow the contamination of any watercourse, water body or groundwater, or cause or allow the contamination of adjoining land. The policy encourages the use of planning conditions to ensure that appropriate assessment, remediation and verification of contaminated land is undertaken in the development process.
137. The planning application incorporates a Phase 1 Geo-Environmental Assessment to assess the nature and degree of contamination at the site and the implications that any ground contamination from the historical use of the site has on the proposed future use of the site.
138. Based on the observations and test results provided by the applicant ground remediation works will be required to progress the development to protect the River Trent to the south from groundwater contamination. This could involve the removal of source material such as residual tanks, asbestos or contaminated made ground, in-situ treatment of contaminated ground, or a combination of measures.
139. Gas protection measures will also be required in buildings on site, to protect future site users from ground gas and vapours. The results indicate that as a minimum hydrocarbon resistant membranes will need to be incorporated however further monitoring is required to confirm this, and this may identify a requirement for more stringent measures.
140. During the construction stage of the development, appropriate measures will need to be in place to safely collect and dispose of any residual contaminated materials encountered, e.g. contaminated groundwater entering excavations. Contaminated materials are likely to require disposal as hazardous waste, subject to a waste classification assessment.
141. A planning condition is imposed to ensure that any unexpected contamination which may be encountered during groundworks is appropriately managed.
142. The Environment Agency in their consultation response agree with the conclusions of VIA Reclamation that the initial desk top study incorporated in the Geo-Environmental Statement identifies the need for a further intrusive investigation of the site to be carried out and a remediation strategy to deal with the risks associated with contamination of the site in respect of the development is

submitted for approval in writing. Both the Environment Agency and VIA Reclamation are satisfied that this can be regulated by planning condition.

143. In terms of the geology of the site and ground stability, the ground investigation indicates that the development may require deeper foundations for the proposed buildings, but this would be confirmed through a piling risk assessment to ensure the Secondary A and Secondary B Aquifers are protected from further contamination and prevent any new pathways for any residual contamination in the made ground and underlying aquifers to migrate to sensitive receptors, such as the River Trent to the south and the groundwater source protection zone to the north of the site. Shallow groundwater levels were recorded at the site (<1.5m). Sufficient information will be needed to ensure that the foundation designs take account of the shallow groundwater levels and that the materials used are resistant to chemical attack from the soils and shallow groundwater. These matters can also be regulated by planning condition.
144. It is therefore concluded that the Phase 1 Geo-Environmental Assessment satisfactorily considers the nature and degree of contamination at the site and sets the agenda for a further intrusive site investigation and actioning remedial measures regulated through planning condition. This approach is consistent with the approach set out within the NPPF and GLP Policy LPD 7 and the planning consultation advice received from the Environment Agency and VIA Reclamation. Since the revised plans incorporate all new development within the 'Phase 1' southern area of the site with no works undertaken in the northern part of the site as part of this planning application, the scope of ground remediation works would be limited to the southern area.

#### Ecological Assessment

145. Planning policy in relation to biodiversity is incorporated within Section 15 of the NPPF. The policy seeks to prioritise development towards areas of low ecological value whilst aiming to provide appropriate mitigation and compensation for any ecological impacts that may result from undertaking development.
146. In terms of the ecological value of the development site, the site is industrial in character, predominantly hard surfaced and does not incorporate any ecological features which would be affected by the proposed development. The site therefore is considered to have a low ecological value and the development proposals incorporate landscape areas around the perimeter of the site, retaining existing hedges and shrubs that straddle the boundary.
147. With regard to the ecological sensitivity of the wider area, a single record of great crested newt was recorded circa 1.7km north of the site. In terms of bats, a series of bat roosts are located within 2km of the application site, the majority of which are associated with residential dwellings to the west but no identified bat roosts within circa 500km of the site. Otters and water voles have been recorded on the River Trent and other associated water bodies of the Netherfield Lagoons LNR and Colwick Park but these sites are separated from the application site by existing industrial buildings, with limited potential for mammals on the application

site. With regard to designated sites in the wider area, there are no International or European designated sites within 2km of the site. There is a SSSI and two local nature reserves within 2km of the site (Colwick Cutting SSSI, Colwick Woods LNR and Netherfield Lagoons LNR) and two priority habitats (ancient woodland within Colwick Woods LNR and floodplain grazing marsh). No significant ecological impacts are anticipated to these sensitive receptors having regard to their distance from the development site and the presence of intervening ecological barriers including roads, railways and land use.

#### Employment implications

148. Chapter 6 of the NPPF incorporates planning policy in relation to the socio-economic effects of development. Specifically, NPPF paragraph 81 states that:

*‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development’.*

149. NPPF paragraph 7 confirms that achieving sustainable development is the primary objective of the planning system with NPPF paragraph 8 confirming the importance that the economic role of development has in delivering sustainable development.
150. In terms of assessing the socio-economic effects of the proposal including impact on the local community, the new waste transfer facility is expected to employ around 32 staff. The construction phase would further support a raft of jobs, and bring benefits to the local economy.
151. Overall, the proposed development would have some beneficial effects to the local economy. The proposal would support the economic viability of the wider Colwick Industrial Estate and contribute towards the economic sustainability objectives of the NPPF.

#### **Other Options Considered**

152. 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**

153. 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

154. The proposed waste transfer station would be located within a secure compound surrounded by perimeter security fencing and security gates. There would potentially be some operational activity during night-time hours, and consequently surveillance by staff at these times. The site would be locked outside of operational hours. CCTV cameras would be installed to provide coverage across the site.

#### Data Protection and Information Governance

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

#### Financial Implications

156. The County Council has a joint PFI contract with Veolia, but it is understood that the applicant is responsible for the design, commissioning and construction of the proposed waste transfer station under the terms of the Nottinghamshire Waste PFI contract as well as having the responsibility for operating and maintaining the facility.

#### Human Resources Implications

157. None arising

#### Human Rights Implications

158. 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 construction and operation of the waste transfer station. The proposals have the potential to introduce impacts such as noise, dust, odour, traffic impacts and visual amenity, however, these potential impacts need to be balanced against the wider benefits the proposals would provide by enabling waste to be managed locally and thus reducing the distance waste is transported, moving more residual waste up the Waste Hierarchy and away from disposal, with the processing of residual waste into RDF for energy recovery offsite; and enhanced resource efficiency. 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

159. The consideration of the planning application has been undertaken in compliance with the Public Sector Equality duty. Potential direct, indirect and cumulative impacts from the proposal have been considered equally to all nearby receptors and resulting from this there are no identified impacts to persons with a protected characteristic.

#### Safeguarding of Children and Adults at Risk Implications

160. None arising

#### Implications for Service Users

161. None arising

#### Implications for Sustainability and the Environment

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

### **Conclusion**

163. The fire at the existing Freeth Street waste transfer site has restricted the operational capacity of this existing facility and the imminent redevelopment of the Waterside area limits the amount of capital investment the applicant is willing to spend on this site, putting at risk the medium to long term availability of the Freeth Street waste transfer site and results in a need for a suitable replacement site to ensure that the local authorities and commercial waste which currently feeds into the existing facility continues to have a locally accessible facility to manage waste.
164. The Colwick waste transfer station would provide a replacement facility for the Freeth Street site, serving as a strategic bulking point for general waste and recyclable materials originating from the Greater Nottingham area. Its use would contribute to the overall waste management capacity of the County and provide a modern facility to support sustainable waste management for municipal and commercial and industrial waste streams, enabling them to be bulked for onward transportation of residuals and recyclable materials to facilitate their reuse and recovery. As part of a wider network of waste management facilities it ensures that there is an appropriate geographical network of waste facilities to manage Nottinghamshire's waste arisings.
165. The development therefore is consistent with WCS Policy WCS3 which seeks to provide sufficient waste management capacity to manage a broadly equivalent amount of waste to that produced within Nottinghamshire and Nottingham and also contributes to the sustainable management of waste consistent with the waste hierarchy.

166. The location of the development site within Colwick Industrial Estate is supported by WCS Policy WCS7 subject to there being no unacceptable environmental impacts.
167. Potential environment effects from the operation of the site including dust, noise, odour and associated traffic impacts have been considered within the preceding sections of the report where it is concluded that appropriate mitigation of any adverse impacts is capable of being provided by strict management practices regulated through the recommended planning conditions set out in appendix 1 and through the Environmental Permit. The site is remote from residential properties and the operation of the waste transfer station is compatible with the surrounding business/commercial uses within Colwick Industrial Estate.

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

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

### **RECOMMENDATIONS**

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

**ADRIAN SMITH**

**Corporate Director – Place**

### **Constitutional Comments**

Constitutional Comments will be reported orally at the meeting.

### **Financial Comments (SES 17/08/2021)**

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

The County Council has a joint PFI contract with Veolia, but it is understood that the applicant is responsible for the design, commissioning and construction of the proposed waste transfer station under the terms of the Nottinghamshire Waste PFI contract as well as having the responsibility for operating and maintaining the facility.



## **Background Papers Available for Inspection**

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

## **Electoral Division and Member Affected**

Carlton East

Cllr Mike Adams

Report Author/Case Officer

Mike Hankin

0115 9932582

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

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## **RECOMMENDED PLANNING CONDITIONS**

### **Commencement**

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

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

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

*Reason: To enable the WPA to monitor compliance with the conditions of the planning permission, and for the avoidance of doubt.*

### **Approved Plans**

3. Except where amendments are made pursuant to the other conditions in this planning permission, the development hereby permitted shall only be carried out in accordance with the following plans and documents:
  - a. Drawing No. VES\_TD\_COLW\_200\_000 Rev. D: Proposed Site General Arrangement Plan – Colwick WTS/Depot received by the WPA on 31<sup>st</sup> August 2021.
  - b. Drawing No. VES\_TD\_COLW\_200\_002: Proposed WTS Building Layout – Colwick WTS/Depot received by the WPA on 29<sup>th</sup> March 2021.
  - c. Drawing No. VES\_TD\_COLW\_200\_004 Rev. A: WTS Building Elevations – Colwick WTS/Depot received by the WPA on 29<sup>th</sup> March 2021.
  - d. Drawing No. VES\_TD\_COLW\_200\_007: Proposed Site Location Plan – Colwick WTS/Depot received by the WPA on 29<sup>th</sup> March 2021.
  - e. Drawing No. VES\_TD\_COLW\_200\_008: External Bay Elevations – Colwick WTS/Depot received by the WPA on 29<sup>th</sup> March 2021.
  - f. Drawing No. VES\_TD\_COLW\_200\_011 Rev. A: Proposed Concept Drainage Plan – Colwick WTS/Depot received by the WPA on 31<sup>st</sup> August 2021.
  - g. Drawing No. VES\_TD\_COLW\_200\_012: Perimeter Fence Details – Colwick WTS/Depot received by the WPA on 30<sup>th</sup> April 2021.

- h. Drawing No. VES\_TD\_COLW\_200\_015: Proposed Site Phasing Plan – Colwick WTS/Depot received by the WPA on 31<sup>st</sup> August 2021.
- i. Drawing No. S190209-101 Rev. C: 14No. (7 on 7) Bays 12mx3.0m, 2.4 Ceiling Height Option 1 – Ground Floor Plan Layout - Colwick WTS/Depot received by the WPA on 22<sup>nd</sup> April 2021.
- j. Drawing No. S190209-102 Rev. B: 14No. (7 on 7) Bays 12mx3.0m, 2.4 Ceiling Height Option 1 – First Floor Plan Layout - Colwick WTS/Depot received by the WPA on 22<sup>nd</sup> April 2021.
- k. Drawing No. S190209-301 Rev. A: 14No. (7 on 7) Bays 12mx3.0m, 2.4 Ceiling Height Option 1 – Elevations - Colwick WTS/Depot received by the WPA on 22<sup>nd</sup> April 2021.
- l. Drawing No. 3602530.dwg: Weighbridge Kiosk Floor Plan received by the WPA on 29<sup>th</sup> March 2021.
- m. Drawing No. 3602530: Weighbridge Kiosk Elevations received by the WPA on 29<sup>th</sup> March 2021.
- n. Diesel Tank Elevations received by the WPA on 30<sup>th</sup> April 2021.
- o. Ad Blue Storage Tank received by the WPA on 30<sup>th</sup> April 2021.

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

### **Scope of Planning Permission**

- 4. With the exception of the new security fence around the perimeter of the wider planning application site, the scope of development consented by this planning permission shall be restricted to the 'Phase 1 Development Area', as outlined in blue on Drawing No. VES\_TD\_COLW\_200\_015: Proposed Site Phasing Plan – Colwick WTS/Depot received by the WPA on 31<sup>st</sup> August 2021. There shall be no waste storage or processing activities within the Phase 2 area. The Phase 2 area shall remain in its established industrial/commercial/storage use unless a further planning permission is granted for any alternative development.

*Reason: To define the scope of development approved by this planning permission.*

### **Regulation of Construction Activities**

- 5. Prior to the commencement of the development hereby permitted a Construction Environmental Management Plan (CEMP) shall have been submitted to and approved in writing by the WPA. The CEMP shall include but not be limited to:
  - a. Contractors' access arrangements for vehicles, plant and personnel, and facilities for parking of contractors' vehicles;
  - b. Contractors' site storage area/compound;

- c. The number, size (including height) and location of all contractors' temporary buildings;
- d. Temporary means of enclosure and demarcation of the site operational boundaries, to be erected prior to the commencement of construction operations in any part of the site and maintained for the duration of construction operations;
- e. The means of moving, storing and stacking all building materials, plant and equipment around the site;
- f. Measures to ensure that dust emissions are minimised;
- g. Measures to ensure vehicles entering and leaving the site are covered to prevent escape of materials during transport;
- h. Details of external floodlighting installed during the construction period including hours of operation and the arrangements for shielding light spillage;
- i. Arrangements for the management of oil and chemical storage;
- j. Measures to ensure the risks to groundworkers arising from potential ground contamination are minimised;
- k. The method of controlling and discharging groundwater during construction to avoid pollution of surface water and the underlying groundwater;
- l. A method statement for minimising the amount of construction waste resulting from the development to include details of the extent to which waste materials arising from the site clearance and construction activities will be reused on site and demonstrating that as far as reasonably practicable, maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be removed from the site for reuse, recycling, composting or disposal;
- m. Details of any wheel wash facility, use of water bowsers and any other measures necessary to ensure that vehicles do not leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the public highway;

The CEMP shall be implemented as approved throughout the construction and commissioning of the development.

*Reason: In the interests of visual and highways amenity and to ensure that the development is in compliance with Policy W3.3 and Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan. These details are required prior to the commencement of the development to ensure that the construction works which are carried out from the start of the development are undertaken in accordance with an approved scheme.*

## Construction Materials

6. Notwithstanding the details shown on the approved plans, the implementation of the finishes shall not commence until details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the WPA. Development shall be carried out in accordance with the approved details.

*Reason: In the interest of visual amenity and to ensure compliance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.*

## Ground Contamination and Stability

7. No works shall commence at the site until the applicant has provided the following information for approval by the WPA:
  - a. Supplementary ground investigation and monitoring report(s), with an updated environmental risk assessment and detailed quantitative risk assessments (DQRA). The report(s) will need to provide sufficient information, in combination with the existing Phase 2 investigation data, to develop a remediation strategy for the site, or part of site being developed.
  - b. A remediation options appraisal and remediation strategy, including timings of these works. No remediation works shall commence until the scope of works has been approved in writing by the WPA and the date of commencement notified to the WPA.
  - c. A remediation validation report shall be submitted within two months of each phase of remediation and on completion of the remediation / mitigation works. No development works shall commence until the validation reporting has been fully approved in writing by the WPA.

*Reason: To protect the environment and ensure that the site has appropriate remediation/mitigation measures introduced to ensure that it is suitable for the proposed use in accordance with the requirements of the National Planning Policy Framework. These details are required prior to the commencement of the development to ensure that the initial groundworks which are carried out at the start of the development project remediate any contamination within the ground in accordance with an approved scheme.*

8. If piled foundations are required, the applicant shall submit a piling risk assessment for approval by the WPA prior to any piling being undertaken. The piling design and methodology shall be carried out in accordance with the approved details.



*Reason: To ensure that the proposed development will not introduce historical or future contamination to the aquifer and will not create any significant new pathways for contaminant migration.*

9. Following satisfactory completion of all required remediation works and validation reporting, a watching brief to deal with contamination which may be encountered shall be submitted to and approved in writing by the WPA. Development shall be carried out in accordance with the approved details. If during development, contamination not previously identified is found to be present, no further development shall be carried out, unless first agreed in writing by the WPA, until a remediation strategy to deal with un-expected contamination (including validation that contamination has been satisfactorily remediated) has been submitted to and approved in writing by the WPA. Development shall be carried out in accordance with the approved details.

*Reason: To protect the environment and ensure that the site has appropriate remediation/mitigation measures introduced to ensure that it is suitable for the proposed use in accordance with the requirements of the National Planning Policy Framework.*

## **Site Surfacing and Drainage**

10. Prior to the commencement of the development hereby permitted details of site surfacing and drainage shall have been submitted to and approved in writing by the WPA. The surfacing and drainage details shall be consistent with the details shown on Drawing No. VES\_TD\_COLW\_200\_011 Revision A: Proposed Concept Drainage Plan – Colwick WTS/Depot received by the WPA on 31<sup>st</sup> August 2021 relating to the Phase 1 of the application site and include the following information:
  - a. The means of construction and materials used within the external surfaces of the site which shall incorporate an impermeable surface for the waste storage and the HGV parking and circulation areas.
  - b. The means of construction of the internal surfaces within the buildings which are used for the receipt and processing of waste.
  - c. Drainage plans to identify the arrangements for the separate collection and management of clean surface water and potentially contaminated water, the location of the drainage systems within the site including specific details in relation to the location of any sealed sump to collect contaminated liquids, and calculations to ensure the surface water run-off rate is no greater than the equivalent green-field run-off rate;
  - d. A maintenance scheme to ensure the satisfactory continued operation of the drainage system.

The site surfacing and drainage scheme shall be implemented in accordance with the approved details before the development is first brought into use and thereafter maintained in accordance with the maintenance arrangements embodied within the scheme. Notwithstanding the details illustrated on the Concept Drainage Plan, this planning permission does not convey any development approval for the drainage attenuation tank and interceptor in the 'Phase 2' development area of the site.

*Reason: To protect ground and surface water from pollution in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan. These details are required prior to the commencement of the development to ensure that the initial groundworks which will incorporate the preparation of drainage systems are carried out with an approved scheme.*

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

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

### **Capacity of the Site**

12. The maximum amount of waste material accepted at the site shall not exceed 125,000 tonnes per annum in total. A written record shall be kept by the site operator of the amounts of waste accepted each calendar month and such records shall be made available to the WPA within 7 days of a written request from the WPA. Records of the amount of waste material received on a monthly basis shall be kept and maintained for a period of 5 years.

*Reason: To ensure impacts arising from the operation of the site do not cause unacceptable disturbance to local communities in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan*

### **Access and Parking**

13. The site shall not become operational until such time that the HGV and car parking facilities and associated manoeuvring areas have been surfaced, marked out and drained in accordance with the layout set out on Drawing No. VES\_TD\_COLW\_200\_000 Rev. D: Proposed Site General Arrangement Plan – Colwick WTS/Depot received by the WPA on 31<sup>st</sup> August 2021 and the details approved under Condition 9 above. The engineering works to construct the car park area shall incorporate a conduit network to ensure that three parking spaces are installed with operational electrical charging points on the day of opening and the remaining vehicle parking spaces are readily capable of being upgraded to provide electrical vehicle charging in future years. The parking and turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking and turning of vehicles.

*Reason: To ensure satisfactory off-street parking and manoeuvring on the site in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

14. Access to the waste transfer facility by HGV shall only be obtained from Private Road No. 3 via the access point specified on Drawing No. VES\_TD\_COLW\_200\_000 Rev. D: Proposed Site General Arrangement Plan – Colwick WTS/Depot received by the WPA on 31<sup>st</sup> August 2021.

*Reason: To ensure HGV access to the site utilises routes designed to an appropriate specification and to minimise potential conflict with novice drivers accessing the driving test centre situated on Private Road No. 5.*

15. Prior to the waste transfer station becoming operational, details of a specification for the installation of a covered cycle shelter shall be submitted to and approved in writing by the WPA and installed on site. The cycle parking facilities shall thereafter be installed before the waste transfer facility becomes operational and kept available for use by staff and visitors throughout the operational life of the facility.

*Reason: In the interest of promoting sustainable travel and minimising adverse traffic impacts associated with the operation of the development in accordance with the objectives set out within Chapter Nine of the National Planning Policy Framework.*

16. The operator shall appoint and thereafter continue to employ or engage a Travel Plan Coordinator throughout the operational life of the development. The Travel Plan Coordinator shall prepare, submit and obtain the WPA's written approval of a Travel Plan aimed at promoting sustainable transport initiatives which shall include but not be limited to:

- i. Introduce transport initiatives aimed at reducing reliance on the private car as the principal means of staff transport to and from the development,

including timelines for monitoring, review and implementation, to the written satisfaction of the WPA.

- ii. Include initiatives to promote education relating to sustainable travel, raise awareness of the problems car journeys can create, promote car sharing, reduce travel by car and promote the use of cycling and public transport.

Following the development becoming fully operational, the Travel Plan Coordinator shall submit an annual report to the WPA for the first five operational years of the development to set out the extent that the aims of the Travel Plan are being met and where appropriate identify revised initiatives including implementation dates in the event that the aims of the Travel Plan are not being met. The annual monitoring report shall be approved in writing by the WPA.

*Reason: In the interest of promoting sustainable travel and minimising adverse impacts associated with the operation of the development in accordance with the objectives set out within Chapter Nine of the National Planning Policy Framework.*

## **Landscaping**

17. Within two months of the commencement of the development, as notified under Condition 2 above, a landscaping scheme shall be submitted to the WPA for its written approval. The landscape scheme shall generally accord with the details contained on Drawing No. VES\_TD\_COLW\_200\_000 Rev. D: Proposed Site General Arrangement Plan – Colwick WTS/Depot received by the WPA on 31<sup>st</sup> August 2021 and include details of:
  - a. Measures to retain and protect the existing boundary trees, hedgerow and shrubbery around the Private Road No. 3 and Private Road No.5 road frontages during both the construction and operational life of the site;
  - b. Areas to be planted/seeded within the application site;
  - c. The ground preparation and cultivation including any plant protection required for the establishment period in the planting/seeding area;
  - d. Species, planting density, size and position of trees and shrubs to be used within the landscape planting works;
  - e. A maintenance schedule for the landscape planting to run for a period of five years following completion of planting and seeding. This shall include details of a proposed mowing regime for the wildflower areas.

Any retained trees, hedgerows and shrubbery shall be protected in accordance with the approved details. All planting shall be carried out in

accordance with the details approved in the first planting and sowing seasons respectively following the completion of the development. The planting scheme shall be maintained in accordance with the approved maintenance scheme for a period of five years following its implementation and any plants or trees which die, are removed, or become seriously damaged or diseased shall be replaced in the following planting season with similar specimens to those originally planted. The landscaping shall thereafter be retained for the operational life of the site.

*Reason: In the interests of visual amenity and to ensure compliance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan. These details are requested prior to the commencement of the development to ensure that the existing boundary hedgerow and shrubbery does not get damaged or removed during the construction works.*

### **Protection of Nesting Birds**

18. Site clearance/preparation operations that involve the felling, clearing or removal of vegetation or disturbance of bare ground shall not be undertaken during the months of March to August inclusive unless otherwise agreed in writing by the WPA following the submission of a report detailing survey work for nesting birds carried out by a suitably qualified ecologist. In the event that breeding birds are identified, a Method Statement shall be produced detailing how works will progress (which may include delaying their onset).

*Reason: In the interests of safeguarding nesting birds and to ensure compliance with the Wildlife & Countryside Act 1981.*

### **Hours of Operation**

19. Except in the case of an emergency when life, limb or property are in danger and such instances which are to be notified in writing to the WPA within 48 hours of their occurrence, the waste transfer facility shall only be operated in accordance with the following hours:
- Processing internally within the waste transfer building and HGV bulker movements: 24hours (Monday to Sunday)
  - Delivery and collection of glass: 0700-1900 hours (Monday to Sunday)
  - Operation of odour control fan operation: 0500 to 2200 hours (Monday to Sunday)
  - HGV bulker movements arriving and exiting the site at a maximum rate of two HGV trips per hour (four movements) during the 22:00 hours to 06:00 hours period (Loading and unloading of these HGVs shall only

take place within the Waste Transfer Building), with no other external activities during this time period.

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

## Noise

20. Noise levels from the site will not exceed the background noise level (L90) at any nearby receptor when assessed in accordance with BS4142:2014. The noise level will include any penalties as required in BS4142.

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

21. In the event of a justifiable noise complaint received by the WPA, the applicant shall conduct a noise survey to determine compliance with Condition 18 above. In the event the noise level is exceeded the applicant shall submit a scheme of noise mitigation for approval to the WPA within 30 days. Once approved the applicant shall install any agreed mitigation within a further 30 days and carry out a further noise assessment within 7 days of its installation to confirm noise levels comply with Condition 18. The additional noise mitigation measures shall thereafter be maintained for the life of the development.

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

22. Vehicles under the operator's control shall be fitted with broadband type (white noise) reversing alarms

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

23. The waste transfer building shall be constructed using materials with the following acoustic properties:
- a. Building roof and walls min composite  $R_w=24\text{dB}$ .
  - b. Doors formed by standard electric roller shutter doors having a minimum  $R_w=12\text{dB}$ .
  - c. Odour control fan to be acoustically enclosed or clad to reduce noise levels to a level not exceeding  $78\text{dB(A)}$  @ 1m.



- d. Fan stack to be fitted with an attenuator (installed just prior to the stack) to reduce the noise at the end of stack to a level not exceeding 75dB(A) @ 1m.

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

## **Odour**

- 24. Measures shall be employed to ensure that waste transfer operations associated with the development hereby permitted do not give rise to any malodours. Such measures must include but not necessarily be limited to the following:

- a. All residual and RDF unloading, processing, storage and loading shall be undertaken within the waste transfer building only and at no time from the open areas of the site.
- b. The fitment, use and regular maintenance of fast acting rapid-rise doors to the frontage (eastern elevation) of the waste transfer building. The doors shall remain shut at all times except to allow the passage of waste delivery/collection vehicles into/out of the building for unloading and plant working within the building to enter and leave. For the avoidance of doubt the doors shall be shut at all times during waste vehicle loading/unloading operations.
- c. The air filtration system shall be operated between 05:00 – 22:00 hours each day in accordance with the operating specification set out within paragraph 6.15 of the supporting statement to maintain the waste transfer station under negative air pressure and provide 2.5 air changes per hour.
- d. During the night-time period when the air filtration system is not operational the attenuated air inlet louvres shall be closed to prevent the escape of odours from the building.
- e. Residual waste and RDF shall be regularly rotated within the waste transfer building and shall be removed as soon as possible and in all events, within 72 hours of its receipt at the site.
- f. The regular cleaning of all areas within the waste transfer building.
- g. The use of masking agents where necessary to neutralise any malodours.
- h. External storage shall be strictly limited to glass, green, inert and road sweepings within the designated bays detailed on Drawing No. VES\_TD\_COLW\_200\_000 Rev. D: Proposed Site General Arrangement Plan – Colwick WTS/Depot received by the WPA on 31<sup>st</sup> August 2021 and no other external areas within the site.

- i. The use of odour abatement sprays within the road sweeping storage area when required.
- j. No vehicles loaded with waste materials shall be parked outside the waste transfer building overnight.
- k. All vehicles transporting waste materials either to or from the site shall be fully enclosed or sheeted.

In the event that these measures prove inadequate, then within one week of a written request from the WPA, details of additional steps or measures to be taken in order to prevent the release of odours from the site, including a timetable for their implementation, shall be submitted to the WPA for its approval in writing. The additional measures shall be implemented in accordance with the approved details within the timeframes specified and thereafter maintained for the life of the development.

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

## **Litter and Dust**

25. Measures shall be employed to ensure that litter and dust generated within the site during the operational phase are kept to a minimum and contained within the site. These measures shall include, but not necessarily be restricted to:
- a. The use as appropriate of a dust suppression system throughout all working areas;
  - b. The storage of waste materials within dedicated storage bays/areas inside the waste transfer building;
  - c. The use as appropriate of water bowzers and/or spray systems to dampen the vehicle circulation and manoeuvring areas;
  - d. The regular sweeping and cleaning of all internal and external hard surfaces;
  - e. Ensuring that the fast acting rapid-rise doors are maintained in good operational order at all times;
  - f. The sheeting of all unenclosed waste carrying vehicles accessing and leaving the site.

*Reason: To minimise disturbance from windblown litter and dust in accordance with Policy W3.8 and Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

26. The perimeter fencing shall be erected in accordance with the approved details prior to the site first receiving waste and thereafter be maintained in a secure condition during the operational life of the site.

*Reason: To minimise disturbance from windblown litter in accordance with Policy W3.8 of the Nottinghamshire Waste Local Plan, and to ensure satisfactory enclosure of the site.*

## **Vermin**

27. Measures shall be employed to ensure that vermin is controlled at the site. In the event that these measures prove unsuccessful, then upon the written request of the WPA the applicant shall, within 7 days of such a request, submit for approval in writing an action plan specifying the steps proposed to control vermin. The vermin action plan shall thereafter be implemented immediately in accordance with the approved measures and maintained for the life of the development.

*Reason: To ensure satisfactory environmental management at the site.*

## **Floodlighting**

28. The development hereby permitted shall not be brought into use until external lighting and floodlighting units on the site have been installed in accordance with details previously submitted to and approved in writing by the WPA. The details shall confirm that all external lighting required in connection with the operations hereby permitted shall:

- a. Be angled downwards into the site and suitably shielded so as to minimise light pollution, spillage and glare onto adjoining land;
- b. Not cause a nuisance to adjacent land users, sensitive habitats and users of the highway.

The floodlighting shall be installed and maintained in accordance with the approved details.

*Reason: To protect the amenity of surrounding land and property.*

## **Flood Management**

29. The development shall be carried out in accordance with the submitted flood risk assessment (ref PRC-BWB-ZZ-XX-RP-YE-0001\_FRA, revision P03, dated 14/07/21 and compiled by BWB Consulting) and the following mitigation measures it details:

- a. Finished floor levels for the proposed office building shall be set no lower than 500mm above existing levels, as detailed within section 4.3;
- b. Flood resilient design and construction methods, as detailed within sections 4.5 to 4.7;
- c. The implementation of flood contingency plan and evacuation procedures, as detailed within sections 4.8 – 4.13.

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

*Reason: To reduce the risk of flooding to the proposed development and future occupants.*

### **Closure of the Site**

30. In the event that the use of the site for the importation of waste shall cease for a period in excess of seven days then, within seven days of a written request from the WPA, the site shall be cleared of all stored waste and recycled materials.

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

### **Informatives/notes to applicants**

1. The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart charging of electric vehicles. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).
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](http://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

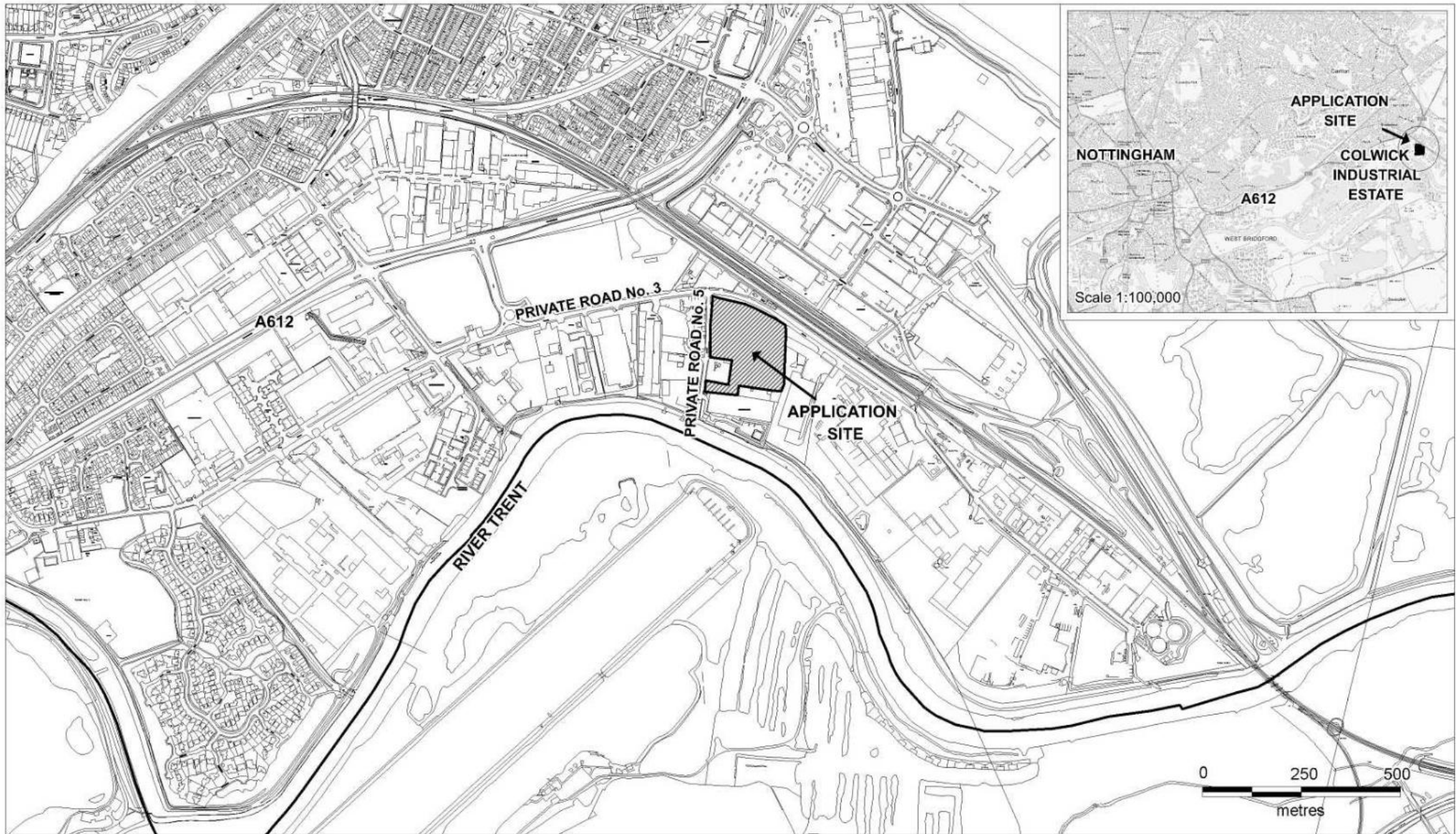
without consent and it is advised that Severn Trent Water should be contacted (0247 771 6843).

3. The Environment Agency advises that all building work should be in compliance with best working practices and in particular Government guidance on 'Construction, inspection and maintenance' [www.gov.uk/guidance/pollution-prevention-for-businesses#construction-inspection-and-maintenance](http://www.gov.uk/guidance/pollution-prevention-for-businesses#construction-inspection-and-maintenance). You are advised to contact the Environment Agency to arrange a site meeting to agree necessary measures to prevent pollution of the water environment during the construction phase of the development. The Environment Agency can carry out pollution prevention visits. Please contact [EastMidWaterQuality@environment-agency.gov.uk](mailto:EastMidWaterQuality@environment-agency.gov.uk) for further information and advice.
4. Western Power Distribution has Network within this site. Any excavations or works to be conducted within proximity to Western Power apparatus must be undertaken in accordance with Western Power guidance documents HSG47 and GS6.
5. Carlton Footpath 22 runs to the north of the application site. NCC Rights of Way team advise that:
  - The footpath should remain open, unobstructed and be kept on its legal alignment at all times.
  - Vehicles should not be parked on the RoW or materials unloaded or stored on the RoW so as to obstruct the path.
  - There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team.
  - The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.
  - If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.
  - If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.
  - Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed
  - Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so

as to allow the public use without interruption.  
<http://www.nottinghamshire.gov.uk/transport/licences-and-permits/scaffolding-hoardingand-advertising-boards>

- If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), email [countryside.access@nottscc.gov.uk](mailto:countryside.access@nottscc.gov.uk)
- If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit. <http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit> and also ensure that the RoW can still be accessed appropriately by the users permitted by its status i.e. equestrians if a on bridleway, motorised vehicles if on a byway open to all traffic





**Nottinghamshire  
County Council**

Development of a waste management facility comprising a waste transfer station incorporating refuse derived fuel (RDF) production, a two storey office/welfare building, fire water tank and pump house, two weighbridges, a weighbridge office, parking areas for HGVs and staff and visitors, odour abatement system with 17.5m stack, external bays for the storage of inert materials, glass, road sweepings and wood, an area for the storage of bin skips, perimeter fencing, fuel tank and associated works.  
Land off Private Road No.3, Colwick Industrial Estate, Nottingham, Colwick, Nottinghamshire.  
Planning Application No. 7/2021/0648NCC

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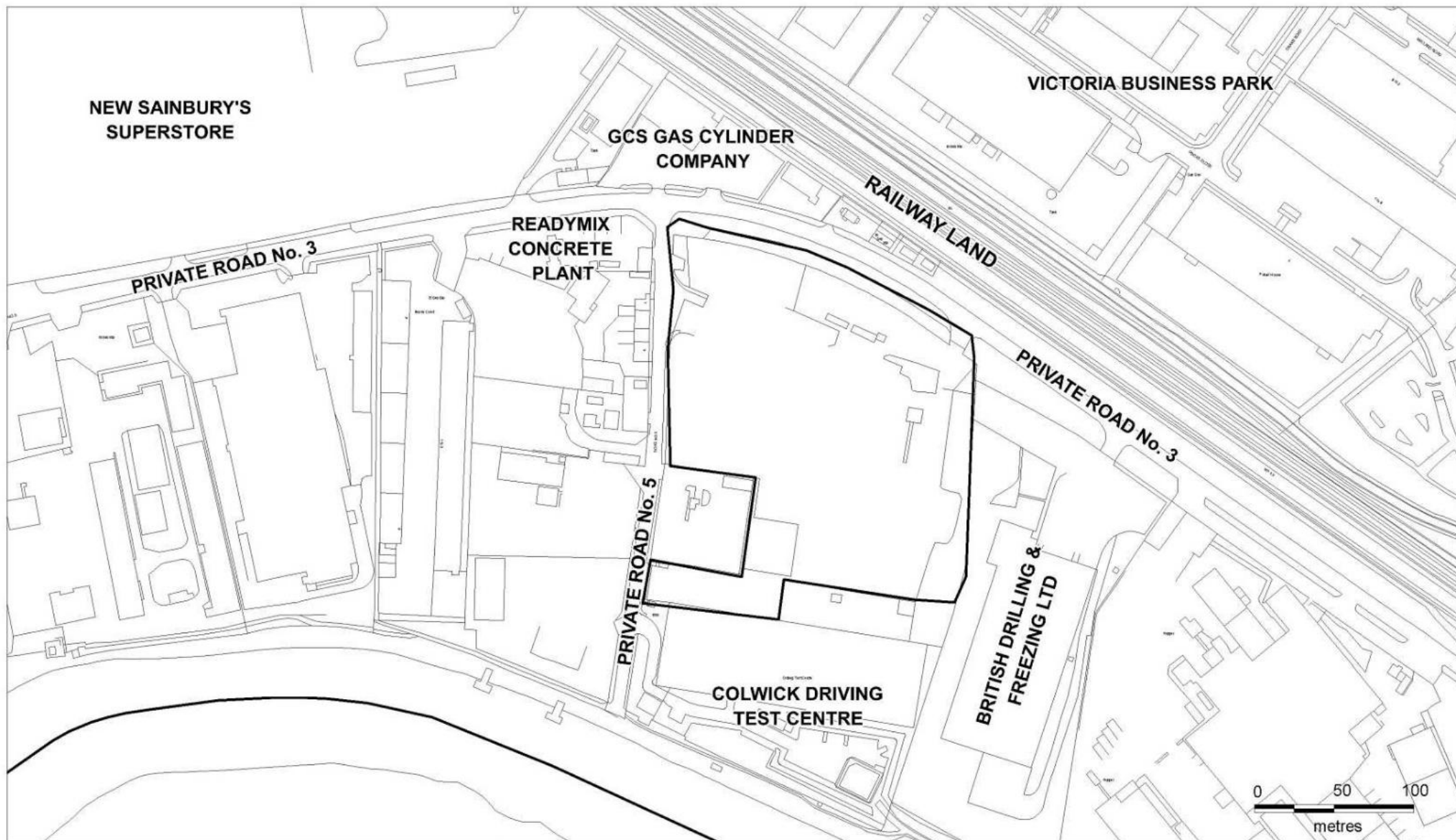


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Date: SEPT 2021

**PLAN 1**







**Nottinghamshire  
County Council**

Development of a waste management facility comprising a waste transfer station incorporating refuse derived fuel (RDF) production, a two storey office/welfare building, fire water tank and pump house, two weighbridges, a weighbridge office, parking areas for HGVs and staff and visitors, odour abatement system with 17.5m stack, external bays for the storage of inert materials, glass, road sweepings and wood, an area for the storage of bin skips, perimeter fencing, fuel tank and associated works.

Land off Private Road No3, Colwick Industrial Estate, Nottingham, Colwick, Nottinghamshire.

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Planning Application No. 7/2021/0648NCC

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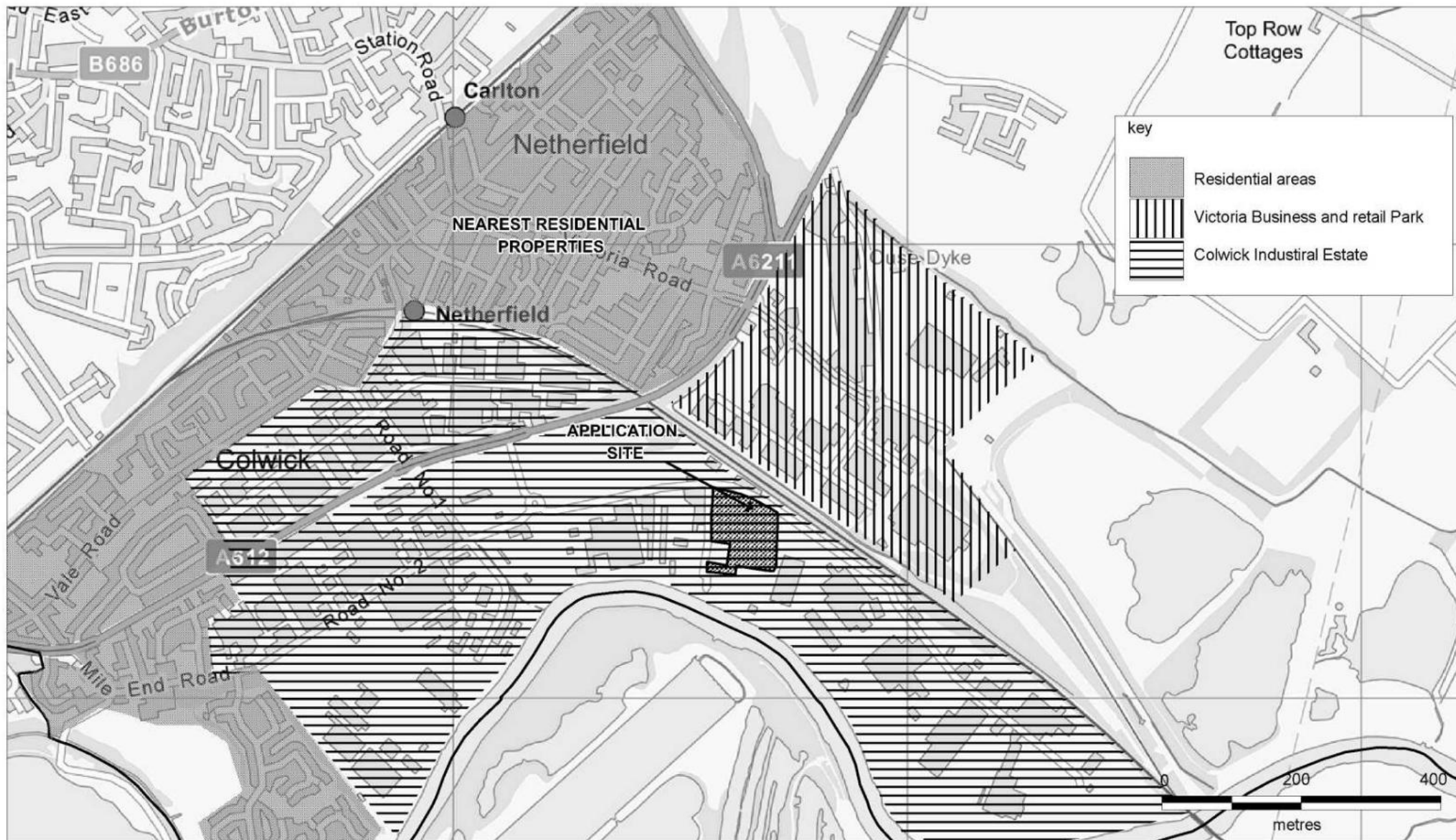
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Date: SEPT 2021

**PLAN 2**







**Nottinghamshire  
County Council**

Development of a waste management facility comprising a waste transfer station incorporating refuse derived fuel (RDF) production, a two storey office/welfare building, fire water tank and pump house, two weighbridges, a weighbridge office, parking areas for HGVs and staff and visitors, odour abatement system with 17.5m stack, external bays for the storage of inert materials, glass, road sweepings and wood, an area for the storage of bin skips, perimeter fencing, fuel tank and associated works.  
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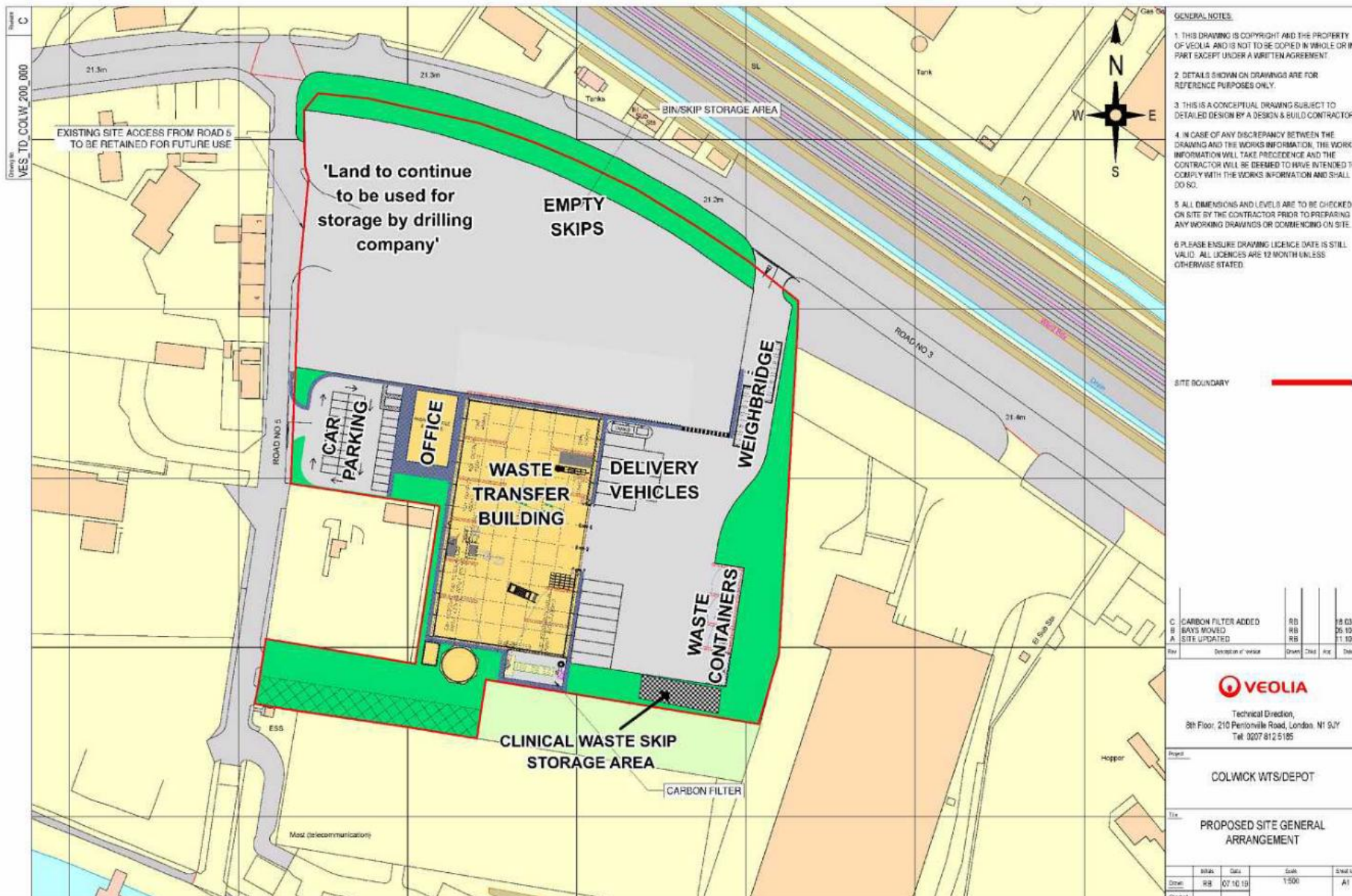


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Date: SEPT 2021

**PLAN 3**







**Nottinghamshire  
County Council**

Development of a waste management facility comprising a waste transfer station incorporating refuse derived fuel (RDF) production, a two storey office/welfare building, fire water tank and pump house, two weighbridges, a weighbridge office, parking areas for HGVs and staff and visitors, odour abatement system with 17.5m stack, external bays for the storage of inert materials, glass, road sweepings and wood, an area for the storage of bin skips, perimeter fencing, fuel tank and associated works.

Land off Private Road No3, Colwick Industrial Estate, Nottingham, Colwick, Nottinghamshire.

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Planning Application No. 7/2021/0648NCC

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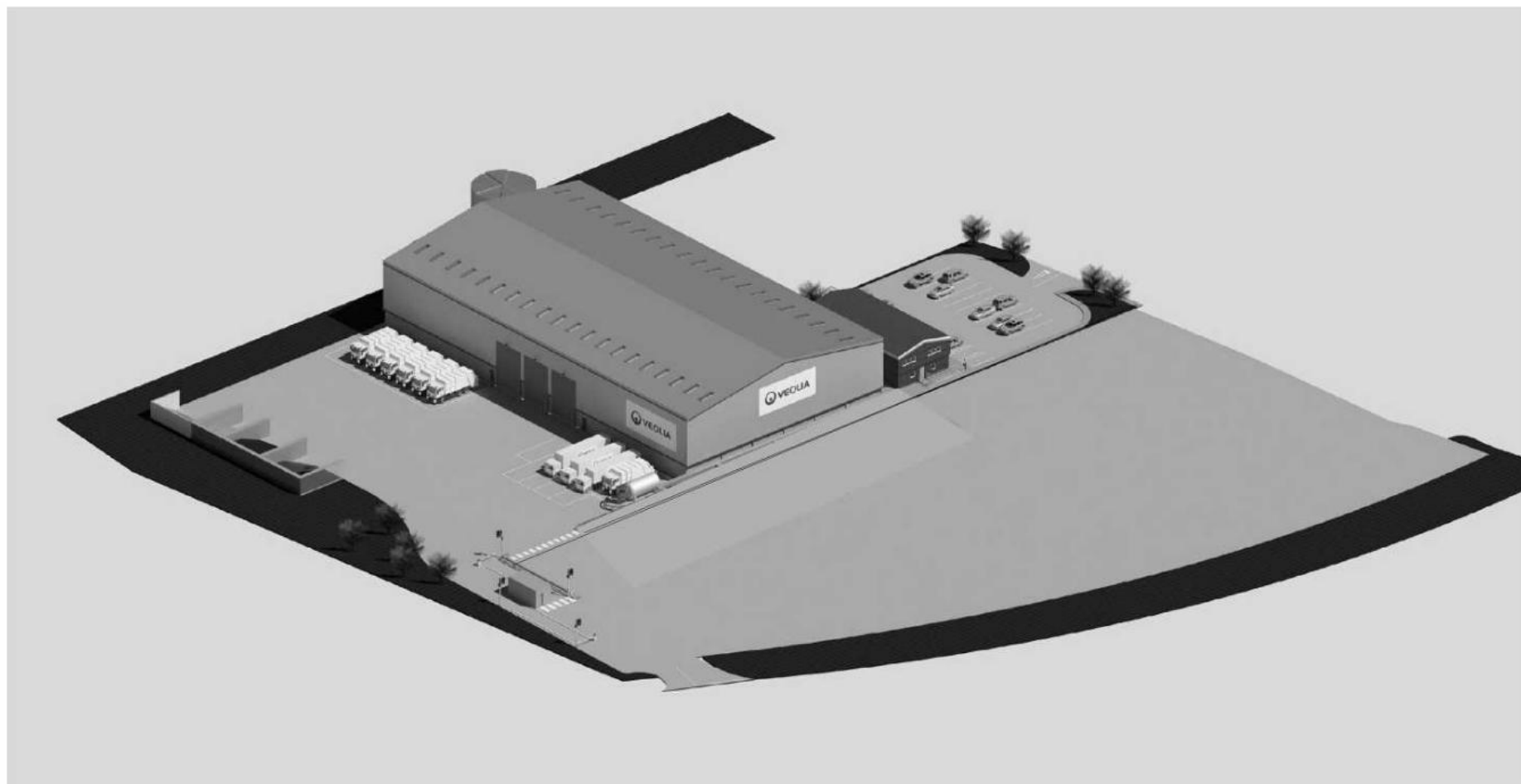
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Date: SEPT 2021

**PLAN 4**





**Nottinghamshire  
County Council**

Development of a waste management facility comprising a waste transfer station incorporating refuse derived fuel (RDF) production, a two storey office/welfare building, fire water tank and pump house, two weighbridges, a weighbridge office, parking areas for HGVs and staff and visitors, odour abatement system with 17.5m stack, external bays for the storage of inert materials, glass, road sweepings and wood, an area for the storage of bin skips, perimeter fencing, fuel tank and associated works.

Land off Private Road No3, Colwick Industrial Estate, Nottingham, Colwick, Nottinghamshire.

Planning Application No. 7/2021/0648NCC

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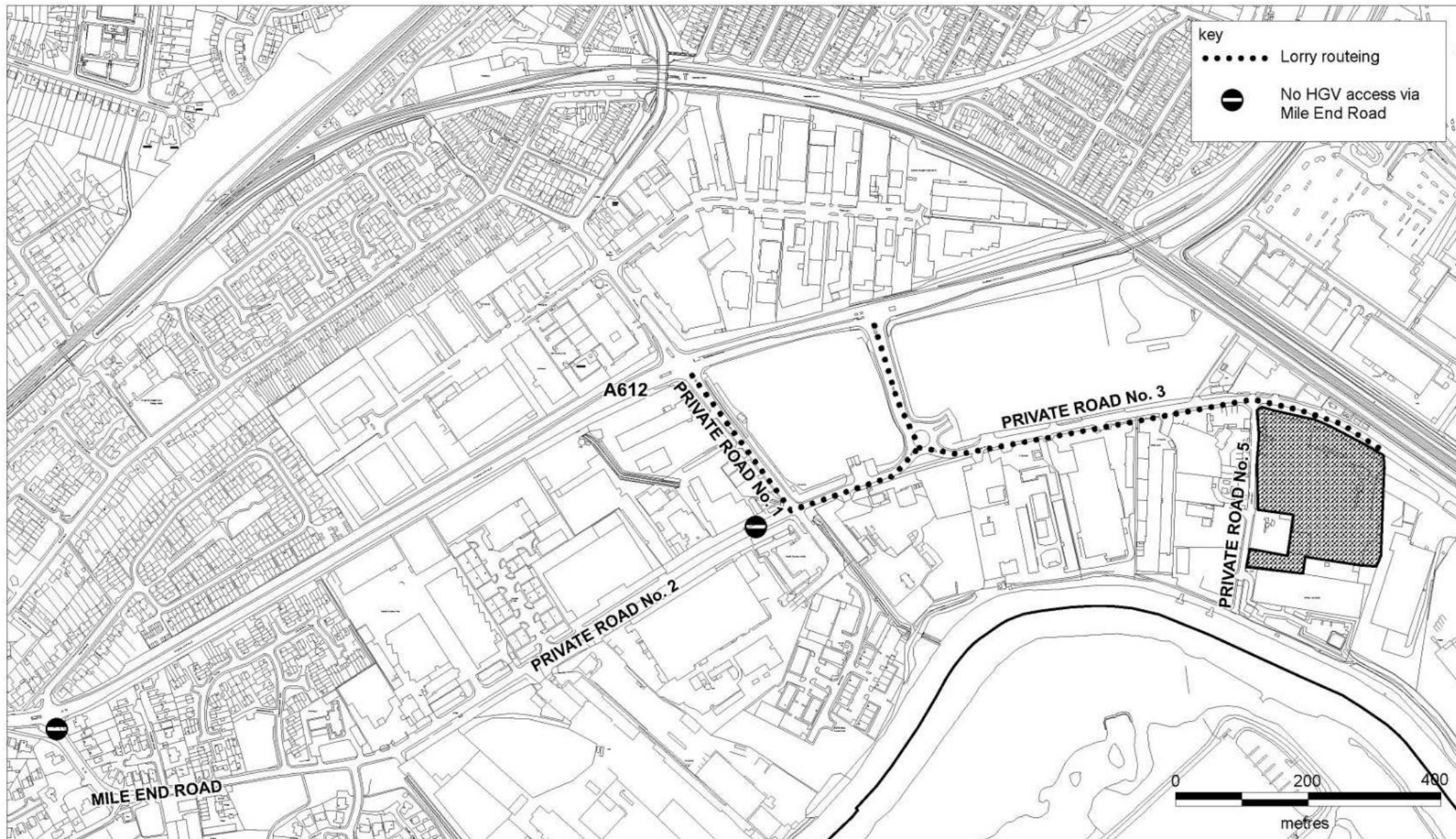
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Date: SEPT 2021

**PLAN 5**







**Nottinghamshire  
County Council**

Development of a waste management facility comprising a waste transfer station incorporating refuse derived fuel (RDF) production, a two storey office/welfare building, fire water tank and pump house, two weighbridges, a weighbridge office, parking areas for HGVs and staff and visitors, odour abatement system with 17.5m stack, external bays for the storage of inert materials, glass, road sweepings and wood, an area for the storage of bin skips, perimeter fencing, fuel tank and associated works.

Land off Private Road No.3, Colwick Industrial Estate, Nottingham, Colwick, Nottinghamshire.

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Planning Application No. 7/2021/0648NCC

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Date: SEPT 2021

**PLAN 6**





**14 September 2021****Agenda Item: 8****REPORT OF CORPORATE DIRECTOR - PLACE****REGISTERING A NEW TOWN OR VILLAGE GREEN BETWEEN BACK LANE  
AND THE PINFOLD, MISSON.****Purpose of the Report**

1. To inform members of the Committee of an application submitted by Misson Parish Council to voluntarily register an area of land between Back Lane and The Pinfold, Misson, as a Town or Village Green.

**Information**

2. Nottinghamshire County Council is the Registration Authority for the purposes of the Commons Act 2006 and the Commons Registration Act 1965. The Council is responsible for keeping and maintaining the statutory register of greens and has duties to process applications to register new ones.
3. Town or village greens are typically areas of land where local people go to undertake lawful sports and pastimes. These sports and pastimes can include a wide variety of organised or ad hoc games, picnics, dog walking, observing wildlife and other similar activities. Although greens may be owned by individuals, many of them are owned and maintained by local parish councils.
4. Town or village greens have statutory protection under two 19<sup>th</sup> century Acts: the Inclosure Act 1857 (section 12) and the Commons Act 1876 (section 29). These protect the land by prohibiting any works which are not to directly benefit the recreational use, including building works, taking place on the land.
5. Section 15(8) of the Commons Act 2006 allows the owner of land to voluntarily dedicate land as a town or village green and have it included in the register which is held by the County Council in its role as the Commons Registration Authority. Once a green has been registered voluntarily, it will be subject to the same statutory protections as all other registered greens and local people will have the same guaranteed legal right to indulge in lawful sports and pastimes over it on a permanent basis. Registration as a town or village green is irrevocable and once registered, apart from very limited exceptions, cannot be removed from the register.

6. Applications to voluntarily register land as a town or village green which contain all the necessary information cannot be rejected and there is no requirement to either consult or advertise such applications.

## **The Application**

7. Misson Parish Council submitted the application documents dated 28<sup>th</sup> June 2021 with a plan showing the area of land highlighted for which they wished to make the application. The application confirmed that Misson Parish Council was the owner of the application land. A statutory declaration was submitted confirming the details submitted in the application.
8. The area for which the application has been made is situated between Back Lane and The Pinfold and is approximately 290 square metres and is shown on Appendix A by the cross hatched area. There are already 3 areas of village green in the immediate vicinity which have been recorded as VG71 in the register and are shown by the grey shading on Appendix A Map A. VG71 was registered in 1972 with all of them being in the ownership of Misson Parish Council.
9. The Pinfold is an ancient pen for stray animals and is within the Conservation Area with its origins in the Misson Enclosure of 1760. The parish council have become owners of the land and wanted to restore it as an historical feature. Many hours of volunteer work has been undertaken to clear the ground from rubbish that had been dumped there, restoring the boundary fence, and rebuilding the pinfold wall ~ all with guidance from conservation and heritage experts associated with Bassetlaw District Council and Nottinghamshire County Council. An entrance gate has been installed, a wooden bench will be added, and the parish council will plant the area with attractive and appropriate plants to enhance the landscape. Misson Parish Council intends that the entire village green, including the Pinfold, are maintained by them as community assets and will never be built on.
10. Once the land additional is registered as a town or village green and entry made in the register held by the Nottinghamshire County Council the green will be allocated a unique registration number.
11. The Parish Council, as the owner of the green, has the power to maintain it for use by members of the parish as long as they do nothing to interfere with the lawful recreational activities of the local inhabitants.

## **Consultations**

12. There is no requirement to consult on voluntary applications, but the local member has been contacted and has no comment to make.

## **Statutory and Policy Implications**

13. 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**

14. None

## **Human Rights Implications**

15. Implementation of proposals within this report might be considered to have a minimal impact on human rights (such as the right to respect for private and family life and the right to peaceful enjoyment of property, for example). However, the authority is entitled to affect these rights where it is in accordance with the law and is both necessary and proportionate to do so, in the interests of public safety, to prevent disorder and crime, to protect health, and to protect the rights and freedom of others. The proposals within this report are considered to be within the scope of such legitimate aims.

## **Public Sector Equality Duty implications**

16. As part of the process of making decisions and changing policy, the Council has a duty 'to advance equality of opportunity between people who share a protected characteristic and those who do not' by thinking about the need to:

- Eliminate unlawful discrimination, harassment and victimisation;
- Advance equality of opportunity between people who share protected characteristics (as defined by equalities legislation) and those who don't;
- Foster good relations between people who share protected characteristics and those who don't.

17. Disability is a protected characteristic and the Council therefore has a duty to make reasonable adjustments to proposals to ensure that disabled people are not treated unfairly.

## **Implications for Sustainability and the Environment**

18. The registering of the land as a town or village green will enable people of the parish of Misson opportunity to carry out lawful sports and pastimes.

## **RECOMMENDATION/S**

It is RECOMMENDED that Committee:

Endorse the voluntary registration of a town or village green by Misson Parish Council.

**ADRIAN SMITH**  
**Corporate Director-Place**

**For any enquiries about this report please contact:**

Angus Trundle, Commons, Green and Definitive Map Officer, Tel: 0115 9774961

### **Constitutional Comments [RHC 1/9/2021]**

19. Planning & Rights of Way Committee is the appropriate body to consider the content of this report by virtue of its Terms of Reference.

### **Financial Comments [RWK 21/08/2021]**

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

### **Background Papers and Published Documents**

21. 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.

- Application for a Town or Village Green submitted by Misson Parish Council.

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

Councillor Tracey Taylor  
Member for Misterton Division





# Nottinghamshire County Council

Application for a Town or Village Green  
Between Back Lane and The Pinfold, Misson



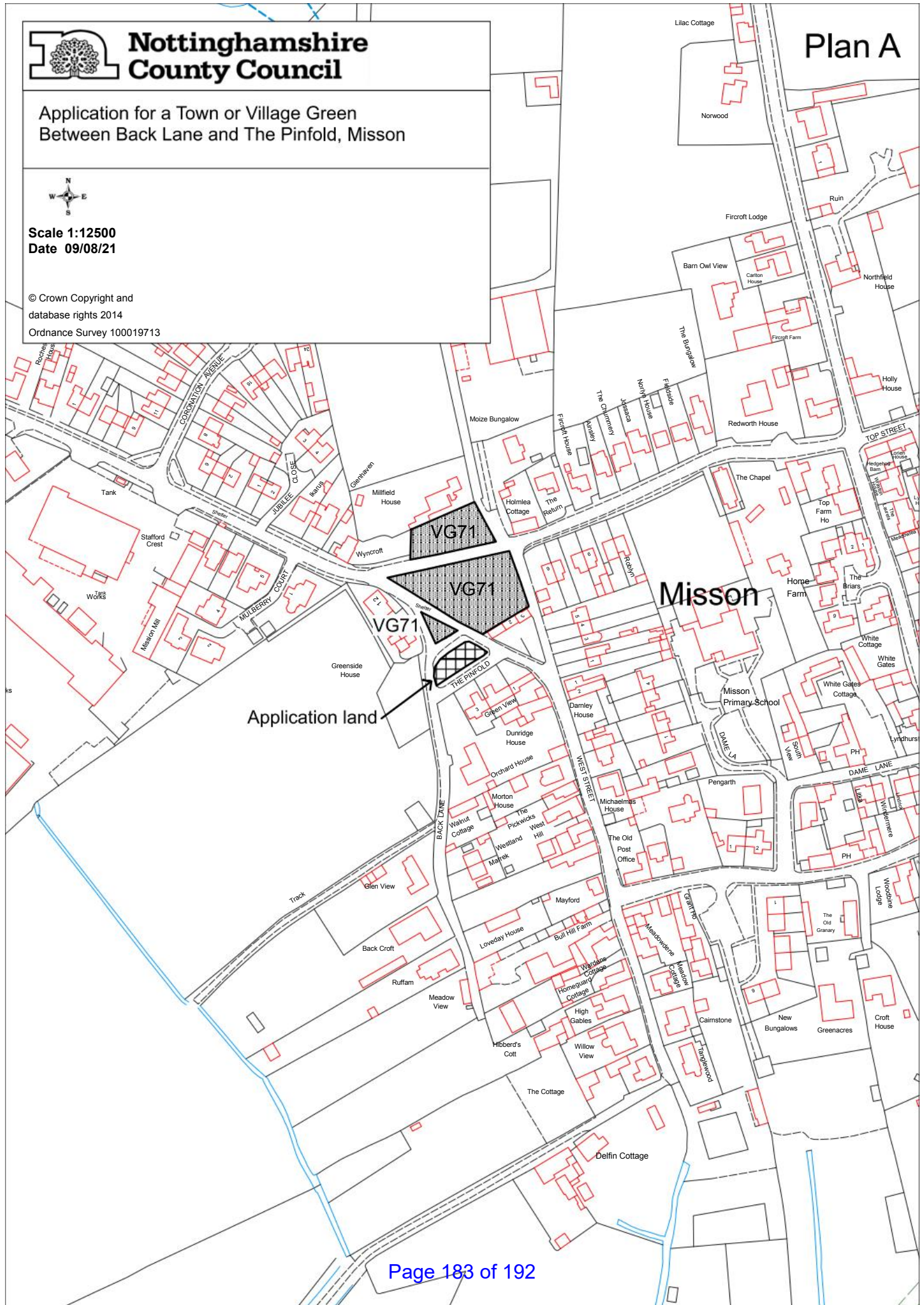
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Plan A







**14<sup>th</sup> September 2021****Agenda Item: 9****REPORT OF CORPORATE DIRECTOR - PLACE****DEVELOPMENT MANAGEMENT PROGRESS REPORT****Purpose of the report**

1. To report on planning applications received by the Development Management Team between 17<sup>th</sup> July 2021 and 25<sup>th</sup> August 2021, to confirm the decisions made on planning applications since the last report to Members on 27<sup>th</sup> July 2021, and to detail applications likely to come before Committee in the coming months.

**Background**

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B sets out the Committee's work programme for forthcoming meetings of Planning and Rights of Way Committee and Members are asked to give consideration to the need for any site visits they consider would be beneficial on any application scheduled to be reported to committee in the near future.

**Statutory and Policy Implications**

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

## **RECOMMENDATIONS**

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

**ADRIAN SMITH**

**Corporate Director - Place**

### **Constitutional Comments – (RHC 16/07/2021)**

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

### **Financial Comments – (DJK 03/09/2021)**

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

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

None

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

All

### **For any enquiries about this report please contact:**

Report Author / Case Officer  
Rebecca Kirkland  
0115 9932584

**Planning Applications Received and Determined**

**From 17<sup>th</sup> July 2021 to 25<sup>th</sup> August 2021**

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
<b>BASSETLAW</b>			
Misterton	Cllr Tracey Taylor		Vary Condition 6 of planning permission 1/15/01034/CDM to extend the life of the groundwater monitoring boreholes for a further 3 years to fall in line with the life of the exploratory well at Land off Springs Road, Misson. REFUSED on 27/07/2021
Misterton	Cllr Tracey Taylor		Vary Condition 4 of planning permission 1/15/01498/CDM to extend the evaluation and restoration period of the site for a further 3 years until November 2023 and to relinquish drilling the horizontal well at Land off Springs Road, Misson. REFUSED on 27/07/2021.
Tuxford	Cllr John Ogle		Site drainage and resurfacing of playground with ramped access to existing multi-use games area. Non-compliance with Condition 10 of planning permission reference 1/17/01446/CDM (alternative flood compensation) at North Wheatley Primary School. GRANTED on 29/07/2021.
<b>MANSFIELD - NONE</b>			
<b>NEWARK &amp; SHERWOOD</b>			

Division	Member	Received	Determined
Southwell	Cllr Roger Jackson		Environmental Impact Assessment (EIA) Scoping Opinion for the A614/A6097 Major Road Network Improvement Project between Ollerton and East Bridgford in accordance with Regulation 15(1) of The Town and Country Planning (EIA) (England and Wales) Regulations 2017 (as amended). This project consists of six schemes (namely Ollerton roundabout; Mickledale Lane junction; White Post roundabout; Warren Hill junction; <b>Lowdham roundabout</b> and Kirk Hill junction), at Lowdham Roundabout. RESPONDED on 16/08/2021.
Muskham & Farnsfield	Cllr Bruce Laughton		Planning application to retain existing temporary classroom for 5 years at Kneesall C of E Primary School. GRANTED on 19/08/2021.
<b>ASHFIELD</b>			

Division	Member	Received	Determined
Hucknall North	Cllr John Wilmott		Improvements to Leen Valley Golf Club including re-grading and re-profiling the existing practice ground outfield and part of the 16th hole including a flood attenuation basin and the creation of an irrigation storage pond; an adventure golf putting area and a summer toboggan run using imported waste soils; with associated ecological improvements and planting, at Leen Valley Golf Club. GRANTED on 27/07/2021.
Sutton North	Cllr Helen-Ann Smith		Provision of freestanding Key Stage 2 Classroom Block at St Andrew's Church Of England Primary School. WITHDRAWN on 03/08/2021.
<b>BROXTOWE</b>			
Beeston Central & Rylands	Cllr Kate Foale		Site drainage and resurfacing of playground at John Clifford Primary School. GRANTED on 26/07/2021.
Eastwood	Cllr Eddie Cubley		Erection of conservatory, canopy to rear and new entrance canopy at 84 Church Street, Eastwood. GRANTED on 23/07/2021.
<b>GEDLING - NONE</b>			
<b>RUSHCLIFFE</b>			

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Cotgrave	Cllr Richard Butler	Installation of wooden steps up/down disused railway embankment at Stragglethorpe Lane Bridge to allow public access from Highway to multi-user route, with metal safety handrail on bridge wingwall, at the Multi User Route, Stragglethorpe Road. Received 21/07/2021	
Radcliffe on Trent	Cllr Roger Upton		Prior Notification of demolition of part of barn and remedial works to retained structure at Parrs Barn Farm. GRANTED on 04/08/2021.
Keyworth	Cllr John Cottee		Change of use of building and land and erection of external storage tanks and concrete wall (retrospective) for the production of bioethanol from green waste at John Brooke Sawmills Limited. GRANTED on 04/08/2021.
Keyworth	Cllr John Cottee		Erection of two-storey office block at John Brooke Sawmills Limited. GRANTED on 10/08/2021.



## 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
2 <sup>nd</sup> November 2021	3/21/00147/CMM	Bantycok Quarry, Staple Lane, Balderton, Newark on Trent	Proposed southern extension to Bantycok Quarry, extension to the time limit for mineral operations until 31st December 2044 and amendments to the restoration scheme
14 <sup>th</sup> December 2021	2/2018/0040/NCC	Ratcher Hill Quarry, Southwell Road West, Rainworth, Mansfield, NG21 0HW	Retrospective permission for silica sand extraction and associated revised site restoration proposals.
14 <sup>th</sup> December 2021	8/17/02096/CMA	Land off Green Street, Mill Hill and land at Barton in Fabis, off Chestnut Lane, Nottingham	The extraction and processing of sand and gravel, including the construction of a new site access road, landscaping and screening bunds. Mineral washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas.
14 <sup>th</sup> December 2021	3/20/01244/FULR3N	British Sugar Corporation Ltd Sports Ground, Great North Road, Newark On Trent, NG24 1DL	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.

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

Planning Application: 5/13/00070/CCM  
 Location: Shilo Park, Shilo Way, Cossall  
 Proposal: Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings

Planning Application: 3/19/00100/CMM  
Location: Cromwell North Quarry, Land Between Carlton on Trent and Cromwell, Newark  
Proposal: Proposed extraction of 1.8 million tonnes of sand and gravel together with the erection of mineral processing plant and associated ancillary infrastructure. the provision of a new access, and the progressive restoration of the site to nature conservation over a period of 9 years.

Planning Application: 1/20/00544/CDM  
Location: Daneshill Landfill Site, Daneshill Road, Lound, DN22 8RB  
Proposal: Temporary operations for 10 years for Soil Treatment Facility including Asbestos Picking Operations