

Planning and Licensing Committee

Tuesday, 25 March 2014 at 10:30

**The Bilsthorpe Depot, Bilsthorpe Business Park, Bilsthorpe, Nottinghamshire,
, [Venue Address]**

AGENDA

- | | | |
|---|--|---------|
| 1 | Minutes of the meeting held on 25 February 2014 | 5 - 12 |
| 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 | Declaration of Lobbying | |
| 5 | Welbeck Colliery Elkesley Road Medn Vale Mansfield | 13 - 46 |
| 6 | Pre-application charging | 47 - 58 |
| 7 | Work Programme | 59 - 64 |

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.

Members or Officers requiring clarification on whether to make a declaration of interest are invited to contact Dave Forster (Tel. 0115 9773552) or a colleague in Democratic Services prior to the meeting.

(4) Members are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.

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Meeting **PLANNING AND LICENSING COMMITTEE**

Date **Tuesday 25 February 2014 (commencing at 10.30 am)**

membership

Persons absent are marked with 'A'

COUNCILLORS

Sybil Fielding (Chairman)
Sue Saddington (Vice-Chairman)

Roy Allan
Andrew Brown
Steve Calvert
Jim Creamer
Darren Langton

A Rachel Madden
Andy Sissons
Keith Walker
Yvonne Woodhead

OFFICERS IN ATTENDANCE

Steven Baker- Solicitor
David Forster – Democratic Services Officer
Jerry Smith – Team Manager, Development Management
Sally Gill – Group Manager Planning
David Marsh – Major Projects Senior Practitioner
David Collins – Acoustic Engineer

MINUTES OF LAST MEETING HELD ON 21 JANUARY 2014

The minutes of the meeting held on 21 January 2014 having been circulated to all Members were taken as read and were confirmed and signed by the Chairman.

APOLOGIES FOR ABSENCE

None

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

Councillor Jim Creamer declared a non-pecuniary interest in agenda item 6 - Improvement Works to the Country Park, Newstead and Annesley Country Park Newstead Village – as he is a Director of applicant group Rural Community Action Nottingham.

Councillor Sue Saddington declared a non-pecuniary interest in agenda item No 8 – Changes (Additional) Use of Savile Restaurant as a wedding Venue, Rufford Country

Park Ollerton, as she is a Member of Newark and Sherwood District Council and wished it known that she has never been involved in any discussions which involved the District Council regarding the Rufford Country Park.

DECLARATIONS OF LOBBYING OF MEMBERS

Councillor Sue Saddington informed Committee that she had received a letter from Newstead Parish Council with regard to agenda item 6.

ORDER OF BUSINESS

With the consent of the Committee the Chairman changed the order of business to bring forward those items for which there was public speaking.

CONSTRUCTION OF NEW BUS STATION LAND AT WATSON ROAD/NEWCASTLE STREET WORKSOP

Mr Smith introduced the report and gave a slide presentation.

Following the introductory remarks by Mr Smith there were a number of speakers who were given an opportunity to speak and a summary of those speeches are set out below:-

Dr Paula Birrane-Scothern, local resident, spoke in opposition to the application and highlighted the following issues.

- The surrounding properties are mainly residential with few commercial properties although some of those are being converted into residential properties.
- It was felt that the noise levels had not been tested at first floor levels in line with guidelines set out by the World Health Organisation.
- No money has been ear marked in respect of adequate soundproofing measures if it is found to be necessary

In response to a question regarding an alternative site Dr Birrane-Scothern suggested the old bus station on Newcastle Avenue/hardy Street.

Paul Horn, Project Manager for the application, spoke in favour and highlighted the following-

- The scheme to provide a bus station in Worksop has been in consideration for over 10 years.
- The scheme seeks to provide a fully enclosed bus station.
- Many other sites have been considered, but rejected because of cost, access or deliverability.
- Great care has taken place with regard to the design and delivery of the scheme
- It is considered the best location and provides a modern comfortable and fit for purpose station which has connection with the rest of the County

With the consent of the Chairman and Committee Councillor Kevin Greaves Local Member spoke in favour of the application and highlighted the following issues:-

- It has been a long time in the planning process and it is pleasing to see that there will be a modern fit for purpose facility in Worksop.
- The investment opportunities that it will bring into Worksop will be welcomed
- It is not only a facility that is for Worksop but the surrounding area as well.

There were no questions

Following the speakers, members discussed the item and the following comments were responded to

- David Collins, Acoustic Engineer explained that the noise assessments were undertaken at ground level but adjustments were applied to provide comparable data for assessment at first floor level and the results were considered satisfactory.
- The test were considered as worst case scenarios and the predicted noise levels were acceptable
- If there are any noise complaints once the bus station is operational further tests would be undertaken and any remedial work necessary would be considered.

On a motion by the Chairman seconded by Vice Chairman and upon a show of hands it was

RESOLVED 2014/006

That subject to the application not being called-in for determination by the Secretary of State before 12 March 2014, planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1 attached to the report.

CHANGE (ADDITIONAL) USE OF SAVILE RESTAURANT AS A WEDDING VENUE RUFFORD COUNTRY PARK OLLERTON

Mr Smith introduced the report and gave a slide presentation.

Following the introductory remarks by Mr Smith there were a number of speakers who were given an opportunity to speak and a summary of those speeches are set out below:-

Mr Williams, local resident and friend of Rufford Country Park, spoke against the application highlighting the following issues:-

- Concerns over the noise because of the close proximity to private properties.
- The loss of public amenity with the possibility of conflict between wedding guests and visitors to the park.
- The loss of heritage with the proposal of an unsightly large marquee erected in front of the Jacobean wing of the Rufford Abbey.

There were no questions

Mr A. Cox, on behalf of the applicant spoke in favour of the application and highlighted the following issues:-

- Rufford Country Park has an ongoing challenge of maintaining visitor experience and needs to diversify if investment is to be brought into the Park.
- There is an already successful wedding business at Rufford and this will allow more ceremonies to take place and greater use of the park after closing time.
- This application does not involve the Orangery, which was the subject of a previous application.
- Noise assessments have been carried out and the predicted levels of noise fall below the limits allowable.
- The Savile Restaurant will be closed to the public on wedding days.
- The application has support from English Heritage.

In response to a question Mr Cox informed members that if there was an event already booked e.g., a re-enactment then no wedding bookings would be taken for that day.

Councillor Fernly, representing Rufford Parish Council, spoke in opposition to the application and highlighted the following issues:-

- There would be a restricted use of the Savile Restaurant.
- The Visual impact on the Grade 1 listed building.
- Nothing has changed since the last application and it would detract from public enjoyment of the Country Park

Following the speakers, members discussed the item and the following comments were responded to:-

- Although the Historic Buildings Officer made the point that “generally the use of temporary marquees in close proximity to Grade 1 Listed building is not welcomed” English Heritage have considered this issue and do not regard it as a reason to object to the application.
- The time period for the marquee is 5 years because anything less will make the proposal unviable.
- Saturdays are the 2nd or 3rd best day for visitor numbers depending on school holidays.
- There are upward of 1000 visitors on a Sunday and half that number on a Saturday
- The marquee would be a temporary structure for the 5 year period of the application albeit permanently present for the months of April to September(inclusive)
- This is only a trial period and would bring income to the Park to help maintain it as a place of beauty.

On a motion by the Chairman and duly seconded it was put to the meeting to approve the application. Upon a show of hands it was ascertained that the vote was tied at 5 votes for and 5 votes against. Following the declaration by the Clerk that this was the case the Chairman used her casting vote against the proposal to approve and it was therefore :-

RESOLVED 2014/007

That the application for planning permission be refused for the following reasons:-

1. The loss of heritage value of the Rufford Country Park
2. The loss of public amenity upon visitors wishing to visit the Country Park as a tourist attraction and
3. The potential for conflict between the public and wedding guests

IMPROVEMENT WORKS TO THE COUNTRY PARK NEWSTEAD AND ANNESLEY COUNTRY PARK NEWSTEAD VILLAGE

Mr Smith introduced the report and gave a slide presentation.

With the consent of the Chairman and Committee Councillor Chris Barnfather Local Member spoke in favour of the application and highlighted the following issues:-

- The consultations undertaken by the County Council were appreciated and thorough.
- The route suggested means that the Lorries will not pass along the narrow roads
- The Newstead and Hucknall Roads are well known for road traffic accidents

There were no questions.

Following the speakers, members discussed the item and the following comments were made:-

- The turning left or right will be difficult for lorries at the Annesley Cutting/A611 junction
- Previous modelling suggests there would not be sufficient benefits arising from the costs of installing traffic lights on that junction and there are a set of lights some 500 yards to the north.
- If any unauthorised movements are made from the site there would be an investigation and sanctions would be made as set out in the terms and conditions
- Condition 17 sets out the issue regarding mud on the road.
- The introduction of any temporary lights would not ease congestion around that junction as modelled for permanent traffic lights.

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

RESOLVED 2014/008

1. That the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) or section 278 of the Highways Act 1980 to cover
 - (a) highway condition surveys of adopted roads as used by HGVs associated with the development, to/from the junction with the A6111 at Annesley Cutting, before and after the development;
 - (b) the routing of HGV traffic associated with the development to and from the A611 using via the A611 and Annesley Cutting only, with the prohibition of right hand turns out of Annesley Cutting on to the A611;
 - (c) remediation works to cover any damage to the public highway up to the A611 at Annesley Cutting directly attributable to HGV traffic associated with the development.
2. that subject to the completion of the legal agreement the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for; the importation and deposition of inert waste into Lake 2; the importation and spreading of soils around Lakes 1 and 2; the reinforcement of the embankment between Lakes 4 and 5; and improvement of tracks subject to the conditions set out in Appendix 1 attached to the report.

In accordance with Procedure rules for Committee and Sub-Committee meetings Standing Order 44 Councillor Yvonne Woodhead's vote against the recommendation was recorded. She also wished it recording that she objected to the A611 being used without traffic lights being installed.

RESUBMISSION OF APPLICATION FOR THE CONSTRUCTION OF A LEISURE MARINA REDHILL MARINA RADCLIFFE-ON-SOAR

Mr Smith introduced the report and gave a slide presentation he also informed members that with regard to the appeal hearing the 8 July 2014 has been suggested for the Planning Inspector to hear the appeal.

Members were concerned with the potential risks of bird/aeroplane conflict if this was to be approved.

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

RESOLVED 2014/009

- 1 that Committee endorse the position that planning permission would have been refused, had a decision been made prior to the appeal being lodged, and in the light of the information now submitted for the following reasons:
- a) The development of a marina in the Green Belt is inappropriate development and there is no demonstrable need for new marina berths within the local area. There are no very special circumstances to justify the harm to the openness of the Green Belt that would be caused by the proposed development. As such, it is contrary to the National Planning Policy Framework (NPPF) and Policy ENV14 (Protecting the Green Belt) of the Rushcliffe Borough Non-Statutory replacement local plan;
 - b) The proposed development is 3.5km from East Midlands Airport. The design of the proposed marina would create new habitat suitable for birds that are a birdstrike risk to aircraft. The development would have an unacceptable risk to aviation safety which is contrary to the NPPF.
 - c) The excavation of sand and gravel and the construction of the marina would generate noise levels at nearby sensitive receptors that exceed the maximum noise levels for minerals development as set out in the Technical Guidance to the NPPF. As such, the development would have an unacceptable noise impact contrary to the NPPF and Policy M3.5 (noise) of the Nottinghamshire Minerals Local Plan (MLP);
 - d) The site contains archaeology of at least regional importance, and potentially contains elements of national importance. Given the lack of need for the proposed marina, the importance of the development is not considered to outweigh the importance of the remains. Therefore, the development is contrary to the NPPF and Policy M3.24 (Archaeology) of the MLP.
 - e) There is insufficient information for the planning application to be fully assessed against policies M3.3 (Visual Intrusion), M3.9 (Flooding), M3.15 (Bulk Transport of Minerals), M3.16 (Protection of Best and Most Versatile Agricultural Land), M3.17 (Biodiversity) and M3.27 (Cumulative Impact) of the MLP; and policies EN11 (Features of Nature Conservation Interest), EN21 (Loss of Agricultural Land) and WET2 (Flooding) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. As such, the development is contrary to Policy M3.1 (Information in support of Planning Applications) of the Nottinghamshire MLP which seeks to ensure that sufficient information is submitted to enable a balanced assessment of all relevant factors.
- 2 that the Minerals Planning Authority informs the Planning Inspectorate that Committee supports the dismissal of the appeal.

**USE OF LAND ADJACENT TO THE EXISTING SITE FOR A 12 MONTH PERIOD –
JOHNSONS AGGREGATES AND RECYCLING LIMITED LOUGHBOROUGH ROAD
BUNNY**

Mr Smith introduced the report and gave a slide presentation .

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

RESOLVED 2014/010

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

DEVELOPMENT MANAGEMENT PROGRESS REPORT

Mrs Gill introduced the report

RESOLVED 2014/011

That the Development Management progress report be noted

WORK PROGRAMME

RESOLVED 2014/012

That the Work Programme reported be noted,

The meeting closed at 1.28 pm.

CHAIRMAN

25 March 2014**Agenda Item:5****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****BASSETLAW DISTRICT REF. NO.: 1/13/01390/CDM**

PROPOSAL: VARIATION OF CONDITION 28 (REQUIREMENT TO HAVE EXISTING RAIL LINE IN PLACE AND IN GOOD WORKING ORDER), OF PLANNING PERMISSION 1/60/12/00001 AND 2/2012/0072/NT TO ALLOW AN EXTENDED TIME TO COMPLY BY 12 MONTHS

LOCATION: WELBECK COLLIERY, ELKESLEY ROAD, MEDEN VALE, MANSFIELD

APPLICANT: HARWORTH ESTATES INVESTMENTS LTD AND TETRON POINT LP

Purpose of Report

1. To consider a planning application to vary a planning condition to extend the period for compliance in which a rail line is reinstated, at Welbeck Colliery, Meden Vale. The key issues relate to sustainability, economic viability, crime and disorder, traffic and transportation. The recommendation is to grant planning permission.

The Site and Surroundings

2. The Welbeck Colliery site spans the Mansfield and Bassetlaw District boundaries, sitting approximately 9.5km north of the centre of Mansfield (see Plan 1). The colliery complex covers a total area of circa 127 hectares. The colliery was an active coal mine until May 2010, when mining operations ceased.
3. Immediately to the south of the colliery is the village of Meden Vale. Approximately 330m to the south-west is Church Warsop, beyond which is Market Warsop; and 900m to the north is the village of Cuckney.
4. The site is bordered to the north and west by a belt of trees which form plantations. These include the Warsop Hill Plantation, Presley's Plantation and the Hatfield Plantation. Along the eastern half of its southern boundary the site is bordered by Meden Vale, and to the western half of the colliery site's southern boundary agricultural fields border the site. To the east there are further agricultural fields.

5. The colliery site itself comprises three main sections: the un-restored northern half of the spoil tip, the restored southern half of the spoil tip and the former pit head area to the east.
6. The southern section of the spoil tip, which is restored, forms a large engineered hill with its toe at the northern edge of Meden Vale village. The tip slopes northwards rising from 65m Above Ordnance Datum (AOD) to about 123m AOD over approximately 470m. The restored tip section stretches for approximately 1.25km from east to west and is bordered by the Cuckney Hill Road (A60) to the west and the Meden Vale sports ground and football pitches to its east. The majority of the restored area comprises semi-improved grassland. There is a 50m wide belt of trees running along the eastern half of the southern boundary, providing screening for residential properties in Meden Vale. In addition, there are some small areas of tree planting to the north-west of the restored tip area that are yet to mature.
7. To the east of the spoil tip is the site of the former colliery works and pit head complex. Since closure the buildings have been progressively demolished and the area now comprises a large area of levelled hardstanding. The rail track and rail head remain.
8. The planning application boundary runs along the northern boundary of the colliery site, adjacent to the woodland plantations and curves back on itself to roughly follow the line of the already restored southern half of the spoil tip. The spoil tip area under restoration measures approximately 1.15km in length from the A60 in the west to the former pit head area in the east. In terms of width, the tip measures between 320m to 400m from the northern boundary to the top of the tip where un-restored and restored areas meet.
9. The un-restored spoil tip area is of a variable landform, due to the early closure of the colliery and there being insufficient spoil to complete the approved restoration profiles. The landform includes gently sloping lower level sections, with some hollows in which water has gathered, to steep and almost vertical escarpments. The majority of this area is bare mining spoil, although there are some parts where a covering of rough grass has developed.
10. The planning application boundary includes two spurs off the eastern side of the colliery spoil tip area. One of the spurs follows the length of the existing colliery access road that heads in a north-east direction and forms the northern boundary of the wider colliery site. The access road runs for approximately 1.1km and connects to the A616. The second spur follows the rail track from the spoil tip in an easterly direction for approximately 650m where the red-line boundary then opens into a wider area for storage purposes for the wastes and materials delivered via rail. In total the planning application area measures approximately 44 hectares.
11. There are two vehicular access roads into the wider colliery site. One of the accesses, as mentioned above, connects to the A616 to the north-east. The other colliery site access is off Elkesley Road at the southern boundary of the former pit head area. Elkesley Road passes through the residential area of Meden Vale where it connects to Netherfield Lane in the south. It is noted that only the A616 access is included within the planning application boundary.

12. In addition to the access roads, there is a rail line which heads into the eastern side of the site. The rail line curves around the eastern side of Meden Vale before heading in a southerly direction (see Plans 1 and 2).
13. Due to the size of the site, the distances to residential sensitive receptors vary. To the west of the planning application site the nearest sensitive receptor is Metz Lodge which is located off the A60 approximately 100m west of the application boundary. In terms of residential receptors located within Meden Vale, the closest are between 350-400m from the southern application boundary of the unrestored tip area, although there are Meden Vale properties located approximately 130m to the south of the eastern part of the application site. In relation to the access road there is a single property, Sedan Lodge, which is circa 150m to the west off the A616.
14. The Cuckney Conservation Area is approximately 350m north of the application boundary at its closest point and circa 830m south of the application site is the Church Warsop Conservation Area. Within the Cuckney Conservation Area the most notable heritage assets are the Cuckney Motte and Bailey Castle (Scheduled Ancient Monument) and the Church of St Mary (Grade I Listed). Within the Church Warsop Conservation Area there is the Church of St Peter and St Paul (Grade I Listed) and the Bishops Lodgings (Grade II* Listed). Within and around both of the conservation areas there are a number of other Grade II Listed Buildings.
15. The nearest ecological site is the Elkesley Hill Site of Importance for Nature Conservation (SINC). This is a small hill with a noteworthy mosaic of scrub and acidic grassland communities located immediately adjacent to the southern boundary of the eastern most section of the planning application area. Also of note is The Bottoms, also a SINC, which is a length of good riparian habitats along the River Meden. The Bottoms is, at its closest point, 500m south of the application site.
16. The nearest statutorily designated ecological sites are the Birklands and Bilhaugh Site of Special Scientific Interest (SSSI); the Birklands and Bilhaugh Special Area of Conservation (SAC), which is within the SSSI area; and the Welbeck Lake SSSI. The Birklands and Bilhaugh sites are located to the south-east of the application area, with the nearest part 1.8km distant and the Welbeck Lake SSSI is approximately 2km away to the north-east.
17. Whilst it is not a designated site, it is still important to note that approximately 1.5km south-east of the application area is the Natural England Indicative Core Area (ICA) and RSPB Important Bird Area (IBA) for breeding Nightjar and Woodlark. These are areas which may form the basis of a Special Protection Area (SPA) in the future for Nightjar and Woodlark. In addition, the site is within the 5km buffer zone of the IBA.
18. The site is not located within an area at risk of flooding. The nearest flood risk area is either side of the River Meden to the south of the site, with the nearest point approximately 500m distant.

19. The geology beneath the site (Sherwood Sandstone Group) is classified as a Principal Aquifer. The site lies within the Environment Agency's total catchment Groundwater Source Protection Zone.
20. The nearest rights of way include a bridleway located approximately 200m to the north-west of the application site, which runs from the A60 to Cuckney. In addition, there is an existing footpath that runs partially along the western side of the application site and then also along the length of the southern boundary of the restored spoil tip and along the northern edge of Meden Vale.

Proposed Development

21. Planning permission was granted by Planning and Licensing Committee on 19th December 2012 for the restoration of the northern part of Welbeck Colliery spoil heap, involving the importation of approximately 1.9 million cubic metres of suitable engineering fill, recovered aggregates and other suitable materials, including wastes such as pulverised fuel ash, third party soils and stone.
22. Condition 28 of the permission states:

"Within 6 months of the importation of any material the rail line shall be in place and in good working order and be so maintained for the duration of the development hereby permitted"
23. The applicant highlights that the permission was formally implemented on 21 May 2013, and as a result the rail line should have been in place by 21 November 2013. The applicant is seeking to vary the condition, so as to allow an additional 12 months to comply with the requirement of Condition 28. The suggested alternative wording is set out below:

"The rail line shall be in place and in good working order by 21 November 2014 and shall be so maintained for the duration of the development hereby permitted"

Consultations

24. **Bassetlaw District Council** – *No objection.*
25. **Cuckney Parish Council** – *Objection. The existing operations are resulting in the routeing of HGVs through Cuckney, which is contrary to the vehicular routeing secured through Condition 29 of the existing planning permission.*
26. **NCC (Planning Policy)** – *No objection. National and local policy seeks to promote sustainable development, including the use of alternatives to road transport. However, sustainability incorporates economic, environmental and social considerations, which have to be balanced in the achievement of sustainable development. In this instance it is recognised that if suitable material/sources are not yet available, the non-reinstatement of the rail line at this point in time could be supported to ensure continued restoration of the colliery site, which brings environmental and social benefits.*

27. *In terms of the impact of the time extension on road transport, NCC Policy defer to the Highways Team for their comments on the capacity of the local highway network and impact on local communities.*
28. **Network Rail** – *At present the applicant does not have any contract in place for the transport of materials by rail and refurbishment of the branch line would present an opportunity for further theft should it not be in regular use. In the circumstances, Network Rail has no objection to the extension of time to comply with the planning condition.*
29. **Severn Trent Water Limited** – *No objection. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved by the Local Planning Authority.*
30. No response received from **Mansfield District Council, Norton Parish Council, Warsop Parish Council, National Grid (Gas) and Western Power Distribution**. Any responses received will be reported orally.

Publicity

31. The application has been advertised by press notice and site notices in accordance with the County Council's Adopted Statement of Community Involvement. No public representations have been received.
32. Councillors John Allin and John Ogle have been notified of the application.

Observations

33. Condition 28 of the existing spoil tip restoration permission (Ref: /2012/0072/NT & 1/60/12/00001) requires the existing rail line into the site to be in good working order within 6 months of the importation of any material to the site, and maintained as such for the duration of the development. The applicant is seeking to vary this condition to delay the requirement for the rail line to be in good working order until 21st November 2014.
34. When the original restoration application was submitted, the Environmental Statement (ES) stated that "The material import will primarily be undertaken using the existing railway. The material will be imported 24 hours a day". It also highlighted that the use of the existing rail head was the preferred method of transportation of material to the site and in addition to the sustainable transport of material to the site, it would facilitate a much speedier and efficient completion of the construction of the restoration scheme.
35. In light of the significance of the rail line to the importation of material and the restoration of the site as a whole, a condition was attached to the planning permission requiring the existing rail line into the site to be in good working order. The reason for the condition as set out in the decision notice is:

"To minimise traffic impact on the surrounding residential areas and in accordance with Policy W3.16 of the WLP and Policy M3.12 of the MLP; and to

provide a sustainable transport solution in accordance with the National Planning Policy Framework.”

36. Policy M3.12 of the Nottinghamshire Minerals Local Plan (MLP) relates to highways safety and protection. Policy W3.16 of the Nottinghamshire and Nottingham Waste Local Plan (WLP) related to the transport of waste by rail, but has since been replaced by the Waste Core Strategy. The National Planning Policy Framework (NPPF) encourages local authorities to facilitate the use of sustainable modes of transport.
37. The applicant formally implemented the planning permission on 21st May 2013, and acknowledges that the rail line should have been in good working order by 21 November 2013. However, at the current time the rail line is not yet capable of being used. The applicants have set out in the planning application a number of reasons as to why they are seeking to delay the repair of the rail line. The reasons are summarised below:
- a) At the planning application stage the applicants were not aware of where the sources of material would be and could not, therefore, foresee when the rail link might be needed. The only identified source at the time was from Fiddlers Ferry Power Station, but to date there is no contract to source material from this power station.
 - b) Current suppliers of material that do have a rail facility (EDF at West Burton and Eon at Ratcliffe on Soar) do not have the capacity to use their rail facility for any additional use due to existing operations at the site that rely on rail (i.e. unloading coal). Until there is spare capacity, rail supply of material from these sources cannot be relied upon.
 - c) The applicants are actively seeking suppliers of materials that can rely on use of the rail line facility. In preparation for this, the applicants' contractors have made contact with Network Rail to discuss the principle of works necessary to bring the rail facility back into use and have devised a scope of works for costing purposes.
 - d) The comments from NCC Highways in response to the original planning application accepted that the traffic generated by the proposal would not have a significant additional effect on the road network, and these comments were not reliant on the rail link. In addition, the current use of HGV movements of material has caused no known incidents or complaints and the agreed transport route has proved highly successful at minimising impacts on nearby villages.
 - e) The colliery has a long history of theft and vandalism, particularly in relation to the rail link and track materials. If the track is restored without regular use, the risk to security at the site is greatly increased as the past theft of clips, fishplates and couplings demonstrates. A disused refurbished rail head would encourage theft and unauthorised access by third parties to a dangerous site. The current absence of short-term suppliers of material reliant on transport by rail, combined with associated security risk, justifies a short delay in completion of the requisite refurbishment works.

- f) Enforced upgrading works to the rail head would delay the current restoration works and may extend the life of the development beyond the approved period.
 - g) It is the applicants firm intention to provide the rail head by 21 November 2014 or at any time beforehand once a suitable supplier has been secured.
38. The reasons outlined above for this application are considered in turn. Firstly, it is acknowledged now, and was at the time of determination, that when the original planning application was submitted there were no contracts in place to source material using the rail link. However, the applicant did at the time strongly promote the development on the basis that the majority of the material transported to the site would be by rail. To renege on such a statement which was relied upon in the determination of the application, justifying it by claiming that no contracts were secured, is disappointing, particularly when it would be unreasonable to expect the applicants to have contracts secured prior to permission being granted.
 39. The applicant highlights that sourcing material from the nearby power stations (West Burton and Cottam) is difficult due to rail capacity, meaning there is no room on their rail lines to export PFA as well as current importation of coal. This is considered a valid reason for why material from these sources is transported by road, although, it is hoped that should capacity present itself in the future the applicant seizes such an opportunity.
 40. The active seeking of suppliers, who can provide material by rail, and the scoping of works and costs to restore the rail line, is welcomed.
 41. The applicants draw attention to the fact that the consultation response from the NCC Highways Team did not rely on the implementation of the rail line. This is wholly accepted and it is also important to note that there are other conditions, which the applicants are not seeking any change to, which limit the number of HGVs to and from the site, and control the routeing of HGVs (Conditions 29 and 30 respectively).
 42. The applicant also states that the current use of HGV movements of material has caused no known incidents or complaints and the agreed transport route has proved highly successful at minimising impacts on nearby villages. This may have been the case when the application was first implemented, however, during December there were a number of complaints that numerous HGVs associated with the Welbeck Colliery spoil tip restoration were passing through the village of Cuckney, contrary to the approved routeing secured by Condition 29. This has also led to an objection from Cuckney Parish Council. Investigations by NCC's Monitoring and Enforcement Officers has confirmed that HGVs have been departing from the approved routeing arrangement and passing through Cuckney. However, it is also of note that no further complaints regarding this have been received this year.
 43. The objection by the Parish Council to this application due to the movement of HGVs through Cuckney is understandable, but is somewhat of a distraction from the main issues at consideration. This is because there are existing controls on vehicle numbers and routeing, which the applicants are not seeking to change.

As such, the use of Cuckney as a through route is an issue of enforcement and should not be a consideration in this application.

44. The applicants draw attention to a history of vandalism and theft at Welbeck Colliery. There is concern that a refurbished, but unused, rail line would present an opportunity for further theft, without resulting in any benefits. There is merit in this argument, given that the condition requires the refurbishment of the rail line, but could not possibly enforce its use.
45. The applicants state that enforced upgrading works to the rail head would delay the current restoration works and may extend the life of the development beyond the approved period. Whilst this may be true, there is no evidence to explain why such upgrading works would delay the restoration process. In addition, the fact that the applicants still intend to implement the rail line by November 2014 suggests that upgrading works would be factored into the restoration programme at some point, whether it takes place now or at some later point appears to be inconsequential to the overall timescale of the project.
46. Policy M3.15 of the MLP relates to the bulk transport of minerals by rail, stating that such applications will be permitted where this would result in an overall environmental benefit. The Nottinghamshire and Nottingham Waste Local Plan: Part 1 Waste Core Strategy (WCS) was adopted in December 2013. Policy WCS11 of the WCS states that all waste management proposals should seek to maximise the use of alternatives to road transport such as rail. In addition, the NPPF promotes sustainable transport and encourages solutions which support reductions in greenhouse gas emissions and reduce congestion. The proposal to delay the refurbishment of the rail line would appear to be contrary to these policies. However, requiring its implementation when it would go unused would result in the development complying with its current permission, but would not result in any environmental or sustainability benefit, which is the thrust of these policies. In addition, allowing additional time to comply with the rail refurbishment condition would not preclude its refurbishment should the applicant secure a contract to import material by rail at an earlier date.
47. In addition to the above, the implementation of an unused rail line at this stage could encourage crime and disorder, specifically metal theft. Such an approach would not be in line with the NPPF, which seeks to minimise crime and disorder.
48. In conclusion, it is disappointing that the applicants have not been able to secure contracts to import material by rail and that this has resulted in material being transported to the site in a significantly different manner to that presented in the original application. In this regard, the original application appears to have been misleading, although there is no accusation of this being deliberate. Nevertheless, to not grant this permission, and require the rail line to be refurbished immediately, would not result in any sustainability benefits to the scheme and may exacerbate existing issues of metal theft. It is for these reasons that it is recommended that planning permission is granted for the extension of time sought.
49. Aside from Condition 28 which the applicant is seeking to vary, a number of minor alterations have also been made to reflect the fact that the planning

permission has been implemented and information submitted to discharge conditions, the changes are set out in Table 1 below:

Table 1 – Proposed Changes to Conditions

Condition No.	Condition Description	Amendment
1	Defines the extent of the planning permission.	No change.
2	Requires development to commence within one year.	Varied - References the commencement date of 21 st May 2013
3	Requires notification of the date of commencement.	Deleted.
4	Requires placement of waste to cease within 5 years of commencement.	Varied - Identifies the 21 May 2018 as the end date for importation of restoration materials.
5	Requires restoration to take place within 12 months of the cessation of waste and other materials being placed.	Varied – Identifies the 21 May 2019 as the date for the completion of restoration.
6	Requires the submission of a phasing plan prior to the commencement of development.	Varied – to reference submitted phasing plans.
7	Requires the annual submission of a topographical survey.	Varied – to acknowledge that commencement has taken place.
8	Details the approved plans and documents.	No change.
9	Requires a copy of the planning permission to be present at site.	No change.
10	Sets out the hours of working.	No change.
11	Sets out dust prevention measures.	No change.
12	Requires the submission of a dust monitoring scheme.	Varied – to reference submitted dust monitoring scheme.
13	Requires the submission of details of a sustainable drainage system for the site.	No change.
14	Requires all plant to be fitted with effective silencers and maintained in accordance with manufacturers' specifications.	No change.
15	Requires mobile plant to be fitted with smart audible alarms adjusted to background levels.	No change.
16	Requires any conveyors to be fully enclosed.	No change.
17	Requires the earth bunds around the soil management area to be in place prior to the importation of any material.	No change.
18	Sets out measures to be taken in the event of a noise complaint.	No change.
19	Requires a noise assessment to be undertaken should any operations take place within 100m of Metz Lodge.	No change.
20	Requires the submission of a Construction Environmental Management Plan (CEMP).	Varied – to reference submitted CEMP.
21	Requires acid grassland to remain undisturbed until a survey and method statement for translocation have been undertaken.	Varied – to reference submitted survey and method statement.
22	Requires the submission of details of location and type of habitat protection	Varied – to reference submitted habitat protection fencing.

	fencing to be in place.	
23	Requires clearance works to take place in line with the reptile method statement.	No change.
24	Requires clearance works to take place in accordance with nesting bird method statement.	No change.
25	Requires the submission of an Ecological Management Plan.	No change.
26	Requires the submission of a mitigation scheme should protected species be found on site.	No change.
27	Requires the submission of a detailed restoration scheme.	Varied – to reference submitted landscaping scheme.
28	Requires the rail line to be in place and in good working order within 6 months of the commencement of development.	Varied – Condition is subject of this application.
29	Secures HGV routing.	No change.
30	Limits the number of HGVs to and from the site.	No change.
31	Requires details of wheel wash facilities.	No change.
32	Requires the submission of a Phase 2 Environmental Risk Assessment (ERA).	Varied – to reference submitted ERA.
33	Requires the submission of a Materials Management Plan (MMP).	Varied – to reference submitted MMP.
34	Requires the provision of engineering calculations to demonstrate restoration profiles are acceptable.	Deleted – Slope calculations are included in the MMP which is to be secured under the preceding Condition.
35	Sets out storage criteria for oil, fuel and chemicals.	No change.
36	Prevents the restriction or obstruction of any public Rights of Way.	No change.
37	Requires submission of details of paths, cycle and bridleways prior to implementation.	No change.
38	Requires circular cycleway and bridleway to be implemented within 12 months of the cessation of waste and material being imported.	No change.
39	Requires the submission of details of pedestrian access points.	No change.
40	Requires notification to the WPA of soil movements.	No change.
41	Ensures that soils and overburden is only placed when in a dry and friable condition.	No change.
42	Prevents plant and vehicles crossing placed and loosened ground and replaced soils.	No change.
43	Requires placed soils to be ripped using overlapping parallel passes.	No change.
44	Only low ground pressure machinery to work on re-laid soils.	No change.
45	Secures aftercare for a 5 year period.	No change.
46	Date of aftercare commencing to be agreed with WPA.	No change.
47	Requires the submission of an aftercare scheme.	No change.
48	Requires annual aftercare meetings.	No change.

49	Puts in place measures for alternative restoration should the importation of restoration material cease.	No change.
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50. It is noted that Severn Trent recommend a condition that no development commences until drainage plans for the disposal of surface water and foul sewerage have been submitted. Such a condition is not considered relevant to the permission being sought in this case.

Other Options Considered

51. The alternative would be to enforce the refurbishment of the rail line without any extension of time, although the report identifies sufficient justification for supporting the proposed course of action.

Statutory and Policy Implications

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

Implications for Service Users, Financial Implications, Equalities, Safeguarding of Children and Human Resources

53. No implications.

Crime and Disorder Implications

54. The site has previously suffered from trespassing, vandalism, and metal theft particularly in relation to elements of the rail head. The refurbishment of the rail head without it being in use would present an unnecessary opportunity for further theft from the site.

Human Rights Implications

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

Implications for Sustainability and the Environment

56. This application seeks permission to delay the refurbishment of the existing rail line into the Welbeck Colliery site. If refurbishment were to take place

immediately there would be no mechanism to ensure material is imported by rail. Conversely, in granting this application planning permission, it would not preclude the refurbishment and use of the rail line for material importation at an earlier date. As such, the implications for sustainability and the environment are considered negligible.

Statement of Positive and Proactive Engagement

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

RECOMMENDATIONS

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

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

Planning and Licensing Committee has authority to approve the recommendation set out in this report by virtue of its terms of reference.

[NAB 11.03.14]

Comments of the Service Director - Finance

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

[SEM 12.03.14]

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Warsop – Councillor John Allin

Tuxford – Councillor John Ogle

Report Author / Case Officer

Oliver Meek

0115 9696516

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

W001249

RECOMMENDED PLANNING CONDITIONS

Extent of Planning Permission

1. This permission relates to land within the red line on Drawing No. 103186/P/001 Rev A titled 'Site Location Plan' dated February 2012 – received by the Waste Planning Authority (WPA) on 8 February 2012.

Reason: To define the extent of the planning permission

Commencement and Duration of the Development

2. The development hereby permitted commenced on 21st May 2013.

Reason: To ensure restoration of the site begins within an acceptable timescale and to comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

3. The placement of waste and other fill material hereby permitted shall cease no more later than 21 May 2018. Should placement cease prior to this date the WPA shall be notified within 14 days of cessation.

Reason: To secure the proper restoration of the site within an acceptable timescale and in accordance with Policy W4.2 of the Nottinghamshire and Nottingham Waste Local Plan (WLP) and Policy M4.5 of the Nottinghamshire Minerals Local Plan (MLP).

4. The final restoration, as shown on Drawing 103186/P/004 Rev B titled 'Proposed Block Plan – Restoration' received by the WPA on 27 January 2012 and the amended landscaping plan to be submitted under Condition 28, shall be completed by 21 May 2019, or within 12 months of the cessation of waste and other fill material being placed, whichever is earlier.

Reason: To secure the proper restoration of the site within an acceptable timescale and in accordance with Policy W4.2 of the WLP and Policy M4.5 of the MLP.

Phasing

5. The deposit of waste and material shall take place in accordance with the phasing details shown in Drawings No. 103186/Phasing/1-5 received by the WPA on 17 October 2012. The noise bund constructed in the Soil Management Area shall be removed during the final phase (Phase 5) of the development.

Reason: To secure the proper restoration of the site within an acceptable timescale and in accordance with Policy W4.2 of the WLP and Policy M4.5 of the MLP.

6. A topographical survey of the site shall be submitted to the WPA by 31 December each year, until the cessation of waste and material placement. The topographical survey shall identify all complete and incomplete areas.

Reason: To secure the proper restoration of the site within an acceptable timescale and in accordance with Policy W4.2 of the WLP and Policy M4.5 of the MLP.

Approved Details and Plans

7. The development hereby permitted shall only be carried out in accordance with the following documents, unless amendments are made pursuant to other Conditions:
- a) Drawing No. 103186/P/001 Rev A titled 'Site Location Plan' dated February 2012 – received by the WPA on 8 February 2012.
 - b) Drawing No. 103186/P/002 titled 'Proposed Block Plan – Access and Construction Logistics' – received by the WPA on 27 January 2012.
 - c) Drawing No. 103186/P/004 Rev B titled 'Proposed Block Plan – Restoration' – received by the WPA on 27 January 2012.
 - d) Drawing No. 103186/P/005a titled 'Cross Section Location Plan' – received by the WPA on 27 January 2012.
 - e) Drawing No. 103186/P/005b titled 'Cross Sections Section A and B' – received by the WPA on 27 January 2012.
 - f) Drawing No. 103186/P/005c titled 'Cross Sections Section C' – received by the WPA on 27 January 2012.
 - g) Drawing No. 103186/P/006 titled 'Preliminary Landscape Proposals Plan' – received by the WPA on 27 January 2012.
 - h) Drawing No. 103186/P/007 titled 'Picnic and Viewing Area – Sketch Layout' – received by the WPA on 27 January 2012.
 - i) Planning Application Forms – received by the WPA on 27 January 2012.
 - j) Statement in Support of Planning Application Incorporating Design and Access Statement and Planning Policy Appraisal – received by the WPA on 27 January 2012.
 - k) Appendices to Statement in Support of Planning Application Incorporating Design and Access Statement and Planning Policy Appraisal – received by the WPA on 27 January 2012.
 - l) Transport Assessment (i-Transport Ref: MG/BT/ITB6187-001E R) – received by the WPA on 27 January 2012.
 - m) Site Waste Management Plan – received by the WPA on 27 January 2012.

- n) Welbeck Colliery Environmental Statement Volume 1 – Main Text and Embedded Figures – received by the WPA on 27 January 2012.
- o) Welbeck Colliery Environmental Statement Volume 2 – Figures and Appendices – received by the WPA on 27 January 2012.
- p) Welbeck Colliery Environmental Statement Non-Technical Summary – received by the WPA on 27 January 2012.
- q) Statement in Response to Regulation 22 Request for Further Information – received by the WPA on 15 June 2012.

Reason: For the avoidance of doubt.

8. 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 and its conditions shall always be available at the site offices for inspection by the WPA during normal working hours.

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

Hours of Working

9. Except in the case of emergency when life, limb or property are in danger (such instances which are to be notified in writing to the WPA within 48 hours of their occurrence, or with the prior agreement of the WPA) the development hereby permitted shall only take place within the following hours:

Activity	Day	Hours
HGV arrival and departure	Monday to Friday	08:00 – 18:00
	Saturday	08:00 – 13:00
	Sundays, Public or Bank Holidays	These activities shall not occur
Waste and fill material transfer around the site and placement	Monday to Saturday	07:00 – 19:00
	Sundays, Public or Bank Holidays	These activities shall not occur
Train arrival, unloading and departure	7 Days a Week	24 Hours a Day

Reason: In the Interest of amenity and in accordance with Policy W3.9 of the WLP and Policy M3.5 of the MLP.

Dust

10. Notwithstanding the production of a Construction Environmental Management Plan (CEMP), 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, inert waste and construction fill material stockpiles, and other operational areas of the site;

- b) Internal roadways, storage areas and hard surfaces shall be regularly swept to keep them free of mud and debris likely to give rise to dust;
- c) The regular re-grading of internal haul roads;
- d) Bulk loads arriving at or leaving the site shall be carried in enclosed or sheeted containers;
- e) The fitting of all mobile plant with exhaust systems which cannot be emitted in a downward direction;
- f) Soil storage mounds which are not to be used within 3 months shall be graded and seeded;
- g) The minimisation of exposed surfaces on the soil mound, both the working area and the area being restored;
- h) Upon the request of the WPA, the temporary suspension of waste and construction fill material movement or placement in periods of unfavourably dry or windy weather conditions.

Reason: In the interests of the amenity of nearby occupiers and to accord with Policy W3.10 of the WLP and Policy M3.7 of the MLP.

11. Dust monitoring shall be carried out on-site in accordance with the 'dust and air quality' section of the Environmental Management Plan and subsequent e-mail dated 18th June 2013.

Reason: In the interests of the amenity of nearby occupiers and to accord with Policy W3.10 of the WLP and Policy M3.7 of the MLP.

Drainage

12. Within 6 months of the commencement of development details of a sustainable drainage system for the site shall be submitted to, and approved by, the WPA. The sustainable drainage system details shall include proposed discharge rate, consequent storage volumes and sediment management. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development does not have an unacceptable impact upon surface water in accordance with Policy W3.5 of the WLP; M3.8 of the MLP; and Policy DM12 of the Bassetlaw Core Strategy (BCS).

Noise

13. All mobile plant on site shall be fitted with effective silencers in accordance with the manufacturers' recommendations and maintained in accordance with the manufacturers' specifications.

Reason: To mitigate noise impact in accordance with Policy W3.9 of the WLP and Policy M3.5 of the MLP.

14. All mobile plant on-site shall be fitted with smart audible alarms adjusted to background noise levels at all times.
- Reason: To mitigate noise impact in accordance with Policy W3.9 of the WLP and Policy M3.5 of the MLP*
15. All conveyor systems used to transfer waste and construction material around the site shall be fully enclosed.
- Reason: To mitigate noise impact in accordance with Policy W3.9 of the WLP and Policy M3.5 of the MLP.*
16. Prior to any waste or construction fill material being imported to the site, the 2.5m high earth bunds around the Soil Management Area (SMA) shall have been constructed in accordance with details shown on Drawing 103186/P/002 titled 'Proposed Block Plan – Access and Construction Logistics' – received by the WPA on 27 January 2012.
- Reason: To mitigate noise impact in accordance with Policy W3.9 of the WLP and Policy M3.5 of the MLP.*
17. In the event that the WPA consider that operational noise emissions from activity at the site is likely to generate complaints the operator shall undertake a noise survey within 2 weeks of a written request from the WPA. The noise survey shall be undertaken in accordance with BS4142:1997 and shall be carried out under the supervision of the WPA. The results of the noise survey shall be provided to the WPA for its written approval within 1 month of the survey being undertaken. Should the results of the noise survey suggest that further mitigation measures are necessary these shall be identified within the report and implemented within 1 month following their approval by the WPA, unless otherwise agreed in writing by the WPA.
- Reason: To mitigate noise impact in accordance with Policy W3.9 of the WLP and Policy M3.5 of the MLP.*
18. Prior to any operations being undertaken within 100m of the sensitive noise receptor Metz Lodge, a noise assessment undertaken in accordance with BS 4142: 1997 shall be submitted to, and approved by the WPA. Should the results of the noise survey suggest that further mitigation measures are necessary these shall be identified within the report and implemented before works begin in accordance with the approved details.
- Reason: To mitigate noise impact in accordance with Policy W3.9 of the WLP and Policy M3.5 of the MLP.*

Ecology

19. Development shall be undertaken in accordance with the Construction Environmental Management Plan (CEMP) received by the WPA on 14 November 2012.

Reason: To protect wildlife and established habitat in accordance with Policy W3.22 of the WLP and Policy M3.17 of the MLP.

20. The translocation of acid grassland shall take place in accordance with the following documents:

- a) Method Statement Revision A – received by the WPA on 11 April 2013;
- b) Landscape Specifications for Establishment Methods and Maintenance Regimes (years 0-5) – received by the WPA on 11 April 2013; and
- c) Drawing No. 2012-PL003 Rev A titled ‘Detailed Restoration Scheme’ – received by the WPA on 11 April 2013.

Reason: To safeguard established Biodiversity Action Plan (BAP) habitat in accordance with Policy W3.22 of the WLP and Policy M3.17 of the MLP.

21. The fencing to protect the habitat along the railway sidings shall be undertaken, and maintained for the duration of the development, in line with the temporary fencing plan received by the WPA on 17 October 2012.

Reason: To protect established habitat in accordance with Policy W3.22 of the WLP and Policy M3.17 of the MLP.

22. Clearance works shall be undertaken in accordance with the Method Statement relating to reptiles provided in Appendix B of Appendix 2 of the ‘Statement in Response to Regulation 22 Request for Further Information’.

Reason: To safeguard protected species and to accord with Policy W3.22 of the WLP, Policy M3.17 of the MLP and Policy NE12 of the Mansfield District Local Plan (MDLP).

23. Clearance works shall be undertaken in accordance with the Method Statement relating to nesting birds provided in Appendix C of Appendix 2 of the ‘Statement in Response to Regulation 22 Request for Further Information’. A minimum buffer zone of 10m radius around bird nests (20m radius in the case of little ringed plover) shall be clearly marked out on the ground using suitable fencing to safeguard the area and minimise disturbance.

Reason: To avoid disturbance to breeding birds.

24. Within 6 months of the commencement of development an Ecological Management Plan (EMP) shall be submitted to, and approved in writing by, the WPA. The EMP shall be implemented as approved.

Reason: To ensure the ongoing management and aftercare of the restored site in accordance with Policy W4.9 of the WLP and Policy M4.9 of the MLP.

25. Should any protected species be found on-site during the course of the development hereby permitted, operations shall immediately cease until a

suitable mitigation scheme has been implemented in full accordance with details previously submitted to and approved in writing by the MPA.

Reason: To safeguard protected species and to accord with Policy W3.22 of the WLP, Policy M3.17 of the MLP and Policy NE12 of the Mansfield District Local Plan (MDLP).

Landscaping

26. The restoration of the site shall take place in accordance with the 'Landscape Specification for Establishment Methods and Maintenance Regimes (years 0-5)' and Drawing No. 2012-PL003 Rev A titled 'Detailed Restoration Scheme' received by the WPA on 11 April 2013.

Reason: To safeguard and establish wildlife and habitat including Biodiversity Action Plan (BAP) habitat in accordance with Policy W3.22 of the WLP and Policy M3.17 of the MLP.

Traffic and Transport

27. The rail line shall be in place and in good working order by 21 November 2014 and shall be so maintained for the duration of the development hereby permitted.

Reason: To minimise traffic impact on the surrounding residential areas and in accordance with Policy W3.15 of the MLP, Policy WCS11 of the Nottinghamshire and Nottingham Waste Local Plan: Part 1 Waste Core Strategy (WCS) and to provide a sustainable transport solution in accordance with the National Planning Policy Framework.

28. All Heavy Goods Vehicle (HGV) movements and construction workforce traffic shall only use the routes shown on Figure 9.1 of the Environmental Statement - Volume 2 titled 'Vehicle Routing Strategy' received by the WPA on 27 January 2012. Vehicles shall only use the existing access / egress off the A616 when travelling to and from the site from all directions.

Reason: To minimise traffic impact on the surrounding residential areas and in accordance with Policy W3.15 of the WLP and Policies M3.13 and M3.14 of the MLP.

29. The number of HGV movements associated with the site shall not exceed 300 per weekday (150 in, 150 out) and 150 (75 in, 75 out) on a Saturday. There shall be no HGV deliveries to the site on Sundays, Public or Bank Holidays. A record shall be kept by the operator of the number of HGV movements into and out of the site on a daily basis. These records shall be made available to the WPA within seven days of a written request from the WPA. All such records shall be kept for at least 12 months.

Reason: To minimise traffic impact on the surrounding residential areas and in accordance with Policy W3.14 of the WLP and Policies M3.13 and M3.14 of the MLP.

30. Details of a wheel wash facility shall be submitted to and approved in writing by the WPA. The wheel wash facility shall be installed and operational in accordance with the submitted details prior to any waste or construction fill materials being brought onto site.

Reason: To prevent deleterious material from contaminating the public highway in accordance with Policy W3.11 of the WLP and Policy M3.12 of the MLP.

Contamination and Stability

31. Development shall be undertaken in accordance with the 'Phase 2 Environmental Risk Assessment' (Job No. 103186) received by the WPA on 25 October 2012 and the 'Window Sampling and Trial Pit Investigation' received by the WPA on 23 April 2013.

Reason: To protect users of the site and ground and surface water from pollution in accordance with Policy W3.5 and W3.6 of the WLP; Policy M3.8 of the MLP; and Policies NE17 and DWM1 of the MDLP.

32. Development shall be carried out in accordance with the approved Materials Management Plan (Rev C) for Bulk Filling Works to Spoil Heap at Welbeck Colliery Meden Vale' (Job No. 121142) received by the WPA on 10 January 2013.

Reason: To protect users of the site and ground and surface water from pollution in accordance with Policy W3.5 and W3.6 of the WLP; Policy M3.8 of the MLP; and Policies NE17 and DWM1 of the MDLP.

33. 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 site 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 W3.5 and W3.6 of the WLP, and Policy M3.8 of the MLP.

Pedestrian Access and Rights of Way

34. No recorded rights of way shall be restricted or obstructed in any way. No new structures shall be installed on any recorded rights of way. The widths of all existing recorded rights of way shall be maintained.

Reason: To ensure the continued availability for use of all existing rights of way in accordance with Policy DM13 of the BCS.

35. Prior to their implementation, construction details (including width and depth, and materials where relevant) of all paths, cycleways and bridleways shown on planning application Drawing No. 2012-PL001 Rev B shall be submitted to, and approved in writing, by the WPA. Construction shall thereafter take place in accordance with the approved details.

Reason: To ensure the site is suitable for amenity after-use in accordance with Policy DM13 of the BCS.

36. All proposed circular cycleway/bridleway and proposed woodland/grassland mown walks shown on Drawing No. 103186/P/004 Rev B titled 'Proposed Block Plan – Restoration' – received on 27 January 2012, shall be completed within 12 months of the cessation of waste and other fill material being placed, as notified under Condition 4.

Reason: To ensure linkages are provided with the surrounding footpath network and that the site is suitable for amenity after-use in accordance with Policy DM13 of the BCS.

37. Prior to their implementation, details of the proposed pedestrian access points (including any 'furniture' to be used) shown on Drawing No. 103186/P/004 Rev B titled 'Proposed Block Plan – Restoration' – received on 27 January 2012 shall be submitted to, and approved in writing by, the WPA. Construction shall take place in accordance with the approved details.

Reason: To ensure suitable access to the site in line with its amenity after use, in accordance with Policy DM13 of the BCS.

Soil Placement

38. The WPA shall be notified in writing at least 5 working days before each of the following, where applicable:

- a) Overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out;
- b) When subsoil has been prepared ready for topsoil replacement to allow an inspection of the area before further restoration of this part is carried out; and
- c) On completion of topsoil placement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operations.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the MLP and Policy W4.5 of the WLP.

39. Soils and overburden shall only be placed 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 overburden or soils shall occur.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the MLP and Policy W4.5 of the WLP.

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

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the MLP and Policy W4.5 of the WLP.

41. Prior to the placement of soils and any overburden, the final profile of the site shall be ripped using overlapping parallel passes:

- a) To provide loosening to a minimum depth of 450mm with tine spacing no wider than 0.6m; and
- b) Any rock, boulder or larger stone greater than 100mm 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 of not less than 2 metres below the final contours.

Decompaction shall be carried out in accordance with the MAFF Good Practice Guide for Handling Soils Sheet 19: Soil Decompaction by Bulldozer Drawn Tines.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the MLP and Policy W4.5 of the WLP.

42. Only low ground pressure machinery shall work on re-laid soils to place and level soils.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the MLP and Policy W4.5 of the WLP.

Aftercare

43. 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 M4.9 of the MLP and W4.9 of the WLP.

44. 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 WPA. The 5 year aftercare period shall run from the agreed date.

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 of the MLP and W4.9 of the WLP.

45. Within six months of the date of commencement of the development hereby permitted, an aftercare scheme and strategy including long-term design objectives, management responsibilities and maintenance schedules shall be submitted to the WPA for its approval in writing. The strategy shall include an Ecological Management Plan and shall cover, but not be restricted to, the following details:
- 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 WPA between 31 March and 31 May each year;
 - f) Drainage amendments;
 - g) Sub-soiling and under-drainage proposals;
 - h) Management practices such as cutting 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 M4.9 of the MLP and W4.9 of the WLP.

46. Whilst the site is in aftercare, site management meetings shall be held with the WPA each year to assess and review the detailed annual programmes of aftercare operations referred in Condition 45(e) above, having regard to the conditions of the land; progress in its rehabilitation and necessary maintenance.

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 of the MLP and W4.9 of the WLP.

Alternative Restoration

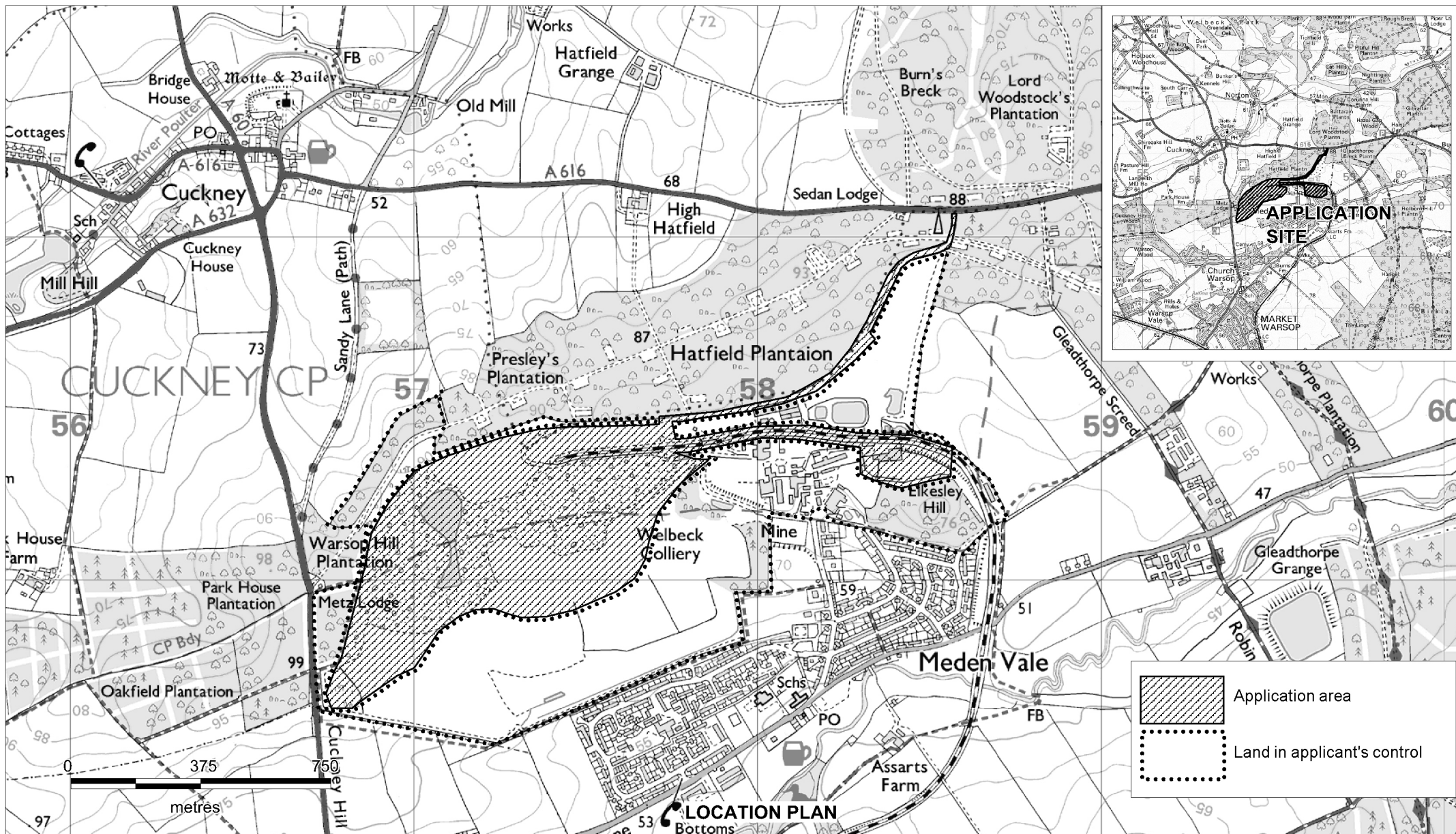
47. Should for any reason, placement of waste and/or construction fill material cease for a period in excess of 3 months, then, within 3 months of the receipt of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted to the MPA for its approval in writing. Such a scheme shall include details of the final contours, provision of soiling, sowing of grass,

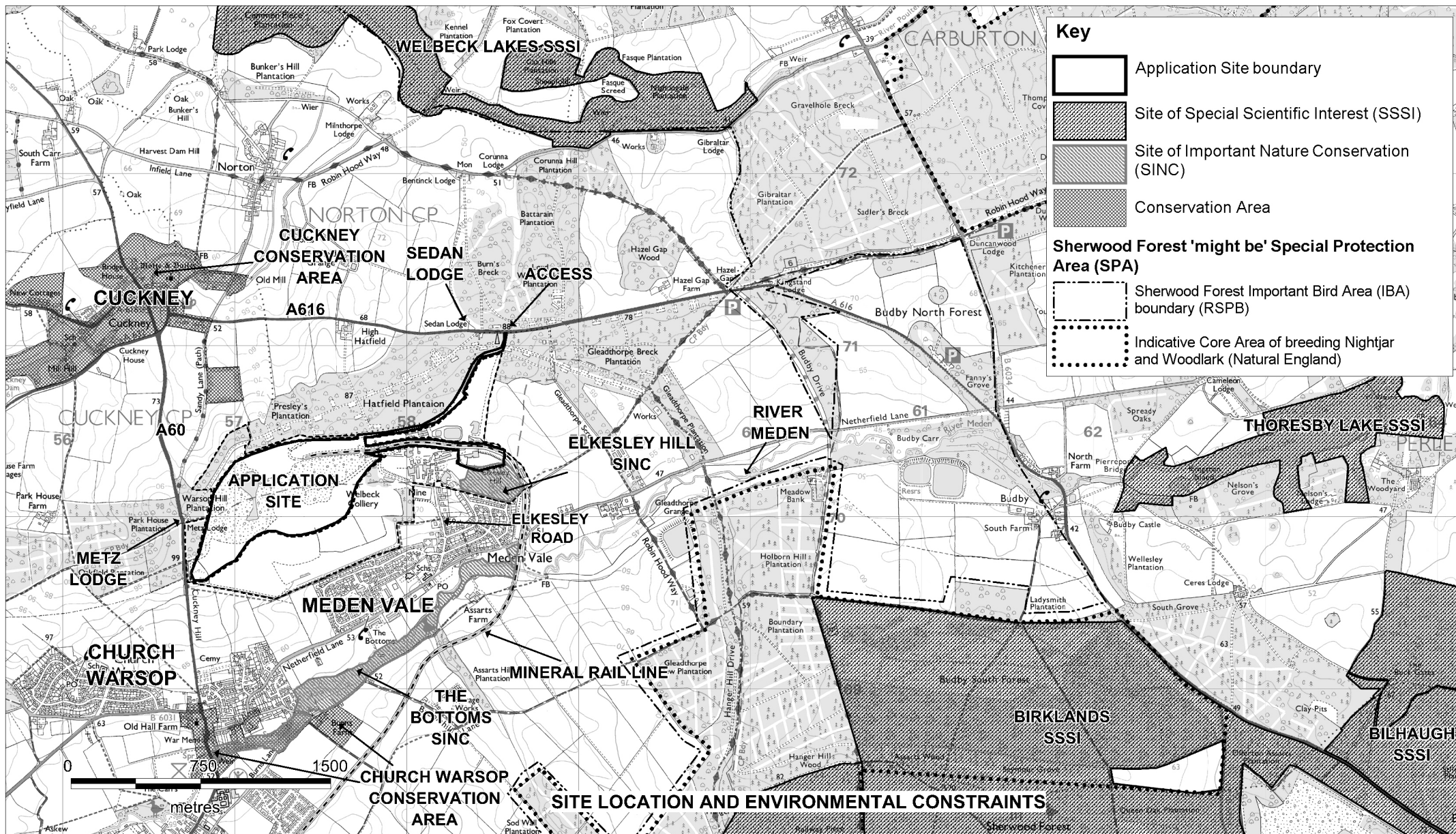
planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these Conditions and also provide details of the aftercare proposals and Ecological Management Plan in a similar manner to Condition 45 above. The revised restoration proposals shall be implemented within 12 months of their approval by the WPA and thereafter managed for a period of 5 years in accordance with the approved aftercare details.

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

INFORMATIVES

1. Attention is drawn to the letter from Network Rail dated 27 February 2012.
2. It should be noted that traffic on Netherfield Lane linking the A616 to the A614 can be exceptionally busy when there are events at Thoresby, but these are few and seasonal and an alternative route using the B6034 and the A57 to link the A1 could be used.
3. Some of the footpaths and cycleway/bridleway shown on Drawing No. 103186/P/004 Rev B titled 'Proposed Block Plan – Restoration' are outside of the planning application boundary of this permission. Should any of these footpaths and cycleway/bridleway constitute an engineering operation then separate planning permission will be required.
4. The Environment Agency has highlighted a number of points to note with the proposed development, including:
 - a) The site lies within the Idle and Torne CAMS catchment. As such, there will be no abstraction licences granted for any new consumptive licences at any time of the year from both the surface and groundwater.
 - b) The attenuation ponds are to be unlined to maximise infiltration. It is vital that the quality of the water is sufficient so as not to pose an environmental risk to the underlying strategic aquifer. The whole site falls within Source Protection Zone 3 (SPZ3) (total catchment) which is defined as 'The area around a source within which all groundwater recharge is presumed to be discharged at the source'.
 - c) The total storage area is calculated to be in excess of 21,000m³. If any of the ponds exceeds 25,000m³, then this structure would fall under the Reservoir Act 1975.





**Nottinghamshire
County Council**

Variation of condition 28 (requirement to have existing rail line in place and in good working order), of planning permission 1/60/12/00001 and 2/2012/0072/NT to allow an extended time to comply by 12 months. Welbeck Colliery, Meden Vale, Mansfield.

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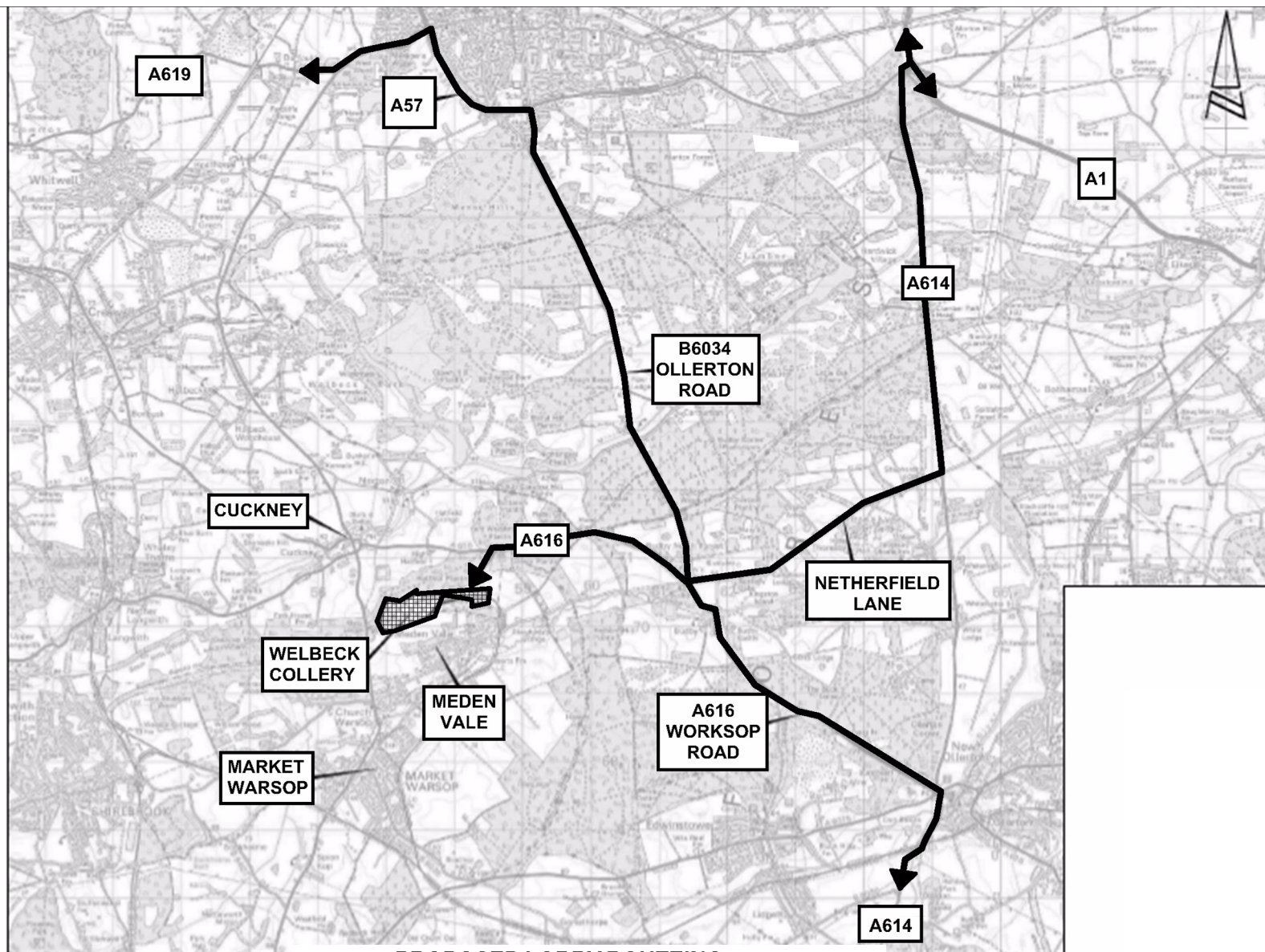


Scale 1:30,000

Produced by: JW

Date: MARCH 2014

PLAN 2



PROPOSED LORRY ROUTEING



**Nottinghamshire
County Council**


Variation of condition 28 (requirement to have existing rail line in place and in good working order), of planning permission 1/60/12/00001 and 2/2012/0072/NT to allow an extended time to comply by 12 months. Welbeck Colliery, Meden Vale, Mansfield.

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Produced by: JW
Date: MARCH 2014

PLAN 3

 Nottinghamshire County Council	Report to Planning and Licensing Committee
	25th March 2014
	Agenda Item:6
REPORT OF CORPORATE DIRECTOR POLICY , PLANNING AND CORPORATE SERVICES	
PROPOSAL TO INTRODUCE A SYSTEM OF CHARGING FEES FOR PRE- APPLICATION ADVICE	

Purpose of the Report

1. The purpose of this report is to seek Members' endorsement for the introduction of a charging regime for providing pre-application advice to potential applicants and to undertake a consultation exercise with a selection of relevant stakeholders.

Background

2. Planning officers within the County Council's Development Management Team currently provide pre-application advice to all potential applicants upon request. The purpose of pre-application advice is to improve the quality of planning applications and provide relevant guidance and engagement which, in turn, increases the efficiency of the subsequent planning application process. Currently this pre-application advice service is provided free of charge.
3. Late last year the Department for Communities and Local Government announced a further reduction in local authority budgets for the next financial year. As a consequence of the proposed cuts many local authorities, at both District and County level, are proposing to either introduce, or in some cases increase, fees for pre-application advice. In this authority too it is considered appropriate to introduce charges for pre-application advice in order to make a modest contribution towards the budget shortfall. In the County Council's budget proposals a figure of up to £18,000 was included as the amount that charging for pre-application advice could generate by 2016/17. The introduction of a charging regime is considered to be justified in the light of the County Council's current financial situation in an attempt to recoup some of the costs associated with providing this service and to bring this authority in line with similar authorities.
4. The proposal to introduce fees for pre-application advice was originally reported to Planning and Licensing Committee in February 2011. This report set out various options and a proposed schedule of charges and sought Members' approval to undertake a consultation exercise to engage with relevant stakeholders. A

further report went back to Planning and Licensing Committee in May 2011 to provide feedback on the consultation outcomes. However, this proposal for introducing charges for pre-application advice was put on hold as it coincided with the Government's announcement on allowing local authorities to set their own levels of planning application fees. At the time it was felt appropriate to defer the introduction of a pre-application charging regime with a view to incorporating it within a single comprehensive scheme of planning fees. However, the idea of local fee setting has since been shelved by the Government and it is therefore considered timely to reconsider the introduction of fees for pre-application advice.

5. Given that three years has elapsed since the last consultation a brief (21 day) consultation exercise with a small selection of relevant stakeholders is considered to be appropriate. However, this will seek views on the draft proposals rather than the principle of introducing charges which has already been established by its inclusion in the County Council's budget proposals.

Legislative context and policy framework

7. Section 93 of the Local Government Act 2003 gave powers to Local Authorities to charge for "discretionary activities" i.e. those which they do not have a mandatory duty to provide. This provision enabled Local Planning Authorities to charge for, inter alia, providing pre-application advice. The Act stipulated that fees should not, however, exceed the cost of providing the service.
8. The effectiveness and importance of the pre-application process was endorsed by the Planning Act 2008. This Act introduced a statutory requirement for applicants to engage in consultation with local communities, local authorities and other parties who would be directly affected by proposals in relation to nationally significant infrastructure projects. This requirement was further consolidated in 2011 by the Localism Act which introduced a requirement for applicants to engage with local communities in advance of submitting planning applications for certain developments. The details of this requirement, including which applications this will apply to and what the "engagement" will need to consist of, is still awaited and is yet to come into force. It is likely that this will apply to the larger scale and more controversial applications and the ones most likely to be seeking pre-application advice from the County Council.
9. Underpinning the whole Development Management approach is the need for good communication and collaboration between relevant parties and front-loading the process. The National Planning Policy Framework published in 2012 also encourages pre-application discussions; it states early engagement has the potential to improve the efficiency and effectiveness of the planning application system. The Framework further states that local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. It is with this as a policy framework that it is considered timely to introduce a formalised process for providing pre-application advice.

10. The County Council's recently updated Policy on the Validation Requirements for Planning Applications (Local List) also encourages applicants and their agents to seek pre-application advice.

The need for charges

11. Engagement prior to submitting any planning application can be extremely important and enables the applicant and local authority to gain a clear understanding of the objectives and constraints associated with a particular development. It also provides an opportunity for wider engagement with other stakeholders, where appropriate. This can in turn deliver better outcomes for all parties.
12. The scope of the current pre-application service provided by the Development Management Team is extremely diverse. It ranges from ad hoc emails/telephone calls about new boundary treatment around a school, for instance, to protracted meetings about a proposed open cast mine involving prospective developers and other interested parties. Providing this comprehensive service is expensive in terms of resources and officer time. An approximate estimate would suggest the Development Management Team deal with hundreds of straight forward enquiries and at least a hundred more significant ones over a typical year.
13. Justification for introducing a charging regime arises from the need to recover at least some of the costs incurred by the County Council for this service. The proposal needs to be considered in the light of the significant financial constraints and budget cuts currently being experienced by the County Council. Costs for this service would be transferred from the "public purse" to those using, and therefore benefiting from, the service.
14. Charging developers for pre-application advice on minerals and waste proposals will bring in new income for the County Council however, charging for the Council's own developments (Regulation 3) applications will in most cases involve transferring money from one department's budget to another. Notwithstanding this, there are logical reasons for including Reg. 3 applications (or some of them) in the proposed charging regime, these include:
 - To ensure consistency and transparency in the applications process i.e. it would seem fairer to treat internal and external applicants alike and the Local Government Ombudsman often cites the need to treat internal applicants no differently from external applicants.
 - For larger scale Reg. 3 developments it is likely there will be some element of external, i.e. private sector, funding e.g. PFI schools.
 - Reg. 3 applications are not exempt from nationally set planning fees.
 - There is already the precedent for cross-charging between departments, for example, funding routinely comes from the Planning Group's budget to pay for advice provided by the County Council's noise engineer, landscape architects and Contaminated Land officers.

- Most small scale Reg. 3 developments, such as modest extensions to schools or boundary treatment, are likely to fall within the proposed "other development" category for which no fee is payable.

Experience at other local authorities and national guidance

15. Research has shown that an increasing number of local authorities are introducing charges for pre-application advice at both County Council and District Council level, as well as within Unitary Authorities and in London boroughs. In terms of similar authorities, i.e. those dealing with 'County Matter', and Regulation 3 applications, numerous county councils now charge for pre-application advice, including Derbyshire, Hampshire, Kent as well as many others. Bradford Metropolitan District Council, a Unitary Authority, has been successfully operating a system of pre-application charges for over three years. Other counties, like ourselves, are considering the introduction of charges, including Norfolk and North Yorkshire. There are also many examples of district councils who charge for this service. Within Nottinghamshire, all of the district and borough councils, as well as Nottingham City Council, have introduced charges for providing pre-application advice in the last few years. There is, however, considerable variation in the pre-application protocols, procedures and fee levels introduced at the authorities.
16. In January this year the Local Government Association and the British Property Federation published a document entitled "10 commitments for effective pre-application engagement". This was developed by a cross-sector working group including representatives from, amongst others, the Royal Town Planning Institute, Planning Officers Society, the House Builders Federation, two local authorities and the five principal statutory consultees, including the Environment Agency and English Heritage. All parties stated commitment to effective pre-application and have established ten key commitments to deliver effective pre-application services to achieve better, more sustainable development. The ten commitments are as follows;
 - Pre-application engagement should enable sustainable development to proceed quickly and smoothly from proposal to completion. This is a co-operative process that requires a positive, proactive commitment from all participants to achieve this goal.
 - Those providing pre-application services should offer a range of timely, effective services proportionate to the scale and complexity of proposed development. The process, timescales, costs and outputs should all be clearly set out.
 - Prospective applicants should select the level of pre-application engagement necessary to adequately deal with the issues raised by the scale and complexity of the proposed development. Failure to engage at the right time or at the right level could have an adverse impact on the timely consideration of the subsequent application.
 - Pre-application services should be delivered in a timely manner and demonstrate good value for money, irrespective of whether the provider of pre-application services makes a charge for them.

- Pre-application discussions should bring together the right people to address all of the development issues. All parties should have processes in place to ensure that advice given and commitments made are carried through to application and permitting stages.
- Pre-application engagement should be based on an open exchange of the information needed to allow all the relevant matters, including all obligations and viability, to be considered prior to the submission of a planning application.
- Collaborative working to find deliverable solutions will necessitate that, whilst the development plan must be the starting point for discussion, the requirements of all parties should be given consideration. Planning Performance Agreements (PPA) are recommended to deal with timing issues and constraints.
- LPAs should ensure that their pre-application offer provides an opportunity for councillors to be actively involved in pre-application discussions as part of a transparent process.
- All parties should consider engaging with local communities at the pre-application stage about development proposals in their area. This early engagement should be proportionate to the impact on the wider community and enable community representatives to inform and influence the proposals.
- All those involved in the pre-application engagement should maintain an agreed record of information submitted, advice given and, where appropriate, agreements reached during pre-applications discussions.

17. It is considered appropriate that these commitments should underpin the pre-application service offered by this authority.

Benefits

18. Undoubtedly pre-application discussions, and the early involvement of local communities and consultees, can bring about significant benefits to all parties. Some of these benefits are set out below:

- It can enable applicants to submit better quality and valid applications that take account of relevant policies and guidance ensuring that relevant information is submitted leading to an improved determination time.
- It can enable local communities to become involved and influence proposals at an early stage and help local people understand the background to developments and dispel misunderstandings. This can enable concerns to be addressed in the application and thus remove potential public objections to a scheme.
- It can enable all parties to understand the decision making process and the likely timeframes involved.

- It can help develop a shared understanding of constraints and opportunities of proposals.
- It can identify problems and filter out speculative applications that are unlikely to succeed and avoid wasted time and resources.
- It can give relevant consultees an opportunity to become involved and provide guidance at an early stage instead of raising matters during the formal consultation stage and potentially causing delays.
- It can enable mitigation measures to be built into a proposed scheme and reduce the number of planning conditions to be attached to planning permissions.
- It can improve working relationships between the various parties involved in the application process and enable them to understand each other's viewpoint.

Disbenefits /risks

19. However, there are also a number of significant risks associated with introducing charges for pre-application advice, these include the following:

- Charging for advice may be a major disincentive for applicants to seek advice and some may proceed directly to the submission of a planning application. This, in some cases, may adversely affect the quality and validity of applications and ultimately lead to a longer determination times.
- Applicants may be aggrieved that a proposal on which pre-application advice has been sought is then refused at the planning application stage. This may be as a consequence of unforeseen issues which arise during the course of the application or in relation to consultee responses. Pre-application advice is given "without prejudice" to the formal decision and is not binding on the Council. This is the case whether the advice has been paid for or not.
- Charging may be seen as being not customer friendly and could constitute a significant amount of money for a small business or school for instance.
- Objectors may perceive that officers have colluded with developers and "agreed" to a proposal in advance of the planning application being submitted. As above, the fact that advice given is guidance only and is not binding needs to be made clear to consultees and developers alike.
- If charges are introduced, prospective applicants should rightly expect a level of quality and timely response. This in itself creates a resource issue for officers already engaged in dealing with submitted planning applications.

Charging regime and recommended fee levels

20. Experience indicates that charging for pre-application advice is becoming broadly accepted by developers and their agents providing this leads to a timely and professional service and the provision of carefully considered written advice. However, it is important that the fees are set at a level appropriate to the scale of the development and that it does not act as a disincentive to prospective developers engaging at the pre-application stage. Moreover, the charges must not exceed the cost of providing the service.
21. There is considerable variation in the fee levels set by the authorities who already charge for their pre-application advice service. Charging regimes include fee levels set according to the type/scale of proposal, as an hourly charge, the grade of the officer providing the service and even charging a fee based on a percentage of the planning application fee. The principal objectives for establishing a charging regime must be that it is fair and easily understood by customers and that it is straight forward for the Authority to administer. Having examined examples from other authorities it is considered that a flat fee based on the scale of the proposal would be most likely to meet these objectives. This system would also enable perspective applicants to be certain of the actual fee level unlike where an hourly rate applies. The following charges are suggested:

Proposed fee levels and response times

22. The table below shows suggested fee levels for pre-application advice based on the size and type of proposal.

Category	Definition	Fee level
Significant	Major minerals and waste schemes: <ul style="list-style-type: none">• All new and extensions to opencast coal sites.• All new quarries or landfill sites.• Any extensions to existing quarries or landfill sites where extraction or deposit exceeds 30,000 tpa or 5 hectares.• Any waste management facility processing over 50,000 tpa.	£500, plus VAT

	<ul style="list-style-type: none"> Any development involving creation or change of use of 2,000 sq.m or more floorspace or on sites over 5 hectares. Major energy or infrastructure proposals. 	
Major	<ul style="list-style-type: none"> All minerals and waste proposals except those listed in significant or minor categories. Any waste management facility processing between 5,000 and 50,000 tpa. Any development involving the creation or change of use of between 1,000 and 2,000 sq.m floorspace or on sites over 1 hectare (but less than 5 hectares). 	£300 plus VAT
Minor	<ul style="list-style-type: none"> Minor minerals and waste proposals, e.g. minor variations / non-compliance to existing schemes. Any development involving the creation or change of use are of floorspace less than 1,000 sq.m (but more than 500 sq.m) or on sites of less than 1 hectare. 	£150 plus VAT
Other development	<ul style="list-style-type: none"> Any development involving less than 500 sq.m or no floorspace, such as boundary treatment. Requests for confirmation as to whether planning permission required. Any proposal for which there is no planning fee. Any proposal relating to the needs of people with disabilities. 	FREE

23. Fees set at this level would be "mid-range" i.e. less than some authorities but higher than others. They are considered to be fair and will enable the recoupment of much of the actual cost of providing the service without making a profit. This aspect will form part of the consultation exercise outlined below, as will the proposed timescales for responding to requests for pre-application advice. It is suggested that responses to advice relating to significant and major

proposals are provided within 20 working days of receiving all relevant information. Although where specialist advice needs to be sought, such as from an ecological officer or an external consultee, or a site or office based meeting is deemed necessary then the timeframe is to be separately agreed between the Authority and the prospective applicant. Responses to requests for pre-application advice on minor proposals and any other development will be made within 15 working days (subject to the same provisos outlined above).

How the pre-application advice service will operate

24. It will be necessary for the County Council to formalise its pre-application advice service and set out in detail the minimum amount of information that will need to be submitted to enable the comprehensive advice to be given. This is likely to consist of the following:
- a location plan at 1:1250 or 1:2500;
 - details, with photos where relevant of the existing site including topography, site ownership, and details of what is considered to be the lawful use of the site or buildings;
 - a full description of the proposals including a schedule of all proposed uses. Where new buildings are proposed drawings and illustrative material should accompany the request;
 - for minerals and waste proposals information about quantities to be extracted or processed per annum and likely timescales should be submitted;
 - any additional information that can help demonstrate the impact of the proposal on its surroundings;
 - the relevant fee.
25. In return the County Council will provide a written response by letter or email setting out the following:
- a summary of planning policies or guidance relevant to the proposal and details of the site's planning history;
 - details or any likely relevant planning constraints such as ecological designations, heritage assets or flood risk potential;
 - details of any consultation undertaken and responses from those parties;
 - the requirements for a formal planning application submission, including potential Legal Agreements and Environment Statements;

- advice on which other bodies should be contacted and community engagement to be undertaken prior to making a formal submission;
- any other information deemed to be relevant.

The need for a meeting to discuss the proposal, either site or office based, will be agreed by all parties involved.

Consultation exercise

26. It will be necessary to undertake consultation on the proposal to introduce charging for pre-application advice. It is suggested that a 21 day consultation exercise be undertaken with relevant stakeholders, this will include a selection of internal and external applicants / agents and consultees. Details will also be published on our website inviting comments from the wider public. The results of this exercise will be reported back to Members with further confirmation about timescales, fee levels and more details of the pre-application advice service.

Equality Impact Assessment

27. An Equality Impact Assessment was undertaken and approved for this proposal in September 2013. It concluded that the proposal would impact on all sectors of the community equally with no disproportionate impact on people with protected characteristics.

Summary

28. This report explains the rationale behind the proposed introduction of charging for pre-application advice provided by officers within the County Council and brief details of how the service would operate. Justification for this proposal relates to the Council's current financial situation and the need to recoup some of the costs associated with providing this service and to ensure that the service is paid for by those most likely to benefit from it. The precedent set elsewhere by similar and neighbouring authorities is also considered to be relevant. The pre-application charging regime, once approved, will be periodically reviewed by the County Council.

Statutory and Policy Implications

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

Human Rights Act Implications

30. 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)/Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

RECOMMENDATIONS

31. It is RECOMMENDED that Members endorse the introduction of pre-application charging and approve the holding of a 21 day consultation period with relevant stakeholders, consultees and the public and welcome back a report on the findings.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments (NAB 10.03.14)

The Planning and Licencing Committee has authority to approve the recommendation set out in this report by virtue of its terms of reference.

Financial Comments (SEM 10/03/14)

The financial implications are set out in the report.

**For any enquiries about this report please contact: Jane Marsden-Dale
Tel. 0115 969 6505**

Background Papers

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

Electoral Divisions and Members Affected

All

25 March 2014**Agenda Item: 7****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****WORK PROGRAMME****Purpose of the Report**

1. To consider the Committee's work programme for 2014.

Information and Advice

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

Other Options Considered

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

Reason/s for Recommendation/s

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

Statutory and Policy Implications

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

RECOMMENDATION

That the committee's work programme be noted.

Jayne Francis-Ward

Corporate Director- Policy, Planning and Corporate Services

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

Constitutional Comments (HD)

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

Financial Comments (PS)

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

Background Papers

Relevant case files for the items included in Appendix A.

Electoral Division(s) and Member(s) Affected

All

Committee Work Programme

<u>Date to Committee</u>	<u>Reference</u>	<u>Location</u>	<u>Brief Description</u>
22 nd April 2014	1/14/00037/CDM	Dukeries House, Claylands Avenue, Worksop	Development and operation of a recycles bulking and waste transfer station with associated infrastructure including external recycles bays, weighbridges, internal roads, weighbridge cabin, welfare facilities, parking areas, wash bay, sprinkler tank and associated pump house. Site access improvements, landscaping and ancillary infrastructure including the demolition of the existing building onsite.
22 nd April 2014	4/V/2013/0499	Leen Mills Primary School, Leen Mills Lane, Hucknall	Retention of existing mobile classroom (building 4)
22 nd April 2014	4/V/2013/0498	Leen Mills Primary School, Leen Mills Lane, Hucknall	Retention of existing mobile classroom (building 5)
22 nd April 2014	8/13/02185/CMA	John Brooke (Sawmills) Limited, The Sawmill, Fosse Way, Widmerpool	The Erection of 2 New Industrial Buildings and Installation of 7MW (approximate) Wood Fuelled Renewable Energy Biomass Plant, retaining existing wood recycling and composting operations.
20 th May 2014		Former Gunthorpe Gravel Workings, Gunthorpe	Scheme submitted by Severn Trent Water Limited for the restoration of the former Gravel Workings at Gunthorpe
20 th May 2014	5/13/00070/CM	Shilo Park, Shilo Way, Cossall	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings

17 th June 2014	3/13/01767/CMW	Bilsthorpe Business Park, Off Eakring Road, Bilsthorpe	Proposed development of the Bilsthorpe Energy Centre (BEC) to manage unprocessed and pre-treated waste materials through the construction and operation of a Plasma Gasification Facility, Materials Recovery Facility and Energy Generation Infrastructure together with supporting infrastructure
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Other Key Applications/Submissions in system but not timetabled to be reported to Planning & Licensing Committee before June 2014:-

<u>Reference</u>	<u>Location</u>	<u>Brief Description</u>
4/V/2013/0359	Plots 10, 11, 12, 13, 14 and 16 off Wigwam Lane, Hucknall	Retrospective use of site for recycling of inert materials and construction of 5m high sound attenuation wall.
1/13/00809/CDM	Harworth Colliery Spoil Tip, Blyth Road, Harworth	Variation of condition 5 of planning permission 1/66/96/16 to allow for the continuation of spoil disposal operation at Harworth Colliery No 2 spoil heap
2/2013/0354/NT	Cast Quarry, Vale Road, Mansfield Woodhouse	Variation of condition 2 of planning permission 2/2010/0227/WT to allow continuation of crushing and screening plant to recycle building materials for a further 5 years.
2/2014/0013/NT	Cast Quarry, Vale Road, Mansfield Woodhouse	Continuation of restoration of former limestone quarry by landfilling with inert waste and i) Amendments to the final restoration scheme(so as to increase the overall volume and duration of the landfilling and ii) Retain the mobile plant storage facility until no longer required for the operation and restoration of the site
3/14/00040/CMA	Land at Langford Quarry,	Proposed southern extension to

	Newark Road, Near Collingham, Newark	existing quarry with restoration to water amenity, together with revised restoration for creation of an enlarged nature reserve and retention of existing plant site and site access
4/V/2012/0383	Total Reclaims Demolition Ltd, Wigwam Lane, Bakerbrook Industrial Estate, Hucknall	Planning application for the continued use of an Aggregates Recycling Facility at Wigwam Lane for the treatment of waste to produce soil, soil substitutes and aggregates.

