

22 March 2016**Agenda Item:6****REPORT OF CORPORATE DIRECTOR – PLACE****BASSETLAW DISTRICT REF. NO.: 1/15/01678/CDM**

**PROPOSAL: VARIATION OF CONDITION 1 OF PLANNING PERMISSION
1/14/00537/CDM TO ENABLE MINERALS DEVELOPMENT TO BE
COMPLETED BY 31/12/2023**

LOCATION: SCROOBY SOUTH QUARRY, GREAT NORTH ROAD, SCROOBY

APPLICANT: THE ROTHERHAM SAND & GRAVEL COMPANY LIMITED

Purpose of Report

1. To consider a planning application for variation of Condition 1 of planning permission 1/14/00537/CDM to enable mineral development to be completed by 31/12/2023 at Scrooby South Quarry, Great North Road, Scrooby. The planning application is being reported to Planning and Licensing Committee because the annual level of projected output (72,000 tpa) exceeds the level that can be determined by delegated powers (30,000 tpa). The key issue relates to allowing extraction of mineral on this site for 8 years. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

1. The application site, which measures 9 hectares, is located to the east of the A638 (Great North Road) at Scrooby, some 1km north of Retford (see Plan 1). It is accessed directly from the A638 by a dedicated quarry access. The site is generally flat but with a 7m slope from west to east.
2. The site is situated within a rural location. There are fishing lakes to the south and agricultural land and former restored quarry workings to the north. Beyond the East Coast Main railway line to the east, and the A638 to the west, lies agricultural land.
3. Scrooby Top Quarry, which is also operated by the applicant, is located to the south west of the site on the western side of the A368 (see Plan 1).

4. The nearest residential properties are Lodge Farm, Lodge Court and Beech Croft all about 320m to the south (see Plan1). The owner of Lodge Farm is the operator of the neighbouring fishery, which currently comprises 5 fishing lakes.
5. The nearest heritage assets are the Scrooby Top Farmhouse Restaurant and Scrooby Top Cottages and attached buildings, which are located on the A638 approximately 340m southwest of the main application area (see Plan 1). These are Grade II listed. Manor Farm Moat Scheduled Ancient Monument (SAM) is located in Scrooby, approximately 1.4km north of the application site. There is also a Conservation Area within Scrooby, approximately 1km north of the site.
6. The East Coast main line railway is located approximately 60m to the east of the application site. The site is approximately 7.25km south of Robin Hood Airport. There are no rights of way that pass through or adjacent to the site.

Planning History

7. The application site forms part of an area of former minerals workings and unworked permitted reserves of alluvial sand and gravel and sandstone all encompassed by planning permission, 1/42/98/ granted on 30 June 1999. The permission identifies the site as falling within two stages of development referred to as Stage 1 and Stage 2. The worked out and now restored parts of the site fall within Stage 1. These are located principally within the south of the site and are restored to fishing lakes. A small lateral extension to Stage 1 was permitted through planning permission 1/42/98/5, also granted on 30 June 1999. This permission was itself varied by planning permission 1/42/02/00013/CDM, granted on 11 December 2002 to allow for development to be completed by 31 December 2004 (see Plan 4).
8. An updated scheme of conditions was approved on 10 June 2015 under a Review of Old Mineral Permission (ROMP) 1/14/00537/CDM. This related to the consolidating planning permission of 30 June 1999 (1/42/98/7). Condition 1 of the ROMP requires mineral extraction to cease on or before 31 December 2015, which reflects the cessation date on the original planning permission.
9. The application site comprises the remaining part of the original 1999 permission that has yet to be worked. The Scrooby North Quarry has now been worked out and is under restoration and aftercare.
10. Planning permission was granted on 21 January 2014 to create two angling lakes by the extraction of sand and gravel from land immediately to the south of the present application area under permission 1/13/00717/CDM. This permission has been implemented and all the mineral has been extracted and taken to Scooby Top Quarry for sale (see Plan 1).
11. The sequence of planning permissions is set out within Table 1 below and also shown on Plan 2:

Table 1: Planning History

Planning Reference	Date	Description
1/42/98/7	30 June 1999	Consolidation of four existing planning permissions and deepening of previously worked areas to remove sandstone.
1/42/98/5	30 June 1999	Extension to permitted site for extraction of sand and gravel and sandstone.
1/42/02/00013	11 December 2002	Variation of Condition1 of planning permission 1/42/98/5.
1/42/10/00011	25 July 2011	New Haul Road
1/13/00717/CDM	22 January 2014	Development and use of land for two angling lakes, with access and landscaping with associated excavation and exportation of mineral and surplus soils during construction.
1/14/00537/CDM	10 June 2015	Periodic Minerals Review (ROMP).

Proposed Development

12. The purpose of the application is to vary planning condition 1 of the ROMP so that minerals extraction may continue for a period of 8 years i.e. up until 31st December 2023. As such the application constitutes an application for non-compliance with a condition under Section 73 of the Town and County Planning Act 1990.
13. It is intended to work the site in accordance with the ROMP planning permission and planning conditions, which prescribe how the permitted site is to be worked in terms of environmental considerations. A number of the planning conditions require the submission of details for prior approval in advance of working commencing. The site will yield some 720,000 tonnes of saleable sand and gravel.
14. The application, however, provides details of an overall landscape scheme, which includes details of the final restoration landform, planting, establishment and maintenance details. The scheme which shows the site as being restored to wetland habitat has been designed taking account of feedback from technical consultees of the County Council. Final detailed submission of the restoration scheme is subject to a prior commencement condition of the ROMP.
15. The basic operational concept will be to extract mineral from the site in 3 phases moving south to north. Following the stripping of soils, which will be stored in bunds, the position of which remains to be approved, sand will be dug by excavators and loaded on to dump trucks and then transported to Scrooby Top Quarry for processing.
16. Working will take place below the water table and there will therefore be a need to dewater during extraction.
17. It is anticipated that rates of extraction will be reasonably constant over the duration of the development. The applicant has stated that the transport of minerals from the permitted site to Scrooby Top Quarry will fall within the rates

of vehicle numbers previously permitted for the haul road, which provides access to the A638.

18. The hours of hours of operation will be 07.30 to 18.00 hours (Monday to Friday) and 07.30 to 13.00 hours on Saturdays with no working on Sundays, Public or Bank Holidays. Outside of these hours however dewatering pumps may be used.

Consultations

19. **Bassetlaw District Council:** Raise no objections.
20. **EA (Minerals):** Raise no objections.
21. **Natural England - Consultation Service:** Raise no objections.
22. **NCC (Nature Conservation):** Raise no objections.
23. **NCC (Landscape):** Raise no objections.
24. **NCC (Highways) Bassetlaw:** Raise no objections.
25. **NCC (Noise Engineer):** Raise no objections.
26. **Nottinghamshire Wildlife Trust:** Raise no objections, but some concerns over the details of the restoration scheme. This can be dealt with in the appropriate discharge of condition submission.
27. **Network Rail Civil Engineering:** Raise no objections.
28. **Peel Airports (Finningley) Limited:** Raise no objections.
29. No response has been received from the following consultees:

Scrooby Parish Council; NCC (Countryside Access); NCC (Archaeology); Trent Valley Internal Drainage Board; Severn Trent Water Limited; Western Power Distribution; National Grid (Gas). Any responses received shall be orally reported.

Publicity

30. The application has been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council adopted Statement of Community Involvement Review. A representation has been received from the owner of Lodge Farm Fisheries regarding the impact of dewatering levels on the fishing lakes.
31. Councillor Sheila Place has been notified of the application.
32. The issues raised are considered in the Observations Section of this report.

Observations

Background

33. The principle of mineral development on this site is already established through the original 1999 planning permission. Environmental and operational controls have also been updated through the ROMP issued in June 2015. The ROMP only covered the area that is subject to this application, as the rest of the site has been worked out and restored and the conditions subsequently imposed were therefore clearly designed to deal with future extraction of minerals on this site.
34. The ROMP application included detailed assessments relating to noise; hydrology, ecology, archaeology, and agricultural land/soils. Various schemes need to be submitted through the ROMP prior to the commencement of extraction, including restoration and groundwater monitoring.
35. This is a section 73 application for the variation of a condition. Where such an application is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, although in this instance the original permission time limits mineral extraction to 31 December 2015 and would therefore be superseded by any new permission granted. To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Therefore all the conditions from the ROMP permission can be re-imposed, amended, and if necessary, new conditions added.

Policy and Need Considerations

36. Chapter 13 of the National Planning Policy Framework (NPPF) relates to the sustainable use of minerals. Paragraph 144 states that when determining planning applications great weight should be given to the benefits of the mineral extraction, including to the economy. In addition, in granting planning permission, there should be no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and account should be had of the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality.
37. The NPPF also encourages Mineral Planning Authorities (MPAs) to plan for a steady and adequate supply of aggregates. One of the methods for doing this is by using landbanks of aggregate mineral reserves as an indicator of security of aggregate minerals supply and provision should be made for the maintenance of at least 7 years for sand and gravel.
38. Policy M6.2 of the adopted Nottinghamshire Minerals Local Plan (MLP) states that the County Council will endeavour to maintain a landbank of permitted reserves of sand and gravel sufficient for at least 7 years extraction and also an adequate production capacity so that Nottinghamshire meets its reasonable share of regional provision of aggregates. This is replicated by Policy MP.1 of the Minerals Local Plan Submission Draft Consultation.

39. The sand and gravel landbank as of December 2013 (the latest published figures) stood at 7.95 years, which is marginally above the minimum 7 years as set out in the MLP and the NPPF. However, since December 2013, additional reserves have been granted planning permission, as part of a new site at Scrooby (36,000 tonnes), and extensions at Langford (1,438,000 tonnes), Finningley (770,000 tonnes), East Leake (1,780,000 tonnes - subject to a section 106 agreement) and Newington South and Newington West quarries (510,000 tonnes combined).
40. Taking these new reserves into account and based on the assumption that production since December 2013 has been equal to the 2.24 million tonnes figure in the Local Aggregates Assessment, the projected landbank as at the end of February 2016, is 7.8 years, which is just above the minimum requirement as set out in adopted MLP Policy M6.2. Not granting permission for this site would “remove” 720,000 tonnes of sand and gravel from the County’s total permitted reserves and reduce the landbank by about 4 months. This would bring it very close to the minimum 7 year requirement and could potentially lead to the MPA having to identify additional sites to maintain the landbank.
41. Sterilisation would not be an issue unless the site was developed without extracting the mineral. This is unlikely for the foreseeable future, as the site lies within the open countryside and built development is not supported in the adopted Bassetlaw Core Strategy (December 2011).
42. Policy MP.2 of the Minerals Local Plan Submission Draft Consultation includes the application area as a permitted site and contributing to meeting sand and gravel supply within the Country over the plan period. Furthermore the area immediately to the north of the application site, together with two other sites relating to the Scooby Quarry complex, are allocated for the future extraction of sand and gravel. The Draft Minerals Plan is therefore supportive, in principle, of allowing extensions to mineral sites in this area.
43. The key issue to be considered is whether the proposed 8 years mineral extraction on an area of land not previously worked, would have any adverse impact on the amenity of local residents or the environment. These potential impacts are addressed below. In all cases where a ROMP condition is referenced, it is intended to replicate the condition in the new planning permission, if granted.

Noise

44. Policy M3.5 of the MLP states that planning permission for minerals development will only be granted where noise emissions outside the boundaries of minerals workings would not exceed acceptable levels.
45. The nearest residential properties lie approximately 320m to the south of the application site. In between these properties and the application area is the fishing lake development approved in 2014. Mineral extraction to create the fishing lakes took place closer to these properties than the application site. Having concluded on that application that noise was not likely to cause a

significant impact it follows that on a site further away any impacts should be within acceptable limits. The ROMP contains a suite of conditions (15-19) to mitigate and control noise impact from the quarry workings. It is not therefore considered that impact on amenity from working the application site will be significant in terms of noise.

46. The applicant wishes to retain the option to dewater overnight. ROMP condition 17 covers night-time dewatering at the site to ensure that this is undertaken within acceptable limits. The development would therefore comply with MLP Policy M3.5.
47. The operating hours imposed by Condition 25 the ROMP are: 07.30 to 18.00 hours (Monday to Friday) and 07.30 to 13.00 hours on Saturdays with no working on Sundays, Public or Bank Holidays. Outside of these hours however dewatering pumps may be used.

Air Quality/Dust

48. Policy M3.7 of the MLP is aimed at ensuring that mineral development does not give rise to unacceptable dust generation and sets out a range of measures to help to suppress dust. Condition 14 of the ROMP sets out measures to minimise the generation of dust from mineral operations including temporary suspension of operations in particularly dry or windy conditions. The development would therefore comply with MLP Policy M3.7.

Landscape and Visual Impact

49. Policy M3.3 (visual intrusion) and Policy 3.4 (screening) of the MLP aim to ensure that visual impact of mineral workings is kept to an acceptable level. The application site is flat with perimeter hedgerow and tree planting, which was undertaken to provide screening for the development. Sand and gravel working, particularly on flat sites such as this which are well screened, tends to be relatively unobtrusive. As the worked mineral will be taken off site there will be no permanent stockpiles. Soil storage will be limited to 3-4m in height, with details regarding the locations of soils storage mounds required by Condition 29 of the ROMP. The proposal would therefore not give rise to any significant adverse visual impact and would comply with Policies M3.3 and M3.4 of the MLP.

Ecological Impact

50. Policy M3.17 of the MLP aims to protect biodiversity. The development site, which is in arable use, does not contain any sites with ecological designation and Natural England has raised no objections. Condition 27 of the ROMP requires a method statement for the protection of reptiles and Condition 28 requires a protected species survey; both of these to be carried out prior to commencement of development. The proposal would therefore accord with MLP Policy M3.17.

Traffic, Access and Parking

51. Policy M3.12 of the MLP relates to highway safety and protection, whilst Policy M3.13 aims to ensure that the highway network can accommodate the projected vehicle movements. Condition 7 of the ROMP requires vehicles to access the site from the existing access to the A638 and Condition 8 imposes measures to prevent mud, clay etc. being deposited on the public highway. Laden lorries would turn left onto the A638 and then immediately right into the main quarry. Empty lorries would come back the same way from the main quarry. Vehicles would not pass any residential properties. The rate of extraction will be determined by the weekly demand for the mineral and the blended products sold from Scrooby Top Quarry. The planning permission for the haul road in connection with Scrooby North quarry restricts the rate of HGV movements to 20 per hour, although the ROMP does not contain any vehicle restriction. Historically there have been no reported issues with the level of traffic generated by mineral extraction from the Scrooby South Quarry complex. The proposals would therefore comply with MLP Policies M3.12 and M3.13.

Ground and Surface Water / Flood Risk

52. The site ground levels range from 12m AOD to 6.7m AOD. Mineral will be extracted down to 2.7m AOD and so the actual depth of extraction will range from about 4m to 9.5m. Removal of mineral below 5.2m will require localised dewatering to lower the water table. It is proposed to pump water to the lakes remaining following the working of Scrooby North Quarry and thereafter into the local drainage system via an existing discharge consent point if required. The potential impacts of dewatering on the adjoining fishing lakes has also been raised by their owner and a condition has been imposed through the ROMP (Condition 21), which requires the prior approval of a groundwater monitoring scheme to assess this and for mitigation to be provided if this proves necessary. Conditions 22 and 23 also contain measures to prevent contamination of surface and groundwater. The development would therefore comply with Policy M3.8 of the MLP, which aims to protect ground and surface waters.

Restoration

53. The final restoration of the site has been reserved for approval under condition 9 of the ROMP, which requires a scheme to be prepared with the aim of providing wetland habitats appropriate to the locality and provide for the planting to include species native to the local area and of stock of native genetic origin. An indicative scheme has been submitted with the application which shows the site mainly restored to water with marginal planting which broadly reflects pre-application discussion with relevant consultees. Some issues have been raised in respect of the details of the scheme, but the principle of the restoration is in accordance with the requirements of the ROMP and the original planning permission. Any changes to the scheme would be addressed in the detailed submission required under condition 9 of the ROMP. This approach is consistent with MLP Policy M4.4, which allows submission of an overall landscape concept at application stage.

Archaeology

54. MLP Policy 3.24 aims to protect archaeological remains and their settings. The ROMP submission contained an archaeological assessment, which included a modified scheme of archaeological investigation approved under the original planning permission. Condition 6 of the ROMP requires the implementation of the approved scheme prior to the stripping of any soils from the application site. The proposal would therefore comply with MLP Policy M3.24.

Agricultural Land

55. In terms of agricultural land classification 78% of the site is classed as grade 3b with around 22% being grade 3a (best and most versatile). MLP Policy M3.16 aims to prevent the loss of higher grade land in most cases but allows development if the need outweighs agricultural interest. In this case the loss would amount to 3ha of grade 3a land. The need for the mineral in terms of meeting the County's sand and gravel landbank and the beneficial after-use to wetland nature conservation is considered sufficient to outweigh the loss of the grade 3a agricultural land in this instance. MLP Policy M3.16 would not therefore be contravened.

Cumulative Impact

56. MLP Policy M3.27 aims to protect local communities from the cumulative impact of mineral workings. This locality has been subject to mineral workings since the 1960's. The host quarry (Scooby Top) and Scrooby North Quarry have both ceased extraction in respect of their current permissions. The area immediately to the south has been developed for fishing lakes and the mineral extraction to create the lakes has been completed. It is also of note that there are three proposed allocations in the locality in the Minerals Local Plan Submission Draft Consultation, including site MP2c, immediately to the north of the application site. However, if these sites are subsequently allocated they would still be subject to separate planning applications. Any future workings would be conditioned so that they are carried out sequentially and not concurrently. Cumulative impact would not therefore be an issue in this case and the proposed development would not contravene MLP Policy M3.27.

Sustainability

57. It is considered that the extraction of sand and gravel is largely compatible with the aims of the NPPF in making full use of mineral resources and delivering sustainable development. The proposal would also comply with MLP Policy M2.1 as it meets the Plan's sustainable development objectives.

Other Issues

58. The site lies in close proximity to the East Coast mainline railway and conditions were included in the ROMP (10-13) to restrict activities near the railway and

ensure that these do not conflict with the railway use. Network Rail do not object to the proposal.

59. The site lies within the area which can be used by aircraft on final approaches to Robin Hood Airport. The airport does not object to the proposal.

Other Options Considered

60. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

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

Crime and Disorder Implications

62. The minerals extraction element of the proposal is unlikely to attract any level of crime and disorder. The site is fenced and has a lockable gated access. Vehicles and plant would also normally be stored on the main quarry site overnight.

Implications for Service users; Safeguarding of Children; Human Resources; Financial; Equalities.

63. No Implications.

Human Rights

64. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to the proposed development. The proposal has the potential to introduce impacts such as noise, dust and increased HGV traffic upon the local environment. However, these potential impacts need to be balanced against the wider benefits the proposal would provide such as maintaining the County's mineral resources and supporting an existing business in the countryside. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Implications for Sustainability and the Environment

65. The extraction of minerals from this location is beneficial in sustainability terms as it minimises the distance that the minerals would have to travel to be processed. There would be a minimal impact on the environment as the existing site has low biodiversity value.

Conclusion

66. The application seeks to vary the terms of planning condition 1 of the ROMP such that minerals extraction may continue for a period of 8 years i.e. to cease on or before 31st December 2023. The site will yield around 720,000 tonnes of saleable sand and gravel.
67. Whilst the principle of mineral extraction from this site has already been established through the 1999 planning permission, the date by which minerals should have been extracted has passed. However, future working of the application site has been addressed through consideration of the ROMP in 2015 as this provides up to date operational and environmental controls for the future working of the site. The key issue is whether working the site for 8 years would have any adverse impacts on local amenity or the environment.
68. Environmental impacts have been assessed against the relevant policies of the Nottinghamshire Minerals Local Plan as summarised below.
69. Visual impacts of the development will be minimal due to the topography of the site and existing screening in accordance with the requirements of MLP Policies M3.3 (visual intrusion) and M3.4 (screening). The quarry workings and restoration concept are consistent with the requirements of MLP Policy M3.22 (landscape character) and no significant cumulative impacts with quarrying development in the local area would occur in compliance with MLP Policy M3.27 (cumulative impact). Quarrying operations would not result in intrusive emissions of noise or dust at sensitive receptors in accordance with Policies M3.5 (noise) and M3.7 (dust). Ecological impacts resulting from the development are limited and biodiversity gains are derived from the restoration of the site in compliance with MLP Policy M3.17 (biodiversity). Measures are incorporated as part of the development to protect the highway in compliance with MLP policy M3.12 (highway safety and protection). The concept restoration scheme to wetland/nature conservation will ensure that the site would have a beneficial use following mineral extraction in compliance with MLP Policy M4.4 (landscape treatment).
70. It is therefore concluded that the proposed development is in accordance with the relevant Development Plan policies and that there are no material considerations that indicate that the decision should be made otherwise. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the ROMP planning conditions to be re-imposed as set out in appendix 1.

Statement of Positive and Proactive Engagement

In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application

discussions; scoping of the application; assessing the proposals against relevant Development Plan policies; the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The Minerals Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application.

RECOMMENDATIONS

71. 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.

TIM GREGORY

Corporate Director – Place

Constitutional Comments

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

SLB 03/03/2016

Comments of the Service Director - Finance

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

SS 11/03/2016

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

Blythe and Harworth; Sheila Place.

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