

Planning and Rights of Way Committee

Tuesday, 19 April 2022 at 10:30

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

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| 1 | Minutes of the meeting held on 8 March 2022 | 3 - 20 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Declarations of lobbying | |
| 5 | Change of Use of Site, Land off Hollinwood Lane, Calverton | 21 - 80 |
| 6 | Variation of Conditions, Dorket Head Quarry, Arnold | 81 - 118 |
| 7 | Variation of Trigger Date of Conditions, Land at Sturton le Steeple, Retford | 119 - 162 |
| 8 | Development Management Progress Report | 163 - 176 |

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 8 March 2022 (commencing at 10am)**

Membership

Persons absent are marked with `A`

COUNCILLORS

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

Andre Camilleri	Philip Owen
Robert Corden	Francis Purdue-Horan
Jim Creamer	Sam Smith
Paul Henshaw	Tom Smith
Andy Meakin - Apologies	Daniel Williamson - Apologies
John Ogle	

OFFICERS IN ATTENDANCE

Daniel Ambler – Place Department
Pete Barker – Chief Executive’s Department
Rachel Clack – Chief Executive’s Department
Sally Gill – Place Department
Mike Hankin – Place Department
David Marsh – Place Department
Jonathan Smith – Place Department

1. MINUTES OF PREVIOUS MEETING HELD ON 14 DECEMBER 2021

The minutes of the meeting held on 14 December, 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 Meakin and Councillor Williamson (both Other Reasons).

3. DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

Councillor Sam Smith declared a private interest in Item 6, ‘Variation of Conditions, MUGA, Carlton Digby School’, as he has a nephew who trains on the site with the Mapperley All Stars, which did not preclude him from speaking or voting on that item.

4. DECLARATIONS OF LOBBYING OF MEMBERS

All members confirmed that they had been lobbied regarding Item 5, 'EMERGE, Energy from Waste Facility, Ratcliffe on Soar Power Station', which did not preclude any member from speaking or voting on that item.

5. EMERGE, ENERGY FROM WASTE FACILITY, RATCLIFFE ON SOAR POWER STATION

Mr Hankin introduced the report and reminded members that at the Planning and Rights of Way Committee meeting on 21 June 2021 Members had resolved to support a grant of planning permission for the EMERGE Energy Recovery Facility at Ratcliffe on Soar Power Station subject to the decision being referred to the Secretary of State for Housing, Communities and Local Government and the applicant entering into a Section 106 legal agreement. The Council has now received confirmation from the Secretary of State that he does not wish to call the planning application in for determination and also that the Section 106 agreement has been signed by the applicant.

Mr Hankin informed Members that in the 9 months since the planning application was considered by Committee there had been a number of updates to planning policy and legislation as well as some further representations received which are relevant to the merits of the planning decision. The purpose of the report is to update Members of these recent publications, summarise their content and appraise whether the documents raise any issues which materially affect the original planning assessment of the EMERGE planning application.

In addition to summarising the contents of the report Mr Hankin informed Committee that since publication the Council had received 5 more representations from interested parties, 4 of which had been received in time to allow circulation to members and 1 that had been sent direct to planning officers.

Mr Hankin stated that the supplementary representations requested that members give close consideration to the updated planning policy and information which had been published since the original planning committee and which they consider change the original planning balance towards a refusal of planning permission. The publications identified in the supplementary representations comprise:

- The publication of the consultation draft replacement Nottingham and Nottinghamshire Waste Local Plan, specifically its revised data on waste arisings and treatment which indicate that there is an overcapacity of Energy from Waste facilities in the Nottinghamshire area and therefore there is not a need for the EMERGE facility.
- The energy recovery capacity gap in the plan period identified in Policy WCS 3 is covered by ongoing contract arrangements up to 2033.
- The publication of the new Environment Act which legislates more action on waste reduction and recycling.

- The Government's consultation on a new National Energy Policy for Renewable Energy Infrastructure, specifically para 2.10.5 which states that any new plants must not result in over-capacity of EfW waste treatment at a national or local level.
- The Committee on Climate Change advice on meeting the "Sixth Carbon Budget", specifically the caution expressed by the committee where they state that if EfW usage continues to rise unchecked, then its emissions will exceed the committee on climate changes pathway for reducing carbon emissions for the years 2033-2037 while potentially undermining recycling and re-use efforts.
- The publication of UKWIN's Good Practice Guidance for Assessing the Greenhouse Gas impacts of Waste Incineration which challenge the methodology used for calculating the climate change emissions from the development and argue that energy from waste should be assessed as "high carbon" not "low carbon".
- Conflict with the objectives of the proposed East Midlands Freeport which seeks to be a centre of excellence for zero carbon technology.

The objectors argued that the publication of this new information changes the assessment of planning policy compliance, specifically:

- There is not a need for the waste recovery capacity provided by the EMERGE facility to manage Nottinghamshire's waste and therefore the development does not comply with WCS Policy WCS4.
- Compliance with Green Belt Policy was originally demonstrated on the basis a need for additional recovery capacity represented a very special circumstance to justify inappropriate development in the Green Belt. Because there is no longer a need for the development, the facility should be refused on Green Belt grounds.
- The EMERGE facility fails to support the 70% recycling target set out within Policy WCS3.
- It is argued there is a national oversupply of incineration capacity and therefore the facility fails to comply with Policy WCS12.
- The development will result in adverse climate change impacts and therefore fails to comply with Policy WCS14.

Mr Hankin informed Committee that Officers have reviewed these latest representations noting that the updated planning policy and information which has been referenced within the representations generally reference the same documents which have been appraised by officers and set out within the update report and do not raise any new information of substance which would materially change the planning balance resulting in a different decision in connection with the planning application.

Mr Hankin referred to the proposed Freeport and informed Committee that officers had noted the recent announcement by Her Majesty's Customs and Revenue Office which was published on the 25th February 2022, after the drafting of the committee report. The announcement related to the dates for when companies investing in the Freeport will be able to access economic benefits and did not relate to land-use planning. The announcement therefore does not materially change the planning assessment of the implications of the Freeport on the EMERGE planning application set out within paragraphs 456 and 457 of the original committee report wherein the Freeport was not given any material weight in the overall planning balance because it does not have planning permission and is not identified within the Development Plan or a designated Local Development Order.

Mr Hankin also informed Committee that since the date of the original committee report Rushcliffe Borough Council had undertaken a first-round consultation on establishing a Ratcliffe Local Development Order aimed at developing new industry and business on the Ratcliffe on Soar Power Station site following its planned closure in 2024. Mr Hankin stated that this local development order is still at an early stage of establishment and therefore Officers remain of the view that its potential future designation should not be given significant weight in this planning decision. Mr Hankin informed Committee that officers had reviewed the objectives of the proposed Local Development Order concluding that they do not seek to develop solely renewable energy as suggested in the representations recently received from interested parties, noting that the aim is to create 7-8,000 new jobs based around advanced engineering and energy production including on-site low carbon energy generation which the development of the EMERGE Facility would be consistent with.

Following Mr Hankin's introduction, Monica Pallis was given the opportunity to speak and a **summary** of that speech is set out below:

- We have been told that to have less landfill we need more incineration. This is what Uniper and your officers project.
- In contrast, the new Waste Needs Assessment has forecast that by 2038 we may have overcapacity in energy recovery.
- You may have noticed that the ranges suggested for residual waste in the Officer's report and the Waste Needs Assessment do not overlap. I was a research scientist and when I read discrepancies this big I ask what any scientist would ask 'Where is the data?'

- Last November's Environment Act legislated on waste management, so of course DEFRA has carried out thorough modelling.
- Their details indicate that recycling will increase dramatically. Separate food waste collections will happen and will be a huge opportunity to divert up to a third of household waste to facilities for making biofertiliser and biogas, just the sort of thing we need for truly sustainable waste management.
- Your officer's report suggest why the waste needs Assessment should be ignored: the consultation has not finished, the assessment got a few things wrong. But let me push back.
- What if the Needs Assessment is not in fact too optimistic on recycling but too pessimistic?
- Their so-called high recycling scenario is modelled on 65% recycling in Notts in 2038.
- Wales achieved this in 2020 and has declared a moratorium on incineration. Why can they have that in Wales but not us here?
- Well we can as long as we support the progress set in motion by the Environment Act.
- And what could go wrong if you allow more incineration? You risk long term contracts being made that would demand high levels of residual waste, that would de-incentivise recycling, including food waste to biogas and fertiliser.
- 65% by 2038 is not really a high recycling rate. The Climate Change Committee is asking us to reach 70% by 2030.
- Ladies and gentlemen, as a mother and grandmother I implore you to give weight to the recent Environment Act, Carbon Budget Order and the local Waste Needs Assessment and tip the planning balance towards that future for all our children where resources are preserved and do not go up in smoke and greenhouse gases.
- If you're not ready to go that far, as a scientist, I recommend that you commission independent reports to shed light on the unacceptable discrepancies between local residual waste forecasts. Thankyou.

There were no questions.

In a private capacity, County Councillor Penny Gowland, on behalf of Borough Councillor Jen Walker, was then given the opportunity to speak and a **summary** of that speech is set out below:

- I am very grateful for the opportunity to speak to committee again. Grateful for a system that allows the opportunity for debate on the issues that matter. Grateful to be revisiting the application of a rubbish incinerator I have always been against since the moment it was first announced. Opportunities like this do not come around very often. I very much hope that some of what has come out in the media this past year will come to bear on the voting councillors will make today. The hunches that you voiced when this was last brought to this group have not changed:
 - The case for rejection because there is no need in our county – remains true
 - The shipping in of rubbish from further afield (yet to be confirmed) – remains true
 - The evidence that it acts to bring down recycling levels – remains true
- What has changed is that there has been a notable shift in mood and by agreeing to allow an incinerator in our county you will be moving against the tide now. A tide that has no political colour but rather one that makes sense not only for the good of public health but also in economic terms:
 - MPs Geraint Davies and Iain Duncan Smith unite in their opposition to the expansion of the Edmonton incinerator.
 - The Conservative-led Hampshire Council has just rejected plans for a new incinerator stating there is “no need” for this plant and a local farmer added “that the incinerator would be devastating, both professionally and for our business.” A view backed-up by the findings of dioxins in chicken eggs up to 10km from incinerators that emit them.
 - In Northwich the aptly named Lostock incinerator has been ‘kicked into history’ where Cllr Sam Naylor suggested ‘this is an indication of the underlying problems facing the whole outdated incinerator industry and perhaps an opportunity for LSEP to reflect and pull the plug on this unwelcome, unwanted, outdated and highly polluting project.’
 - Cardiff Council have rejected plans for an incinerator in January stating there was ‘insufficient need and conflicted with the Welsh Government waste strategy.’
- I have sympathy for the difficult decisions this committee must make that will have a legacy and impact on future generations being a councillor myself. What I am hoping to convey is that this committee has a legitimate right to refuse this plan and that the precedent has been set by others before you. Not along party lines but rather the public opinion on incineration has moved from being seen as a necessary evil to a polluting, outdated solution to our waste problem and it has done so at an incredible pace - even since we last

met to discuss it in this chamber. I would also add that the online petition now has well over 3000 signatures.

- So, I would ask you first to reject the application, but if there still remains uncertainty, at a minimum to put a moratorium on incineration and hold fire on this plan until more research and information comes to light.

There were no questions.

Shlomo Downen was then given the opportunity to speak and **a summary** of that speech is set out below:

- I have more than fifteen years' experience of the waste sector.
- As you know, planning decisions are a matter of balance, and the weight to be given to the various pros and cons is where this Committee's power lies. Just two weeks ago, an incinerator proposed for Hampshire was voted down by their Planning Committee, despite the Officer's recommendation to approve. As one Hampshire County Councillor put it: "There's simply no need for it...the main focus should be recycling, not burning". Press coverage hailed the refusal as a 'victory for democracy'. You too have an opportunity to take a different view to your Officer as to the weight to be given.
- An incinerator proposed for green belt land in New Barnfield was refused by the Secretary of State, who found the benefits and disbenefits of the scheme were equal, and because national policy says that the benefits must clearly outweigh the potential harm to the green belt and any other harm, the application had to be refused, in line with Paragraph 148 of the NPPF.
- I believe this is also the case here, where the benefits of the scheme do not clearly outweigh the disbenefits.
- Since June, the Government has: strengthened policy wording intended to avoid incineration overcapacity, new laws have been passed to reduce residual waste, and a consultation Waste Plan has been published, with the evidence base showing how there is already more than enough incineration capacity in Nottinghamshire. New evidence has also been published showing that incineration has a high carbon intensity, on a par with coal, and so is not low carbon as previously assumed.
- It is now clear that the proposal goes against the following policies from the adopted Waste Core Strategy, thus providing robust grounds for refusal:
 - WCS3, because, in light of the latest waste data, the proposal clearly goes against current recycling targets.
 - WCS4, because this constitutes inappropriate development in the Green Belt and the benefits do not clearly outweigh the harm.

- WCS12, because the proposal does not meet the criteria for treating non-local waste.
 - and WCS14, because this would be a high-carbon development.
- There is no urgent need for new incineration capacity in Nottinghamshire. There is already around 6 and a half million tonnes of operational incineration capacity within a 2-hour drive of the application site, with yet more under construction.
 - Refusal is necessary to protect the green belt, to defend Nottinghamshire's recycling ambitions, to support the decarbonisation of the electricity grid, and to stave off incineration overcapacity.
 - Make today a great day for democracy in Nottinghamshire – by refusing this application.

There were no questions.

Andy Read, on behalf of the applicants, was then given the opportunity to speak and a **summary** of that speech is set out below:

- Thank you for the opportunity to talk to you again. I would like to begin by thanking your officers for the professional way they have handled this.
- The report they have produced is thorough.
- We agree that the new information does not give any grounds to change your previous decision.
- We are confident that there will continue to be a surplus of non-recyclable waste in the region in the long term. This needs to be dealt with in a better way, a more sustainable way, than exporting it, or sending it to landfill.
- I would also like to assure this committee that Uniper is doing exactly what we said that we would do - pursuing viable options to use the heat generated by the EMERGE Centre for industrial processes. This is part of the wider vision to attract advanced manufacturing and employment to the Ratcliffe site. Something that will deliver jobs and investment in Nottinghamshire.
- Many industrial processes need heat. Using heat from EMERGE would avoid the need to use natural gas, giving an additional environment benefit.
- The vote to approve planning last year prompted investors to come forward and we hope to make further announcements later in the year on this.
- While I can't name potential investors today, discussions are confidential, I can summarise other positive steps taken to develop this site:

- First, the East Midlands Freeport, of which the Council is a member. Secondary legislation granting Freeport Tax Site designation was laid before parliament last week and will come into force this month. This gives a strong financial incentive for inward investors.
- Second, the Local Development Order being developed by Rushcliffe Borough Council with our support. This will give outline planning approval for the whole Ratcliffe site and has already been through a first stage of public consultation, with positive feedback.
- Finally, the environmental permit for the EMERGE Centre was granted by the Environment Agency last week. With the Section 106 agreement also signed, we can now move forward quickly.
- The EMERGE Centre will be the first step towards our vision to create a low carbon future for the whole Ratcliffe site.
- I believe you made the right decision last June and we have made real progress since then. I ask you to confirm that decision today and allow us to continue. Thank you.

The following points were clarified:

- The Section 106 agreement has been signed so vehicle movements are now regulated. There will be sanctions, including suspensions, for drivers and the hauliers if this is ignored. The agreement also regulates the use of the railhead.
- There is no legal requirement to implement carbon capture and this has been confirmed recently through government consultation.
- There has been no objection from the HS2 team – there is no overlap of land and the development will not affect construction.

Members then debated the item and highlighted the following:

- There is an error in the Financial Comments section of the original report dated 22 June 2021. The reference should be to paragraph 662 and not 646 as stated. The costs to the Council of issuing the decision have been covered as per the Section 106 agreement and the report to today's committee makes the financial implications for the Council clear.
- If the Section 106 agreement had been signed sooner there would have been no need to reconsider the original decision, but subsequent developments in planning policy and legislation may have affected the original planning assessment of the application, hence the need for the decision to be revisited. Officers are recommending that members affirm their previous resolution to grant planning permission.

- The waste to be used in the proposed plant is residual, and the carbon emissions from the plant compare favourably with diverting such waste to landfill.
- The site is classed as low carbon and will have the advantage over some other power sources, such as wind, in that there will be no variance in that power supply.

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

RESOLVED 2021/024

- 1) That the previous resolution to grant planning permission for the development be affirmed.
- 2) That Committee are content for officers to proceed with formally issuing the decision notice, in accordance with the previous resolution.

6. VARIATION OF CONDITIONS, MULTI USE GAMES AREA (MUGA), CARLTON DIGBY SCHOOL

Mr Marsh introduced the report that considered a planning application for the variation of conditions to allow portable lights to facilitate year-round use and an additional hour of use on Sunday mornings on the school Multi-Use Games Area (MUGA). Mr Marsh informed members that the key issues related to the associated traffic and amenity impacts.

Mr Marsh informed Committee that since the papers were published, a number of late representations have been received. Gedling Borough Councillor Andrew Ellwood had written stating that he has visited the site on an autumn Tuesday evening to view a session being held between 7:00-8:00pm to investigate whether a potential all-weather pitch in his ward, not at Digby Avenue, would be compatible with nearby houses. During his visit he advised that there was no noise from the football players which he would consider to be disturbing to the nearby houses and he did walk to the frontages of the houses on to the opposite side of Digby Avenue to gauge the sound from the football being played and the noise level was further reduced. During his visit he did not encounter any bad language or swearing from any of the football players.

Mr Marsh informed members that the Mapperley All Stars had also written drawing attention to the minimal impact of lighting and emphasising that the lights are removed after each evening session. They currently use the facility for evening sessions on Monday - Thursday finishing no later than 8:10pm. To stop using the lights would stop over 750 children and adults being able to access sport each week, having a catastrophic impact on physical and mental health. In addition to football, sessions for weight loss, parent toddler, and girls only sessions are offered. Free sessions are offered to children on free school meals, they run school holiday sessions for Gedling Borough Council and have recently been awarded runners-up in the Pride of Gedling Awards in the Inspirational Healthy Lifestyles category.

The 9:00am session has run on a Saturday for many years without any problems. The Sunday morning session would outweigh any negatives. Parents are asked to park considerately with respect to neighbours. Mapperley All Stars are currently in discussion with Westdale Junior School about being able to use the school car park.

Mr Marsh informed Committee that in addition to these submissions officers had received 25 representations by email supporting the application from parents of children who attend sessions at the site run by Mapperley All Stars. The representations have highlighted:

- improved physical and mental wellbeing,
- improved confidence,
- improved social skills, and
- the improved personal development that they have witnessed in their children as a result of them attending these sessions, particularly post-lockdown.

Allowing the facility to be lit would allow access to sport during winter months. The representations also praise the hard work and dedication of Mapperley All Stars and the important part they play in the Mapperley community. One parent also uses the facility themselves and appreciates the social interaction given that they work from home a lot.

Mr Marsh stated that whilst the representations from Mapperley All Stars, users and parents make reference to how the facility is currently used, a grant of planning permission would allow the facility to be used by other persons hiring the Multi-Use Games Area.

Mr Marsh informed members that the late representations expressing support were consistent with advice in the National Planning Policy Framework which at Paragraph 92 explains that planning....decisions should aim to achieve healthy, inclusive and safe places which amongst other criteria enable and support healthy lifestyles, and at Paragraph 93 to provide social and recreational facilities that the community needs, to enhance the sustainability of communities and residential environments, which is referenced in the consultation responses received from Sport England.

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

- In May 2011, when granting planning permission, this committee felt it necessary to put in numerous conditions including restricting the use of the MUGA to starting at 10am on a Sunday and not allowing floodlighting.
- It was never intended for the MUGA to have floodlighting. Consultants working on behalf of the developer and NCC stated that lighting was not included in deference to residential neighbours.
- Committee stated that the reasons for the conditions were to safeguard the amenity that nearby residents could reasonably expect to enjoy.

- It also ensured that the development did not contravene Gedling BC's Local Planning Document by increasing noise, increasing the activity on site and increasing traffic going to the site during the hours of darkness.
- In 2018 when the Digby School applied to increase the numbers attending the school this committee reconfirmed those conditions.
- At the same 2018 meeting it was highlighted, to the disgust of the committee, that the development was not complying with the existing conditions. Regrettably they are still not complying.
- There is still no community user agreement in place 11 years after the development. The condition states that this facility should not be used until this is in place.
- There is a portaloo on site, in a residential environment, despite there being an externally accessible toilet at Digby School.
- The County Council are policing the County Council and it does not work. We have no enforcement taking place to ensure all of the conditions are being adhered to. We have had 11 years of non-enforcement.
- I ask this committee that all existing conditions are enforced with immediate effect. Traffic surveys have not been completed, noise monitoring has not taken place, travel plans are not in place. How do children safely get to the MUGA which is on the opposite side of the road. The list goes on.
- After 11 years the operator of the facility clearly has no intention of complying with the existing conditions and blatantly flaunts its own rules.
- No further changes to the planning permission should be made until all of the existing conditions are complied with and no temporary allowance be made to allow the continued use of floodlights without these conditions being met.
- I am unsure what has changed since 2011 and since 2018, that now allows this committee to grant permission for floodlighting, for earlier Sunday starts, to override their previous conditions. What material change has taken place to now allow these conditions to be removed?
- The answer is nothing, nothing has changed to suggest these conditions should now be removed.
- Increasing usage means increased noise.
- Increasing the activity means increased disturbance to the residents.
- Increasing usage equals increasing traffic – we have observed at change of sessions there are 30 cars arriving and 30 leaving, the cars arriving before the cars leaving so 60 additional cars are on Digby Avenue.

- Just because we do not have school traffic Monday to Friday does not make it OK for us to have it in the evenings, Saturdays and Sundays.
- These applications should not be agreed just because there is now a need for increased usage. There are alternative facilities available nearby.
- The 9am Sunday session takes place elsewhere removing the need for an earlier start at the MUGA. Mapperley Allstars Coaching Limited moved from Carlton Forum where there is parking and floodlighting.
- It is clear from the objections received that no local resident wants either of these permissions to be granted.
- How many letters of support have been received from local residents neighbouring the MUGA?
- The residents of Digby Avenue and the surrounding homes, as confirmed previously by this committee, have a right to safeguard the amenity that nearby residents could reasonably expect to enjoy.
- I therefore ask that you refuse these applications as they contravene Gedling BC's Local Planning Document – Part 2 Local Plan Policy LPD32 'Amenity' and Gedling Replacement Local Plan Policy ENV11 – Pollution generating development – by increasing noise, increasing the activity on site and increasing the traffic going to the site during the hours of darkness.

Another local resident was then given the opportunity to speak and **a summary** of that speech, which was read out on the resident's behalf by Ms Clack, is set out below:

- I live on Digby Avenue with my husband and 5 year old daughter.
- In July 2021 I rang the NCC Enforcement Team and spoke to Tim Turner to highlight the use of the MUGA before 10am on a Sunday, the use of the portaloo, anti-social behaviour (ASB), bad language and parking issues. Mr Turner confirmed our conversation in an email.
- Mr Turner did not deem the earlier start on a Sunday as unacceptable and would take up the toilet issue with the school. He informed me that ASB and parking were not planning concerns but that he would raise those with the school and the All Stars.
- I spoke to Mr Turner again to report the use of unauthorised floodlighting but Mr Turner stated that as the floodlighting was temporary its use was acceptable.
- The original planning permission did not allow floodlighting because of amenity issues for the residents and because of the local plan.
- In September football was being played at 8.30pm, it was a hot night, our windows were open and my daughter could not get to sleep because of the noise, I asked the coach to lessen the noise and stop using foul language, I was surrounded by players who told me they had paid and could do what they wanted. I reported the ASB and foul language to Gedling BC.

- The use of the lights mean that play continues at night with ASB, foul language and the noise of the ball being kicked against the side of the playing area. There is some respite in winter as our doors and windows are closed.
- In January I was walking past the MUGA with my daughter on the way to the shop, the MUGA was in use and foul language could clearly be heard. No child should have to hear that sort of language.
- If there were no lights the incidence of ASB and foul language would reduce considerably.
- In February my drive was blocked by a car when we needed to go out. The car belonged to the father of someone using the MUGA, he gave me a barrage of abuse.
- The All Stars have told uses to park further away from the MUGA but this just causes problems for residents further up the Avenue.
- There are 'H' bars on the drives near the school but they are ineffective.
- The All Stars are making a profit from the misery of Digby Avenue residents.
- There is no community user agreement in place.
- The application is just so that a private company can increase its commercial activity.
- The MUGA was never designed for the wider use of the community, it was for the use of school children and students in the day time with some occasional community use.
- The All Stars moved for a commercial site at Carlton Forum to Digby Avenue to increase their profits.
- Please refuse the application so that residents can enjoy their evenings and Bank Holidays again.

The following points were clarified:

- The 'H' bars are on driveways near the school but as they are unenforceable they have been ineffective.
- There are time slots available other than those used by the All Stars but as the school only has an agreement with the All Stars no other organisations, except the school, use the MUGA.

Following Mr Marsh's introduction Members then debated the item and highlighted the following:

- The impact of floodlighting was not assessed in the original application in 2011 as none was proposed because of cost. It is a sporting environment and at the time Sport England would have preferred the facility to have been lit.
- Applicants do have the right to apply for variations to planning conditions.
- The traffic associated with the use of the MUGA is less than that during day to day school use.
- The use of the school's toilet was tied into the community use agreement and was not intended to be an open-access facility.
- Although no community agreement is in place the facility is being used. It would be a cause for concern if it were not.
- Some issues associated with the use of the MUGA would be very difficult to control through the planning process eg bad language and ASB.
- The Authority is in discussions with the school about putting a community agreement in place. The agreement would set out the terms of hire. The All Stars are not party to that agreement.
- The community agreement would be a mechanism for dealing with the amenity issues eg swearing, ASB.
- If permission is granted the lights will be as described in the application ie portable and LED.
- Complaints of swearing on Sunday mornings have been made, though the Sunday sessions are for children in the morning and adults in the afternoon.
- The applicant is not asking for the hours of use to be changed but without lights it is not possible to use the MUGA for the entirety of the permitted periods.
- It is a Regulation 3 application, if planning permission were not granted there is no right of appeal.
- The refusal of permission would not stop the use of the MUGA.
- During the debate Members indicated their intention to refuse permission on the grounds of amenity.

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

RESOLVED 2021/025

- 1) That planning permission is not granted for the variation of Condition 32 of planning permission 7/2011/0268NCC.

- 2) That planning permission is not granted for the variation of Condition 11 planning permission 7/2018/1075NCC.

7. VARIATION OF CONDITIONS, WASTE RECYCLING FACILITY, SNAPE LANE, HARWORTH

Mr Smith introduced the report that considered a planning application for a reconfiguration of the approved site layout at Luna Waste Services, Unit C6, Glassworks Way, Snape Lane, Harworth. Mr Smith informed Committee that the key issue related to potential noise impacts on local amenity.

Mr Smith informed members that there was a minor error in the wording of Condition 13. The beginning of the first sentence in the second paragraph should read:

“The maximum storage height of materials within the site shall be no higher than the 5m.....”

Following Mr Smith’s introduction Members then debated the item and highlighted the following:

- Members expressed their frustration that the application was for retrospective permission. The Chair sympathised with Members’ views and reminded them that the Authority had written to government stating their dissatisfaction with the present state of the law.
- Officers do monitor sites and this is how breaches of conditions are detected.
- Officers do encourage people to submit applications before breaching planning conditions.
- Condition 7 covers the issue of floodlighting on the site.

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

RESOLVED 2021/026

That subject to correcting the wording of Condition 13, planning permission be granted subject to the conditions set out in Appendix 1 to the report.

8. ADOPTION OF NCC REQUIREMENTS FOR VALIDATION OF PLANNING APPLICATIONS

Mr Smith introduced the report which advised Members of the consultation exercise undertaken on the proposed changes to the County Council’s Local Requirements for the Validation of Planning Applications, the responses received, and sought approval of the changes and the formal adoption of the revised document.

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

RESOLVED 2021/027

- 1) That Members note the responses to the consultation exercise and that the revised document, known as Nottinghamshire County Council's Guidance Note on the Validation Requirements for Planning Applications, be approved.
- 2) That officers be authorised, in consultation with the Chair and Vice Chair of Planning and Rights of Way Committee, to make minor changes to reflect any updates to the NPPF and other referenced documents, as appropriate, during the intervening period before the next Validation Guidance review, where these do not materially affect the validation document.

9. DEVELOPMENT MANAGEMENT REPORT

Mrs Gill introduced the report and confirmed that this was the usual report brought regularly to committee detailing the applications received, determined and scheduled.

Mrs Gill confirmed that the application to extract sand and gravel at Barton in Fabis had been withdrawn.

The Chair encouraged members to attend the site visit to Ratcher Hill quarry.

RESOLVED 2021/028

That the contents of the report be noted.

The meeting closed at 12.52pm

CHAIR

19th April 2022**Agenda Item: 5****REPORT OF CORPORATE DIRECTOR – PLACE****GEDLING DISTRICT REF. NO.:**

PROPOSAL: CHANGE OF USE OF SITE FROM TRUCK DISMANTLING DEPOT TO MATERIAL RECYCLING FACILITY, ERECTION OF A CANOPY EXTENSION TO THE EXISTING OFFICE AND WORKSHOP BUILDING AND RELOCATION OF WEIGHBRIDGE. CONFIGURATION OF CAR PARKING AREA WITH DISABLED SPACES AND ELECTRIC VEHICLE CHARGING POINTS. USE OF EXISTING YARD AREA AND WORKSHOP AND STORAGE BUILDING AS PART OF THE MATERIAL RECYCLING OPERATIONS.

LOCATION: LAND OFF HOLLINWOOD LANE, CALVERTON, NOTTINGHAMSHIRE, NG14 6NR

APPLICANT: MR MANISH CHAHWALA

Purpose of Report

1. To consider a planning application for the change of use of an existing HGV dismantling depot to a material (plastics) recycling facility, erection of an extension to an existing industrial building and ancillary works on land off Hollinwood Lane, Calverton.
2. The key issues relate to the appropriateness of the development site for the use, the merits of the development proposal in the context of sustainable waste management policy, social-economic considerations and the environment effects of the development including traffic and noise effects.
3. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1 of the report.

The Site and Surroundings

4. The planning application site is located immediately to the north-east of the village of Calverton, approximately 11km north-east of the centre of Nottingham and approximately 12.4km south-east of Mansfield (See Plan 1).

5. The planning application site incorporates circa 32,797m² of industrial land at Hollinwood Lane, Calverton, Nottinghamshire and forms part of a larger area of industrial land developed on the former Calverton Colliery pit-head.
6. The planning application site incorporates part of a larger area of land which is currently occupied by R.C. Tuxfords Exports Limited and operated as an end-of-life HGV recycling/dismantling and sales facility. The site incorporates extensive areas of hardstanding used for external storage, a three-storey office and warehouse building and a smaller open fronted self-contained store building incorporating a staff welfare facility. (see Plan 2).
7. Within the wider Hollinwood Lane industrial area is a Household Waste Recycling Centre (HWRC) operated by Veolia Environmental Services on behalf of Nottinghamshire County Council, a private gym facility, a vehicle repair workshop, a company selling decorative dressed stone and further land used by R C Tuxfords for trailer storage (see Plan 3).
8. Vehicular access to the site and the wider industrial estate is from the existing private road leading from Hollinwood Lane. Hollinwood Lane connects with Main Street which in turn leads to the B6386 Oxtun Road which connects to the A614 to the west and the A6097 to the east.
9. The Hollinwood Lane Industrial area is bordered as follows (see Plan 4):
 - To the north lies Oxtun Road (B6386) which is sited at a lower level to the industrial land and is screened by a bank of mature tree planting. Beyond Oxtun Road further to the north is the Former Calverton Colliery Tip which has now been restored to a grassland and woodland habitat.
 - To the north-east is an agricultural field.
 - The eastern boundary of the site is screened by a landscape bund, beyond which is a row of houses at North Green. There has recently been a commencement of a large housing allocation on land to the north-east of North Green.
 - To the east of the application site is a public footpath which provides access between North Green and Oxtun Road.
 - The St. Johns Ambulance First Aid Training Centre is located on Hollinwood Lane to the east of the site.
 - To the south-east are residential properties on Hollinwood Lane. A new housing estate has recently been constructed on land to the south-east of Hollinwood Lane/Collyer Road.
 - To the west lies playing fields and the Calverton Top Club social club, beyond which is a cemetery.
 - To the north west are horse paddocks fronting onto Oxtun Road.
10. The Gedling Borough Local Plan Proposals Map identifies the application site as being located in the built-up area of Calverton village on land designated as retained employment land. The site is outside the Green Belt. The Proposals

Map allocates extensive areas of land to the east of the application site for new residential development and further land allocated as 'safeguarded land' which is likely to be developed sometime after 2028.

Proposed Development

11. Planning permission is sought to change the use of the site from a truck dismantling depot to a material recycling facility for the tipping, sorting and storage of non-hazardous, mixed plastics and fibrous materials (paper and cardboard that will inevitably have been mixed in with the plastic waste stream). The planning application also seeks consent for the erection of an extension to the office and workshop building and the relocation of the weighbridge.
12. The majority of the waste accepted at the site would be delivered from a waste transfer / treatment facility (such as a materials recycling facility) having first been processed to segregate any unsuitable wastes. The waste would be delivered in plastic wrapped bales. The remainder of plastic wastes from a variety of other sources would be accepted in accordance with the site waste acceptance procedures, with the volume of non-plastic waste not exceeding 10%, with the amount likely to be significantly lower than this.
13. The plastic waste would be processed within the existing workshop/office building which would be extended on its northern elevation. The existing building measures 94m long by 30m wide. The proposed northern extension would measure 30m by 30m. The extension was originally designed incorporating a canopy roof and 4m high concrete push walls to the western and northern elevations with an open construction above to eaves level and open on the eastern-facing elevation. However, following a request made by officers the design of the extension has been modified to incorporate steel cladding above the concrete push walls on the western and northern elevations and a steel-clad elevation to the eastern elevation with fast acting closure doors for access by delivery vehicles to provide complete enclosure of the waste processing area and provide improved containment of litter.
14. The building would be used for the acceptance, storage and sorting of dry, recyclable plastic waste. The plastic waste would arrive at the site in plastic wrapped bales which would be split utilising a bag splitter, shredders and, a trommel (rotating screen). The plastic would be separated into different grades through blowing, air density separation, ballistic separation and optical sorting to manufacture recycled plastic product for re-sale as a non-waste material. Materials would be handled using forklift trucks.
15. The existing smaller workshop and storage building to the east of the main workshop building is to be retained and used for materials storage as well as an equipment store and maintenance workshop.
16. Areas of open storage would be retained to the north and east of the open yard area. All incoming plastic waste and processed materials would be stored within wrapped bales in compliance with industry standard to control the escape

of fugitive windblown litter. Materials would be stored to a maximum height of 4m in discrete stockpiles of no more than 450 cubic metres (therefore approximately 10.5m x 10.5m) with each stockpile separated from each other by a distance of 6m to ensure compliance with fire controls.

17. Staff car parking for 75 cars and an HGV parking area for a minimum of 10 vehicles would be provided to the frontage (east) of the existing buildings.
18. The site would manage a maximum of 100,000 tonnes of waste per annum although the anticipated throughput of plastic waste is anticipated to be in the region of 80,000 tonnes per annum of which non-plastic waste comprising metal, cardboard, paper and other residual materials is likely to make up a negligible proportion. These non-plastic wastes would be separated from the incoming waste stream, segregated into individual waste streams and removed from site for further treatment at a suitably permitted facility.
19. Operating hours for the recycling plant are proposed on a 24 hour a day, 7 day a week basis. Waste deliveries and the export of recycled plastic products is proposed between 08:00 and 18:00 Mondays to Fridays with some very limited HGV movements on Saturdays between 08:00 to 13:00 on Saturdays. No deliveries would be undertaken on Sundays, Bank or Public Holidays.
20. The material would be delivered to the site by curtain sided HGVs or within skips with a payload of 20 tonnes. It is anticipated the development would result in 19 HGV arrivals and 19 HGV departures per day with these vehicles being spread evenly throughout the working day. The company would utilise the plastic waste delivery vehicles to backhaul processed plastic materials and therefore the average two-way movements of HGV delivery vehicles on Hollinwood Lane connected to the use would be 38 movements a day. The transport assessment acknowledges that there is potential for some daily fluctuations in the number of deliveries and therefore the applicant suggests that a weekly limit of 116 HGVs (232 movements) based on an average 19 HGVs deliveries each day over a core Monday to Friday delivery period would provide some flexibility to account for these daily fluctuations.
21. It is anticipated that the operation of the site would create 50 full-time permanent jobs with the potential for the expansion of site operations creating a further 25 full-time permanent jobs. A dedicated full-time resident plant maintenance and servicing team would be based at the site and the business would create a range of positions with differing levels of skills including manual jobs, plant operation jobs and skilled engineering positions along with support and administrative jobs.

Consultations

22. Gedling Borough Council: *Do not object.*
23. *Gedling Borough Council draw NCC's attention to the fact that the land adjacent to the application site is allocated for residential development and permission is*

in place for 20 dwellings. In assessing the planning application there would be a need to ensure that the amenity of these residential properties is not compromised through noise and disturbance.

24. Calverton Parish Council: *Object to the planning application raising the following concerns:*
25. *Noise impact Assessment: The Parish consider the information provided is very “sketchy” and does not give a true reflection of the potential on-site noise, especially during the evenings/night-time. The Parish request a survey be completed by either NCC’s Noise Monitoring Department or an independent surveyor to give a true reflection of the levels that could be experienced.*
26. *EIA Screening of the planning application: The Parish Council disagree with the conclusions reached by NCC in their EIA screening of the planning application regarding the magnitude of environmental impacts, specifically the parish consider there would be significant impacts from HGV exhaust emissions. The parish consider the site should be assessed as a ‘sensitive’ location due to its location adjacent to sports playing fields which have limited on-site car parking and result in extensive on-street car parking along Hollinwood Lane and Collyer Road creating potential hazards from children crossing the road. The village cemetery is also located on Hollinwood Lane which is due to be opened later this year. The cemetery is very quiet and a place when one can reflect and should remain so. The hedges surrounding the cemetery have a lot of wildlife habit that moves from the “Old Pit Top” to the Cemetery land/hedges and surrounding areas. The development exceeds the indicative thresholds in the planning practice guidance for waste which indicate that EIA is more likely required for waste facilities with a processing capacity in excess of 50,000tpa.*
27. *Transport Statement: The transport statement explains that the site is served by public transport, however buses do not run to Hollinwood Lane, only going as far as Park Road/Collyer Road. Access to site from the B6386 Oxtan Road should be explored. The use of the Old Colliery road could be re-opened that runs to the east of the site towards Hollinwood Lane/ North Green. Materials delivered to site on Saturday morning will encounter on-street parking due to the Sports & Social club football tournaments and cause “upset” to mourners at the Hollinwood Lane Cemetery. The Parish question the figures within the Transport Statement and consider the actual numbers of visiting HGVs could be significantly higher than the quoted 19 HGVs visiting the site each day. The Parish also question the need for overnight parking of HGVs and ask whether the site would operate as a lorry park, specifically what would happen if a lorry arrives after 6.00pm and is granted access, would the vehicle stop over till the morning then unload or would it be unloaded irrespective of the time? The Parish question how processed material would go off site and the times these movements are undertaken. The Parish also raise concerns regarding the transport costs and pollution of transporting waste from further afield. The Parish question how instructions would be put in place to ensure all vehicles turn right onto Main Street and avoid travelling through the village.*

28. *The Parish raise concern that the plant would operate on a 24/7 basis including weekend and bank holidays etc, asking whether this would include Christmas Day.*
29. *The Parish raise concerns that the facility would receive more than 100,000 tonnes of waste per year and question the composition of this waste including the potential for it to include food waste. What guarantee is there that the site will only accept plastic waste and that this will not change in future years.*
30. *The site can be seen from the Old Pit Top Conservation and Wildlife Area, Collyer Road and Park Road and various bridlepaths and footpaths. Will additional screen planting be provided?*
31. *Proximity of housing: The site is located close to residential property including houses on Hollinwood Lane/Collyer Road and North Green plus the proposed small bungalow complex on the Old North Green/Pit car park for which development has already started. The nearest dwelling will be less than 30m from the boundary when the new bungalows are built on the North Green car park.*
32. *Concerns are raised about potential litter, noting that the company's facility in Kent generates significant levels of complaint regarding litter including litter from delivery vehicles. What assurances will be made that litter will be kept on site and if any litter does accumulate off site would the company be responsible for regular litter picking? If not, this will be an additional cost to Gedling Borough Council and Nottinghamshire County Council.*
33. *The Parish Council has been reconsulted in connection with the submission of the revised design of the processing building extension and the submission of supplementary supporting information, no further response has been received.*
34. *Environment Agency: No objection subject to a planning condition being imposed to regulate the investigation and remediation of any potentially contaminated land.*
35. *The site overlies alluvium above the Chester Formation Sandstone which is classified as a Principal aquifer. The previous use of the site as a vehicle dismantling facility presents a high risk of contamination that could be mobilised during construction to pollute controlled waters.*
36. *It is the Environment Agency's understanding that the existing permit for the scrapyard will need to be surrendered or varied and the Agency will require assurance at the surrender stage that any risks to controlled waters have been removed or mitigated against.*
37. *With a previous use of this type the Environment Agency would normally seek to add conditions requiring site investigation, risk assessment and remediation. It is anticipated that these assessments will take place during surrender of the permit/variation of the permit and a site investigation (site condition report) will be conducted to provide a baseline of conditions at the site as part of the*

permitting of the new facility, but the Agency would request that a four-part planning condition is imposed to regulate a remediation strategy to deal with the risks associated with contamination of the site.

38. NCC (Highways): Raise no objection.
39. *This proposal for a change of use from truck dismantling depot to plastic recycling facility is in a well-established commercial/industrial area of Calverton. The existing access to the site is off a private unadopted road and the nearest adopted highway is Hollinwood Lane. The private road also serves storage units and the household waste and recycling centre. The red lined application area includes the existing access arrangement onto the private road which is acceptable to provide access and egress to the change of use and the type and nature of vehicles that wish to utilise the proposed transfer station.*
40. *Having reviewed the Transport Assessment it is noted the existing use could generate more traffic than the proposed change of use to a plastic recycling facility during AM and PM peak hours and therefore is acceptable.*
41. *Proposed parking provision for vehicles including HGVs within the site is acceptable and there should be no displacement onto the surrounding highway as it is controlled by Traffic Regulation Orders.*
42. *It is understood that there may be times when there is conflict with HGVs to the site and vehicles queuing to access the Waste Recycling Centre, the busiest times being at the weekend. It is understood that HGVs will only operate in and out of the proposed waste transfer station Mon-Fri 8.00-18.00 and Sat 8:00-13:00 so it is anticipated that there will be less conflicts associated with the two sites. From a highways aspect the Highways Authority cannot control the traffic on the private road, and it is for the owner/occupiers to manage.*
43. *It is therefore recommended that planning permission is granted subject to a planning condition requiring the installation of parking, turning and manoeuvring facilities on the site including electric charging facilities.*
44. NCC (Nature Conservation): No objection.
45. *It is noted that the footprint of the developed area will not change as a result of the proposals, and therefore no direct ecological impact can be expected.*
46. *In terms of indirect impacts, noise/disturbance and lighting need to be considered. The most significant ecological receptor is the Calverton Colliery Yard Local Wildlife Site (LWS), designated for its botanical and butterfly interest. Having had a look at the Noise Impact Assessment it appears that elevated noise levels are modelled as being fairly tightly contained and noise levels above 50dBA do not appear to fall beyond the site boundary. In terms of lighting, it does not appear that any additional lighting is proposed.*
47. *On this basis, and in light of the current use of the site, it is concluded that the proposals are unlikely to give rise to a significant ecological impact, and will not have an impact on the features for which the LWS is designated.*

48. Severn Trent Water Limited: Request clarification regarding the existing drainage arrangements for the site. Severn Trent Water has been reconsulted in connection with supplementary drainage details provided by the applicant, no response has been received.
49. The Coal Authority: No objection.
50. The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the planning authority for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted. If this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.
51. Via (Noise Engineer): Raise no objections subject to planning conditions being imposed to regulate noise emissions.
52. The Noise Impact Assessment which supports the planning application has been examined by VIA Reclamation. The noise assessment has been undertaken in accordance with the relevant British Standard (BS4142:2014) utilising the results of background noise monitoring undertaken on Hollinwood Lane/North Green and referencing noise data obtained from an identical process at an existing facility.
53. BS4142:2014 states: "An exceedance of the background level of around 5dB is likely to be an indication of an adverse impact, dependent on the context and a difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context."
54. The noise assessment of daytime noise emissions calculates predicted noise levels would be 2.1dB below existing median weekday background levels at existing properties on Hollinwood Lane, 0.3dB above background levels at proposed new residential development to the south-east and 4.7dB below at proposed new residential development to the east and therefore daytime noise emissions are concluded to be within BS4142:2014 limits which indicate noise emissions are unlikely to result in adverse impact.
55. The noise assessment for night-time noise emissions (23:00-07:00) calculates predicted noise emissions would be 6.0dB above median night-time background noise levels at existing properties on Hollinwood Lane, 9.0dB above background levels at proposed new residential development to the south-east and 3.3dB above proposed new residential development to the east and thus indicates levels of noise emissions which have potential for adverse impacts to the existing and the proposed future residential development, depending on the context.
56. As acknowledged in BS4142, where background noise levels are very low, as in this case, absolute levels might be as or more relevant than the margin by which

the rating level exceeds the background – especially at night. According to BS8233 “Guidance on Sound Insulation and Noise Reduction for Buildings”; it is recommended that noise levels in bedrooms do not exceed 30dB LAeq,t to avoid sleep disturbance. BS8233 states that a partially open window will provide approximately 15dB attenuation from external noise sources, so, the predicted internal noise levels between the 23:00 – 07:00 will be well below the 30dB threshold for sleep disturbance in bedrooms during the night-time. Consideration has also been given to the potential for impact on external amenity areas in the evenings which has not been assessed separately in the noise assessment. However, the predicted absolute noise levels are low (max 36.4dB) and as such are unlikely to cause any annoyance at the nearest existing and future receptors.

57. *A transport assessment has considered the impact associated with the number of vehicle movements connected with the proposed development. This indicates that any changes in the number of vehicles movements are insignificant and therefore there is not anticipated to be any notable change in road traffic noise levels associated with the new development.*
58. *Planning conditions are therefore recommended to regulate the level of noise emissions from the site and ensure noise emissions do not exceed 42dB(A) during the daytime and 39dB(A) during the night-time, for a procedure to be put in place to deal with any noise complaints, the use of broadband type (white noise) reversing alarms on vehicles and mobile plant, restrictions on the delivery of waste and export of recycled plastic products to only take place between 08:00 and 18:00 Mondays to Fridays and 08:00-13:00 on Saturdays, and the preparation of a noise management plan.*
59. *Via (Reclamation): Do not object subject to a planning condition to regulate ground remediation.*
60. *There is potential for significant contamination to be present within the ground, related to the use of the site as a truck dismantling depot. Contamination, such as fuels, can enter the ground through leaks in drains, interceptors and underground or above ground storage tanks, as well as through cracks and seams in the hardstanding.*
61. *Although the proposed development will be located on the current hardstanding, with limited ground works required, the applicant has a responsibility to ensure that the site is not contaminated land, as defined in Part IIA of the Environmental Protection Act.*
62. *In order to demonstrate this, the applicant needs to provide, as a minimum, a Phase 1 geo-environmental desk study. If the desk study cannot reasonably demonstrate that there are no significant potential source-pathway-receptor linkages present, a geo-environmental ground investigation may be required.*
63. *The desk study should consider the potential risks from ground contamination, groundwater contamination and ground gas at the site to human health, controlled waters and other environmental receptors including mine gas*

migrating into the existing buildings in their current condition and following development of the proposed canopy extension, as well as risks to any other retained or new structures on the site.

64. *There are also some questions regarding the proximity of historical mine shafts to the site and the mine gas treatment plant. The findings of the coal mining report indicate that a more detailed coal mining assessment is required. This should be undertaken by a qualified consultant and consultation with the Coal Authority may be required.*
65. *It is recommended that the submission of these details is regulated through planning condition.*
66. Western Power Distribution: *Do not object, but the company advise that they have electrical network in the vicinity of the development site.*
67. NCC (Flood Risk): *No objection subject to the imposition of a planning condition requiring the submission of a drainage scheme for the development site.*
68. Cadent Gas Limited Company Number: *No representation received. Any response received shall be orally reported.*

Publicity

69. The application has been publicised by means of site notices, the publication of a press notice in the Nottingham Post and posting neighbour notification letters to the occupiers of the nearest residential properties on Hollinwood Lane, North Green and Toothill Close and surrounding businesses in accordance with the County Council's adopted Statement of Community Involvement.
70. 37 proforma template objection letters and 12 individual letters of representations have been received.
71. The 37 signed proforma template letters raise objections to the development based on concerns in relation to:
 - The site will operate 24 hours a day 7 days a week including bank holidays giving no respite on noise.
 - The site will generate 19 20 tonne lorries accessing and leaving the site daily including Saturdays. What controls are there to stop these lorries travelling through Calverton. A new access should be constructed from Oxtan Road.
 - Damage to roads.
 - The site is too close to children's sports pitches and a cemetery.
 - The smell from rotten waste stored on the site. Concerns regarding flies.
 - Visual impact of the site.
 - Industry should be kept away from villages and housing estates.

- Concerns relating to litter.
- Questions are asked as to whether the jobs can only be available to Calverton residents.

72. The 12 individual letters of objection raise the following concerns:

a. Traffic Issues, specifically:

- The development will generate too many HGVs and cars on the local roads resulting in noise and disturbance affecting the enjoyment of houses, particularly at unsociable hours and disturbance to sleep.
- Hollinwood Lane is unsuitable for HGVs with the junction from the industrial land onto Hollinwood Lane considered to be dangerous.
- HGVs will damage roads and footpaths, resulting in water damage to property, increasing the upkeep costs for redecoration, render damage, damp and window cleaning / replacement.
- The amenity of the new cemetery on Hollinwood Lane will be adversely impacted by HGVs using Hollinwood Lane.
- Access to the site should be obtained from Oxtown Road (B6386).
- There are already safety concerns at weekends due to the number of cars parked on Hollinwood Lane associated with the use of the sports pitches at the Calverton Top Club which restricts access and raises safety concerns for HGVs accessing the proposed development site.
- The existing HWRC has problems with traffic management, particularly during the summer and weekends.
- There are hundreds of houses being built which has resulted in extra traffic on Hollinwood Lane.
- Will the number of HGVs accessing the site from Hollinwood Lane and the delivery hours be restricted and how will this be monitored/enforced?
- Concerns are raised that the haulage vehicles will not prevent the escape of litter.
- The traffic survey should be undertaken over a longer-term period including an assessment at weekends.

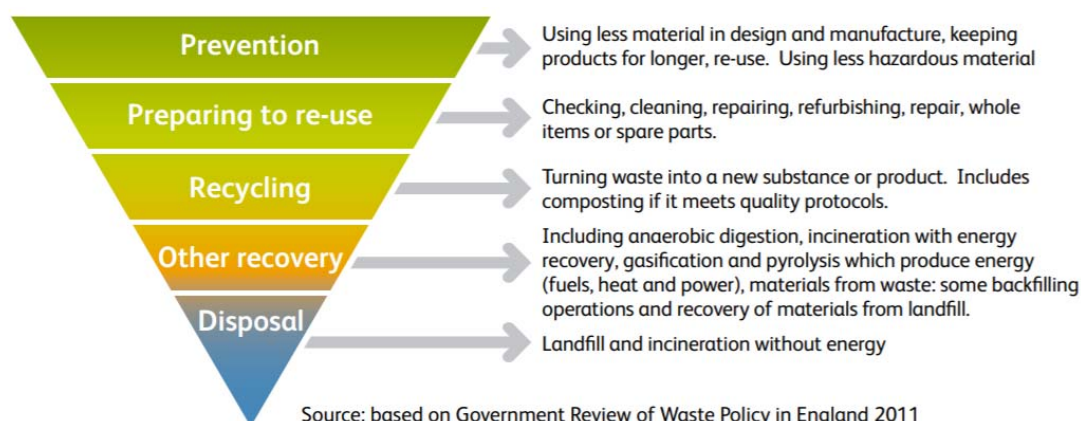
b. Noise emissions, specifically:

- There will be an increase in noise pollution and there are concerns if the plant is running 24 hours with concerns raised that the facility will be intrusive at night and exceed the noise levels predicted in the planning application.
- The noise assessment shows one location for the noise receptor in Figure 4.1 which is close to properties on the North Green. Further noise assessments should be undertaken including consideration of noise impacts at allocated/safeguarded future housing allocations in the surrounding area.
- The industrial traffic will be intrusive to residential property.
- Concerns that the noise assessment does not adequately assess bangs and crashes and their potential to cause disturbance to local residents.

- Concerns raised that the 9db at night noise level will impact local residents who wish to open their windows for ventilation, or sit outside at night, but may be unable to do so because of the noise. The current proposals the figures show the level of noise will cause an unacceptable disturbance to local residents.
 - Why would the facades on the porch extension not be enclosed to contain as much of the noise as possible?
 - Does the plant have to run for 24 hours a day 7 days a week or can it run business hours, for example 08:00 to 18:00 a day, taking into account the local residential area, when it will not, as it currently appears, cause a noise nuisance through the night to local residents?
- c. Visual intrusion and concerns the new canopy will be an eyesore.
 - d. Odour concerns, specifically, the potential for acrid smells and smoke.
 - e. Dust and concerns regarding abrasive dust releases which could damage vehicle paintwork.
 - f. Concerns that the development may result in particles such as BPA (Bisphenol A) which has been identified as a possible carcinogen?
 - g. Increased litter and concerns that the boundary fencing will not control the escape of litter.
 - h. The facility should be developed on any alternative site, suggestions include other brownfield sites including the highways depot in Newark, on the former Calverton Colliery pit tip, or a site remote from housing.
 - i. It is questioned whether the occupiers of the new housing being built by Persimmon and Belway have been notified and whether the development could devalue these houses leaving occupiers in negative equity. Specifically, Persimmon Homes object that they have not been notified of the planning application.
 - j. Potential for water pollution and a request to construct a bund around the site to contain any contaminated surface water run-off.
 - k. Not enough information has been provided.
 - l. Potential for light pollution.
 - m. Fire risk and potential effects to the health of surrounding residents.
 - n. Increased vermin specifically rats and birds.
73. Councillor Boyd Elliott is supportive of the development, specifically the employment benefits that would be derived from the project.
 74. The issues raised are considered in the Observations Section of this report.

Observations

75. Waste management legislation, policy and targets driven by European, national and local policy aim to deliver more sustainable waste management. Specifically, paragraph 1 of the National Planning Policy for Waste (NPPW) advises that waste planning authorities should plan positively to deliver new waste management infrastructure which assists in delivering waste management at a higher level in the waste hierarchy.
76. Nottinghamshire and Nottingham Waste Core Strategy (WCS) Policy WCS1 (Presumption in favour of Sustainable Development), sets out the starting point as to how all waste management planning applications should be assessed. The main aim of this policy is to achieve a positive approach to development that reflects the presumption in favour of sustainable development contained in the NPPF. Policy WCS1 requires that when planning applications accord with the policies of the WCS (and, where relevant, with policies in other plans which form part of the Development Plan) they should be approved without delay, unless material considerations indicate otherwise.
77. The principles of sustainable waste management are underpinned through the application of the Waste Hierarchy. The waste hierarchy incorporates an order of preference, from the top down which gives top priority to preventing waste in the first place. When waste is created, it gives priority to preparing it for re-use, then recycling, then recovery, and last of all disposal (e.g. landfill). Figure 2.1 of the Nottinghamshire and Nottingham Waste Core Strategy (WCS) identifies the waste hierarchy and is set out below.



78. WCS Policy WCS3 (Future Waste Management Provision) seeks to ensure that planning decisions are made in the context of the waste hierarchy and accord with the overall aim of the plan to achieve 70% recycling or composting of all waste by 2025. To deliver this aim Policy WCS3 gives priority to the development of new or extended waste recycling, composting and anaerobic digestion facilities over other waste recovery and disposal facilities.
79. The development proposals will secure a significant capital investment for the establishment of a state-of-the-art plastics recycling facility, allowing plastics to be recycled into reusable materials, diverting these waste streams from energy

recovery facilities or landfill disposal and assist in achieving the 70% recycling target set out in Policy WCS3. The plastic waste managed within the proposed Calverton facility would therefore be managed at a high level within the waste hierarchy and contribute to the transition from a linear economy to a circular economy consistent with the UK Government's Circular Economy Package policy statement published in July 2020.

80. The proposed Calverton facility is therefore considered to be consistent with WCS Policy WCS3 insofar that it would deliver more sustainable waste management at a higher level in the waste hierarchy. The benefits provided by the development in the context of delivering sustainable waste management are given significant positive weight in the overall planning balance.
81. On the 7th February 2022 the Council commenced a consultation on a new draft Nottinghamshire and Nottingham Waste Local Plan (the consultation period running until 4th April 2022). Since the new draft Waste Local Plan is at an early stage of preparation, NPPF Paragraph 48(a) advises that very limited weight should be given to the policies of the new draft plan and the decision on this planning application should be made in the context of the policies of the adopted development plan.

Need for Facility

82. The applicant states that waste contracts are not currently in place to identify the origins of the waste feedstock which would be managed within the Calverton facility acknowledging that commercial contracts are often not agreed until a very late stage in the process of establishing this type of facility and often only when a facility is available and 'on-stream' within a competitive waste market.
83. The applicant cannot therefore readily identify the specific origins of the waste feedstock at the planning application stage but states that it is not unreasonable to assume that the facility would secure most of its waste from local waste producers on the basis that these will have lower transport costs.
84. Whilst the applicant's observations regarding the influences that transport costs have on the proximity of waste origins are reasonable, it is acknowledged that the Calverton facility would operate as a merchant facility and is likely to source a proportion of its waste from outside the Nottinghamshire and Nottingham area.
85. Policy WCS12 (Managing non-local waste) supports the development of new waste infrastructure which would be likely to treat waste from areas outside Nottinghamshire and Nottingham where it is shown that it makes a significant contribution to the movement of waste up the waste hierarchy (criterion a), or there are no facilities or potential sites in more sustainable locations (criterion b), or there are wider social, economic and environmental benefits to clearly support the proposal (criterion c).
86. Since the facility will assist with the recycling of plastic waste it will contribute towards waste management at a higher level in the waste hierarchy and is

therefore consistent with and supported by Policy WCS12 criterion a. A decision to refuse planning permission for the development on the basis that the origin of the waste feedstock cannot be identified would have the effect of limiting the availability of waste recycling facilities potentially resulting in the plastic waste being managed within a recovery or disposal facility at a lower level in the waste hierarchy contrary to the aims of sustainable waste management.

Socio-economic and employment implications

87. Chapter 6 of the NPPF incorporates planning policy in relation to the socio-economic effects of development. Specifically, NPPF paragraph 80 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’.

88. 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.
89. The applicant’s supporting statement identifies that the implementation of the development would result in a significant capital investment into the local economy and create approximately 50 permanent full-time jobs on the commencement of the planned operations with potential for a further 25 permanent full-time jobs within 2 years of the commencement of the application proposals. The applicant has confirmed that the job opportunities will be available for local residents.
90. The job creation and investment into the local economy are considered beneficial and supported by the emphasis provided in the NPPF. The NPPF advises that significant weight should be given to these economic benefits and their contribution to delivering sustainable development.

Location of development in context of the development plan policy

91. The WCS does not allocate specific sites for waste development, however Policies WCS4 (Broad Locations for Waste Treatment Facilities) and Policy WCS7 (General Site Criteria) set out the broad principles that are used to narrow down future site choices using a criteria-based approach to show the locations that are likely to be suitable for different types and size of waste management facilities.
92. WCS Policy WCS4 alongside Appendix 2, Table 8 (Indicative size of waste treatment facilities) promotes a spatial pattern of development in relation to developing waste facilities across the county based on their scale and size. The

indicative thresholds incorporated in Appendix 2 confirm that the proposed Calverton installation would be classed as a large-scale facility based on its annual throughput of 100,000 tonnes per annum and site area of 3.279 hectares.

93. WCS Policy WCS4 states that large-scale waste treatment facilities will be supported in or close to the built-up areas of Nottingham and Mansfield/Ashfield, the boundaries of which are identified on Plan 4 within the WCS. This plan confirms that the Calverton site is located outside of, but midway between these built up areas.
94. The hierarchy approach to site selection incorporated within Policy WCS4 assumes benefits are derived by locating waste facilities within the main larger areas of population so that waste produced in these locations is managed locally, reducing the distance that waste is transported and making communities more responsible for their own waste management.
95. The applicant readily acknowledges in their planning submission that the Calverton plastics recycling facility would serve a wider County/Regional need and thus even if the facility was sited within the main built-up area of either Nottingham or Mansfield/Ashfield it would still take waste from other areas therefore significantly diminishing many of the assumed benefits that would be derived by following the spatial approach advocated by Policy WCS4. It is acknowledged that the Calverton site is located midway between the two areas and thus has the ability to receive waste from both these major areas of population without incurring significant distance of transport movement.
96. Overall, it is evident that the development of the plastics recycling facility at Calverton is not fully consistent with the spatial policy approach set out within WCS Policy WCS4. However, this policy does not go as far to explicitly prohibit the construction of large scale waste treatment facilities outside the Nottingham & Mansfield/Ashfield areas and the location of the Calverton site midway between these two areas has the ability to serve both areas without generating significant increased journey distances. The location of the development site therefore is considered to not be in conflict with WCS Policy WCS4.
97. WCS Policy WCS7 (General Site Criteria) sets out the broad principles that are used to narrow down future site choices for waste development using a criteria-based approach to identify the types of locations that are likely to be suitable for different types of waste management facility. In the context of recycling/materials recovery facilities, Policy WCS7 is supportive of siting these facilities on employment land which may either be allocated within district plans, or already used for employment uses and the re-use of previously developed land. This approach is consistent with Paragraph 4 of the NPPW which prioritises the re-use of previously developed land as appropriate locations for new waste management facilities.
98. The Gedling Borough Local Planning Document (GLP) Policies Map (Adopted July 2018) confirms that the former Calverton Colliery Pit Head area including the planning application site is designated as employment land. GLP Policy LPD

44 (Retention of Employment: Former Calverton Colliery) is specifically relevant to the future development of the site. This policy seeks to retain the industrial land at Calverton 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.

99. The site is also identified in the Calverton Neighbourhood Plan as an existing employment area. Policy G4 of the plan seeks to control the change of use of the employment areas to non-employment uses.
100. It is therefore concluded that the development is positively supported by WCS Policy WCS7 which clearly promotes the development of waste recycling facilities on industrial land, subject to there being no unacceptable environmental impacts.

Consideration of the Environmental Effects of the Development

101. 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.
102. 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.
103. 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 GLP Policy LPD10: Pollution and WCS Policy WCS13: Protecting and Enhancing our Environment. WCS Policy WCS13 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.

104. 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.
105. 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

106. 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.
107. GLP Policy LPD 57: Parking Standards seeks to ensure that new developments are served by appropriate off-street car parking provision. Policy LPD 61: Highway Safety seeks to ensure that development proposals do not have a detrimental effect on highway safety, patterns of movement and the access needs of all people.
108. Calverton Neighbourhood Plan Policy ISF1: Sustainable Transport seeks to maximise the use of sustainable transport within development. Policy ISF2: Car Parking requires new development to provide appropriate parking provision. Policy ISF3: Highway Impact encourages the payment of developer contributions to minimise and mitigate adverse highway impacts.
109. 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 assesses the capacity of the surrounding road network to accommodate the projected traffic levels, taking into account issues of safety and general site accessibility.
110. The transport statement incorporates a calculation of the number of trips that are likely to be generated by the development based on waste throughput of

100,000 tonnes per year delivered in 20 tonne loads. The transport statement also provides an assessment of employee vehicle numbers. The results are set out below:

Unit	Trips - Total Vehicles Per Hour (Weekday)				Daily	
	AM Peak Hour		PM Peak Hour		Arrivals	Departures
	Arrivals	Departures	Arrivals	Departures		
All Vehicles	21	2	2	22	68	68
OGV/HGV	2	2	2	2	19	19

111. The traffic calculation shows that the operation of the site would generate an average of 19 HGV deliveries of plastic waste and 19 HGV collections of processed materials each day. Since the facility would utilise the same delivery vehicles to backhaul processed materials this level of delivery traffic equates to an average of 38 HGV delivery movements each day. The applicant acknowledges that the precise number of HGV vehicle movements is likely to fluctuate from day to day by up to 20% either side of this average daily number and therefore advises that any limit on HGV numbers would most appropriately be regulated over a weekly period (116 HGV deliveries or 232 HGV movements) which would average any daily fluctuation. It is recommended that this figure is regulated through planning condition to ensure compliance with WLP Policy W3.14. In terms of staff transport, the operation of the site is anticipated to create an average 98 two-way car movements a day including weekend traffic, but it is not proposed to regulate these vehicle movements as part of the planning decision.
112. The traffic flows associated with the existing use of the site for lorry dismantling have been surveyed, acknowledging that site is not currently working at full capacity and therefore the existing traffic flows associated with this use are lower than historic traffic levels. The results are set out below:

Type of Vehicle	Weekday AM Peak Hour (08:00 to 09:00)		Weekday PM Peak Hour (17:00 to 18:00)		Daily	
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
All Vehicles	10	3	1	4	69	62
OGV/HGV	1	10	0	1	13	9

113. For comparative purposes, the traffic assessment also incorporates an assessment of the trip generation of an alternative use of the site incorporating an industrial and warehousing development consistent with the allocated use of the former Calverton Colliery Employment Area within the GLP. To determine the level of traffic this alternative use would generate the industry standard TRICS database has been referenced to obtain average anticipated trip rates associated for these alternative uses of the site, and this data is shown below:

Type of Use	Type of Vehicle	Weekday AM Peak Hour (08:00 to 09:00)		Weekday PM Peak Hour (17:00 to 18:00)		Daily	
		Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
Industrial Unit	All Vehicles	113	18	7	83	368	350
	OGV/HGV	4	2	0	2	30	46
External Storage	All Vehicles	20	13	16	19	347	299
	OGV/HGV	6	7	9	5	102	1281
Existing Use Total	All Vehicles	133	32	24	102	716	648
	OGV/HGV	10	9	9	6	132	174

114. The net trip generating potential of the scheme has been calculated by reviewing the number of trips that could be generated by the proposed use of the site and then comparing these traffic flows to the existing survey data and the anticipated traffic flows from the site being fully operational and occupied by another similar industrial/warehouse use. The net traffic generation data is set out in the table below.

	Unit	Trips - Total Vehicles Per Hour (Weekday)				Daily	
		AM		PM		Arr	Dep
		Arr	Dep	Arr	Dep		
Net Trip Generation Based on TRICS	All Vehicles	-122	-33	-23	-83	-717	-642
	OGV/HGV	-9	-17	-7	-5	-126	-164
Net Trip Generation Based on Survey Data	All Vehicles	11	-1	1	18	-1	6
	OGV/HGV	1	-8	2	1	6	10

115. An analysis of the traffic data demonstrates that the development would result in a small increase in daily traffic flows over the existing lorry dismantling use of the site, albeit acknowledging that this existing site is not working at full capacity, but the traffic volumes in the morning and peak period would be lower. The analysis of the traffic flows in the context of potential alternative industrial and warehousing use indicates that the proposed new waste facility does not generate particularly high volumes of traffic in comparison to alternative industrial/commercial uses of the site.
116. Access to the application site and the wider former Calverton Colliery employment area is obtained from Hollinwood Lane and in turn Main Street and Oxtan Road (B6386) via priority-controlled crossroad junctions. This is an established access route to the former Calverton Colliery Employment Area and since the proposed development would not result in a significant uplift in vehicle movements accessing the site, no significant adverse highway impacts are anticipated as a result of the proposed development. No personal injury accidents have been reported on Hollinwood Lane over the most recently available five-year period which indicates that both the site access and access to the recycling centre are currently operating safely. The effect of the predicted traffic on the wider highway network would not be perceptible. NCC Highways have reviewed the traffic assessment and do not raise any objections to the development.
117. Whilst WLP saved Policy W3.15 provides scope to impose lorry routing restrictions, in this instance access into Calverton village for HGVs is prohibited by environmental weight restrictions on Main Street and Collyer Road to the

east. HGV access to the application site can therefore only lawfully be obtained from Main Street and Oxton Road to the west thus ensuring these vehicles do not travel through the village centre. It is therefore concluded that formal lorry routing controls imposed as part of the planning permission are not required in this instance.

118. Swept path analysis of the site has been undertaken which demonstrates the movements of a worst case 16.5m HGV can be accommodated within the site. 75 car parking spaces would be provided including 5 disabled parking spaces and 5 electric vehicle parking spaces. In addition, parking is proposed for the overnight parking of HGVs. A planning condition is recommended to regulate the installation and retention of these car and HGV parking facilities. In line with paragraph 104 of the NPPF a planning condition is recommended to ensure the proposed electric vehicle charging points are installed and maintained to encourage the take-up and use of electric and ultra-low emission vehicles, thus ensuring compliance with GLP Policy LPD57 and Calverton Neighbourhood Plan Policy ISF2.
119. The core operating hours for the delivery and receipt of materials would be Monday to Friday 08.00–18.00 and Saturday 08:00–13:00, with no operations on Sundays or Bank Holidays. It is recommended that these delivery hours are regulated by planning condition to ensure the amenity of surrounding properties are not adversely impacted by HGV movements at unsociable hours and thus ensure compliance with WLP Policy W3.14.
120. WCS Policy WCS11 (Sustainable Transport) seeks to make the best use of the existing transport network by minimising the distances travelled in undertaking waste management and maximising the use of alternatives to road transport. The location of the site at Calverton is located between the main population centres of Nottingham and Mansfield/Ashfield and therefore could manage waste from both of these major built up areas without incurring excessive travel distances. In terms of the accessibility of the site for staff, Calverton Village Centre is located approximately 1.7km to the south-east and therefore within an acceptable walking distance along existing footpaths. The site is also accessible by cycles from the wider village along quiet roads. In terms of public transport, the nearest bus stops are located approximately 550m walking distance to the south-east of the site along Collyer Road with buses serving the wider village of Calverton as well as Nottingham via Arnold with an average of 3-4 services during peak hours and runs between approximately 6am-12pm Monday-Saturday with a reduced service on Sundays. It is therefore concluded that the development proposals do not preclude the use of more sustainable transport options and thus is consistent with WCS Policy WCS11 and Calverton Neighbourhood Plan Policy ISF1.
121. Representations received from the local community and the Parish Council have requested that an alternative access to the site should be constructed direct from Oxton Road to replace the existing HGV access from Hollinwood Lane. This matter has been raised with the applicant who has confirmed that they have investigated the potential for a new access onto Oxton Road to the north east of the site or along the existing public right of way to the north of the

site. The applicant has concluded that a safe access point cannot be formed without significant re-alignment works along Oxon Road to improve visibility along this 50mph road with several bends which restrict visibility. The applicant estimates that the costs associated with constructing an access from Oxton Road to the site could be in the order of the mid to high hundreds of thousands of pounds, if not millions of pounds and the financial cost is not viable to the business. NCC Highways have also reviewed the potential for a new access onto Oxton Road, concluding that it would not be deemed safe due to the bends in the road restricting visibility and the speed limit on the road.

122. In terms of concerns expressed by local residents regarding the condition of Hollinwood Lane and potential for damage to properties from HGVs travelling over the alleged poor road surface, NCC Highways have confirmed that the road is an adopted highway and therefore receives ongoing maintenance. Contact details have been provided to the local resident should they wish to discuss specific issues regarding the condition of the road.
123. Concerns have been raised by the local community regarding potential conflict between vehicles accessing the development site and HWRC traffic, specifically on occasions when the HWRC is busy and vehicles queue on the private industrial access road. These busy periods generally occur over the weekend and Bank Holidays and do not generally coincide with the times identified in the planning submission when HGVs would access the site which include weekdays and Saturday mornings. The development does not alter the existing access into the HWRC and the application site from the private industrial access road. It is acknowledged that the uses have co-existed without cause for significant conflict over the last 15 years.
124. In terms of local concerns raised in respect of potential conflict between traffic accessing the industrial estate and cars parked on Hollinwood Lane associated with the weekend use of the sports field, it is noted that vehicle parking on Hollinwood Lane is prohibited between 8am and 6pm 7 days a week. It would be unreasonable to restrict the lawful passage of vehicles along Hollinwood Lane in connection with accessing a designated industrial estate because of illegal car parking on this road. This matter would most appropriately be tackled by enforcing the parking restrictions.
125. The concerns regarding perceived harmful impacts to mourners using the cemetery and HGVs travelling along Hollinwood Lane to access the application site are acknowledged, however, it is not considered reasonable to restrict this longstanding lawful access to the planning application site because of these perceived concerns.
126. It is therefore concluded that the vehicle movements likely to be generated can be safely accommodated on the highway network and would not cause unacceptable disturbance to local communities.

Landscape and Visual Impact

127. 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.
128. 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. 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.
129. Calverton Neighbourhood Plan Policy BE1: Design and Landscaping seeks to ensure that all development on the edge of Calverton must provide soft landscaping on the approach into the village.
130. In terms of landscape effects, the development primarily seeks to change the use of the existing buildings and land from a lorry dismantling facility to a plastics recycling facility with a comparatively small extension to the existing building. Areas of structural landscaping around the perimeter of the former Calverton Colliery Employment Area would be retained, providing soft landscaping on the approach to the village in accordance with the objectives of Calverton Neighbourhood Plan Policy BE1. The development proposals therefore do not change the landscape character of the site which will retain its industrial character and therefore the development would have a minimal impact on the existing landscape character.
131. WLP Policy W3.3 encourages the siting of waste transfer facilities in locations which minimise impacts on adjacent land, acknowledging the benefit that siting facilities adjacent to existing buildings has in reducing visual impacts. The main visual change relates to the building extension. The extension provides a 30m extension to the existing workshop/office building and has been designed to maintain the existing eaves and ridge levels of the building and would be constructed using similar materials. The extension is centrally located within the employment area and benefits from the existing perimeter landscape planting around the wider employment area consistent with WLP Policy W3.4. Notably, the building sits at a lower level to existing and new residential properties to the south and east and thus this difference in level ensures the extended building would not be visually prominent when viewed from residential property in Calverton. The design and siting of the extended building is therefore considered appropriate in the context of WLP Policy W3.3 and WCS Policy WCS15.
132. The proposed plastics recycling facility would incorporate areas of external storage and vehicle parking in similar locations to the existing vehicle dismantling facility. These activities will not add to the visual prominence of the site. The applicant has confirmed the maximum storage height for externally

stored materials would be 4m. It is recommended this storage height be regulated by planning condition.

Noise

133. WLP Policy W3.9 (Noise) encourages the use of planning conditions to regulate and reduce the potential for noise emissions from waste facilities. 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.
134. The planning application is supported by a noise assessment which gives consideration to the level of noise emissions from the operation of the plastics recycling facility and the potential for noise emissions to affect the amenity of the occupiers of nearby residential properties. The noise assessment gives consideration to the level of noise emissions at both existing residential property and proposed new residential properties which are allocated for development in the Gedling Local Plan.
135. The noise assessment calculates the level of noise emissions based on 24 hours a day 7 days a week operation of the recycling plant with waste deliveries of recycled plastic being carried out between the core hours of 08:00 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. 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'.
136. The noise assessment has taken recordings of background noise levels from a monitoring position adjacent to the nearest residential properties on North Green during both the daytime and night-time periods. The background monitoring identifies that the daytime noise environment is influenced by traffic noise, industrial activity originating from the industrial land and distant construction noise but evening and night-time background noise levels are much lower with industrial uses largely absent and only very sporadic road traffic noise. Levels of noise emissions have been calculated by referencing an existing operational facility and measuring the noise sources of each piece of plant operated within the facility.
137. The noise assessment of daytime noise emissions (07:00 – 23:00) calculates predicted noise levels would be 2.1dB below existing median daytime background levels at existing properties on Hollinwood Lane, 0.3dB above background levels at proposed new residential development to the south-east and 4.7dB below at proposed new residential development to the east. Based on guidance within BS4142:2014 an exceedance of the background level of around 5dB is likely to be an indication of an adverse impact, dependent on the context and a difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context. The noise assessment shows that the proposed daytime operations are within BS4142:2014 limits and

would have a negligible/low noise impact therefore leading to the conclusion that the daytime operations are unlikely to result in adverse noise impact.

138. The noise assessment for night-time noise emissions (23:00-07:00) calculates predicted free field noise emissions would be 6.0dB above median night-time background noise levels at existing properties on Hollinwood Lane, 9.0dB above background levels at proposed new residential development to the south-east and 3.3dB above background levels at proposed new residential development to the east.
139. Although these noise levels exceed the 5dB level identified in BS4142:2014 which indicates when noise emissions may have an adverse impact, these levels of noise emissions need to be assessed in their context. BS4142:2014 acknowledges that where background noise levels are very low, as in this case with night-time noise, absolute levels might be as, or more relevant than the margin by which the rating level exceeds the background. According to BS8233 "Guidance on Sound Insulation and Noise Reduction for Buildings"; It is recommended that noise levels in bedrooms do not exceed 30dB LAeq,t to avoid sleep disturbance. BS8233 states that a partially open window will provide approximately 15dB attenuation from external noise sources, so, the predicted internal noise levels between the 23:00 – 07:00 will be well below the 30 dB threshold for sleep disturbance in bedrooms during the night-time and therefore it is concluded that the predicted level of night-time noise emissions are within acceptable limits and are unlikely to result in adverse noise impact.
140. Consideration has also been given to the potential for impact on external amenity areas in the evenings (7pm to 11pm). The predicted absolute noise levels are low (max 36.4dB) and as such are unlikely to cause any annoyance at the nearest existing and future receptors.
141. A transport assessment has considered the impact associated with the number of vehicle movements connected with the proposed development. This indicates that there is no significant change in the number of vehicles accessing the site or change in time profiles of vehicle movements and therefore there is not anticipated to be any notable change in road traffic noise levels associated with the new development.
57. In accordance with the policy approach set out within WLP Policy W3.9, planning conditions are recommended to regulate the level of noise emissions from the site and ensure noise emissions do not exceed 42dB(A) during the daytime and evening (07:00 to 23:00) and 39dB(A) during the night-time (23:00 – 07:00), for a complaints procedure to be put in place, the use of broadband type (white noise) reversing alarms on vehicles and mobile plant, restrictions on the delivery of waste and export of recycled plastic products to only take place between 08:00 and 18:00 Mondays to Fridays and 08:00-13:00 on Saturdays and the preparation of a noise management plan. Any noise emissions from construction works would be temporary and regulated through a Construction Environmental Management Plan (CEMP).

142. It is therefore concluded that the facility would not result in any significant adverse noise impacts to nearby existing or proposed new residential properties in the area surrounding the development site and that, subject to recommended planning conditions, the development accords with WLP Policy W3.9.

Odour

143. WLP Policy W3.7 (Odour) seeks to reduce the impact of unpleasant odours from waste management facilities, encouraging the use of planning conditions to limit the level of odour emissions from site activities.
144. NPPF paragraph 185 confirms that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area. The level of odour emissions is therefore relevant to this planning decision in terms of whether the location of the site and in particular its proximity to residential property is appropriate having regard to the anticipated level of odour emissions from the site activities.
145. NPPF paragraph 189 confirms that the focus of planning decisions should be on whether development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes) and that planning decisions should assume that these regimes will operate effectively.
146. The primary regulatory control in relation to odour emissions from waste management facilities is through the Environmental Permitting Regulations issued and enforced by the Environment Agency. The Environmental Permit requires the operator to demonstrate that they have taken all reasonable measures to minimise odour emissions from the waste management facility but does not necessarily legislate for zero emissions at the site boundary. Some potential for residual odour emissions from site activities cannot therefore be ruled out.
147. In terms of the level of odour emissions from site activities, the primary function of the site is to manage plastic waste which is not putrescible in character and has a minimal risk of odour releases. The applicant confirms that they will seek to source waste streams with minimal contamination but acknowledge that there is potential for imported waste to incorporate some non-plastic materials including paper, cardboard, metal and other residual materials which have greater potential to be odorous. The applicant has acknowledged this potential in their planning submission and provided a method statement for dealing with odour which would include the following actions:
- Any odorous waste delivered to the site will be rejected and not unloaded.

- All wastes will be treated inside the existing building including its proposed extension in order to minimise the potential for the ingress of water to the wastes and for the generation of fugitive odour emissions.
 - Any non-conforming materials such as paper, cardboard, metals and other non-plastic wastes will be stored in sealed containers in order to minimise the potential for the ingress of water to the wastes and for the generation of fugitive odour emissions.
 - All waste vehicles leaving the site containing light and/or potentially malodorous wastes will be securely sheeted or enclosed at all times.
 - Daily odour monitoring will be undertaken around the entire site perimeter with action taken in the event that odour is observed.
148. Overall it is concluded that the composition of waste delivered to the site would have a generally low odour risk. The odour management practices set out in the planning submission are considered appropriate and will operate alongside the requirements of the Environmental Permit to ensure that the site utilises 'best available techniques' to limit the level of odour release. The operation of the facility would not create any smoke.
149. With these environmental controls in place it is concluded that the level of odour emissions from the development would be satisfactorily controlled and the operation of the site would not release significant levels of odour which would be harmful to the amenity of the occupiers of nearby residential property. A planning condition to require odour management in accordance with the details set out in the planning submission is recommended to ensure the development is compliant with the requirements of WLP Policy W3.7.

Dust

150. 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.
151. The composition of the waste streams received by the facility comprising mainly of plastic waste has low potential for dust generation. These materials would be handled and processed within an enclosed building thereby containing potential dust releases.
152. External storage of waste is limited to baled processed materials with minimal risk of dust. Furthermore, the external servicing areas within the site are hard surfaced to minimise dust generation associated with movement of vehicles.
153. 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, and the cleaning of hard surfaces and storage bays. Subject to these controls it is

concluded the development would not give rise to significant dust issues and thus the development is compliant with WLP Policy W3.10.

Mud

154. 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 and thus ensure the development complies with WLP Policy W3.11 (Mud).

Litter

155. WLP Policy W3.8 (Litter) seeks to control litter generation on waste management facilities by the imposition of planning conditions and controls over operating practices.
156. Given the nature of wastes accepted at the site (i.e. light plastic wastes and including the potential for non-conforming paper/cardboard), there is a risk of litter escaping the site boundary and therefore careful management is required to reduce the risk. The main litter control relates to the unloading and processing of waste streams which would be undertaken in the building on site. As part of the processing of the planning application, the design of the building extension has been modified to incorporate a fully enclosed structure with fast-acting roller shutter door closures instead of the originally proposed canopy structure. This change to the design of the building would significantly reduce the potential for windblown litter to escape the process into the wider environment. Litter control would also be provided by the perimeter fence and regular (minimum twice daily) inspections of the site boundary with operatives instructed to collect the litter and place it in a skip for disposal/recovery.
157. Further clarification has been provided in terms of the arrangements for external storage and litter control, confirming that any external storage would be only for strictly baled waste in accordance with controls that will be required as part of the Environmental Permit. The baling process ensures that wastes are triple wrapped in stretch film type plastic wrap in order that the waste can be stored and handled as a solid mass, without any unacceptable risk of litter generation. Deliveries of waste to the site will generally be pre-baled and delivered on sheeted lorries and therefore minimise the risk of fugitive litter releases from transport operations.
158. Subject to planning conditions to regulate these matters, it is concluded the proposed development would not give rise to any significant litter concerns and would be compliant with WLP Policy W3.8.

Vermin

159. 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.

160. 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.
161. Efficient operational practices would seek to minimise the potential for vermin and pests. Mitigation measures would include the delivery and processing of waste materials within the confines of the building. The site will be inspected daily for the presence of vermin and the results of the inspection noted in the site diary or site inspection form. If any occurrences are noted, a pest controller will be called to site to eradicate the problem.
162. 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

163. 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.
164. The site benefits from floodlighting which is regulated through planning condition to require the lighting units to be angled and shielded to avoid light spillage and glare to surrounding residential property and the adjoining public highway. The floodlights have been operational for around 15 years without generating complaint. The floodlights would be utilised by the plastic recycling facility and therefore it is considered appropriate to reimpose this planning condition as part of any subsequent planning permission.

Flood Risk

165. 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. NPPF Paragraph 167 advises that when determining planning applications planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
166. GLP Policy LPD 3 - Managing Flood Risk is consistent with NPPF policy insofar that it seeks to direct development away from flood risk areas. 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.

167. The planning application is supported by a flood risk assessment which confirms that the development site is located within Flood Zone 1 which is the lowest category of flood risk and means the site has a less than 0.1% chance of flooding in any year (1:1,000-year chance). The flood risk assessment demonstrates that the development does not pose any significant risk from flooding or will increase the risk of flooding elsewhere. It is therefore concluded that the development is compliant with NPPF and GLP/WLP in respect of managing flood risk associated with development.

Management of Surface Water

168. 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. GLP Policy LPD 4 - Surface Water Management requires all development proposals to proactively 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.
169. With the exception of the landscaped areas round the perimeter of the site there is no uncovered ground within the site which does not drain to either the existing surface or foul water drainage systems. These drainage systems direct uncontaminated surface waters to a drain to the north of Oxton Road and foul water towards the foul water drain in Hollinwood Lane. These drainage arrangements would be retained and used to service the new development. The guttering for the roof area over the new canopy extension would be joined to the existing workshop and office building and direct water to the existing downpipes at the northern end of the existing building. The existing surface and foul water drainage system for the site complies with the current environmental permit controls and minimises the risk of pollution from drainage flows across the site.
170. Planning policy encourages the use sustainable drainage systems within new development where it does not create pollution risks. As the site comprises former colliery land there is potential for the presence of contaminated substances within the ground strata. The addition of a new sustainable drainage system to replace the existing drainage arrangements would bypass the existing impermeable surfacing and drainage system and increase the potential for surface waters to migrate any existing ground contamination into the wider water environment. The potential for the inclusion of new sustainable drainage features within this development is therefore significantly limited to the use of some rainwater harvesting to the downpipes of the existing buildings to enable this water to be used for non-potable use such as dust suppression and damping-down site surfaces so as to conserve water resources.

171. The continued use of the existing drainage system for this new use of the site is considered appropriate in terms of managing potential pollution risks and is assessed as being compliant with the policy tests set out within GLP Policy LPD 4 and WLP Policy W3.6.

Ground Contamination

172. The NPPF strongly supports the re-use of land that has been previously developed, identifying 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.
173. 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.
174. The operational area of the site is entirely surfaced with concrete which discharges surface waters into an engineered drainage system. These facilities were originally installed to serve the former colliery use of the site and were subsequently modified and improved in the early 2000's to serve the lorry dismantling use of the site.
175. This existing surfacing and drainage would be retained to serve the proposed development, providing a barrier to prevent rainfall interacting with potentially contaminated substances which may be present in the ground beneath the concrete surface at the site.
176. As part of building the proposed extension it will be necessary to cut into the existing concrete pad to fix the stanchions resulting in the excavation of a small volume of ground material. Following installation of the stanchions the concrete surfacing will be re-instated to minimise the potential for the leaching of any substances which may be present in the underlying ground. Material excavated as part of the construction of the extension will be tested and removed from site for treatment at a suitably authorised facility. No other excavations or ground disturbances are proposed as part of the development. It is recommended that these matters be regulated by planning condition including measures to ensure that should any unexpected contamination be encountered during groundworks then this is appropriately managed.

177. There is potential for contamination to be present within the ground related to the use of the site as a truck dismantling depot. Contamination, such as fuels, can enter the ground through leaks in drains, interceptors and underground or above ground storage tanks, as well as through cracks and seams in the hardstanding.
178. Although the proposed development will be located on the current hardstanding, with limited ground works required, the applicant has a responsibility to ensure that the site is not contaminated land, as defined in Part IIA of the Environmental Protection Act.
179. In order to demonstrate this both the Environment Agency and Via Reclamation recommend a planning condition is imposed to require the applicant to provide a Phase 1 geo-environmental desk study and if necessary a geo-environmental ground investigation.
180. The desk study should consider the potential risks from ground contamination, groundwater contamination and ground gas at the site to human health, controlled waters and other environmental receptors including mine gas migrating into the existing buildings in their current condition and following development of the proposed extension as well as risks to any other retained or new structures on the site.
181. Subject to the imposition of a planning condition as recommended it is concluded that the new use of the site utilising the existing site facilities does not pose a significant risk to human health and controlled waters and is consistent with policies within the NPPF and GLP Policy LPD 7 which encourages the re-use of a previously developed sites where ground contamination legacy issues are satisfactorily addressed.

Ecology

182. 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.
183. In terms of the ecological value of the development site, the site comprises of industrial hard surfaced land 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 is appropriate for the development proposed in the context of NPPF Section 15. The existing landscape areas around the perimeter of the site have potential to provide some habitat value. These areas will be retained as part of the development.
184. The Calverton Colliery Yard Local Wildlife Site (LWS) lies on the northern side of Oxton Road which is in turn adjacent to the northern boundary of the site. The LWS is identified as being ecological important for its acidic grassland flora

and butterfly/herpetofauna (amphibians and reptiles) interest. In terms of indirect impacts, noise/disturbance and lighting need to be considered. With regard to noise, elevated noise emissions which exceed 50dBA do not appear to fall beyond the site boundary and no new lighting is proposed. No significant adverse ecological impacts to the Calverton Colliery Yard Local Wildlife Site are therefore anticipated.

Other Issues

185. Concern has been expressed by local residents regarding the potential fire risk of the facility. Responsibility in respect of managing fire risk at operational waste management facilities is primarily a function of the Environmental Permit. The applicant has confirmed that the configuration of the site including all treatment and storage areas will be the subject to a detailed fire prevention plan which will be agreed with the Environment Agency before the issue of any environmental permit for the site. As part of the fire prevention plan it will be ensured that the site layout will include adequate separation between stockpiles of combustible wastes such as plastics and adequate supply of water on site to extinguish any stockpile fires on site.
186. Local concern has been raised regarding bisphenol a (BPA), an industrial chemical that has been used to make certain plastics and resins and a potential link that it can seep into food and containers which are made from the chemical and enter the human body by ingestion. The use of BPA is and has been for considerable time the subject of significant restrictions through European and UK legislation. Certain products such as babies' bottles are required by law to be free from BPA, other less sensitive products are required to have their leachable BPA content restricted to a very low concentration. Whilst acknowledging the controls over the use of BPA in food packaging, the plastic treatment operations proposed at Calverton would be undertaken within plant housed in enclosed buildings and separated from residential receptors to ensure that there is no significant risk of plastics emissions in general which may be inhaled, ingested or come into oral contact with surrounding residents. It should also be acknowledged that the Environment Agency will not issue an environmental permit for the site unless it is satisfied that the treatment of plastic waste can be undertaken without posing an unacceptable risk to human health, including at any nearby residential receptors.
187. Calverton Parish Council have questioned the validity of the EIA Screening process carried out by NCC. Specifically, the Parish Council state that the development should require EIA because the capacity of the proposed facility exceeds the 50,000tpa indicative threshold listed in the Planning Practice Guidance Note. The Parish Council also challenge NCC's conclusion that the development would not have significant environmental impacts. In response to these matters, it should be noted that the indicative thresholds identified in the Planning Practice Guidance Note should not be read as absolute limits but should be used as indicative thresholds with the final decision in terms of the need for EIA made after having regard to the magnitude of environmental effect and the environmental sensitivity of the site. The terminology referencing

'significant' impacts in the context of the EIA Regs has a specific legal definition which has regard to both the scope of environmental effect and the sensitivity of the receptor which experiences the environmental effect. Officers remain satisfied that the original conclusion reached that the development does not have a significant impact on the environment and therefore does not require EIA is the correct conclusion.

Other Options Considered

188. 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

189. 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

190. The proposed plastic recycling facility would be located within an existing industrial site which is secured by a perimeter security fencing and security gates and has CCTV. There would be 24-hour operations on the site and therefore the site benefits from surveillance by staff at all times.

Data Protection and Information Governance

191. 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

192. None arising.

Human Resources Implications

193. None arising

Human Rights Implications

194. 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 could potentially be affected by the operation of the plastics recycling facility. The proposals have potential to result in some emissions of noise, dust, odour, and additional traffic and visual impacts, however the magnitude and significance of these emissions and impacts is assessed as being minor and any harms need to be balanced against the wider benefits the proposals would provide by enabling waste to be managed at a higher level in the Waste Hierarchy and diverted from disposal/energy recovery facilities. 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

195. 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

196. None arising

Implications for Service Users

197. None arising

Implications for Sustainability and the Environment

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

Conclusion

199. The development will provide a significant capital investment for the establishment of a state-of-the-art plastics recycling facility enabling these materials to be recycled into reusable materials and diverting these waste streams from energy recovery facilities or landfill disposal. The facility will therefore assist in the management of the waste at a higher level in the waste hierarchy in accordance with WCS Policy WCS3 and contribute to the transition from a linear economy to a circular economy consistent with the UK Government's Circular Economy Package policy statement published in July

2020, delivering more sustainable waste management consistent with WCS Policy WCS1 and the presumption in favour of sustainable development contained in the NPPF.

- 200. The economic investment into the local economy and the creation of 50 new jobs are beneficial and should be given significant weight in the planning assessment.
- 201. The site is allocated as an existing employment area in both the Gedling Local Plan and the Calverton Neighbourhood Plan and therefore the site is considered a preferred location for the development of new waste recycling facilities under WCS Policy WCS7 and the priority given in the NPPW to the development of new waste facilities on previously developed land.
- 202. The environmental effects of the development have been assessed against WCS Policy WCS13, the saved environmental protection policies within chapter 3 of the WLP and the relevant policies of the GLP and Calverton Neighbourhood Plan. Specific consideration has been given to traffic and access, landscape and visual effects, noise, odour, dust, mud, litter, vermin, lighting, flood risk and surface water, ground contamination, and ecology where it is concluded that there would not be any significant harmful effects to the environment. Emissions to the environment would be strictly managed at the site with appropriate regulation provided by the recommended planning conditions set out in appendix 1 and through the Environmental Permit.
- 203. It is therefore concluded that the plastics recycling facility represents sustainable development compliant with national and local waste management policy, is sited in an appropriate location and would not result in any significant adverse environment effects and therefore is compatible with the surrounding residential and commercial uses.

Statement of Positive and Proactive Engagement

- 204. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application correspondence; 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. The applicant has been given advance sight of the draft planning conditions.

RECOMMENDATIONS

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

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [RHC 04/04/2022]

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

Financial Comments (SES 22/03/2022)

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

Background Papers Available for Inspection

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at:
www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=F/4351

Electoral Division(s) and Member(s) Affected

Calverton

Councillor Boyd Elliott

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. 2520-010-01: Site Location Map dated 16.09.21 received by the WPA on 23rd September 2021.
 - b. Drawing No. 2520-010-02: Site Location Plan dated 16.09.21 received by the WPA on 23rd September 2021.
 - c. Drawing No. 2520-010-04: Proposed Layout Plan dated 21.09.21 received by the WPA on 23rd September 2021.
 - d. Drawing No. 2520-010-06 Revision A: Proposed Building Elevations dated 23.02.22 received by the WPA on 23rd February 2022.
 - e. Drawing No. Q-21058-000000: PRF Plant dated 13.09.21 received by the WPA on 23rd September 2021.

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

Regulation of Construction Activities

4. 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

5. The materials used with the external finishes of the extended building shall be installed in accordance with the materials detailed on Drawing No. 2520-010-06 Revision A. The external cladding used on the walls and roof shall match the colour and appearance of the cladding used on the existing building.

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

6. Prior to each phase of development approved by this planning permission no development shall commence until a preliminary risk assessment has been submitted to, and approved in writing by, the WPA. This shall include:
 - A. A Phase 1 geo-environmental desk study which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
 - B. Further investigation of the coal mining risks, as recommended in the consultant's coal mining report (section 4).
 - C. A proposal for a suitable site investigation scheme, based on (1A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.

The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to; and is not put at unacceptable risk from or adversely affected by, unacceptable levels of soil and/or water pollution in line with paragraph 174 of the National Planning Policy Framework.

7. Prior to each phase of development approved by this planning permission, no development shall commence until a detailed risk assessment and remediation plan have been submitted to, and approved in writing by, the WPA. These shall include:

- A. the results of the site investigation and the detailed risk assessment referred to in (1C). The site investigation shall be based on the approved site investigation proposal (1C).
- B. an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- C. a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2B) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to; and is not put at unacceptable risk from or adversely affected by, unacceptable levels of soil and/or water pollution in line with paragraph 174 of the National Planning Policy Framework.

- 8. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the WPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

- 9. Prior to the commencement of works, 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 at the site then no further development (unless otherwise agreed in writing with the WPA) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the WPA. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of soil and/or water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Site Surfacing and Drainage

10. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (Document 010-2520-B) has been submitted to and approved in writing by the WPA. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
- Demonstrate that the development will use SuDS wherever practical as a primary means of surface water management and that design is in accordance with CIRIA C753.
 - Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5l/s rates for the developable area.
 - Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
 - Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
 - Details of Severn Trent Water approval for connections to existing network and any adoption of site drainage infrastructure.
 - Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with the NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

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 quantity of materials accepted at the site for processing shall not exceed 100,000 tonnes per annum in total. A written record shall be kept by the site operator of quantity of material 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 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 and marked out in accordance with Drawing No. 2520-010-04: Proposed Layout Plan dated 21.09.21 received by the WPA on 23rd September 2021. The engineering works to install the car park area shall incorporate a conduit network to ensure that at least five 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. Prior to the site 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.

15. There shall be a maximum of 232 HGV movements each week (116 loads into the site and 116 loads out of the site) connected with the operation of the materials recycling facility hereby approved. Written records shall be maintained of all HGV movements into and out of the site and copies of the HGV vehicle movement records shall be made available to the WPA within 7 days of a written request being made by the WPA.

Reason: To limit vehicle movements accessing the site to minimise potential disturbance to local residents and ensure compliance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.14.

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. Prior to the commencement of the development, a landscaping scheme shall be submitted to the WPA for its written approval setting out the measures to retain/protect and enhance the existing boundary landscaping on the eastern

(Hollinwood Lane and Oxton Road footpath frontage and northern (Oxton Road) frontages. The landscaping shall thereafter be protected in accordance with the approved details and 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.

Hours of Operation

18. 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 material recycling facility shall only be operated in accordance with the following hours:

- Materials handling and processing may operate 24 hours a day 7 days a week;
- The delivery of waste and export of recycled plastic products will only take place between 08:00 and 18:00 Mondays to Fridays; and 08:00-13:00 on Saturdays.

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

19. The maximum rating noise levels (Lar,Tr) associated with the proposed operations at any nearby residential receptor, shall not exceed 42dB(A) during the daytime and evenings (07:00 – 23:00) and 39dB(A) during the night-time (23:00 – 07:00) inclusive of any penalties in accordance with BS4142:2014.

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.

20. Before the development hereby permitted is brought into use, a noise management plan, outlining best practice management controls to be implemented by the operator onsite to control noise emissions, shall have been submitted to and approved in writing by the WPA. The site shall be operated in accordance with the approved noise management plan thereafter and for the duration 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.

21. Vehicles and mobile plant 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.

22. The external doors for the plastic recycling facility shall be fitted with fast acting rapid rise doors. The doors shall remain shut at all times except to allow the passage of 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 vehicle loading/unloading operations.

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

23. Within the first two months of the facility becoming operational, a noise survey to verify compliance with the approved noise limits shall be undertaken. A noise compliance monitoring scheme should be agreed in writing with the WPA prior to commencement of the noise survey to enable site contributory noise to be determined. This may involve monitoring at a near field position during weekdays and at weekends and during the daytime and night-time operations and agreed calculation method to show compliance. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects. The results of the noise survey shall be submitted to the WPA within a written report for approval in writing. Should the results of the noise survey suggest that further mitigation measures are necessary these shall be identified within the report and implemented within a reasonably practicable timescale to be agreed and approved in writing by the WPA.

Reason: To regulate the level of noise emissions from the operation of the development to protect the amenity of nearby properties in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

24. In the event of a justifiable noise complaint received by the WPA, the applicant shall conduct a noise survey to determine compliance with Condition 19 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 19. 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.

Storage heights

25. Materials shall only be stored within the designated locations identified on Drawing No. 2520-010-04: Proposed Layout Plan Drawing. The maximum storage height of materials within the open areas of the site shall be 4m.

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

Odour

26. The operator shall inspect all incoming loads upon delivery to the site. Any putrescible or potentially odorous wastes contained within incoming loads shall be removed from the waste immediately upon receipt and placed into a sealed airtight storage container/skip for storage. This waste shall thereafter be removed from the site within 72 hours of its delivery. 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 odour emissions in compliance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.7.

Litter

27. Fugitive litter arising from the construction and operation of the development shall be minimised and shall not be permitted to escape the boundaries of the planning application site. The steps to be taken by the operator to control the discharge of litter shall include but not be limited to:
- i. During construction works, the existing boundary fence around the perimeter of the site shall be maintained and there shall be regular collections of any fugitive litter emissions which may occur within the fenced off area.
 - ii. Following the commissioning of the development:

- a. A permanent fence shall be maintained around the boundary of the site;
- b. All loose waste which is not fully encased in plastic bales received by the facility shall be unloaded and stored within the building. Only fully baled waste shall be stored externally on the building on the site.
- c. In the event that an externally stored bale of waste becomes damaged it shall be re-wrapped within 24 hours to an adequate standard to ensure that it fully encases the stored materials from windblow;
- d. The doors which provide access to the loading hall shall operate using fast acting shutters and shall remain shut except for a minimum period to allow the passage of a vehicle into and out of the building. The fast-acting shutters shall be maintained in an operational condition throughout life of the development;
- e. Regular inspections and litter picks shall be undertaken outside the buildings to remove any fugitive litter from the external areas.

Reason: To minimise nuisance caused from windblown litter in accordance with Policy W3.8 of the Nottinghamshire and Nottingham Waste Local Plan.

Dust

28. Fugitive dust emissions from the development shall be minimised as far as practicably possible. Measures to control the release of dust shall include but not be limited to:
- i. The use (as appropriate) of a dust suppression system within areas likely to give rise to fugitive dust emissions;
 - ii. The use as appropriate of water bowsers and/or spray systems to dampen the road sweepings bay, vehicle circulation and manoeuvring areas;
 - iii. All vehicles transporting waste materials either to or from the development be fully enclosed or sheeted. Vehicles shall only be permitted to uncover waste loads within the loading hall and not from any other parts of the planning application site.

Reason: To minimise potential dust disturbance at the development and to accord with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan and ensure aircraft safety.

Floodlighting

29. Prior to their installation on site, details of the design and specification of any new floodlighting units installed on the buildings or poles shall be submitted to the

WPA for approval in writing. The submitted details shall include details which demonstrate that the floodlighting is angled downwards into the site and suitably shielded so as to minimise light pollution, spillage and glare onto adjoining land and not cause a nuisance to adjacent land users, sensitive habitats and users of the highway. The floodlighting shall thereafter be installed and maintained in accordance with the approved details.

Reason: To protect the amenities of nearby residents and highway safety in accordance with Nottinghamshire and Nottingham Waste Core Strategy Policy WCS13.

Closure of the Site

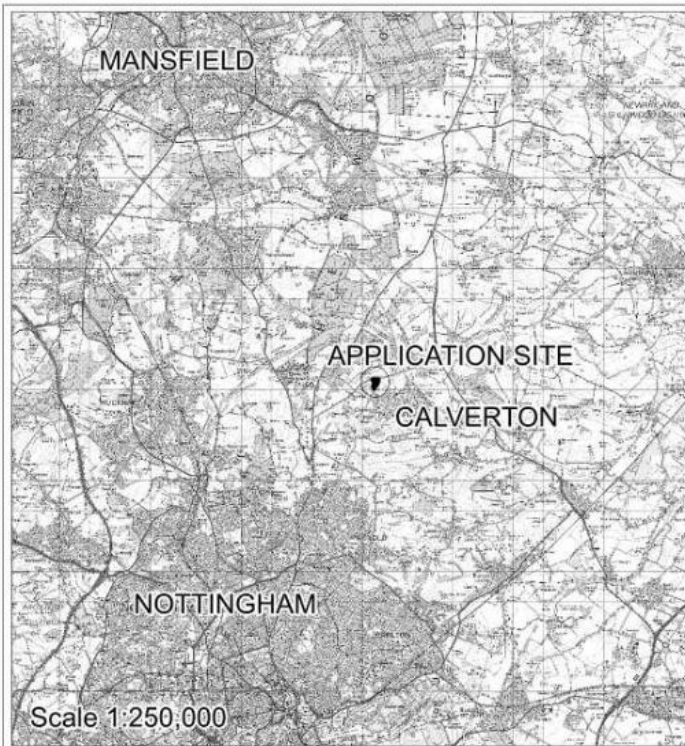
30. In the event that the use of the site for the importation of waste shall cease for a period in excess of seven days then, within seven days of a written request from the WPA, the site shall be cleared of all stored waste and recycled materials.

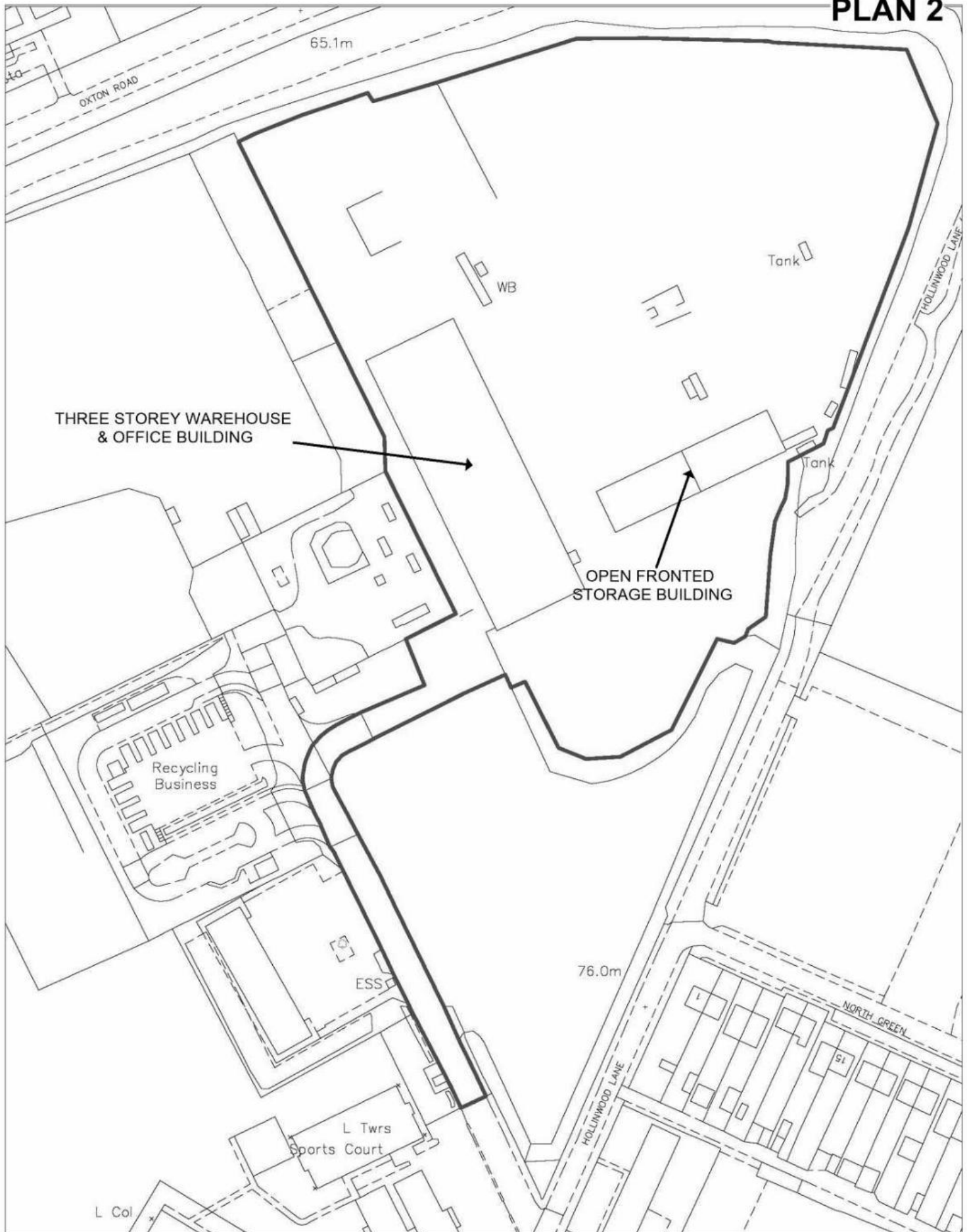
Reason: To minimise potential nuisance from odour in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.

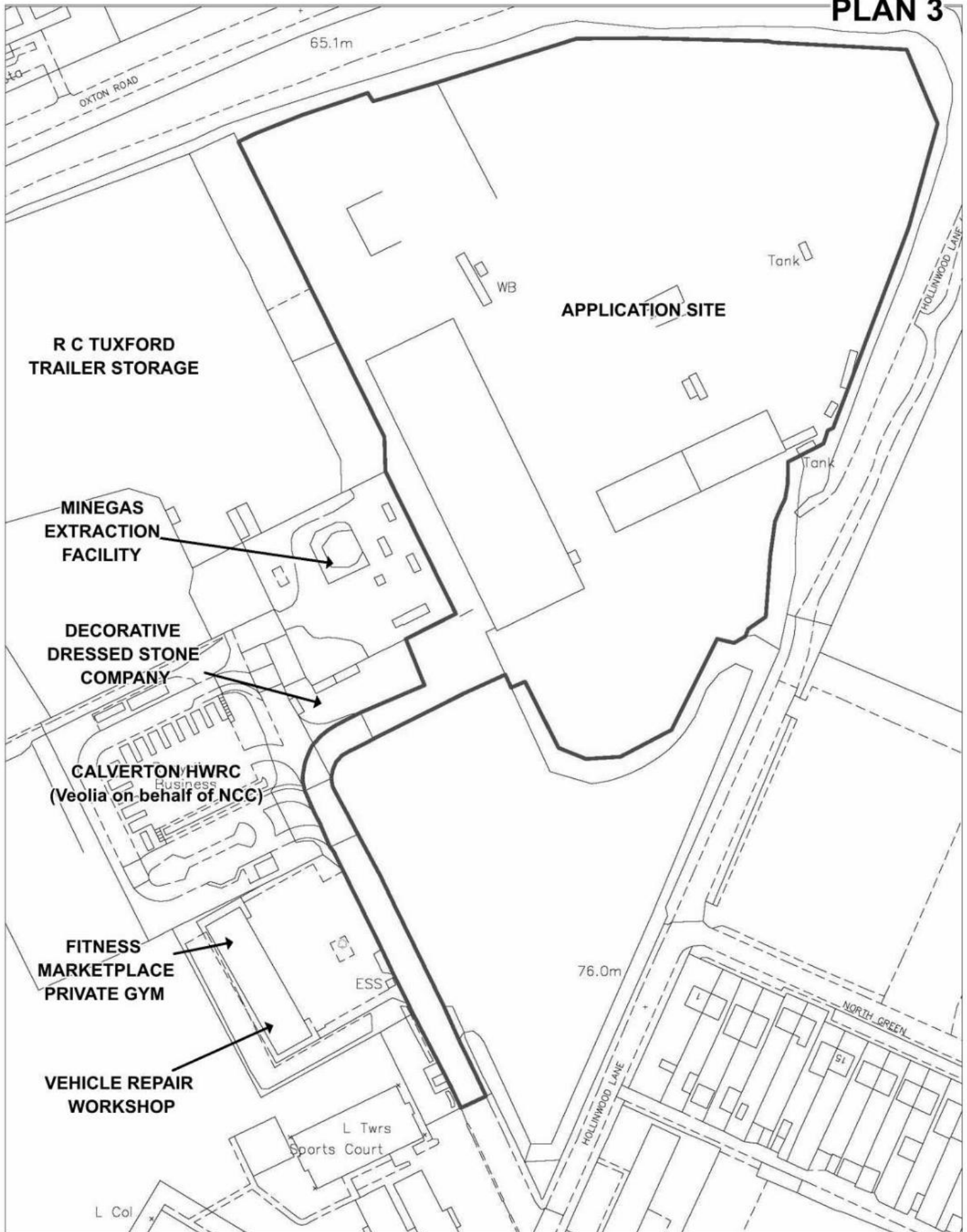
Informatives/notes to applicants

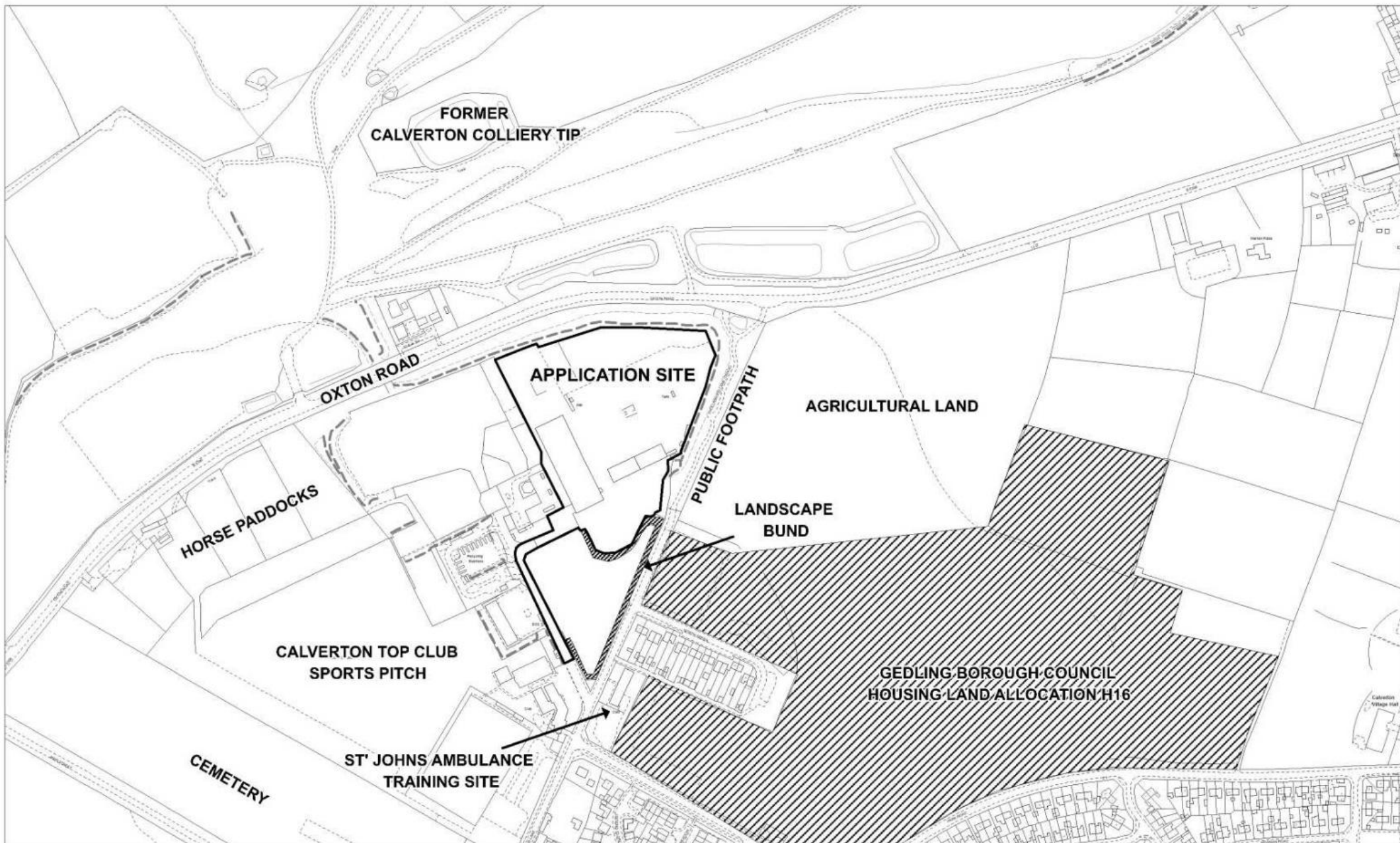
1. The consent of Severn Trent Water will be required for either a direct or indirect connection to the public sewerage system under the provisions of Section 106 of the Water Industries Act 1991. Current guidance notes and an application form can be found at www.stwater.co.uk or by contacting Severn Trent Water New Connections Team (01332 683369). Although statutory sewer records do not show any public sewers within the site there may be sewers which have recently been adopted under the Transfer of Sewer Regulations. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and it is advised that Severn Trent Water should be contacted (0247 771 6843).
2. Western Power Distribution advises that there is electrical apparatus in close proximity to this site and you are advised to contact WPD Mapping Team on wpdmidsmcqntheast@westernpower.co.uk to obtain copies of our Network records. There may be a charge levied for this service. Western Power Distribution advise that any excavations or works to be conducted within proximity to our apparatus attention must be paid to guidance documents HSG47 and GS6. Western Power Distribution advise that it is within the obligations of their Distribution Licence and that outlined within The Electricity Act 1989 section 9 (General Duties of Licence Holders) that as the Electrical Distributor they have a duty to maintain and develop an efficient, coordinated and economic system of

electricity distribution. Access must be granted for the 24hour period and in the event of emergency. Western Power Distribution emphasise that any alteration, building or ground works proposed in the vicinity of our network that may or may not directly affect our cables, must be notified in detail to Western Power Distribution. For further information call on 0845 724 0240 or at Western Power Distribution, Harriman's Lane, Lenton Lane Industrial Estate, Nottingham, NG7 2NR.









19th April 2022**Agenda Item: 6****REPORT OF CORPORATE DIRECTOR – PLACE****GEDLING DISTRICT REF. NO.: 7/2022/002NCC**

PROPOSAL: SECTION 73 APPLICATION OF PLANNING APPROVAL 7/2018/0159/NCC (SOUTHERN EXTENSION AREA) RELATED TO THE VARIATION OF CONDITION 5 EXTENDING TIME FOR WORKING AND RESTORATION ALONG WITH THE DELETION OF CONDITION 9

LOCATION: DORKET HEAD QUARRY, WOODBOROUGH LANE, ARNOLD, NOTTINGHAM, NG5 8PZ

APPLICANT: IBSTOCK/FCC ENVIRONMENT (UK)

Purpose of Report

1. To consider a Section 73 planning application for an extension to the consented timescales associated with the working of the Southern Extension at the Dorket Head quarry. One of the Local Members, Councillor Michael Payne, has asked that the application be referred to Committee for determination.
2. The timetable originally approved for the working of the quarry was closely linked to the anticipated build programme for a residential development on land to the south of the quarry. This is to ensure that the mineral workings and subsequent restoration operations do not adversely impact the amenity of the future occupiers of these residential properties. The report documents that the build timetable for this residential development will now happen at a later date, thus allowing scope to extend the timescales for mineral extraction as set out in this report. In other respects, the planning submission does not seek to alter the previously approved working scheme and existing environment controls which protect amenity and the environment.
3. The recommendation is to grant planning permission subject to the re-imposition of the original planning conditions albeit with minor updates to acknowledge where schemes have been approved. The schedule of updated planning conditions are set out Appendix 1.

The Site and Surroundings

4. The Dorket Head Quarry and brickworks are located on the northern edge of Arnold adjacent to the B684 Woodborough Lane and Calverton Road. The site incorporates a brick making factory sited to the west of Calverton Road and a clay quarry and landfill to the east of Calverton Road. (see Plan 1). Clay is transported between the quarry and the brickworks using a conveyor which passes beneath Calverton Road and thus avoids the need for road transportation of clay.
5. This planning application relates to the quarry area of the Dorket Head complex, specifically the 'southern extension' area of the quarry (see Plan 2).
6. The southern extraction area is located immediately to the south of, and contiguous with, the main quarry workings at Dorket Head. The southern area site extends to around 6.6ha and is broadly rectangular in shape. It is bounded to the north and west by existing workings (with workings to the west having been restored utilising imported residual waste), east of a surface water settlement lagoon and is located north of open paddock and former grazing fields, to the south of which is the edge of Arnold. A public footpath originally existed across the southern extension site, but this has now been diverted around its southern boundary (see plan 3).
7. The application site is located within the Green Belt. The open fields to the south are allocated within the Gedling Local Plan for residential development (see Plan 4).

Background

8. The quarry currently extracts clay during a relatively short 'campaign' season which typically lasts some 6-8 weeks during the summer. The extracted clay is stockpiled adjacent to the Woodborough Lane frontage of the site in an area designed to hold enough clay for the year's supply to the brickworks. Clay is drawn from the stockpile as required for brick production and carried to the brickworks by a conveyor system utilising a tunnel beneath Calverton Road.
9. The clay is used for the manufacture of bricks. The plant has a production capability of some 94 million bricks per year and produces a range of brick types and finishes at the site. At maximum output, the Dorket Head factory supplies around 6% of the national output of bricks.
10. The consented clay quarry is progressively being worked and restored. The main extraction area is within the Eastern Extension area which has progressed to around midway through its consented 15-year limit. More historical areas of the quarry have been restored to agriculture and nature conservation uses following their restoration by landfill with imported non-hazardous waste. Operational areas within the site incorporate quarry clay extraction areas and clay storage areas. There are presently no operational landfill areas as these activities ceased approximately seven years ago and are now predominantly restored.

11. The southern extension area incorporates 690,000 tonnes of brickmaking clay which is programmed to be removed under 3 phases with restoration utilising imported inert waste closely following the extractive phases. The southern area planning permission was implemented in February 2019.
12. Planning conditions imposed under the southern extension planning permission restricted the full extraction of Phase 1 to its southern limit until such time that the public footpath was diverted. The footpath diversion works were carried out in the summer of 2020 following formal approval of NCC Rights of Way Team, meaning that the earliest the full extraction of Phase 1 could be completed was the 2021 clay extraction programme. The quarry achieved the limit of phase 1 to phase 2 boundary in the 2021 clay extraction programme, meaning that in 2022 the quarry wish to progress into phase 2 (see Plan 5).
13. The approved restoration scheme for the southern extension utilises imported inert waste to reinstate the site and closely reflect the pre-extraction ground levels. The landfill operations were closely linked to the timetable for mineral extraction and were to be undertaken over four phases with initial infill undertaken in the existing quarry before progressing into the southern extraction area to infill the void created by mineral extraction (see Plan 6). It is anticipated that up to 150,000 tonnes of inert materials would be imported per annum as part of the restoration works with infill operations occurring throughout the year. Based on the originally approved timetable with mineral extraction commencing in 2018 and being completed in 2021 it was anticipated that waste importation would commence in 2018/19 and continue progressively so as to ensure the southern most areas of the southern extension (end of Phase 3) would be restored by 2023 and the full completion of restoration in Phase 4 by the end of 2026. Inert waste disposal pursuant to the southern extension planning permission has not commenced.
14. The timetable for mineral extraction and subsequent restoration by landfill was closely linked to the development of housing allocated in the Gedling Local Plan Part 2 (Site H8 in Policy LPD 64) to the south of the quarry to ensure that waste importation was completed in the southern part of the southern clay extraction area before the H8 housing allocation development progressed into its phase 2 northern extension adjacent to the quarry boundary.

Proposed Development

15. Planning permission is sought under a Section 73 submission to vary the planning conditions originally imposed under Planning Permission 7/2018/0159/NCC (Southern Extension area) to approve an extension in the end date of the planning consent for mineral extraction and restoration utilising imported waste within the southern extension area.
16. The time limits in respect of mineral extraction and restoration works within the Dorket Head Southern Extension area are currently regulated by Planning Condition 5 of Planning Permission 7/2018/0159/NCC. This planning condition is set out below:

5. All extraction of clay from the southern extraction area identified in red on Drawing No. DHS 2/2: Application Site shall be completed/cease on or before 31st December 2021. Waste importation within infill phases 1, 2 and 3 shall be completed/cease on or before 31st December 2023, waste importation within phase 4 shall be completed/cease on or before 31st December 2026.

Reason: To ensure that minerals are extracted, and subsequent restoration works progress within an appropriate timescale and therefore do not unreasonably delay the commencement of house building proposed in allocation H8 of the Emerging Gedling Local Plan.

17. The requested modifications to Condition 5 would make the following changes to the approved timetable for working within the Southern Extension.
- A two-year extension to the end date for mineral extraction within Phase 2 of the Southern Extension until 31st December 2023 (currently limited to 31st December 2021).
 - A three-year extension to the end date for mineral extraction within Phase 3 of the Southern Extension until 31st December 2024 (currently limited to 31st December 2021).
 - An extension to the end date for inert waste disposal within Phases 1, 2 and 3 until 31st December 2024. (currently limited to 31st December 2023).
 - The final date for the completion of inert waste disposal within Phase 4 would remain unchanged at 31st December 2026.
18. The applicant states that the delay in extracting mineral from the Southern Extension was primarily because of delays in obtaining the necessary footpath diversion consent prior to the full extraction of mineral in Phase 1. The applicant has also referenced delays because of Covid 19.
19. The applicant's suggested modified wording of Planning Condition 5 is set out below:

Suggested Updated Condition 5

All extraction of clay up to and including phase 2 from the southern extraction area identified on Drawing No. DHS 3/3: (Extraction Phase 2) shall be completed/cease on or before 31st December 2023. Waste importation within infill phases 1, 2 and 3 (Drawing No DHS 3/7) shall be completed/cease on or before 31st December 2024.

Clay extraction within phase 3: Drawing 3/4 (Extraction Phase 3), shall be complete on or before 31st December 2024. Waste importation and final restoration within phase 4 (Drawing DHS 3/8) shall be completed/cease on or before 31st December 2026.

20. The applicant states in their supporting statement that the timescales imposed in the original planning permission for the Southern Extension were imposed to tie in with the anticipated build programme within the H8 housing allocation and were agreed with Gedling Borough Council as part of the Local Plan examination process. The main objective of the approved timetable is to ensure that mineral extraction from the Southern Extension is completed before residential development in the northern part of the H8 allocation is occupied and thus avoid having occupied residential properties directly adjacent to a working quarry which could be potentially noisy and dusty and impact on the amenity of the occupiers of these properties. The approved timetable therefore seeks to ensure that minerals do not become sterilised and unworkable by proximity to housing whilst ensuring that housing development comes forward in an appropriate timeframe.
21. The applicant confirms that as part of preparing this planning application they have held further meetings with Gedling Borough Council to ensure the revised timescales now sought planning permission are compatible with the updated build programme for the residential development. These meetings have confirmed that the H8 housing development is progressing behind the schedule set out at the Gedling Local Plan examination and that no planning application has been made for the H8 development at the present time. The earliest anticipated planning application submission date is now mid 2022 meaning the earliest commencement date would be late 2022 or early 2023. Since the residential build programme would progress the development in at least two phases commencing from the south with later phases built closer to the boundary of the southern extension, the houses nearest the quarry boundary would be built last. The applicant therefore states that the proposed amended Southern Extension extraction and restoration timetable is compatible with the updated build programme for the H8 housing allocation.
22. As part of the planning supporting statement the applicant acknowledges that there will be a need to update the original schedule of planning conditions to acknowledge where schemes have been approved and other prescribed works have been undertaken in compliance with the approved timetabling. The applicant specifically identifies Conditions 1 & 2 in relation to commencement and notification of commencement, Condition 9 to reflect the fact that the footpath diversion has now been completed, Condition 10 to reflect the fact that there is now an approved scheme of archaeological investigation and reporting, Condition 11 to reflect the fact that the boundary hedgerow has now received supplementary planting and is receiving ongoing management and Condition 12 to require the completion of the partially constructed screen bunding. These matters are picked up in the schedule of recommended planning conditions set out within appendix 1 of this report.

Consultations

23. Gedling Borough Council: *Do not object.*

24. *Land to the south of the Ibstock brickworks and quarry operations at Dorket Head is allocated as a housing site for approximately 230 homes under Policy LPD 64 of the Local Planning Document which was adopted in July 2018.*
25. *Housing will need to be phased to ensure that an appropriate standoff is maintained between the housing development and the active quarry. The Local Planning Document envisages that development will come forward in two phases starting with the southern part of the allocation and working northwards. The first phase of the development would comprise approximately 65 units confined to the south western part of the site in a line approximate to the extent of the existing built-up area (aligning with Brechin Close).*
26. *An extension of the mineral workings from the existing consented end date of 31st December 2021 for a period of 2 years to the 31st December 2023 for the southernmost extent of the site (Phase 2, Plan 3-3) and until 2024 for the mineral extraction in phase 3 would not have an undue impact upon any phased delivery of the housing allocation. It should also be noted that no planning application has yet been received by the Borough Council for residential development.*
27. *The Council's Environmental Health Service has been consulted and have no comments to make on the proposed extension of time for the mineral workings.*
28. Environment Agency: *No objection.*

Publicity

29. The application has been advertised by publishing a press notice in the Nottingham Post and the posting of site notices on Strathmore Road, Campbell Gardens, either side of the public footpath at Killisick Lane and Surgeys Lane and at the site entrance to Dorket Head Quarry in accordance with the County Council's Adopted Statement of Community Involvement. No representations have been received.
30. Councillor Michael Payne and Councillor Pauline Allan have been notified of the application.
31. The issues raised are considered in the Observations Section of this report.

Observations

32. This Section 73 planning application seeks to amend the originally approved timetable for the extraction and subsequent restoration of Dorket Head Quarry. The changes sought planning permission are as follows:
 - A two-year extension to the end date for mineral extraction within Phase 2 of the Southern Extension until 31st December 2023 (currently limited to 31st December 2021).

- A three-year extension to the end date for mineral extraction within Phase 3 of the Southern Extension until 31st December 2024 (currently limited to 31st December 2021).
 - An extension to the end date for inert waste disposal within Phases 1, 2 and 3 until 31st December 2024. (currently limited to 31st December 2023).
 - The final date for the completion of inert waste disposal within Phase 4 would remain unchanged at 31st December 2026.
33. This planning application does not seek to make any further changes to the approved development (albeit the applicant acknowledges that there is a need to update a number of the original planning conditions following the approval of various schemes and submissions). It is not therefore necessary to re-examine the wider planning policy merits of the Southern Extension planning permission including the need for mineral reserves/inert landfill restoration and the environmental effects of undertaking this development except the implications of changing the timetable of works within the quarry.
34. A copy of the original report to committee which sets out the issues examined as part of the original planning appraisal of the Southern Extension development can be viewed using the following link:
- <https://www.nottinghamshire.gov.uk/dms/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/4089/Committee/519/SelectedTab/Documents/Default.aspx>
35. The original planning policy assessment for the Southern Extension acknowledged that normal mineral working practices aim to maintain a separation between residential properties and mineral workings to provide a buffer zone within which environmental emissions including noise and dust are dispersed.
36. At the time the Southern Extension planning application was originally considered by Nottinghamshire County Council, Gedling Borough Council were in the process of reviewing their Local Plan and identifying land for new housing development in the borough. As part of this process a residential allocation for a site known as Killisick Lane (H8) was proposed. The H8 housing allocation seeks to extend the residential boundary of Arnold further to the north up to the boundary of the proposed southern extension mineral working area, providing land for an anticipated 230 houses.
37. The original NCC Committee Report for the Southern Extension to Dorket Head Quarry acknowledged that the proximity of the H8 residential allocation could potentially restrict the ability to extract mineral from the Southern Extension due to its proximity, effectively sterilising the underlying clay resource which would be contrary to the objectives of the NPPF.
38. This issue was discussed in detail at the examination of the Gedling Local Plan in 2017 where evidence was presented by Gedling Borough Council, Ibstock

Brick, Nottinghamshire County Council acting in their role as Minerals Planning Authority, and the prospective housing developers.

39. Following the examination of the draft Gedling Local Plan a number of commitments were made to enable the mineral extraction and housing development to progress alongside each other. In summary Ibstock Brick provided a commitment to bring forward its proposals to seek planning permission for a southern extension to the existing quarry and develop this site in a timely period as set out within Planning Permission 7/2018/0159NCC. Alongside this, the housing allocation policy was modified in the adopted plan to incorporate a phasing strategy whereby the housing development would only progress in the northern phase adjacent to the quarry once clay extraction/restoration had progressed in the southern quarry extension.
40. The approved timeframe regulated by Planning Condition 5 of Planning Permission 7/2018/0158NCC incorporates an appropriate timeframe which enables the mineral extraction to be extracted in a phased manner in advance of the build timetable originally proposed for the housing development in the H8 allocation in accordance with these agreements.
41. The applicant states that the originally approved timetable for mineral extraction in the Southern Extension has been delayed due to the extent of significant works required in advance of the commencement of mineral extraction, particularly the period of time taken to formally agree the footpath diversion and also because of the shut-down of the factory due to the lockdown restrictions of the Covid Pandemic. These delays mean that the company is not able to complete the extraction of the remaining mineral and restoration of the site using imported inert waste in accordance with the originally approved timetable.
42. It is acknowledged that a planning application has not been submitted to Gedling Borough Council for the housing development within the H8 allocation and thus an imminent commencement of this housing is not anticipated. Even if a planning application was submitted for the housing development within the H8 allocation in the next few months it is unlikely there would be a commencement of the housing allocation until the later part of 2022/early 2023 at the earliest. With the residential development required to be undertaken in two phases it is extremely unlikely that there would be any occupation of dwellings on the northern boundary adjacent to quarry before the end 2024. The revised timetable requested within this planning application, which ensures the completion of mineral extraction and restoration works within phase 3 closest to the boundary by 2024, is therefore considered to be entirely consistent with this updated housing development build programme.
43. This position has been confirmed in the planning consultation response from Gedling Borough Council which does not object to the planning application and which has confirmed that the extension of the mineral workings from the existing consented end date of 31st December 2021 for a period of 2 years to the 31st December 2023 for the southernmost extent of the site and until 2024 for the mineral extraction in phase 3 would not have an undue impact upon any phased delivery of the housing allocation.

44. It is therefore concluded that this Section 73 planning application for an extension of the existing permitted timescales associated with the working of the Southern Extension at Dorket Head Quarry would ensure the minerals working scheme can still be completed adjacent to the boundary of the proposed housing development well in advance of the residential properties being occupied, and thus ensuring that potential disturbance to amenity would be avoided.
45. The modification to the timetable for mineral extraction therefore ensures that the applicant continues to benefit from the ability to recover 690,000 tonnes of clay from the southern extension which provides a further three years brick making production at the brickworks and will assist in maintaining the existing economic and employment benefits which the quarry and factory provides including the direct employment of 73 people and its wider contribution to the local and regional economy in terms of producing 94 million bricks per year, equating to around 6% of the UK brick market.
46. The socio-economic benefits of the scheme are a material consideration in the determination of this planning application which the NPPF advises should be given great weight in the planning decision. The extension to the working timescales within the Southern Extension also ensures the minerals in this part of the site do not become sterilised and therefore MLP Policy SP7 is supportive of the development.

Other Options Considered

47. 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

48. 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

49. The southern extension is incorporated within the wider quarry area and enclosed by a perimeter security fence.

Data Protection and Information Governance

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

Financial Implications

51. None arising.

Human Resources Implications

52. None arising.

Human Rights Implications

53. 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 may be affected. The proposals have the potential to introduce impacts of visual impacts, noise and dust although operating practices would minimise the magnitude of impact upon nearby residents. However, these considerations need to be balanced against the wider benefits the proposals would provide in terms of securing the continuity of mineral supplies to serve the Dorket Head brickworks factory thus ensuring its long-term future, and the avoidance of minerals sterilisation which may occur if the mineral is not extracted at the present time. Members will need to consider whether these benefits would outweigh the potential impacts.

Public Sector Equality Duty Implications

54. None arising.

Safeguarding of Children and Adults at Risk Implications

55. None arising.

Implications for Service Users

56. None arising.

Implications for Sustainability and the Environment

57. The Southern Extension can potentially contribute to all three core objectives of sustainable development (as defined within the NPPF) in terms of its economic, social and environmental contribution wherein it is noted that the development would assist with building a strong and competitive economy, supporting jobs and prosperity within an existing established business which employs a local workforce that contributes to the general social wellbeing of the area. The

development makes prudent use of a mineral reserve, maximising the use of available brick clay for use in the nearby factory thereby minimising the use of road haulage and thus assisting with minimising CO₂ emissions.

Statement of Positive and Proactive Engagement

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

RECOMMENDATIONS

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

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [RHC 04/04/2022]

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

Financial Comments (SES 22/03/2022)

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

Background Papers Available for Inspection

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at: www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4385

Electoral Division(s) and Member(s) Affected

Arnold North	Councillor Michael Payne
Arnold North	Councillor Pauline Allan

Report Author/Case Officer

Mike Hankin

0115 9932582

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

V/4385

W002299.doc

RECOMMENDED PLANNING CONDITIONS

Scope of Planning Permission

1. This permission is for the continuation of the extraction of clay and associated minerals with subsequent restoration by infilling with imported inert waste materials within the Southern Extension of Dorket Head Quarry, subject to an extension to the timescale for the extraction of mineral up to the end of 2024 and modifications to the phased restoration timetable for importing inert waste.

Reason: To define the scope of development provided planning permission.

Notification of Commencement

2. Notification of commencement of mineral activities within the Southern Extension at Dorket Head Quarry was confirmed in writing by the operator on the 14th May 2021.

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

Approved Plans

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:
 - a. Planning application and supporting Environmental Statement received by the MPA on 5th February 2018, subject to amendments incorporated in Regulation 25 response.
 - b. Regulation 25 submission incorporating revised non-technical summary (Vol 3), revised chapter 8 (Ecology), supplementary landscape and visual assessment information and revisions to restoration drawings dated 27th April 2018 and received by the MPA on 30th April 2018.
 - c. Drawing No. DHS 2/1: Site Location Plan dated October 2017 and received by the MPA on 5th February 2018.
 - d. Drawing No. DHS 2/2: Application Site dated October 2017 and received by the MPA on 5th February 2018.

- e. Drawing No. DHS 2/3: Site Context Plan dated October 2017 and received by the MPA on 5th February 2018.
- f. Drawing No. DHS 3/1: Site Masterplan dated December 2017 and received by the MPA on 5th February 2018.
- g. Drawing No.'s DHS 3/2 – 3/4 Extraction Phases 1-3 dated 15/06/17 and received by the MPA on 5th February 2018.
- h. Drawing No.'s DHS 3/5 – 3/8 Infill Phases 1-4 dated 15/06/17 and received by the MPA on 5th February 2018.
- i. Drawing No. DHS 3/9 - Rev A: Indicative Landscape Restoration dated April 2017 and received by the MPA on 30th April 2018.
- j. Drawing No. DHS 3/10 – Rev A: Restoration Masterplan dated April 2018 and received by the MPA on 30th April 2018.

Reason: For the avoidance of doubt.

Scope of Planning Permission

- 4. All brickmaking material extracted from the application site shall be taken for processing at the applicants' existing brickworks on the west side of Calverton Road using the existing conveyor system and tunnel beneath Calverton Road. In the event of conveyor breakdown which result in the need for alternative clay movement arrangements, the written consent of the MPA shall be obtained for the duration of any such temporary arrangements prior to them commencing.

Reason: To ensure that minerals are used in a sustainable manner locally to their extraction origin and to minimise additional traffic on the public highway in compliance with Nottinghamshire Minerals Local Plan Policy DM9: Highways Safety and Vehicle Movements/ Routeing.

- 5. All extraction of clay up to and including phase 2 from the southern extraction area identified on Drawing No.DHS 3/3: (Extraction Phase 2) shall be completed/cease on or before 31st December 2023. Waste importation within infill phases 1, 2 and 3 (Drawing no DHS 3/7) shall be completed/cease on or before 31st December 2024. Clay extraction within phase 3: Drawing 3/4 (Extraction Phase 3), shall be complete on or before 31st December 2024. Waste importation and final restoration within phase 4 (Drawing DHS 3/8) shall be completed/cease on or before 31st December 2026.

Reason: To ensure that minerals are extracted, and subsequent restoration works progress within an appropriate timescale and therefore do not unreasonably delay the commencement of house building within allocation H8 Policy LPD 64 Housing Allocations – Urban Area and

General

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no buildings, fixed plant/machinery shall be erected or placed on the site without the prior written approval of the MPA.

Reason To enable the MPA to control the development and to minimise its impact on the amenity of the local area, in accordance with Policy DM1: Protecting Local Amenity of the Nottinghamshire Minerals Local Plan.

7. From the commencement of the development to its completion a copy of this permission and plans and documents approved in accordance with these conditions shall always be available for inspection by the MPA at the applicants' offices during normal working hours.

Reason To enable the MPA to control the development and to minimise its impact on the amenity of the local area, in accordance with Policy DM1: Protecting Local Amenity of the Nottinghamshire Minerals Local Plan.

Phasing

8. Soil and overburden stripping/storage/replacement, mineral extraction and restoration/landfill operations shall progress sequentially in accordance with the details shown on Drawing No.'s DHS 3/2 – 3/4 Extraction Phases 1-3 and Drawing No.'s DHS 3/5 – 3/8 Infill Phases 1-4.

Reason: To ensure the development is carried out in a phased manner in accordance with Policy DM12: Restoration, aftercare and after-use of the Nottinghamshire Minerals Local Plan.

Footpaths

9. Footpaths 6 and 7 shall be reinstated in compliance with the diversion/closure orders which have formally been agreed with Nottinghamshire County Council's Rights of Way Team.

Reason: To ensure that public access is maintained across the site in accordance with the requirements of DM7: Public Access of the Nottinghamshire Minerals Local Plan.

Archaeology

10. All soil stripping shall be carried out in compliance with the approved phased scheme of archaeological investigation, treatment and reporting set out within the report: Written scheme of investigation for archaeological monitoring during groundworks on the Southern Extension ref: 82/2019 prepared by Trent and Peak Archaeology. A report of the archaeological monitoring shall be submitted to the MPA within 6 months of the completion of the fieldwork in any phase.

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

Screening of site during its operational life

11. The hedgerow on the southern boundary of the application site which has been supplemented by additional planting in accordance with the scheme submitted to the MPA by Ibstock on the 6th March 2019 shall be retained and managed in accordance with good arboriculture practice throughout the operational life of the Southern Extension of Dorket Head Quarry and its subsequent aftercare.

Reason The scheme is required to ensure that that satisfactory visual screening is retained on the boundaries of the site taking place, in accordance with Policy DM1: Protecting Local Amenity of the Nottinghamshire Minerals Local Plan.

12. Prior to the extraction of any mineral from Phase 2 (as identified on Drawing No. 3/3: Extraction Phase 2) the soil screen bund specified to be constructed along the south and west and east perimeter of the extraction area (identified by brown shading on Drawing No. 3/1: Site Masterplan) shall be completed. The bund shall be grass seeded in the first available season following the construction of the earth bund. Any seeding which fails to establish during the operational life and aftercare periods of the southern extension shall be reseeded in the first available season.

Reason: To ensure satisfactory screening and landscaping of the perimeters of the site are maintained in accordance with the requirements of Policy DM1: Protecting Local Amenity of the Nottinghamshire Minerals Local Plan.

Hours of Working

13. Except in emergencies to maintain safety at the site (which shall be notified to the MPA as soon as practicable), the extraction of clay and the stripping, replacement and ripping of soil, overburden or other restoration materials and landfill operations shall take place only within the time periods specified below:

Operation	Monday to Friday	Saturdays	Sundays and Bank Holidays.
Mineral Extraction	07:00 – 19:00 hours	07:00 – 13:00 hours	Not at all
Soil and Overburden stripping/replacement	08:00 – 19:00 hours	08:00 – 13:00 hours	Not at all
Landfill operations	07:30 – 17:30 hours	07:30 – 13:00 hours	Not at all

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

14. Mobile plant shall be serviced, maintained, repaired and tested within the normally permitted operating hours for mineral extraction within the quarry (07:00 – 19:00 hours Monday to Friday and 07:00 – 13:00 hours on Saturdays), except where an alteration to these hours for this purpose is agreed in writing beforehand by the MPA.

Reason: To minimise noise emissions from the site in accordance with Policy DM1: Protecting Local Amenity of the Nottinghamshire Minerals Local Plan.

Noise

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

1)	Dorket Head Farm	55dB
2)	Arnold Lodge	50dB
3)	Mellish Rugby Club/Howbeck Close	55dB
4)	15 Strathmore Road	49dB
5)	220 Surveys Lane	50dB
6)	48 Jenned Road	55dB

Reason: To minimise noise emissions from the site in accordance with Policy DM1: Protecting Local Amenity of the Nottinghamshire Minerals Local Plan.

16. Noise monitoring shall be undertaken twice a year in accordance with the scheme incorporated in the letter from Bowman Planton Limited (Ref: D10/p2/04/JBH/JB) dated 4th June 2004, throughout the operational life of the development site.

Reason: To minimise noise emissions from the site in accordance with Policy DM1: Protecting Local Amenity of the Nottinghamshire Minerals Local Plan.

17. All plant and machinery shall be regularly maintained in accordance with the manufacturers' recommendations and shall be appropriately silenced.

Reason: To minimise noise emissions from the site in accordance with Policy DM1: Protecting Local Amenity of the Nottinghamshire Minerals Local Plan.

18. Where fitted, reversing alarms on any mobile plant operating on the site are to be white noise broadband type.

Reason: To minimise noise emissions from the site in accordance with Policy DM1: Protecting Local Amenity of the Nottinghamshire Minerals Local Plan.

19. In the event of a noise complaint which the MPA considers to be justified, the applicant must undertake and submit to the MPA a noise survey within 14 days of a request by the MPA. The survey, which will test compliance with the noise threshold limits specified in Condition 15 shall be undertaken at times and positions agreed in advance with the MPA. Where a breach is identified, the submitted report must include a scheme of proposed noise mitigation for approval by the MPA.

Reason: To minimise noise emissions from the site in accordance with Policy DM1: Protecting Local Amenity of the Nottinghamshire Minerals Local Plan.

Dust

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

- The use of water bowsers and/or spray systems to dampen stockpiles and internal haul roads;
- The temporary seeding of any exposed areas; and
- Upon the request of the MPA the temporary cessation of soil stripping and quarrying operations during periods of dry and windy weather.

In the event that the above measures prove inadequate to control dust arising from the operation of the development hereby approved, then within 14 days of a written request from the MPA, the applicant shall submit a scheme to mitigate the dust impact of the development. The dust mitigation scheme shall thereafter be implemented in full within the timetable agreed in writing by the MPA.

Reason To minimise dust disturbance at the site and to ensure compliance with Policy DM1: Protecting Local Amenity of the Nottinghamshire Minerals Local Plan.

Pollution Controls

21. Only inert waste, soils and soil making materials which are fit for purpose for restoring the mineral workings shall be imported into the site. Any non-confirming wastes shall be rejected and not tipped within the site.

Reason: To ensure there is no unacceptable risk of pollution to groundwater or surface water and to avoid potential risks of odour release from tipping operations in accordance with Policies W3.5 and W3.7 of the Nottinghamshire Waste Local Plan.

22. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of the aggregate 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 the requirement of Policy DM2: Water Resources and Flood Risk of the Nottinghamshire Minerals Local Plan.

23. If during the development, contamination not previously identified is found to be present at the application site then no further development (unless otherwise agreed in writing with the MPA) shall be carried out until the operator has submitted a remediation strategy to the MPA detailing how the unsuspected contamination shall be dealt with and obtained written approval for the MPA that

the strategy is acceptable. The remediation strategy shall be implemented as approved.

Reason: To ensure compliance with National Planning Policy Framework policy which requires new development contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

Controls relating to vehicle movements

24. There shall be a maximum of 330 inert waste delivery loads (660 individual movements) to the site within any one week period. Written records shall be maintained of all HGV movements into and out of the site. Copies of the HGV vehicle movements shall be made available to the WPA within 7 days of a written request being made to the WPA

Reason: To limit vehicle movements on the surrounding highway network to an appropriate level in accordance with W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

Protected Species

25. Site clearance operations that involve the destruction and removal of vegetation, including felling, clearing or removal of trees, shrubs or hedgerows on site shall not be undertaken during the months of March to August inclusive, except when approved in writing by the MPA to ensure that breeding birds and herptofauna are adversely affected. Contractors shall be made aware of the potential for the habitat to incorporate reptiles and amphibians and targeted hand searches shall be carried out to dismantle any habitat piles/features. Any animals found would be re-located to a safe receptor site.

Reason: In the interest of protecting species and their habitats and to comply with Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity of the Nottinghamshire Minerals Local Plan.

26. In the 14 days prior to the felling of the 'veteran' ash tree, (referenced T1 in the ecological assessment) a further survey of the tree shall be undertaken to identify the potential presence of roosting bats within the tree. The survey results shall be submitted in writing to the MPA. Felling works shall only proceed following the MPA's approval in writing. In the event that the survey identifies the presence of bat roosts within the tree, the written report shall incorporate a scheme to mitigate/compensate for any negative impacts. The wood arising from the felling of the 'veteran' ash tree shall be utilised to provide deadwood habitat within the Hobbucks LNR, or other suitable location.

Reason: In the interest of protecting species and their habitats and to comply with Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity of the Nottinghamshire Minerals Local Plan.

27. Prior to the commencement of development in each new phase of the development, an ecological survey shall be undertaken to determine the presence of any protected species on site (notably badgers, bats, amphibians and reptiles) and the results of the survey shall be submitted to, and approved in writing by the MPA. If protected species are present, a working design, method and timetable to mitigate any undue adverse effects on the species involved shall be submitted as part of the report and approved in writing by the MPA. The approved mitigation measure shall be implemented as approved.

Reason: In the interest of protecting species and their habitats and to comply with Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity of the Nottinghamshire Minerals Local Plan.

Soil Handling

28. All soils shall only be stripped, handled, stored and replaced in accordance with methodology set out within the soil handling scheme incorporated within the 'Movement of Soils' paragraphs incorporated within Section 5.1 of the Environmental Statement submitted in support of Planning Permission 7/2013/0760NCC. Specifically:
- a. Soil stripping shall not commence until any vegetation has been cut and removed.
 - b. Topsoil, subsoil (where relevant) and soil making material shall only be stripped when they are in a dry and friable condition and movements of soils shall only occur:
 - during the months of April to October inclusive, unless otherwise approved in writing by the MPA; and
 - when all soil above a depth of 300mm is in a suitable condition that it is not subject to smearing; and
 - when topsoil is sufficiently dry that it can be separated from subsoil without difficulty.
 - c. Topsoil and subsoil shall be stripped to their full depth.
 - d. All stripped topsoil and subsoils shall be permanently retained on site for subsequent use in restoration, as specified in the planning application.
 - e. 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

subsoil or overburden or waste or mineral deposits, unless all available topsoil and subsoil to a minimum depth of 1000mm, has been stripped from that part.

- f. Stocks of topsoil shall not exceed 3m in height and stocks of subsoil shall not exceed 5m in height.
- g. All storage mounds that will remain in situ for more than six months or over winter shall be seeded with grass within three months of their construction and thereafter maintained free from weeds.

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

- 29. At least 7 days' notice in writing shall be given to the MPA prior to the commencement of topsoil stripping in any phase.

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

- 30. No turf, topsoil, subsoil or overburden shall be removed from the site.

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

Restoration

- 31. The site shall be fully restored in accordance with the proposals shown on the Indicative Landscape Restoration Plan (Drawing DNS 3.9 – Rev. A). Finished ground contours shall comply with the levels shown on this plan. All restoration operations shall be completed within 12 months of the completion of landfill importation within the corresponding phase, or an alternative date agreed in writing by the MPA.

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

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

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

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

33. Where subsoils are replaced, it shall only be undertaken when they and the ground on which they are to be placed are in a dry and friable condition. No movements, re-spreading, levelling, ripping or loosening of subsoil or topsoil shall occur:

- during the months November to March (inclusive), unless otherwise agreed in writing with the MPA;
- when it is raining;
- when there are pools of water on the surface of the storage mound or receiving area.

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

34. Plant and vehicles shall not cross any area of replaced and loosened ground, replaced subsoil, or topsoil except where essential and unavoidable for purposes of carrying out ripping and stone picking or beneficially treating such areas. Only low ground pressure machines shall work on prepared ground. Soils shall be lifted into position and levelled by equipment that is not standing on re-laid topsoil or subsoil.

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

35. Each subsoil layer placed (where relevant) shall be cross-ripped:

- to provide loosening to a minimum depth of 450mm with tine spacings no wider than 1.5m, and
- any rock, boulder or larger stone greater than 200mm in any dimension shall be removed from the loosened surface before further soil is laid. Materials that are removed shall be disposed off-site or buried at a depth not less than 2 metres below the final pre-settlement contours.

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

36. Only low ground pressure machines shall work on re-laid topsoil or subsoil to replace and level topsoil. Topsoil shall be lifted onto subsoil by equipment that is not standing on either re-laid topsoil or subsoil.

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

37. The re-spread topsoil shall be rendered suitable for agricultural cultivation by loosening and ripping:

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

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

Aftercare and Landscape Planting.

38. Restoration planting shall be undertaken during the first seeding and planting seasons following the placement of topsoils. The seeding and planting shall be carried out in accordance with a Landscaping and Aftercare Management Scheme which shall be submitted to and agreed in writing with the MPA prior to the commencement of restoration operations. The Landscaping and Aftercare

Management Scheme shall incorporate details of species mixes, planting densities, establishment measures and maintenance regimes which shall incorporate tree, shrub and hedgerow planting utilising native species appropriate to the local area selected with reference to the Mid Notts Farmlands species list for the Nottinghamshire Landscape Character Assessment. Opportunities to incorporate additional bat roosting habitats/bat boxes within the restored site shall be explored.

Reason To ensure satisfactory aftercare management of the site in accordance with Policy DM12: Restoration, aftercare and after-use of the Nottinghamshire Minerals Local Plan.

39. Any seeding and planting that dies or becomes diseased, damaged or removed within 5 years shall be replaced during the first planting season thereafter with others of similar size and species.

Reason To ensure satisfactory aftercare management of the site in accordance with Policy DM12: Restoration, aftercare and after-use of the Nottinghamshire Minerals Local Plan.

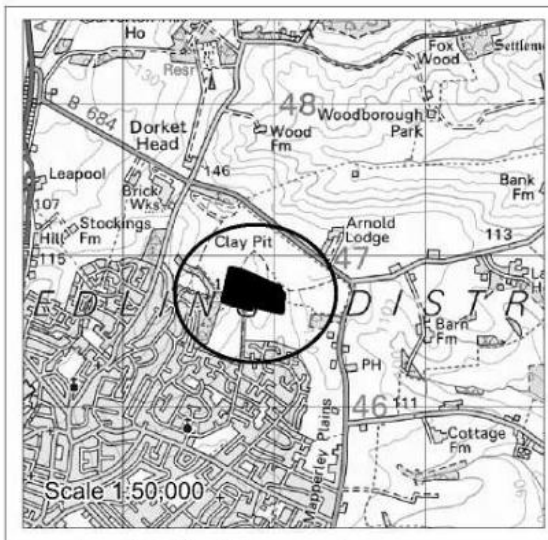
40. Site management meetings shall be held with the MPA on an annual basis to assess and review the aftercare operations, to check progress and to ensure that the programme of aftercare arrangements approved under Condition 35 is carried out. The meeting shall provide an opportunity for the MPA to agree alterations to the aftercare works for the following 12 months and these shall thereafter be implemented. The annual aftercare meeting should particularly focus on the progress of the ecologically restored areas and through the preparation of a habitat management plan the operators should identify the steps to be taken to maximise the ecological potential of the restored site.

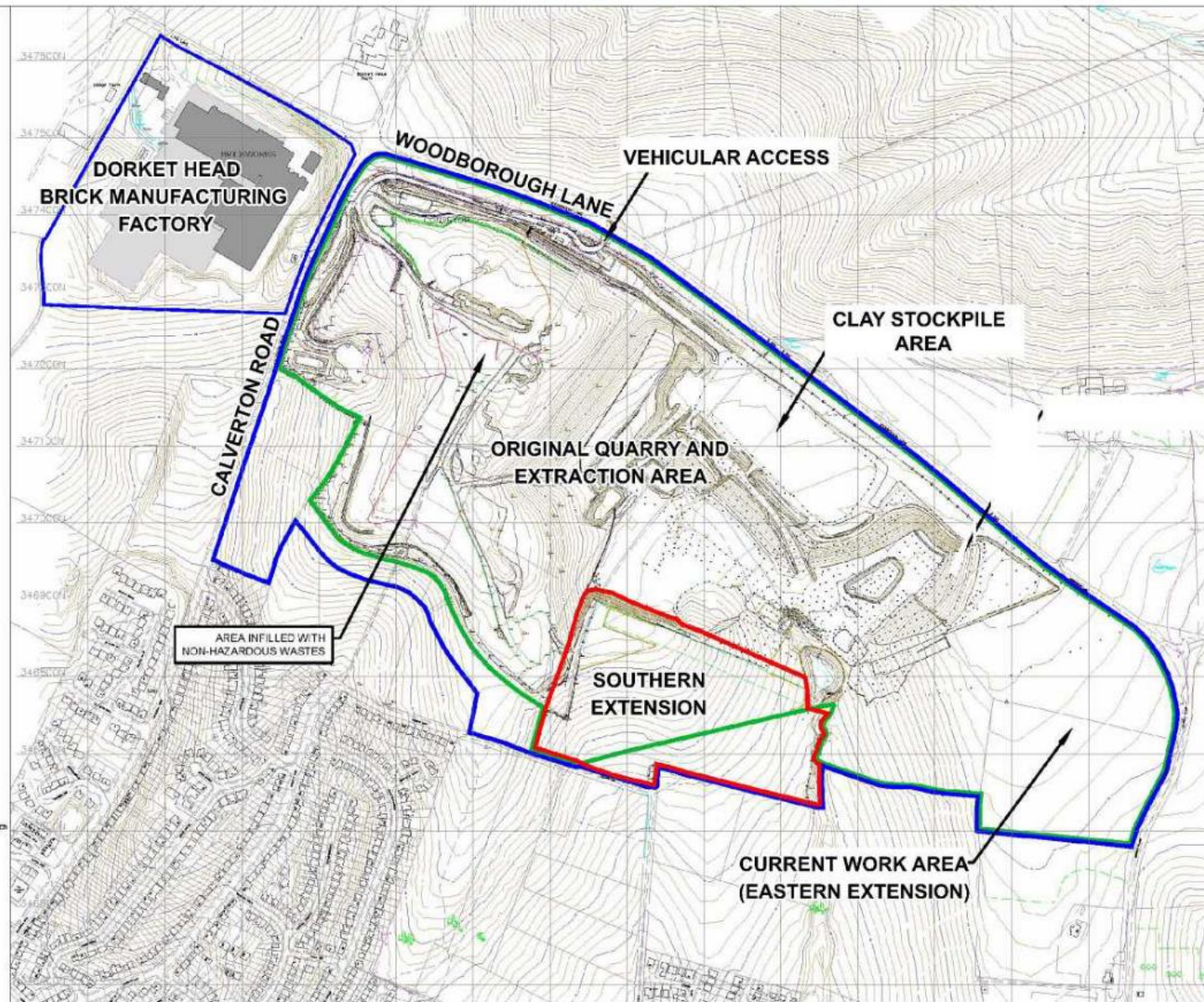
Reason To ensure satisfactory aftercare management of the site in accordance with Policy DM12: Restoration, aftercare and after-use of the Nottinghamshire Minerals Local Plan.

Alternative Restoration

41. Should, for any reason, mineral extraction or infilling with inert waste at the application site cease for a period in excess of two years, then within six months of the receipt of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted to the MPA. Such a scheme shall include a schedule of timings, final contours, provision of soiling, sowing of grass, planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these conditions. The revised restoration scheme shall be implemented within 12 months of its approval by the MPA, and shall be subject to the aftercare provisions in accordance with the details set out above.

Reason To achieve a satisfactory restoration of the site in the event of premature closure of the site Policy DM12: Restoration, aftercare and after-use of the Nottinghamshire Minerals Local Plan.





**Nottinghamshire
County Council**

Section 73 application of planning approval 7/2018/0159/NCC (Southern Extension area) related to the variation of condition 5 extending time for working and restoration along with the deletion of condition 9. Dorket Head Quarry, Woodborough Lane, Arnold, Nottinghamshire.

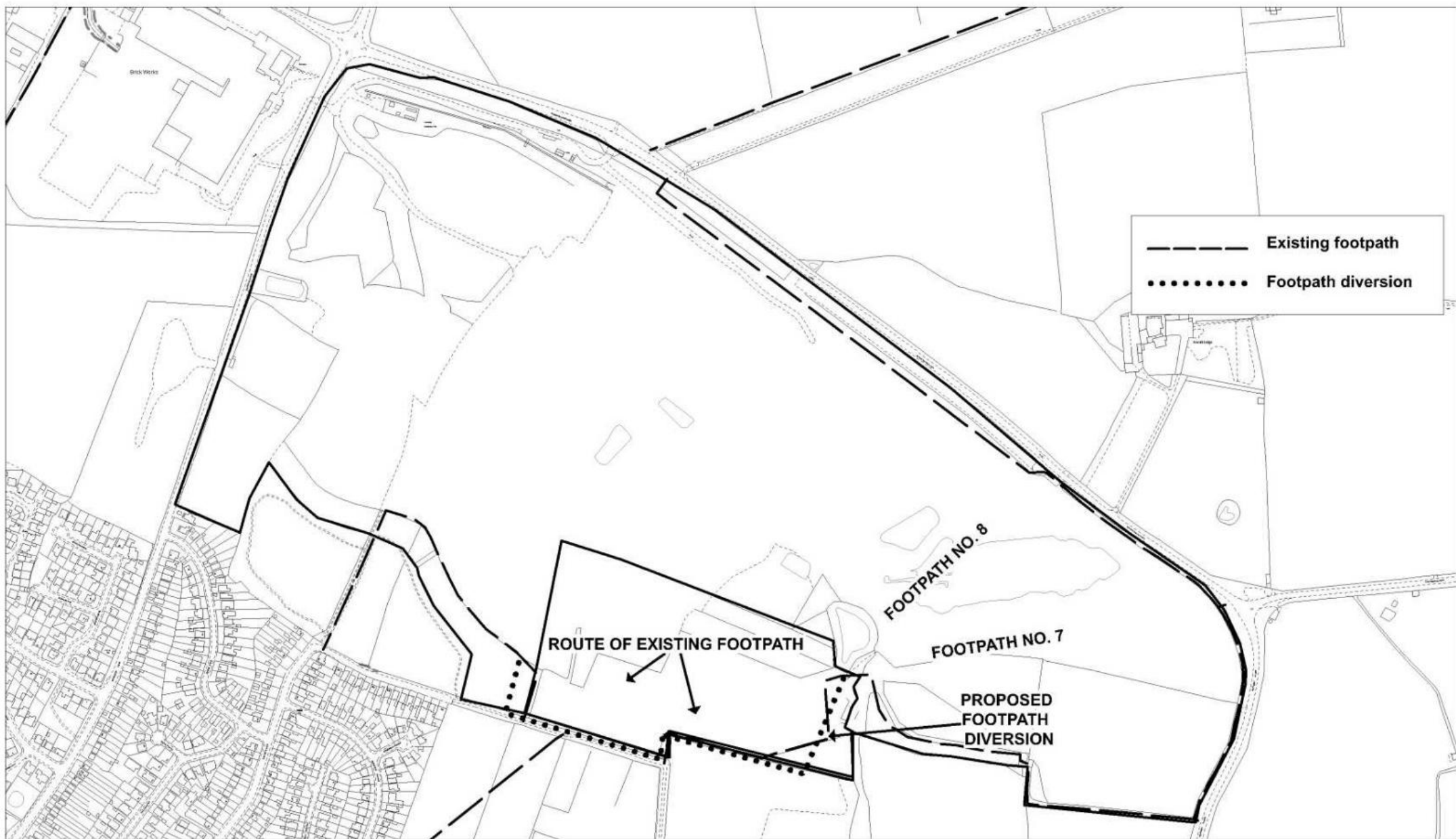
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Date: APRIL 2022

PLAN 2



**Nottinghamshire
County Council**

Section 73 application of planning approval 7/2018/0159/NCC (Southern Extension area) related to the variation of condition 5 extending time for working and restoration along with the deletion of condition 9. Dorket Head Quarry, Woodborough Lane, Arnold, Nottinghamshire.

Planning Application No. 7/2022/002NCC

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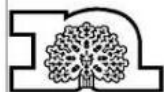
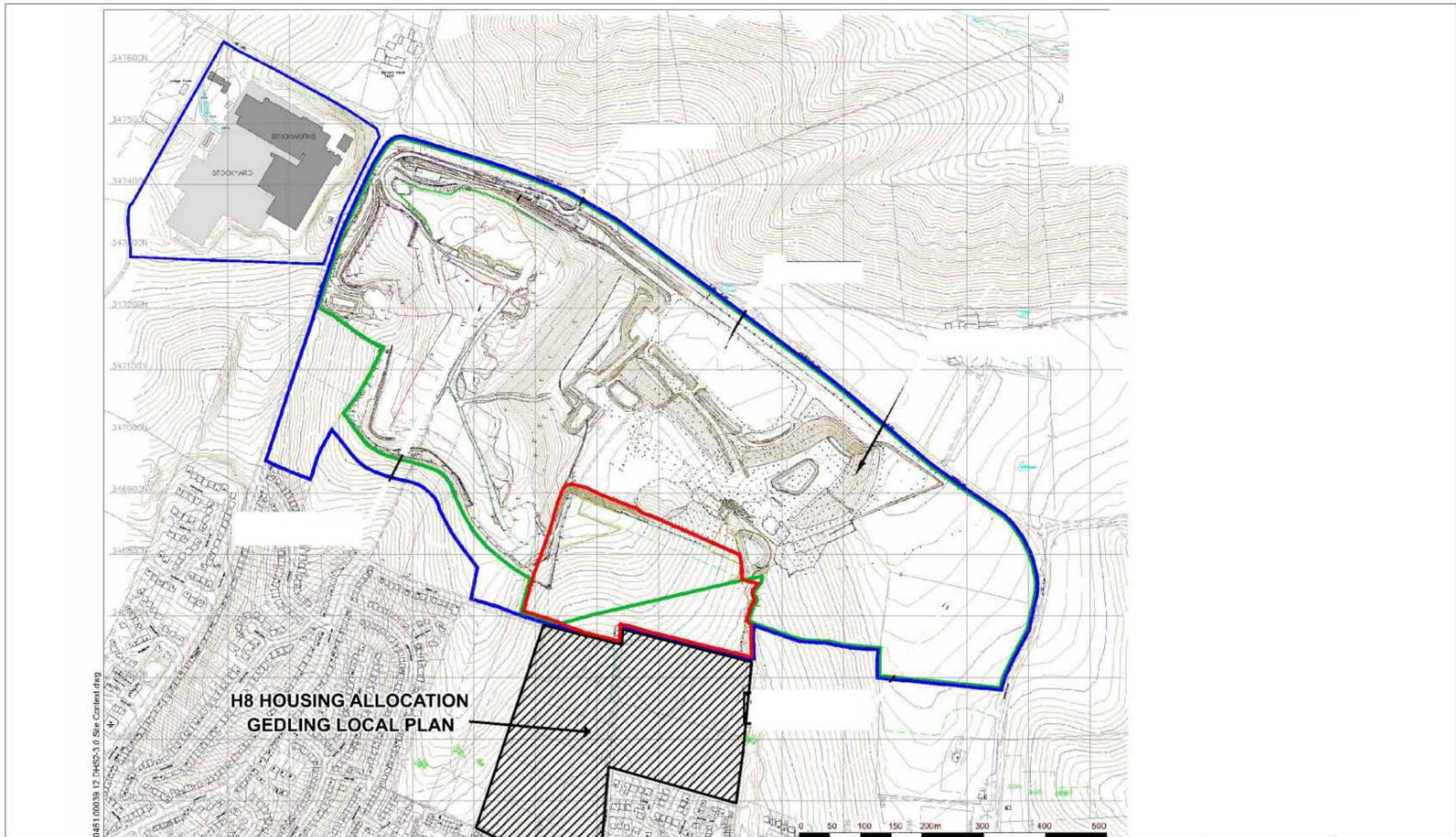


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Date: APRIL 2022

PLAN 3



**Nottinghamshire
County Council**

Section 73 application of planning approval 7/2018/0159/NCC (Southern Extension area) related to the variation of condition 5 extending time for working and restoration along with the deletion of condition 9, Dorket Head Quarry, Woodborough Lane, Arnold, Nottinghamshire.

Planning Application No. 7/2022/002NCC

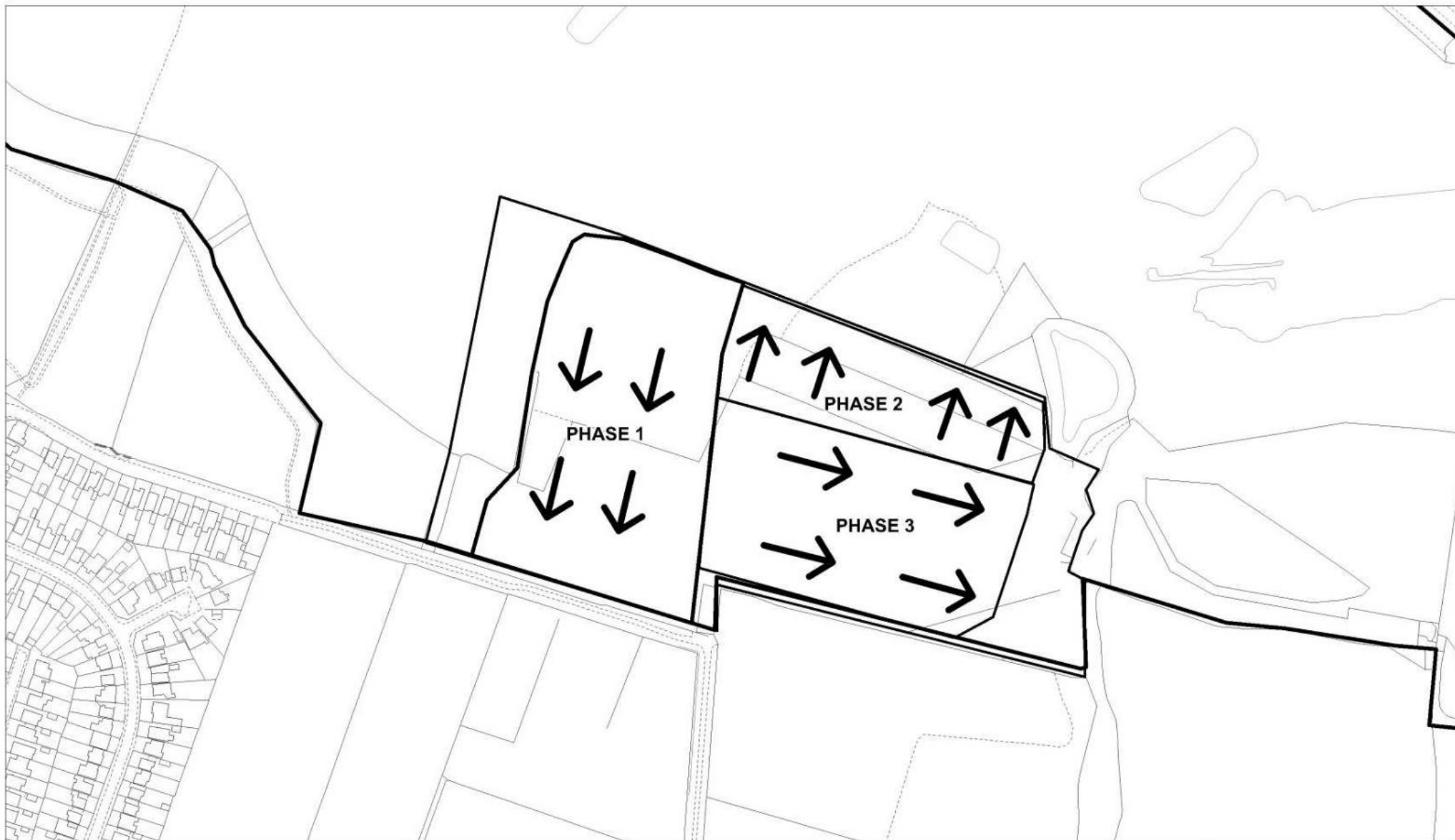
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PLAN 4



**Nottinghamshire
County Council**

Section 73 application of planning approval 7/2018/0159/NCC (Southern Extension area) related to the variation of condition 5 extending time for working and restoration along with the deletion of condition 9. Dorket Head Quarry, Woodborough Lane, Arnold, Nottinghamshire.

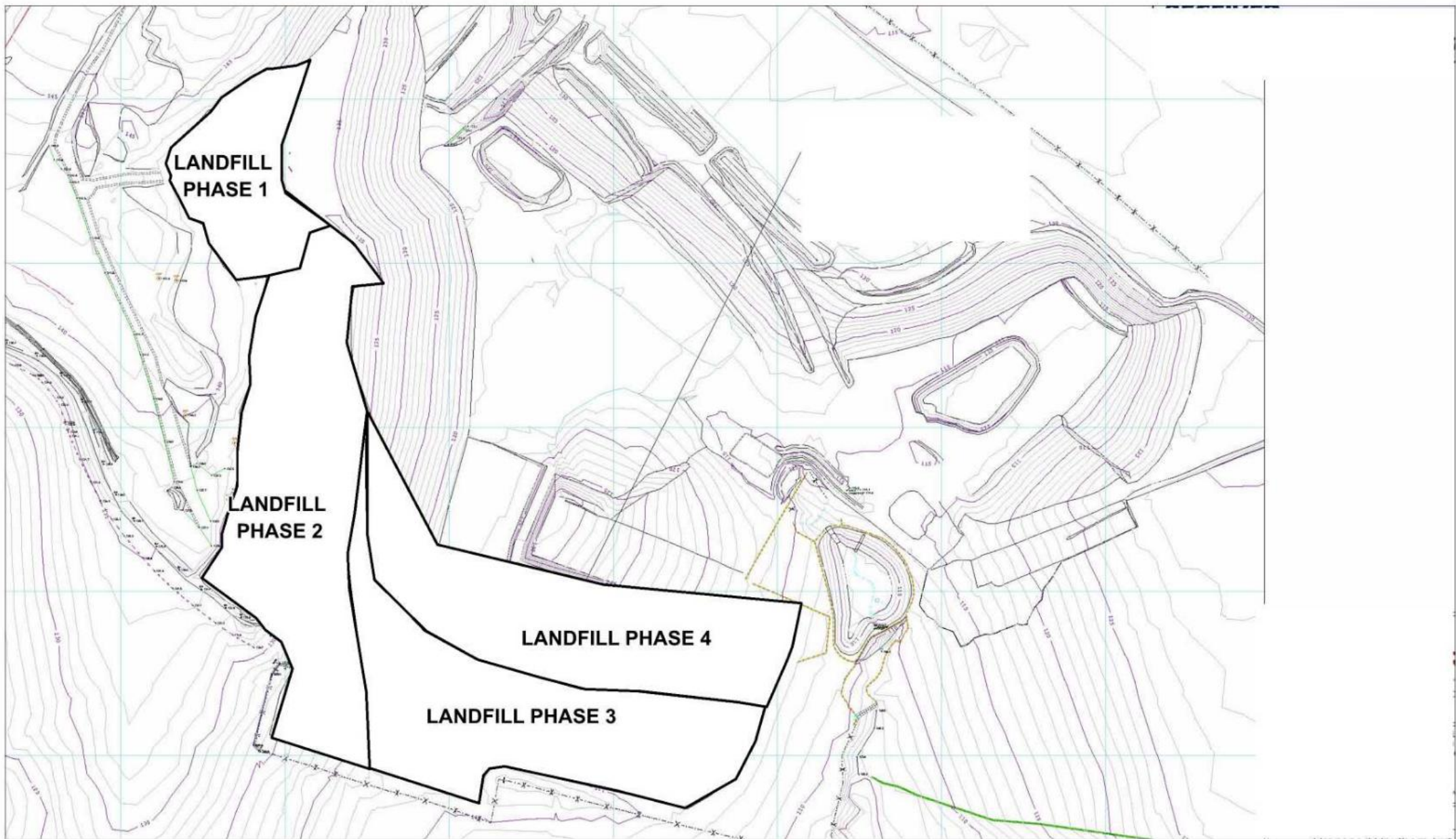
Planning Application No. 7/2022/002NCC
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Date: April 2022

PLAN 5



19th April 2022**Agenda Item: 7****REPORT OF CORPORATE DIRECTOR – PLACE****BASSETLAW DISTRICT REF. NO.: 1/22/00047/CDM**

PROPOSAL: VARIATION OF THE TRIGGER DATE OF CONDITIONS 67 AND 68 TO 31 DECEMBER 2024 TO AFFORD SUFFICIENT TIME FOR ADDITIONAL SURVEYS, TO SECURE ALL NECESSARY APPROVALS UNDER NON-PLANNING REGIMES AND IMPLEMENTATION WORKS TO TAKE PLACE PRIOR TO EXTRACTION RECOMMENCING

LOCATION: LAND AT STURTON LE STEEPLE, GAINSBOROUGH ROAD, RETFORD

APPLICANT: TARMAC AGGREGATES LIMITED

Purpose of Report

1. To consider a Section 73 planning application which seeks to amend the originally approved controls at Sturton le Steeple Quarry which incorporates an option for the planning authority to request the permanent closure and restoration of the implemented planning permission in the event that the quarry does not enter production before the 15th April 2022. The request is to provide an extended period up until the end of 2024 for the applicant to put the quarry into operational production.
2. The report identifies that providing the applicant a further period of time up to 2024 to allow flexibility to put Sturton le Steeple Quarry into operational production is supported by the mineral supply policies and will ensure that Nottinghamshire continues maintain an adequate landbank of minerals and a steady and adequate supply of minerals throughout the plan period of the Nottinghamshire Minerals Local Plan.
3. The recommendation is to grant planning permission subject to conditions set out in Appendix 1.

The Site and Surroundings

4. The main body of the application site (i.e. excluding the access corridors for road and wharf) is located approximately 9.5km east of Retford, some 3.5km south of Gainsborough, 2km east of Sturton le Steeple village and 1.5km south

east of West Burton Power Station. 1.5km to the east across the River Trent is the village of Knaith, in Lincolnshire. The site is generally contained by the River Trent to the east, Littleborough Road to the south and Gainsborough Road (which passes through Sturton le Steeple) to the west. The most prominent landscape feature in the area is West Burton Power Station which is situated directly to the north of the site (see Plan 1).

5. The application site is situated approximately 300m west and south of the meandering River Trent flood defences. The topography of the site is very flat, which is typically characteristic of the Trent valley area. The current use of the application site is predominantly arable agricultural land.
6. The site extends to approximately 110 hectares (ha). It is generally rectangular in shape, orientated north-south (see Plan 2). The main body of the application site (from which sand and gravel would be extracted and processed) lies immediately to the west of the 'Mother Drain' which runs parallel with North/Middle/South End Lane. The northern limit is demarcated by New Ings Drain, whilst the southern extent lies approximately 250m south of Upper Ings Lane, cutting across a large field. The western boundary follows the line of New Ings Lane in the north and several field boundaries further to the south, but predominantly follows arbitrary lines crossing through large fields.
7. Two narrow corridors extend out from the main body of the application site. Firstly, a straight corridor, 40m in width, runs northwards from the north western corner of the proposed site for a distance of around 1km to accommodate a proposed loading wharf and associated conveyor at the bank of the River Trent. The second corridor is approximately 2.8km in length, generally between 45m and 65m wide, and runs in a westerly direction towards the southern boundary of the power station before joining Gainsborough Road. This corridor of land would accommodate the quarry access road which joins onto Gainsborough Road to the west and links with the A631 and wider strategic road network to the north.

Background to Development Proposal

8. Planning permission was originally granted for the development of a sand and gravel quarry including the construction of a new access road and erection of processing plant, ancillary buildings and a wharf facility with restoration to agriculture, woodland and water areas for amenity and nature conservation after-uses at Sturton le Steeple in October 2008 under reference 1/46/06/00014 (See Plan 3).
9. In March 2012 planning permission was granted under reference 1/46/11/00002/R to extend the implementation deadline set out within the original consent to 8 March 2017.
10. In May 2016 a further planning permission was granted under reference 1/16/00354/CDM to enable the quarry access road to be constructed in two stages:

- The initial stage of developing the quarry access road relates to the construction of a 500m section of bound surface adjacent to Gainsborough Road (and the remainder of the haul road laid with stone) and for the use of this road for the removal of the first 100,000 tonnes of mineral from the site.
 - The second stage, which has not yet been constructed, includes the full surfacing of the haul road along its entire length.
11. The 2016 planning permission was implemented in September 2016 through the construction of the first 500m section of the haul road with a bound surface, but the full length of the road in stone surfacing was not constructed. A small quantity of mineral was extracted in March 2017 and utilised for site engineering purposes but no mineral has yet been removed from the site. Minor modifications were made to the design of the access road as part of a Non-Material Amendment in September 2017. Condition 68 of this planning permission includes a requirement wherein if mineral extraction ceases for a period in excess of 12 months the operator is required to submit a revised scheme of restoration for approval in writing following a written request for this submission. In January 2020 the County Council wrote to Tarmac requesting the submission of a revised restoration scheme in accordance with the requirements of the planning condition.
12. In June 2020 planning permission was granted under reference 1/20/00605/CDM to defer the obligations imposed under Condition 68 of planning permission 1/16/00354/CDM to delay the submission of a revised restoration scheme for the quarry until after the 15th April 2022. In support of this submission to defer the full implementation of quarrying operations the applicant stated the mineral deposit was more variable than originally anticipated with the presence of peat and a higher ratio of fine sand to coarser material in certain phases. This has resulted in the applicant needing to carry out further investigations to establish whether there is any need to change the approved method of working/phasing as part of provisions to re-open the quarry necessitating a change to the approved working scheme to facilitate concurrent working phases and blending of different grades of material.

Proposed Development

13. The extant planning permission (ref: 1/20/00605/CDM) for Sturton le Steeple quarry incorporates two planning conditions (Conditions 67 and 68) which set a trigger date of 15th April 2022 by which time the applicant is either required to fully implement the quarry planning permission and enter the site into full production, or alternatively submit a restoration scheme for the quarry site, if formally requested to do so in writing by the Minerals Planning Authority after this trigger date. The planning conditions are set out below.

No.	Alternative Restoration
67	<p>In the event that the quarry hereby approved does not enter production before the 15th April 2022, 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 the approval of the MPA. Such a scheme shall include details of the final contours, provision of soil, sowing of grass, planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these conditions.</p> <p><i>Reason: To secure the proper restoration of the site within an acceptable timescale</i></p>
68	<p>After the 15th April 2022, should for any reason, mineral extraction from the application site cease after this date 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 the approval of the MPA. Such a scheme shall include details of the final contours, provision of soil, sowing of grass, planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these conditions.</p> <p><i>Reason: To secure proper restoration of the site within an acceptable timescale.</i></p>

14. This planning application seeks approval to vary the trigger date in conditions 67 and 68 of planning permission 1/20/00605/CDM ("the extant consent"), effectively deferring the requirement to submit a revised restoration scheme until 31st December 2024.
15. The applicant has now completed the further investigations into the variability of the mineral reserve they referenced as part of the 2020 planning submissions and confirm that no changes are proposed to the initial phase of the permitted working scheme in connection with extraction of the first 100,000 tonnes of mineral. The applicant states that arrangements are being put in place to complete the haul road construction and are currently seeking to agree a footpath crossing scheme with the Council's Rights of Way Team as part of this process.
16. As part of this current planning submission the applicant has provided an indicative completion programme which sets out various elements of the permitted development that need to be completed prior to the recommencement of mineral extraction and a timetable for doing these works which identify that

the programme would take 28 months. The completion programme is summarised below:

Ecology Surveys and Mitigation

- Great Crested Newt – 10 Months (Year 1)
- Otter and Water Vole – 9 Months (Year 1)
- Bat/trees – 12 Months (Year 1)
- Nesting Birds – 12 Months (Year 1)
- Barn Owl – 12 Months (Year 1)

Environment Agency Permitting

- Baseline Monitoring - 12 months (Year 1)
- Abstraction Licence - 28 months (Years 1-3)
- Discharge Consent – 6 months (Year 2)

Sundry Engineering Works

- Severn Trent Crossing – 15 days (Year 2)
- Access Road Construction – 80 days (Year 2)
- 100m Roadway to Culvert, Compound & Crane Pad – 10 days (Year 2)
- Import Stone from Culvert to Quarry Area 1100m – 25 days (Year 2)
- Quarry Area Compound – 10 days (Year 2)
- Box Culvert Construction – 35 days (Year 2)
- IDB Crossing Over Cowpasture Lane 10 days (Year 2)
- Complete Fencing and Install Gates to all PROW Crossing Points – 8 days (Year 2)
- Install Concrete Speed Bumps (x8) PROW Crossings – 10 days (Year 2)
- Signage - PROW Crossings – 6 days (Year 2)
- Signal System (Crossing D) – 5 days (Year 2)
- Surfacing of first 500m Internal Haul Road – 3 days (Year 2)
- Archaeology Written Scheme of Investigation and Watching Brief (ongoing for duration of physical works – Year 2)
- Further Archaeological investigation in event of unexpected finds (Year 2)

17. Based on the 28-month period identified in the completion programme it is requested the trigger date of conditions 67 and 68 is extended to 31st December 2024 and thus afford sufficient time for the schedule of work to be undertaken. The applicant also states that an extension to the trigger date would:

- a. Secure the permission from a technical perspective.
- b. Reduce current constraints on investment associated with the respective trigger date of the extant consent.
- c. Address the recent recessive economic trends associated with Brexit and Covid-19 which has meant that commercial mineral need was temporarily curtailed by a decline in market demand.
- d. Enable the applicant to respond to a recovering minerals market which has shown successive growth over all quarters in 2021, is now exceeding pre-pandemic levels and projected to increase significantly in the future.

- e. Maintain minerals supply in the Nottinghamshire area and the wider Yorkshire and Humberside region.
- 18. There are no proposals to amend any other element of the permitted development, or vary any of the remaining conditions, and all environmental controls will continue to be applied.

Consultations

- 19. Bassetlaw District Council: *No objections.*
- 20. Sturton le Steeple Parish Council: *Object to the planning application.*
- 21. *Tarmac's original planning permission dates back to 2008, and a lot has changed locally since that time. The power station is closing, and the potential to move materials by rail or water could be available. Increasing levels of transportation by road does not fit the green agenda of modern times. A substantial amount of HGV traffic could be moving in and out of the site every few minutes, generating increased pollution levels and not fitting the green agenda. Farming practices have also changed massively since Tarmac's original application, with a reduction in the use of chemicals and an increase in wildlife being apparent. The council believes that the environmental impact study submitted in 2008 is old and, given the changes highlighted, needs reviewing.*
- 22. NCC Highways: *No objections.*
- 23. Environment Agency: *No representations received.*
- 24. Trent Valley Internal Drainage Board: *No representations received.*
- 25. VIA (Countryside Access): *No representation received.*
- 26. Anglian Water Services, Cadent Gas Limited, National Grid Company PLC, Western Power Distribution, Serco Gulf Engineering Limited: *No consultation responses received. Any responses received shall be orally reported.*

Publicity

- 27. The application has been publicised as affecting a public right of way by means of site notices and a press notice in the Retford Times. Six letters have been sent to occupiers of nearby residential property. The publicity has been undertaken in accordance with the County Council's adopted Statement of Community Involvement.
- 28. One letter of representation has been received from a local resident who lives adjacent to the quarry who objects to the planning application raising the following concerns:

- a. It is questioned whether the proposed quarry would be larger in size than the scheme previously approved.
 - b. The scheme should not be enlarged until such time that other changes in the village have been finalised including a new solar farm and the closure of the power station.
 - c. The weight restriction on the road through Sturton le Steeple village is often ignored and should be enforced.
 - d. The hours of work of the quarry should close at 13:00 hours on Saturday and not 14:00 as currently approved.
 - e. Concerns are expressed that any lorries arriving at the site before it opens at 7am will park/wait on Gainsborough Road before entering the quarry once the gates are opened. If this happens the traffic build up at rush hour on Gainsborough Road will be dangerous. Double yellow lines should be put on the road to stop parking and policed by the quarry in a morning.
 - f. Concern is expressed that lorries may travel and park along an existing narrow road located immediately to the north of the new quarry haul road, mistaking it for the main quarry access.
 - g. The quarry should continue to look after and maintain the existing boundary hedges.
29. Councillor John Ogle has been notified of the application.
30. The issues raised are considered in the Observations Section of this report.

Observations

31. This Section 73 planning application seeks to amend the originally approved controls at Sturton le Steeple Quarry which incorporate an option for the planning authority to request the permanent closure and restoration of the implemented Sturton le Steeple Quarry planning permission in the event that the quarry does not enter production before the 15th April 2022. The request is to allow some flexibility to allow an extended period up until the end of 2024 for the applicant to put the quarry into operational production. The planning application does not request any further amendments to any other elements of the permitted development or vary any of the remaining conditions with all existing environmental controls proposed to continue as previously consented.
32. The planning merits of the approved minerals extraction scheme for Sturton le Steeple quarry have previously been subject to a detailed appraisal by the planning authority when the scheme was originally granted planning permission and subsequently renewed. In summary this previously planning appraisal concluded that:
- The Sturton le Steeple quarry represents part of a strategically important mineral resources contributing to maintaining Nottinghamshire's 7-year sand and gravel landbank. The development of the site would help to

ensure Nottinghamshire continues to meet its regional apportionment of sand and gravel production for the foreseeable future. The quarry would form an essential component of this county's aggregate provision.

- The main area of local concern related to additional lorries associated with the transport of mineral from the quarry. However, the transport assessment demonstrated that the highway network has sufficient capacity to satisfactorily accommodate the additional vehicles associated with the development.
 - The implementation of a lorry routeing agreement would ensure that HGVs are routed along the Strategic Highway Network and are not permitted to travel to the south of the site passing through Sturton le Steeple village and roads of a more rural character.
 - The approved scheme provides scope for the movement of a proportion of the sand and gravel by river.
 - The development site is relatively remote site with few on-site constraints.
 - The main effect of the development is the change in landscape character with the loss of a number of large arable fields and their replacement with wetland and open water areas which although representing a different character of landscape was not considered to be out of keeping with the landscape character and distinctiveness of the Trent Valley.
 - Visual impacts of the development are limited and screened to a significant extent by existing vegetation.
 - The application boundaries have been drawn to minimise impacts on nearby archaeologically important areas.
 - Operational impacts on surrounding residential properties are minimised due to the remoteness of the site.
 - The restoration of the site would provide significant ecological benefits which are maximised through the suggested extended management secured through a Section 106 agreement.
33. In appraising the merits of this planning application to extend the trigger date for the permanent closure and restoration of the quarry it is not necessary to re-examine the wider planning policy merits and environmental effects associated with the development of Sturton le Steeple quarry. Instead, this appraisal is limited to the main planning issues which the modification to the trigger date impacts in terms of mineral supply and landbank issues.

Mineral Supply and Landbank Issues

34. The Nottinghamshire Minerals Local Plan (MLP) was adopted in March 2021 and incorporates a number of key policies in respect of mineral supply, specifically:
- I. Strategic objective SO2: Providing an adequate supply of minerals seeks to maintain an adequate supply of all minerals to assist in economic

growth both locally and nationally by providing sufficient land to enable a steady and adequate supply of minerals over the plan period.

- II. Policy SP1: Minerals Provision seeks to ensure that adequate and steady mineral supplies can be maintained throughout the plan period in accordance with NPPF policy to maintain a landbank of permitted reserves by identifying suitable land for mineral extraction.
 - III. Policy MP1: Aggregate Provision identifies that during the plan period (2018-2036) provision will need to be made for the extraction of 32.30 million tonnes of sand and gravel, requiring a 7-year landbank of sand and gravel reserves to be maintained to ensure there is a steady and adequate supply of minerals.
 - IV. Policy MP2: Sand and Gravel Provision seeks to maintain an adequate supply of sand and gravel to meet the expected demand over the plan period, identifying the importance that the extraction of the remaining reserves at Sturton le Steeple quarry has in meeting this objective.
35. The emphasis of Strategic Objective S02 and Policy SP1 is to maintain a steady and adequate supply of minerals throughout the plan period by ensuring that suitable land is identified for mineral extraction. Policy MP1 quantifies the amount of sand and gravel reserves that is forecast to be needed to meet this objective at 32.3 million tonnes and Policy MP2 identifies the role that the 7.1 million tonnes of consented sand and gravel reserves at Sturton le Steeple quarry has in meeting this need.
36. The most recent Local Aggregate Assessment for Nottinghamshire was published in November 2021 and reported on 2020 data. The Assessment identifies that the County's landbank currently stands at 17.97 million tonnes of which Sturton accounts for 7.1 million tonnes (ie 40% of the total figure), clearly demonstrating the significance of the permitted reserve in maintaining the landbank.
37. Whilst it is acknowledged that Sturton le Steeple Quarry is currently not operational, it is a key requirement within Policy MP1 to maintain a steady and adequate supply of aggregate mineral throughout the plan period up to the year 2036. The sand and gravel originating from Sturton le Steeple can make an important long-term contribution towards maintaining mineral supply over the remaining 14-year period of the plan. By contrast, if this planning application is not approved and a restoration scheme requested under Condition 67, implementation of that scheme would effectively quash the extant consent by requiring the restoration of Sturton Quarry. This would result in a significant shortfall in sand and gravel provision within the County, conflicting with the principles of sustainable development as well as making best use of minerals and would require the Council to identify further mineral resources to replace the productive capacity and total reserve that would have been sourced from Sturton le Steeple Quarry. The identification of further mineral resources would most likely be undertaken through an early review of the minerals local plan.

38. The applicant has clearly set out their reasons why they have not currently commenced mineral extraction at Sturton and also described the improving market conditions which now support a business case to put the quarry into production by 2024. The applicant's planning submission incorporates a detailed timetable setting out the various elements of the permitted development that need to be completed prior to the recommencement of mineral extraction by the end of 2024. A planning condition is recommended to monitor the operators progress towards the recommencement of mineral working through the submission of six monthly progress reports up to this date and to confirm that satisfactory progress is made in terms of undertaking the required survey and construction works detailed in the planning submission and summarised within paragraph 16 of this report to facilitate the reopening of the quarry.
39. It is therefore concluded that a decision to provide the applicant a further period of flexibility up to 2024 to allow sufficient time to put Sturton le Steeple Quarry into operational production is supported by the mineral supply policies outlined above. NPPF Paragraph 211 confirms that great weight should be given to the benefits of mineral extraction, including the benefits the development will bring to the economy.

Re-appraisal of transport arrangements for the quarry

40. Sturton le Steeple Parish Council raise concerns about the level of traffic associated with the development and request that the potential to haul mineral by road or rail is re-examined.
41. The levels of traffic associated with the development were closely examined in detail as part of the original planning assessment wherein it was concluded that the local highway network has satisfactory capacity to accommodate the additional traffic generated by the development without any significant additional safety risk and a Section 106 legal agreement is in place to ensure that all vehicles access the site from the north and avoid travelling through Sturton le Steeple village to the south. The changes proposed in this planning application do not alter the output or HGV activity associated with the development from the levels previous consented.
42. Opportunities for the sustainable transport including barge and rail were assessed as part of the original planning application. The approved scheme incorporates consent for the establishment of a wharf and barge loading facility which provides the option to transport some of the sand and gravel by water. Rail transport of minerals is not proposed.
43. The applicant has re-appraised the transport arrangements of the quarry in response to the consultation response from the Parish Council. This review has identified that the pattern of aggregate sales from other Tarmac quarries within Nottinghamshire are predominantly local with 91% of sales from Besthorpe Quarry delivered within Nottinghamshire, 84% at Calverton Quarry, and 61% at Langford Quarry with the average distance of delivery being 30 miles. The

characteristics of the sand and gravel market means that the mineral is delivered to multiple different end users.

44. Whilst the applicant has noted the rail-linked West Burton Power Station is expected to close later this year, the transport of sand and gravel by rail is dependent on unloading infrastructure being in place as well as suitable depots for the redistribution of the material. The applicant states that there is not a network of railhead unloading facilities available to unload sand and gravel in multiple locations which would be required, and the haulage distances of sand and gravel are comparatively short. Since rail transport becomes more viable when long term contracts are established delivering material between two fixed locations over longer distances, the applicant has concluded that the local nature of demand for the distribution of sand and gravel means that rail haulage is likely to be less sustainable and viable than the existing permitted modes of transport for the quarry.
45. Planning policy in relation to mineral haulage is incorporated within Policy SP4: Sustainable Transport. The policy states that all mineral proposals should seek to maximise the use of sustainable forms of transport, including barge, rail and pipeline where practical and economic. These matters were appraised as part of the original assessment of the planning application where it was shown that the approved development incorporates arrangements for barge transport but rail transport was not viable, practical or economic. The applicant's re-appraisal of the transport options for the quarry demonstrates that these conclusions remain valid.
46. Vehicular access to the planning application site is obtained via a purpose-built access off Gainsborough Road which links with the A631 and the wider strategic road network to the north with good road linkage to markets in North Nottinghamshire and Yorkshire/Humberside. This pattern of road transport is consistent with the remainder of MLP Policy SP4 which goes on to highlight that where it can be demonstrated that there is no viable alternative to road transport all new mineral working should be located within close proximity to existing or proposed markets to minimise transport movement and be within close proximity to the county's main highway network and existing transport routes in order to avoid residential areas, minor roads, and minimise the impact of road transportation. The development proposal is consistent with these policy objectives of MLP Policy SP4.

Changes to farming practices and wildlife guidance since the original grant of planning permission

47. Sturton le Steeple Parish Council has identified that there have been changes to farming practices which have potential to change the ecological value of the site. The Parish Council request the environmental protection measures should be reviewed in light of this changed environmental baseline.
48. In response to this matter, the current Section 73 planning application does not seek to extend the scope of the existing implemented planning permission at

Sturton le Steeple Quarry except in terms of modifying the 15th April 2022 trigger dates and the option within planning conditions 67 and 68 which enable the planning authority to request the permanent closure and restoration of the site in the event that the quarry does not enter production by this trigger date. Instead, the application seeks some flexibility to allow an extended period up until the end of 2024 for the applicant to put the quarry into operational production under the terms of the current planning permission. Since planning permission is not being sought to extend the scope of the development previously approved, a full re-appraisal of the environmental effects of the development is not considered to be either necessary or appropriate.

49. The original planning permission for the site was informed by extensive studies and assessments covering a full range of potential environmental effects including the ecological baseline and the local drainage network. Whilst the Parish Council's observations that there may have been modifications to farming practice over the years which could influence the ecological conditions within the site are acknowledged, there has not been any significant change to the overall character of land use within the application site which remains in predominately arable agricultural use. The planning conditions imposed within the planning permission for the site acknowledge that the ecological conditions may change over time and therefore require additional ecological survey works prior to any new phase of mineral extraction, including appropriate mitigation if the ecological features have changed. It is considered these existing controls, which will remain unchanged and rolled forward into any new planning permission, will continue to provide satisfactory control for any changes to the environmental baseline as a result of any updated farming practices that may have occurred.

Other Matters

50. In terms of the representations raised by the local resident, the case officer has spoken with the resident, discussed the scope of development sought planning permission and confirmed that the proposed quarry would not be any larger in size than the scheme previously approved. Assurances have also been provided that the planning authority would take action to enforce the requirements of the lorry routing arrangements regulated through the Section 106 legal agreement, in the event that these controls were breached. The planning application does not seek to modify the approved working hours wherein it is noted that mineral processing is restricted to 1pm on Saturdays with scope to allow mineral transportation until 2pm.
51. In respect of concerns raised regarding the potential for HGVs to park on the public highway outside the quarry entrance before the quarry opens at 7am, if this was to occur and was to result in problems the planning authority would seek to liaise with the operator to address this matter as they have successfully done at other operational sites where this has been an issue. Whilst an option may be to use a more formal traffic regulation order in the future to regulate the matter, currently there are not any problems regarding HGV parking in the area and therefore these controls are not currently considered necessary.

52. Officers have inspected the narrow road referred to by the resident which is located approximately 280m to the north of the quarry access. The road is narrow and in the opinion of officers it would be extremely unlikely that drivers would mistake this as the quarry access which is clearly signed, marked out and engineered to an appropriate standard. If there were issues of HGVs parking on this road, this matter would be taken up with the operator.
53. The existing planning conditions incorporate an obligation for the quarry to maintain the existing retained hedges around the site.

Section 106 Legal Agreement

54. The existing planning permission for the site is supported by a Section 106 agreement which regulates:
 - a. Lorry routeing;
 - b. The long-term management of the restored site for 5 years beyond the statutory 5-year period;
 - c. The developer to use their best endeavour to extend the Traffic Regulation Order (TRO), agreeing to pay all the County Council's costs in processing the amendment to the TRO and any subsequent changes to signs and lines required to implement the amended weight restriction (now complete);
 - d. To secure the creation of supplementary Great Crested Newt terrestrial habitat on the land to the north of the quarry, as indicated on drawing reference Sturton Steeple Ecology Habitat Plan 001;
 - e. A scheme of mitigation to compensate for indirect hydrological changes within the Mother Drain SINC and New Ings Drain. The scheme shall include survey data of seasonal water levels, trigger levels for water pumping, water quality monitoring and six-monthly invertebrate assemblage assessments throughout the life of quarry dewatering operations.
55. The controls within the existing Section 106 agreement would continue to apply to any new planning permission for Sturton le Steeple Quarry issued under Section 73 of the Town and Country Planning Act and therefore would continue as part of this new planning permission.

Other Options Considered

56. 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

57. 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

58. It is not anticipated that the operation of the quarry will give rise to any significant crime and disorder implications.

Data Protection and Information Governance

59. 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

60. None arising.

Human Resources Implications

61. None arising.

Human Rights Implications

62. 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. The modifications sought within this planning application result in no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Public Sector Equality Duty Implications

63. None arising.

Safeguarding of Children and Adults at Risk Implications

64. None arising.

Implications for Service Users

65. None arising.

Implications for Sustainability and the Environment

66. The request to allow some flexibility and allow an extended period up until the end of 2024 for the applicant to put the quarry into operational production is compliant with the principles of sustainable development insofar that the development will allow the mineral operator to make use of a proven mineral resource and ensure that it does not become sterilised.

Statement of Positive and Proactive Engagement

67. In determining this application the Mineral 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

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

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [RHC 04/04/2022]

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

Financial Comments (SES 22/03/2022)

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

Background Papers Available for Inspection

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at:
www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4386

Electoral Division(s) and Member(s) Affected

Tuxford

Councillor John Ogle

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 and Scope of Planning Permission

1. This permission is for the continuation of mineral working operations at Sturton le Steeple Quarry subject to a modification to the 'trigger date' for the interim restoration of the quarry set out within Conditions 67 and 68 of Planning Permission 1/20/00605/CDM until the 31st December 2024. Written progress reports shall be provided to the Minerals Planning Authority (MPA) in June and December each year leading up to the commencement of mineral working in 2024 to confirm the indicative completion programme provided as part of Appendix 2 of the planning submission is carried out in accordance with the implementation schedule. In the event that the progress report indicates that the works have fallen behind the timetable detailed in Appendix 2 of the planning submission, the progress report shall identify the reasoning for this delay and a programme for getting the works back onto timetable. Should the revised timetable thereafter not be delivered and in the MPA's opinion it appears unlikely that the quarry will become operational before the 31st December 2024, then following a written request by the MPA, the operator shall prepare and submit a revised scheme for the restoration of the quarry for approval in writing by the MPA within 2 months of receiving the request. The revised restoration scheme shall include details of the final contours, provision of soil, sowing of grass, planting of trees and shrubs, drainage and fencing to return the site to a green field condition. The revised restoration scheme shall be implemented within 12 months of its approval by the MPA and shall be subject to the aftercare provisions of Conditions 62-66 below.

Reason To define the scope of the planning permission hereby approved and to ensure that the indicative completion programme is carried out in accordance with the implementation schedule.

2. Notification of commencement of mineral activities at Sturton le Steeple Quarry permitted by this planning permission was confirmed in writing by the MPA on the 14th May 2021.

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

3. 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.

Approved Plans

4. The development hereby permitted shall only be carried out in accordance with the details contained within the Environment Statement, as amended by this Section 73 planning application and in particular the plans identified below, or where amendments are made pursuant to the other conditions below:
 - a. Planning application for 'extension of time' planning permission comprising of planning application forms, supporting statement and ecological baseline update report received by the MPA on the 7th January 2011.
 - b. Supplementary Regulation 19 response incorporating supplementary ecological and historic environment assessment received by the MPA on the 22nd June 2011.
 - c. Drawing No. SLS 2/1 – Site Location Plan received by the MPA on the 15th November 2006.
 - d. Drawing No. SLS 2/2 – Application Site and Context received by the MPA on the 15th November 2006.
 - e. Drawing No. SLS 2/3 – Application Site and Ownership Boundary received by the MPA on the 29th February 2016.
 - f. Drawing No. SLS 5/1 – Block Phasing Plan received by the MPA on the 15th November 2006.
 - g. Drawing No. SLS 5/2 – Initial Development Access Road and Plant Site Plan received by the MPA on the 15th November 2006.
 - h. Drawing No. SLS 5/3 – 5/8 – Working and Restoration Phasing Plans received by the MPA on the 15th November 2006.
 - i. Drawing No. MP300 – Site Layout Drawing Standard Setup received by the MPA on the 15th November 2006.
 - j. Drawing No. 63239/009 – Diversion of Watercourse and Culvert under Cowpasture Lane received by the MPA on the 15th November 2006.
 - k. Drawing No. SLS 6/1 – Concept Restoration – Entire Site received by the MPA on the 15th November 2006.
 - l. Drawing No. SLS 6/2 – Concept Restoration – Wetland Area received by the MPA on the 15th November 2006.
 - m. Drawing No. 63239/010-017 – Access Road Layout Sheets 1-8 received by the MPA on the 17th July 2007, albeit subject to an amended construction for the first 100,000 tonnes extraction as detailed within the 29th February 2016 Section 73 planning submission.
 - n. Document SLR: ref 403-0164-00060 Rights of Way Crossings Mitigation Statement received by the MPA on 11th October 2007.

- o. Section 73 planning submission dated 29th February and 16th March 2016 comprising of planning application forms, access road specification (surfacing between points A-B for first 100,000 tonnes) and supporting letter dated 26th February 2016.

Reason For the avoidance of doubt.

Duration of Planning Permission

- 5. All mineral extraction shall cease on or before the 31st December 2035.

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

- 6. All restoration operations in accordance with conditions 53-66 shall be completed by the 31st September 2036, or within one year after the cessation of the mineral extraction, whichever is sooner.

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

Quarry Access and Protection of Highway

- 7. Prior to the winning of any mineral from the development site, the remaining section of unconstructed access road between the tarmac haul road and plant site shall be laid with stone. The construction specification of this section of road shall be a Terram membrane at formation level overlaid with compacted 300mm 6F5 and 200mm Type 1 aggregate in layers no greater than 175mm. The road shall be constructed as a single carriageway width (with passing places). Measures shall be put into place during the site development works to ensure that mud and other deleterious materials do not enter the public highway during construction works.

Reason To ensure that all quarry traffic, including traffic associated with the initial site development obtains access along a hard-surfaced road thus ensuring that there is no damage to the public highway and to accord with Policy DM9 of the Nottinghamshire Minerals Local Plan.

- 8. Site clearance works associated with the development of the access road shall not commence until a supplementary river bank water vole habitat survey has been undertaken by a qualified ecologist on a 20m section of watercourse (Ditch D7) either side of the proposed bridge structure. The survey shall be carried out no more than fourteen days prior to the commencement date of the

construction of the road. In the event that water voles are present, the report shall provide a working design, method and timetable to mitigate any undue adverse effects to water Vole. The mitigation measures shall be implemented as approved.

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

9. Prior to the re-commencement of the development of the access road, the corridor of development that lies within 500m radius of pond 2 shall be cleared of standing crop/vegetation and ploughed to ensure that it is kept unsuitable for Great Crested Newt habitat. The development corridor of the access road shall be inspected by a suitably licensed ecologist no more than 48 hours prior to the re-commencement of the development and any Great Crested Newts shall be returned to Pond 2.

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

10. No more than 100,000 tonnes of unprocessed or processed material extracted from within the boundary of the planning application site shall be transported along the unbound section of haul road permitted under Condition 7 of this planning permission. Written records of the HGV movements including documentation of load weights shall be maintained by the operator and made available to the MPA upon written request. Upon completion of the initial 100,000 tonnes of material movements the haul road shall be constructed with a permanent bound surface for its entire length between the public highway and the wheel washing facilities within the plant site in accordance with a construction specification which shall be agreed in writing by the MPA prior to installation. The road shall thereafter be maintained in a satisfactory condition at all times during its operational life 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 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.

11. Measures shall be employed to prevent the deposit of mud, clay and other deleterious materials upon the public highway in accordance with the agreed measures to protect the public highway which were approved in writing within a letter dated 23rd November 2016 under the requirements of planning condition 12 of the 2016 planning permission. The highway protection measures to be employed shall thereafter be provided in accordance with the

approved details. All vehicles leaving the site shall be sheeted and use the haul roads, and once the road is fully bound shall use the approved wheel cleaning facilities. In the event that these measures prove inadequate, then within one week of a written request from the MPA, a scheme including revised and additional steps or measures to be taken in order to prevent mud entering the highway shall be submitted to the MPA for its approval in writing. The approved steps shall be implemented immediately upon their approval and thereafter maintained throughout the operational life of the site.

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. There shall be a maximum of 192 HGV movements each day (96 loads into the site and 96 loads out of the site). Written records shall be maintained of all HGV movements into and out of the site during operational hours. 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.

13. The processing plant and quarry access road shall only be used for the processing and movement of sand and gravel arising from the extraction area identified within Drawing No. SLS 2/2 – Application Site and Context received by the MPA on the 15th November 2006. Vehicular access to and from the quarry access road shall not be obtained from any other route.

Reason To limit vehicle movements at the proposed quarry in the interests of highway safety and in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.

14. The haul road landscape protection and planting scheme incorporated within the Landscape Planting Specification and Management Report reference CE-SS1016-RP01-Final and identified on Drawing No. CE-SS1016-DW01-Final Figures 1-3: Landscape Mitigation, approved by the MPA in their letter dated 16th May 2016 shall be managed in accordance with the approved details. The screen fence installed on the southern boundary of the haul road immediately adjacent to its junction with the public highway shall be retained throughout the operational life of the quarry. Supplementary infill planting of hedge H18 east of the soil stores and H19 to the south shall be carried out in the first planting season following the commencement of the planning permission.

Reason To minimise visual impacts arising from the operation of the road in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan and to screen the potential for dazzle from vehicle headlights using the quarry haul road towards Sturton le Steeple village.

15. The details of the proposed restoration of the haul road and junction with Gainsborough Road shall be submitted to the MPA in writing by 30 August 2035 or within 6 months of the cessation of mineral extraction, whichever is sooner. The haul road and quarry access junction shall be removed and the land restored to agricultural use in accordance with the approved scheme prior to 31st December 2036 or within 1 year of the cessation of mineral extraction, whichever is sooner.

Reason To minimise visual impacts arising from the operation of the road in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Quarry Plant

16. Within 1 month prior to their installation there shall be submitted to the MPA for approval in writing:
- a. A site layout of the quarry plant site including plans, elevations, external materials and colours of all fixed plant and equipment;
 - b. Plans and elevations of the proposed barge loading facility.

The plant, machinery and structures shall thereafter be installed and maintained in accordance with the approved details.

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

17. The quarry plant site and supporting infrastructure shall be removed within 12 months of the cessation of mineral extraction from the permitted site and thereafter the land shall be restored in accordance with conditions 53 - 66.

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

Hours of Working

18. Except in the case of emergency when life, limb or property are in danger and such instances which are to be notified in writing to the MPA within 48 hours of their occurrence, the following activities shall not take place except within the hours specified below:

	Mondays to Fridays	Saturdays	Sundays Bank /Public Holidays
Site development works (incl. road construction)	7am to 7pm	7am to 1pm	Not at all
Mineral extraction, processing or treatment.	7am to 7pm	7am to 1pm	Not at all
Stripping, replacement, regrading or ripping of soils or overburden.	7am to 7pm	7am to 1pm	Not at all
Servicing, testing, or maintenance of plant or machinery.	7am to 7pm	7am to 3pm	Not at all
Operation of wharf, feed conveyor and associated feed plant.	6am to 9pm	7am to 2pm	Not at all
Vehicles entering and leaving the site for the purposes of collecting mineral.	7am to 7pm	7am to 2pm	Not at all
Operation of quarry dewatering pumps.	24 hours	24 hours	24 hours

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

Floodlighting

19. Any floodlighting provided on the site shall be angled and suitably shielded to ensure that it does not result in glare or dazzle to surrounding land, property and other users. The floodlighting shall only be used between the hours of 7am to 7pm Mondays to Fridays, 7am to 1pm on Saturdays and not at all on Sundays Bank/Public Holidays, except for floodlighting associated with the operation of the Wharf, feed conveyor and associated feed plant which shall only be used between the hours of 6am to 9pm Mondays to Fridays, 7am to 2pm on Saturdays and not at all on Sundays Bank/Public Holidays. Outside these permitted hours any external lighting shall be individually operated through a movement sensor switch with a maximum lighting cycle not exceeding 5 minutes.

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

Noise

20. All 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 ensure that noise impacts associated with the operation of the development are minimised, in accordance with the requirements of Policy DM1 of the Nottinghamshire Minerals Local Plan.

21. The free field noise levels associated with the development, when measured at any of the noise-sensitive properties listed below, shall not exceed the following limit measured as Equivalent Continuous Noise Level for a 1 hour LAeq:

Criterion Noise Levels LAeq, 1 hour

<u>Location</u>	<u>LAeq</u>
Littleborough Cottage	52
Low Holland Cottage	57
North Street Farm	49
Knaith Hall	50

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

22. Notwithstanding the requirements of Condition 21 above, for temporary operations such as soil stripping, replacement and bund formation, the LAeq 1 hour noise level at any noise sensitive properties 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 any twelve month period at any individual noise sensitive property; the dates when these temporary operations occur shall be notified in advance in writing to the MPA.

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

23. Sample noise measurements shall be taken from the four properties identified within Condition 21, or nearest alternative location which shall first be agreed in writing with the MPA, at six monthly intervals during the operational life of the quarry. The measurements shall provide LAeq and L90 noise monitoring

data. The measurements shall also note the date, time, prevailing weather conditions and comments on any significant noise sources which are audible. The results shall be submitted as part of a report to the MPA within 28 days of the measurements being taken and maintained by the applicant for the life of the quarry. Should the results of the noise assessment indicate that Conditions 21 and 22 have not been complied with, then the report shall contain an explanation as to why noise levels have been exceeded, including where appropriate, an identification of the steps to be taken to ensure future compliance. If locations vary from the agreed criterion locations, the same acoustic modelling procedure shall be used to calculate the levels at the agreed locations which are consistent with achieving the criteria in conditions 21 and 22.

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

Dust

24. Measures shall be taken to minimise the generation of dust from operations at the site. These shall include, but not necessarily be limited to any or all of the following steps as appropriate:

- a. The use of water bowsters to dampen haul roads, stock-piles and other operational areas of the site;
- b. The sweeping of access and haul roads, where necessary;
- c. The minimisation of drop heights during loading and unloading of sand and gravel;
- d. Limiting on-site vehicle speeds;
- e. Upon request of the MPA, the temporary suspension of mineral processing, mineral extraction or soil movements during periods of unfavourably dry or windy weather conditions.

In the event that these measures prove inadequate to satisfactorily control dust, then within one week of a written request from the MPA, a scheme including revised and additional steps or measures to be taken in order to minimise dust shall be submitted to the MPA for its approval in writing. The approved steps shall be implemented immediately upon their approval and thereafter maintained throughout the operational life of the site.

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

Storage Heights

25. Stockpiles of excavated (as dug) materials shall not be permitted to exceed 10m in height. Stockpiles of processed material shall not be permitted to exceed 8m in height.

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

Buildings, Fixed Plant and Machinery

26. 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 approved by this permission, shall be erected or placed on the site without the prior written approval of the MPA.

Reason To enable the MPA to control the development and to minimise its impact on the amenity of the local area, in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Ecology

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

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

28. Prior to any tree removal, a licensed bat worker shall re-survey all trees to be felled. The results of the bat survey shall be submitted in writing to the MPA. If bats are present, a working design, method and timetable to mitigate any undue adverse effects on species involved shall be submitted to the MPA for approval in writing. The mitigation measures shall be implemented as approved.

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

29. Ecological mitigation works for the construction of the haul road and initial site construction works in Phase 1 shall be undertaken in accordance with the

conclusions and recommendations set out within the Ecological Walkover Survey detailed within report reference CE-SS1025-RP01-Final, subject to:

- The submission of additional reports in relation to the presence of roosting bats, water voles and invertebrates.
- In the event that vegetation clearance is undertaken during the bird nesting season this should be preceded by an inspection by an ecologist and a method statement should be provided to specify what will happen in the event that nesting birds are encountered.
- The submission of a method statement to explain the terms of the 'Reasonable Avoidance Measures' that would be utilised in relation to reptiles.

Any subsequent site clearance works within any later phase of the development (phasing as identified on Drawing SLS 5/1 or any subsequent phasing drawing agreed in writing by the MPA) 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 the MPA and been approved in writing by the MPA. In the event that protected species 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.

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

30. A protected species population monitoring report shall be undertaken on an annual basis and the results submitted to the MPA in writing. The report shall incorporate recommendations of mitigation works to support the protected species populations which shall be implemented as approved.

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

31. Prior to the installation of the wharf conveyor there shall have been submitted to the MPA and been approved in writing by the MPA a methodology statement setting out the steps to be taken to ensure that Great Crested Newts are not adversely affected during the installation of the conveyor. The Great Crested Newt mitigation scheme shall thereafter be implemented as approved.

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

32. Site clearance works associated with the development of the wharf shall not commence until a river bank habitat survey has been undertaken by a qualified ecologist and a report of the investigation submitted and been approved in writing by the MPA. In the event that water voles 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.

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

33. A 5m stand-off for all retained hedges and drains and a 10m stand-off for the Mother Drain watercourse shall be kept clear of all quarrying operations. The land designated as a stand-off shall be managed throughout the operational life of the quarry to provide a coarse grassland habitat in accordance with management scheme that shall be submitted to the MPA and approved in writing prior to the extraction of any sand and gravel from the development site.

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

34. Barn Owl boxes shall be installed in accordance with the Barn Owl nest Box Scheme detailed within report reference CE-SS1025-RP02-Final. Details of the final location of Barn Owl boxes installed on the site shall be provided to the MPA. The boxes shall be retained during the operational life of the quarry.

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

35. The hedgerow management and gapping up scheme detailed within report reference CE-SS1016-RP01-Final and identified on Drawing No. CE-SS1016-DW01-Final Figures 1-3: Landscape Mitigation shall be implemented in the first planting season following the commencement of the planning permission and thereafter managed in accordance with the approved details.

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

Footpath Protection

36. Development works associated with the construction of the access road shall be undertaken to accommodate public footpath numbers 15, 39 and 40 in

accordance with Drawing No. S46/1001A: Interaction of catchwater drain crossing with adjacent rights of way assets and the supporting report received by the MPA on 19th January 2002. Within the wider quarry development the footpath protection measures set out within the rights of way crossings report (ref: SLR Ref: 403-0164-00060) shall be fully implemented on a phase by phase basis when quarrying operations affect footpaths in each phase.

Reason Details are required prior to the commencement of the development to ensure that adequate protection of footpath users is provided, in accordance with Policy DM7 of the Nottinghamshire Minerals Local Plan.

Archaeology

37. Archaeological investigation works in connection with the construction of the haul road and initial excavation area as outlined in red on Figure 1 (site location) shall be carried out in accordance with the details set out within the Archaeological Monitoring Assessment Report (Ref allenarc1-299917) received by the Minerals Planning Authority on 19th March 2018. No further development within the quarry shall take place until a programme of archaeological work, investigation and recording of finds has been submitted to the MPA and been approved in writing by the MPA. For the purposes of mineral extraction, the programme of archaeological work shall be submitted on a phase by phase basis to take account of the variable archaeology across the site. The development shall thereafter be carried out in accordance with the approved scheme(s).

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

38. The construction of the recharge trench and associated monitoring scheme for the land to the south of the Upper Ings Lane shall be provided, maintained and removed in compliance with the scheme previously approved under the requirements of planning condition 39 of the 2016 planning permission on the 27th June 2016.

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

Pollution Prevention

39. 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 a multiple tankage within the secondary containment system, the compound shall be at least equivalent to 110% of the capacity of the largest tank, or 25% of the aggregate storage capacity, whichever is the greater. 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 shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

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

40. The surface water drainage scheme previously approved under the requirements of planning condition 41 of the 2016 planning permission on the 27th June 2016 shall be installed in accordance with the approved timetable for implementation of the works and thereafter maintained in accordance with the approved details.

Reason To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

41. Processed water used in the sand and gravel washing system shall be discharged into the approved settlement ponds prior to being discharged into any controlled waters. From the commencement of the development until restoration of the site the operator shall maintain the settlement ponds on a regular basis to ensure the lagoons remain operational.

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

Phasing

42. Extraction operations shall progress sequentially in accordance with Drawing SLS 5/1 – SLS 5/8 - Phasing Plans.

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

43. A topographical survey of the site shall be submitted to the MPA by 31 December each year, following the commencement of the planning permission as notified under condition 2 above. The survey shall identify areas of the site which are unworked, those restored, those undergoing mineral extraction and those to be restored.

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

Soil Stripping, Handling and Storage

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

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

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

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

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

- a. The size, location, volume and composition of soil storage mounds;
- b. A methodology statement for the stripping, storage and replacement of peat;
- c. The types of machinery to be used;
- d. The routes to be taken by plant and machinery involved in soil handling operations;
- e. The depths of subsoil and topsoil to be replaced;
- f. The spacing and depth of any post-replacement soil ripping and cultivations.

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

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

47. The topsoil and subsoils shall be stripped to their full depth.

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

48. 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 overburden or waste or mineral deposits, until all available topsoil and subsoil to a minimum depth of 1000mm, has been stripped from that part.

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

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

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

50. 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:

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

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

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

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

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

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

Soil Replacement

53. The MPA shall be notified in writing at least 5 working days before each of the following:
- (a) overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out, and
 - (b) 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
 - (c) on completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operation.

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

54. 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, re-spreading, levelling, ripping or loosening of subsoil or topsoil shall occur:
- (a) when it is raining; or
 - (b) when there are pools of water on the surface of the storage mound or receiving area.

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

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

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

56. Subsoil within areas of the site above the lake water level (dry land) shall be re-laid so that the total thickness of settled subsoil is no less than 0.7 metres.

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

57. Each subsoil layer placed above lake water level (dry land) shall be cross-ripped:

- (a) to provide loosening to a minimum depth of 450mm with tine spacings no wider than 1.5m, and
- (b) any rock, boulder or larger stone greater than 200mm in any dimension shall be removed from the loosened surface before further soil is laid. Materials that are removed shall be disposed of off-site or buried at a depth not less than 2 metres below the final contours.

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

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

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

59. The re-spread topsoil shall be rendered suitable for agricultural cultivation by loosening and ripping:

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

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

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

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

Restoration

61. The site shall be restored in accordance with Drawing No SLS 6/1 – Concept Restoration – Entire Site. Landscape planting shall be undertaken during the first seeding and planting seasons following placement of topsoils. Any seeding and planting that dies or becomes diseased, damaged or removed within 5 years shall be replaced during the first planting season thereafter with others of similar size and species and maintained, unless the MPA gives written consent for a variation to be replanted.

Reason In the interest of visual amenity and in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Aftercare

62. Following restoration the site shall undergo aftercare management for a 5 year period.

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

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

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

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

- (a) cultivations;
- (b) weed control;
- (c) sowing of seed mixtures;
- (d) soil analysis;
- (e) keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the MPA between 31 March and 31 May each year;

- (f) drainage amendments;
- (g) subsoiling and underdrainage proposals;
- (h) management practices such as the cutting of vegetation;
- (i) tree protection;
- (j) remedial treatments;
- (k) irrigation; and
- (l) fencing.

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

65. 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 64(e) above, having regard to the condition of the land; progress in its rehabilitation and necessary maintenance.

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

66. The aftercare programme shall be implemented in accordance with the details approved under Condition 64 above, as amended following the annual site meeting referred to in Condition 65 above.

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

Alternative Restoration

67. In the event that the quarry hereby approved does not enter production before the 31st December 2024, 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 the approval of the MPA. Such a scheme shall include details of the final contours, provision of soil, sowing of grass, planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these conditions.

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

68. After the 31st December 2024, 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 the approval of the MPA. Such a scheme shall include details of the final contours, provision of soil, sowing of grass, planting of trees and shrubs,

drainage and fencing in a similar manner to that submitted with the application and modified by these conditions.

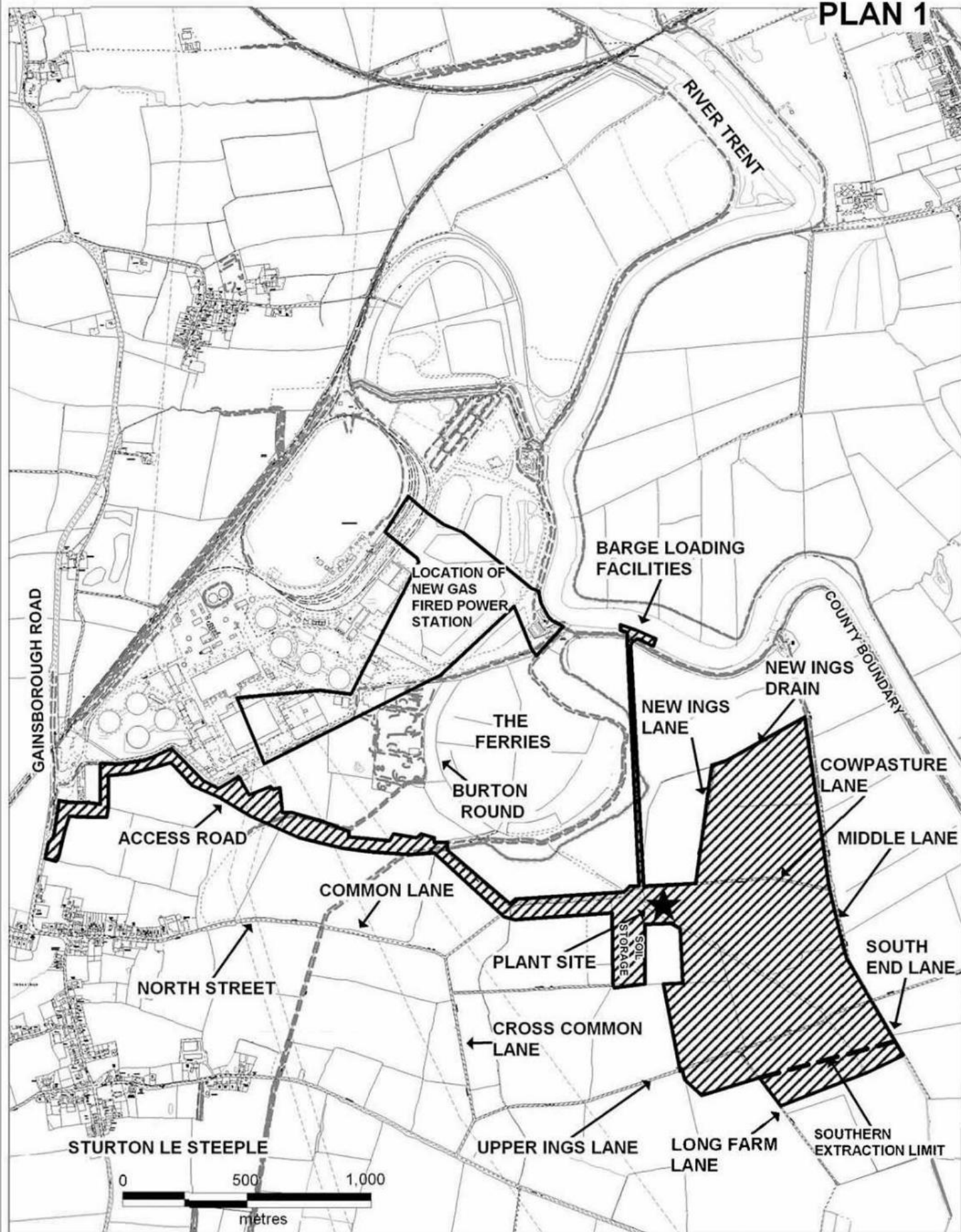
Reason To secure proper restoration of the site within an acceptable timescale in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan..

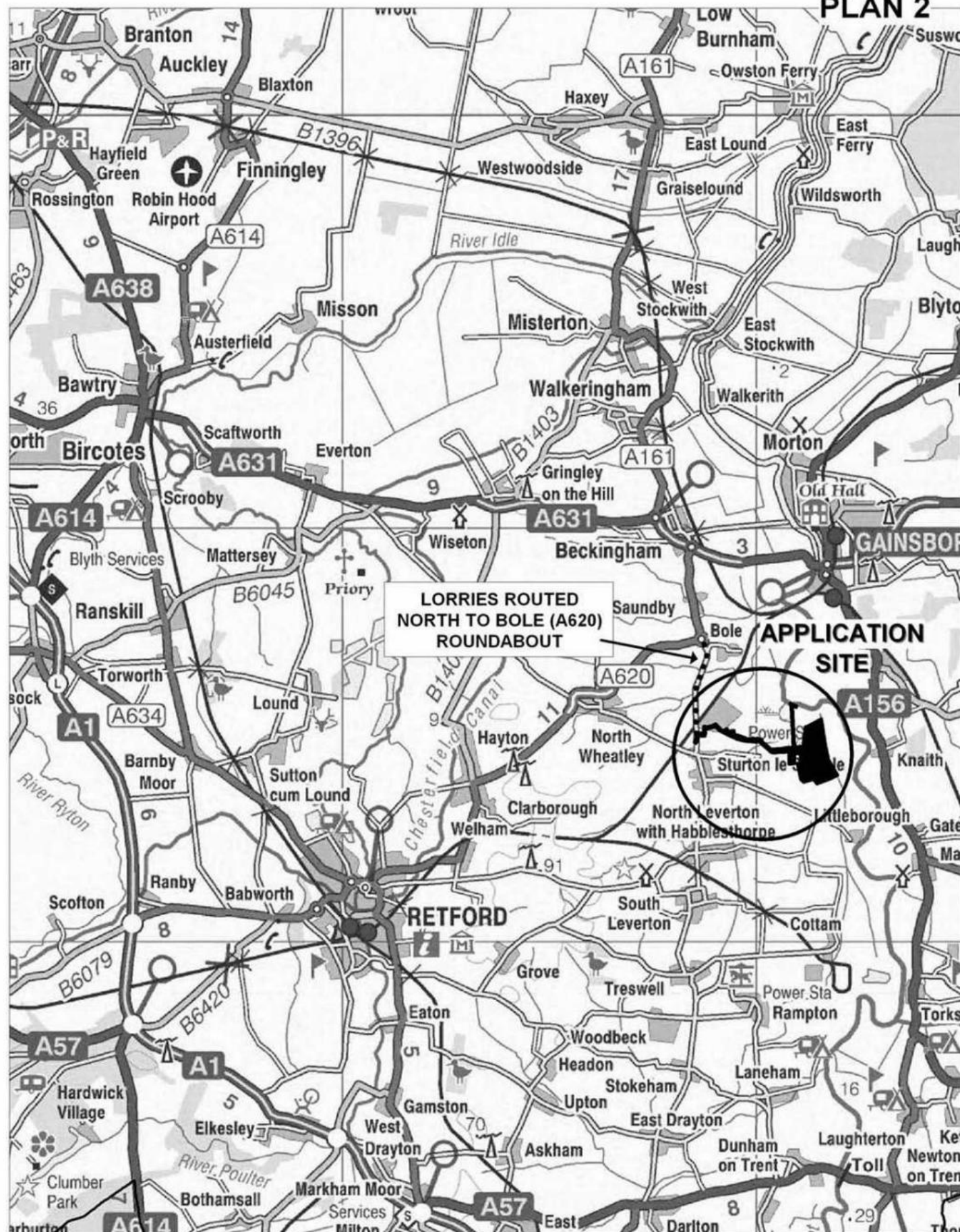
69. The revised restoration scheme approved under Condition 67 or 68 shall be implemented within 12 months of its approval by the MPA, and shall be subject to the aftercare provisions of Conditions 62-66 above.

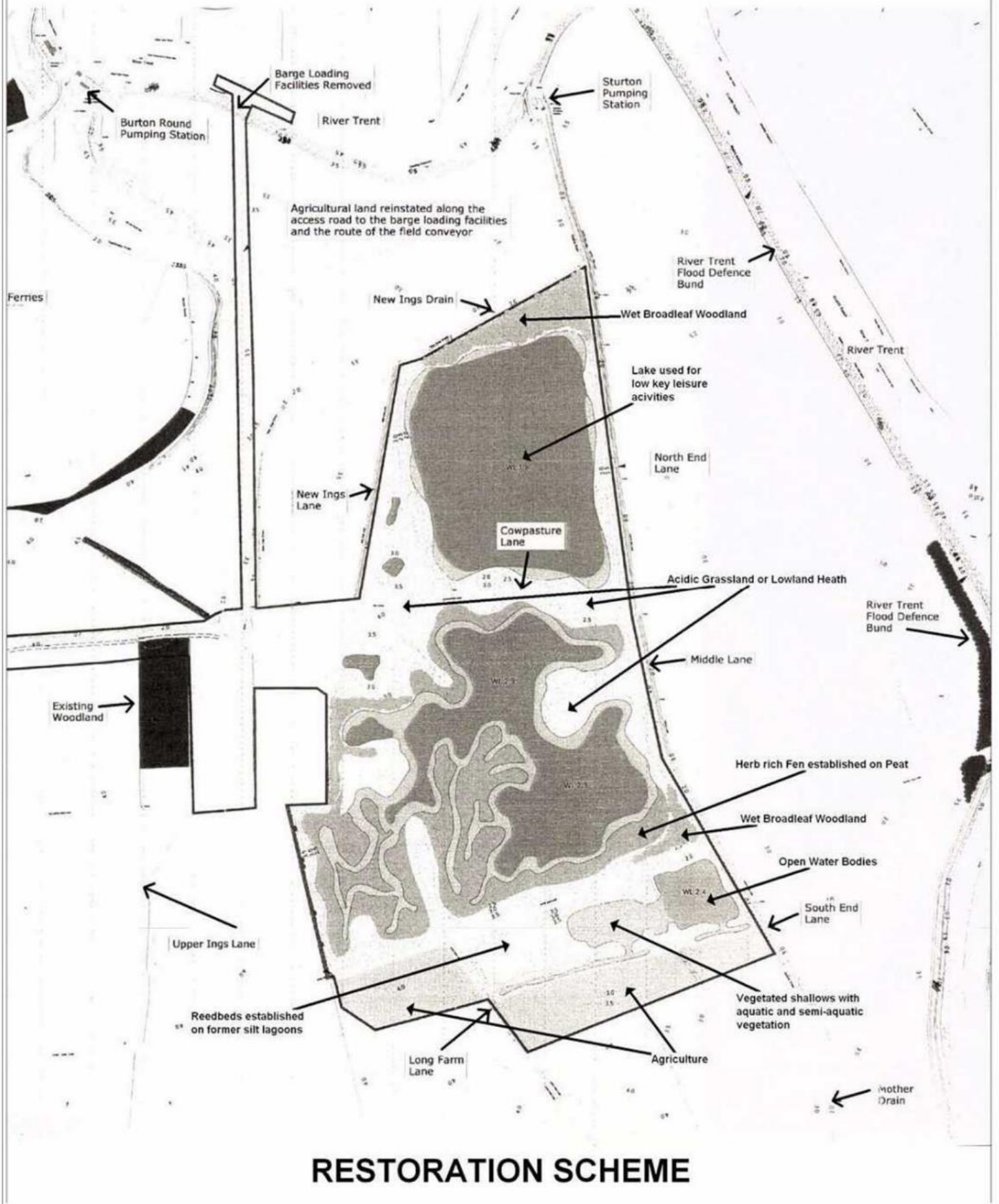
Reason To secure proper restoration of the site within an acceptable timescale in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan..

Notes to Applicant:

1. Your attention is drawn to the content of the letter from Fisher German dated 29th May 2020, a copy of which is attached to the decision letter.
2. You are reminded of the requirement to obtain consent from the internal drainage board prior to undertaking any alterations to the drainage channels.
3. The applicant is advised to contact British Waterways Works Engineers Team at the Fazeley Office – 01827 252000 in order to ensure that any necessary consents are obtained and the works are compliant with the current code of practice for works affecting British Waterways.
4. Any works within 8.0m of a flood defence of the River Trent, particularly the proposed wharf requires Environment Agency Consent. You are advised to contact the Environment Agency direct.
5. The development will require works within the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake these works the applicant will need to enter into an agreement under Section 278 of the Act.
6. Western Power Distribution request the operator to contact their company to discuss the proposed development and the options open to them should the works interfere with power lines or network. The contact at Western Power is Gerard Flynn, Wayleave Specialist, Southwell and Retford Team, Western Power Distribution, Grange Close, Clover Nook Industrial Estate, Alfreton, Derbyshire,







RESTORATION SCHEME



19th April 2022**Agenda Item: 8****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 19th February 2022 and 1st April 2022, to confirm the decisions made on planning applications since the last report to Members on 8th February 2022, 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

5. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, 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.
6. 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

7. 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 24/02/2022)

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

Financial Comments – (SES 05/04/2022)

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

Background Papers Available for Inspection

None

Electoral Division(s) and Member(s) Affected

All

For any enquiries about this report please contact:

Report Author / Case Officer
Rebecca Kirkland
0115 9932584

Planning Applications Received and Determined

From 19th February 2022 – 1st April 2022

Division	Member	Received	Determined
BASSETLAW			
Tuxford	Cllr John Ogle	Erection of 1.9m High Bow top fencing and gate to East Markham Primary School at East Markham County Primary School. Received on 16/03/2022.	
Blyth and Harworth	Cllr Sheila Place		Section 73 application to vary conditions 4, 6, 10, 13, 16, 17 and 23 of planning application 1/15/00368/CDM to accord with current site operations and regularisation of existing site layout, with attached updated plans and sections, at Unit C6, Glassworks Way, Snape Lane, Harworth. GRANTED on 08/03/2022.
MANSFIELD - NONE			
NEWARK & SHERWOOD			
Muskham and Farnsfield	Cllr Bruce Laughton	Highway improvements to the roundabout at White Post roundabout-Intersection of A614 and Mansfield Road. Received 28/02/2022.	
Muskham and Farnsfield	Cllr Bruce Laughton	Geometric improvements and alterations to the gyratory junction at the intersection of A614/A6097 (Warren Hill). Received 28/02/2022.	

Division	Member	Received	Determined
Muskham and Farnsfield	Cllr Bruce Laughton	Construction of two roundabout junctions and a new link road connecting the new roundabout on the A614 (Old Rufford Road) to Mickledale Lane at the Intersection of A614 and Mickledale Lane. Received 28/02/2022.	
Southwell	Cllr Roger Jackson	Enlargement of roundabout with associated landscaping and improvements to pedestrian crossing facilities. Change of use of land adjacent to no.15 Nottingham Road from public highway (footpath) to residential curtilage at the Lowdham roundabout, Intersection of the A6097, A612 and Southwell Road. Received 28/02/2022.	
Ollerton	Cllr Mike Pringle	Reconfiguration and enlargement of the roundabout with associated landscaping works and improvements to pedestrian crossing facilities at the Ollerton roundabout, Intersection of A614, A616, A6075 and Newark Road. Received 28/02/2022.	
Ollerton	Cllr Mike Pringle		Erection of wooden bunkhouse with separate sleeping compartments for residential educational purposes, at Perlethorpe Environmental Education Centre. GRANTED on 25/03/2022.

Division	Member	Received	Determined
ASHFIELD – NONE			
BROXTOWE			
Toton, Chilwell and Attenborough / Leake and Ruddington	Cllr Eric Kerry, Cllr Matt Barney, Cllr Reg Adair, Cllr Richard Jackson, Cllr Andrew Brown		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, at Land off Green Street, Mill Hill and land at Barton in Fabis, off Chestnut Lane. WITHDRAWN on 02/03/2022.
GEDLING			
Arnold South	Cllr Michelle Welsh and Cllr John Clarke		Variation of Condition 11 of planning permission 7/2018/1075NCC to allow use of the all-weather pitch between 09:00 and 18:00 on Sundays at Multi Use Games Area, Digby Avenue. REFUSED on 08/03/2022.
Arnold South	Cllr Michelle Welsh and Cllr John Clarke		Variation of Condition 32 of planning permission 7/2011/0268NCC to allow for the use of portable artificial lighting on the all weather pitch at Multi Use Games Area, Digby Avenue. REFUSED on 08/03/2022.

Division	Member	Received	Determined
Arnold South	Cllr Michelle Welsh and Cllr John Clarke		Planning application to retain existing temporary classrooms for 5 years: 7/2016/0665NCC - expire 31 December 2021 at Westdale Infants School. GRANTED on 10/03/2022.
RUSHCLIFFE			
Leake and Ruddington	Cllr Matt Barney and Cllr Reg Adair		Foul drainage connection to existing drainage at East Leake Primary School, Land off Sheepwash Way. GRANTED on 18/03/2022.
Leake and Ruddington	Cllr Matt Barney and Cllr Reg Adair		The erection of a pre-built octagonal wooden temporary school classroom at the front of the school in an un-used overgrown garden area at Bunny Church Of England Primary School. GRANTED on 29/03/2022.
Leake and Ruddington	Cllr Matt Barney and Cllr Reg Adair		Proposed Development of the East Midlands Energy Re-Generation (EMERGE) Centre (a multifuel Energy Recovery Facility, recovering energy from waste material) and associated infrastructure at Ratcliffe-on-Soar Power Station. GRANTED on 08/03/2022.

Division	Member	Received	Determined
Toton, Chilwell and Attenborough / Leake and Ruddington	Cllr Eric Kerry, Cllr Matt Barney, Cllr Reg Adair, Cllr Richard Jackson, Cllr Andrew Brown		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, at Land off Green Street, Mill Hill and land at Barton in Fabis, off Chestnut Lane. WITHDRAWN on 02/03/2022.
Bingham East	Cllr Roger Upton, Cllr Neil Clarke, Cllr Francis Purdue-Horan	Enlargement of junction with associated ancillary landscaping and improvements to pedestrian and equestrian crossing facilities at the Irk Hill junction, Intersection of Kirk Hill/A6097, East Bridgford. Received on 28/02/2022.	

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

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

Target Committee	Planning App No.	Location	Development	Current Progress
24 th May 2022	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	The Reg.25 response concerning ecology /biodiversity net gain indicates that further amendments may be required in relation to the restoration scheme for compliance with planning policy. Regarding archaeology, a response on the Reg. 25 submission is pending prior to referral to committee for a decision to be made.
24 th May 2022	8/22/00570/CTY	53 Evans Road, East Leake, Nottinghamshire, LE12 6AS	Erection of a Primary School for 1.5 Forms of Entry, plus 26 place Nursery with associated Car Parking. Associated areas of soft play, hard play, grass playing field with landscaping works. Erection of 2.4m high security fencing and gates to perimeter and sprinkler tank. Provision of bound surface and lit path on route of public footpath East Leake FP5. Bound surface and lit path and bridge between Sheepwash Way and Public Footpath East Leake FP5.	Undergoing public consultation
24 th May 2022	3/21/02243/CMA	Coneygre Farm, Hoveringham Lane, Hoveringham, Nottinghamshire, NG14 7JX	Landscaping of an additional lake area at Coneygre Farm, Hoveringham utilising inert material imported via an existing access off Thurgarton Lane (and utilising internal haul roads and ancillary facilities) to extend and improve the existing angling area at Coneygre Farm.	Planning consultations have now been received in connection with this planning submission and an objection originally raised by the Environment Agency regarding potential loss of River Trent floodplain has now been addressed by the applicant. A supplementary ecology mitigation strategy has also been provided by the applicant.

24 th May 2022	3/21/02454/CMA	Coneygre Farm, Hoveringham, Nottingham, NG14 7JX	Variation of Conditions 4 and 5 of Planning Consent 3/16/00081/CMA to allow for the continuation of recycling and landscaping operations on land at Coneygre Farm for a further five years	The determination of this planning application is connected with planning application 3/21/02243/CMA (listed above)
5 th July 2022	3/22/00059/CMM	Land south of Church Street, Southwell, Nottinghamshire, NG25 0HG	Flood alleviation works including construction of an earth bund, flow control structure, and related ground works, landscape planting, boundary works including fencing, and ancillary operations.	Revisions to scheme in relation to maintaining pedestrian access over the flood defences required and further advice being sought on detailed heritage considerations.
5 th July 2022	7/2022/0050NCC	Top Wighay Farm, Land east of A611, near Hucknall	Construction of an office building (use class E (g)(i)) with car parking, landscaping and associated works. Access and drainage infrastructure including new highway from A611 signalised junction.	Consultation response received and matters arising in respect of highway/public transport access being taken up with the applicant.
5 th July 2022	3/21/02478/CMA	Field Reference 7600, off North Scarle Road, Wigsley, Nottinghamshire NG23 7EU	Creation of Fish Farming Pond shown on plan FP2 to involve Incidental Mineral Extraction, processing and export of minerals, forming pre phase of the wider development granted under Appeal Decision ref: 19/00551/FULM	A request has been made for the submission of further information in respect of the need to undertake the development, alternative options to manage water quality, the implications of this planning application to implement the wider fish farm development consented by NSDC, further borehole samples, a further noise assessment, the duration of the works and potential for further mineral extraction should this development be granted planning permission. Once a response is received further consultation will be carried out before reporting to committee for a decision.

5 th July 2022.	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.	The applicant is currently preparing a revised flood mitigation strategy including designing a compensatory flood storage area to address an objection from the Environment Agency regarding the loss of River Trent flood storage capacity. Once the submission is provided there will be a re-consultation with the Environment Agency.
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Planning Applications currently being processed by the County Council which are not currently targeted to a specific meeting of the Planning and Rights of Way Committee.

Planning Application: 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
 Current Progress: Further information has been requested from the applicant for submission to the County Council by 31st March 2022. Consultation responses are still awaited regarding noise and ecology.

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

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
Current Progress:	The applicant is preparing an Environmental Impact Assessment to support the planning application. The applicant is however awaiting a decision on a separate Permit from the Environment Agency, the outcome of which will inform the Environmental Impact Assessment.
Planning Application:	3/22/00589/CMA
Location:	White Post roundabout- Intersection of A614 and Mansfield Road, Farnsfield, Nottinghamshire, NG22 8HU
Proposal:	Highway improvements to roundabout
Current Progress:	At this stage the planning application has only recently been received and is currently undergoing public consultation.
Planning Application:	3/22/00588/CMA
Location:	Intersection of A614/A6097 (Warren Hill), Farnsfield, Nottinghamshire, NG22 8EW
Proposal:	Geometric improvements and alterations to the gyratory junction
Current Progress:	At this stage the planning application has only recently been received and is currently undergoing public consultation.
Planning Application:	8/22/00559/CTY
Location:	Kirk Hill junction, Intersection of Kirk Hill/A6097, East Bridgford, Nottinghamshire
Proposal:	Enlargement of junction with associated ancillary landscaping and improvements to pedestrian and equestrian crossing facilities
Current Progress:	At this stage the planning application has only recently been received and is currently undergoing public consultation.
Planning Application:	3/22/00587/CMA
Location:	Intersection of A614 and Mickledale Lane, Bilsthorpe, Nottinghamshire
Proposal:	Construction of two roundabout junctions and a new link road connecting the new roundabout on the A614 (Old Rufford Road) to Mickledale Lane
Current Progress:	At this stage the planning application has only recently been received and is currently undergoing public consultation.

Planning Application: 3/22/00586/CMA
Location: Lowdham roundabout, Intersection of the A6097, A612 and Southwell Road, Lowdham
Proposal: Enlargement of roundabout with associated landscaping and improvements to pedestrian crossing facilities. Change of use of land adjacent to no.15 Nottingham Road from public highway (footpath) to residential curtilage
Current Progress: At this stage the planning application has only recently been received and is currently undergoing public consultation.

Planning Application: 3/22/00584/CMA
Location: Ollerton roundabout, Intersection of A614, A616, A6075 and Newark Road, Ollerton, NG22 9DY
Proposal: Reconfiguration and enlargement of the roundabout with associated landscaping works and improvements to pedestrian crossing facilities.
Current Progress: At this stage the planning application has only recently been received and is currently undergoing public consultation.

