

15.0 LAND USE

Introduction

15.1 Development may have an impact on the actual use of land, not only within an application site, but also on adjoining land. Many different uses of land need to be considered in relation to development proposals, including agriculture, forestry, mineral, waste and industrial developments and recreation. The impacts of development proposals upon urban areas and rural settings and their inhabitants also need to be considered. However, many of these impacts are addressed in other Sections of the ES. In this respect, the following Sections should be referred to:

Section 7	Hydrogeology and Hydrology;
Section 8	Air Quality;
Section 9	Amenity Issues;
Section 10	Noise;
Section 11	Traffic and Transport;
Section 12	Landscape; and
Section 13	Ecology.

15.2 Land use can be subject to Government policies, predominantly aimed at safeguarding such uses against inappropriate development. Section 4 within this ES details such policies at the National, Regional and Local level.

15.3 This Section describes the existing land uses within the application site and adjoining land, and considers the potential impacts developing the application site may have on these uses.

Existing Land Use

The Application Site

15.4 As described in Section 2, the application site is currently subject to two predominant uses. Firstly, the main body of the application site (lying to the north of Salmon Lane) comprises land used in connection with the former Annesley Bentinck Mine. The northern part of this area has been used for the disposal of colliery waste, whilst the southern part is an unrestored void resultant from the open cast extraction of coal. With the closure of the mine in c. 2000, the whole of this area has not been in active use and can be classed as derelict/degraded land. Part of the application site has been designated as a Site of Nature Conservation Interest (SINC).

15.5 The second part of the application site comprises the corridor within which the access road would be constructed. This land comprises undisturbed agricultural land, the use of which has been described in Section 6.

- 15.6 Approximately 80ha of the application site has planning consent for the disposal of colliery wastes, whilst a further 27ha has been subject to open cast coal extraction, with planning permission for infilling with colliery wastes. The corridor within which the access road would be constructed amounts to around 12.5 ha, be it that the actual road (and associated earthworks) would cover around 4.2 ha. The remainder of the application site comprises marginal areas, some of which comprise restored flanks of the Tip, or restored sections of open cast workings associated with the Void. These areas are predominantly in agricultural use, and would not be developed, other than for “off site” planting.

The Surrounding Area

- 15.7 Land lying adjacent to the application site is predominantly in agricultural use. In addition, two old small mineral workings adjoin the site; Boggs Farm Quarry and Annesley Woodhouse Quarry. These areas have been designated as SSSIs by virtue of their flora. Other local ecological designations (SINCs) are also located to the south of the main body of the application site and to the east of the access road corridor (refer to Section 13).
- 15.8 In close proximity to the southern boundary are two residential properties, and a mushroom farm. A further farm is located to the west of the application site, adjacent to the M1 motorway. Slightly further afield, to the east of the application site lies an overhead electric transmission line and the fringes of Annesley and Kirkby Woodhouse, which is characterised by residential development. A couple of individual residential properties are located between the edge of these settlements and the application site.
- 15.9 To the south of Salmon Lane the land is in predominantly agricultural use, interspersed with two farmsteads and woodland, and intersected by the Cuttail Brook and an overhead electricity transmission line. Beyond this agricultural land lies the Kodak Eastman works and Sherwood Park; the latter being a recent commercial and office development containing a number of large steel portal framed buildings.
- 15.10 To the north of the application site is the B6018 (Park Lane), beyond which lies further agricultural land interspersed with a sewage treatment works, a railway line, the River Erewash and further areas of colliery spoil tipping. On the north side of Park Lane are a couple of residential properties.
- 15.11 Finally to the west of the site lies the M1 motorway, beyond which is the settlement of Selston.
- 15.12 Table 15/1 below summarises the land use in the area surrounding the application site.

**Table 15/1
Land Use Surrounding the Application Site**

Land Use	Description	Min Distance from Site (m) ¹		
		A	B	C
Residential	Properties in fronting Salmon Lane	163	390	605
	Properties on the edge of Annesley/Kirkby Woodhouse	380	900	235
	Residences associated with farms	480	560	610
	Residencies fronting Park Lane	745	885	200
	Residencies within Selston	650	550	370
Agriculture	Mushroom Farm	423	300	340
	Agricultural Land	adjacent	adjacent	adjacent
Utility	Sewage Treatment Works	770	580	1180
	Gas Compound			
Industrial/Commercial	Sherwood Business Park	800	1300	1275
Public rights of way/Public Access		160	615	425
Transportation	M1	550	400	200
	A608	1400	1750	1850
	B6018	800	850	200
	Railway line	500	850	250

¹ Minimum distance measured from the nearest façade to the nearest part of:
A - the landfill area.
B - the compost maturation area
C - the main body of Tip reclamation

Historic Development of the Site

The application site has a long history of coal related use. These have been summarised in Sections 6 and 14.

Assessment of Impacts

General

15.13 Given that the vast majority of the application site has been used in connection with coal extraction and colliery spoil disposal, the development proposals would not result in a significant change of use. Indeed, the site already has planning permission for the deposit of colliery spoil to create a new landform with a maximum elevation of 170m AOD. The proposals merely seek to modify the type of waste that may be deposited within the site, and achieve the reclamation of the area at the earliest opportunity, returning a large despoiled area to a mixture of agriculture, woodland and conservation areas. In so doing, the maximum height of the reclaimed landform would be around 165m AOD

Agriculture

- 15.14 The construction of the access road would result in the loss of around 7.7 ha of agricultural land, some of which is classed as “*best and most versatile*” (refer to Section 6). Of the 7.7 ha that would be lost, 3.5 ha would be used to create new habitats to increase biodiversity, whilst the balance (4.2 ha) would be used to construct the access road and associated earthworks. Ultimately, the road would be removed and the land restored.
- 15.15 In connection with the 1997 Terry Adams submission, the potential impact upon agriculture from the loss of land was assessed by ADAS, who concluded that the proposed development would have a limited short term impact on the agricultural use. The loss of agricultural land along the proposed access route does not affect the economic viability of any farm unit or business because of the limited nature and amount of the land take. The long term effects would be further mitigated by the restoration of the route using original soils. In the medium term additional areas of agricultural grazing land would become available for lease as the initial phases of the main site are restored.
- 15.16 In relation to the importance of “*best and most versatile*” agricultural land there has been a steady reduction in the degree of importance attached to high grade agricultural land in general planning policy. In respect of minerals and waste disposal the emphasis has moved away from trying to prevent any disturbance of high grade land to a situation where the restoration specifications are the most important consideration.
- 15.17 In the mid 1970s, when there was a perceived need to encourage agricultural production, a high degree of protection was afforded to all agricultural land. For example, DoE Circular 75/76 was based on the white paper *Food from Our Own Resources* and reflected what was then seen as the need to maintain and expand UK food production. It offered protection to all agricultural land, but in particular to higher quality land although, at the time, the methodology for recognising such land was relatively unrefined. Officers of the Ministry of Agriculture participated actively in planning matters and agricultural objections to development proposals were common. There was only passing mention of the feasibility of the restoration to agriculture of land containing mineral deposits.
- 15.18 By 1987, the protection afforded to agricultural land had been somewhat weakened. A replacement circular (DoE Circular 16/87) gave greater weight to environmental and employment factors, and less weight to the quality of agricultural land. The Circular suggested that only “*best and most versatile*” agricultural land (Grades 1, 2 and 3a of the ALC system) and regarded as a national resource, should receive additional weight in the balance and that such land should not be irreversibly developed unless there was no other site suitable for the particular purpose. It did not, however, preclude development of such land. Where it could be shown that land affected by

mineral extraction or waste disposal could be returned to a similar quality (the term “*same physical characteristics*” was used), then this was classed as a reversible development and so not subject to the same strictures as an irreversible development where the land was totally lost. Procedural arrangements for development plans required consultation with MAFF, but for developments not in accordance with a development plan it was only necessary to consult MAFF where more than 20 hectares of best and most versatile land would be lost either immediately or cumulatively. In the case of mineral and waste disposal sites, MAFF took an active interest in the restoration proposals.

- 15.19 This Circular was short-lived and was replaced in January 1988 by the first edition of PPG 7 *The Countryside and the Rural Economy*. This noted that “*it no longer makes sense to retain as much land as possible in agriculture....The need is now to foster diversification of the rural economy to open up wider and more varied employment opportunities and to balance that need against protection of the environment without giving agricultural production a special priority.*” Nevertheless, it was still recommended that the “*best and most versatile*” land should be protected as a national resource for future generations and that local planning authorities should give considerable weight to protecting such land from development.
- 15.20 Subsequent editions of this PPG in January 1992 and February 1997, re-titled *The Countryside – Environmental Quality and Economic and Social Development*, continued the trend of encouraging the rural economy in general rather than emphasising the role of the countryside in food production. Procedural arrangements required consultation with MAFF at the development plan stage but the right of MAFF to require plans to be “*called in*” if they objected to them was to be exercised only in the most exceptional circumstances. The “*20 hectare threshold*” for developments not in accordance with development plans was re-stated. MAFF had, however, to be consulted over the restoration and aftercare conditions to be imposed in the case of mineral extraction and waste disposal applications, irrespective of the site size or agricultural land quality. Advice on agricultural restoration and aftercare of mineral workings was provided in a separate document MPG 7 *The Reclamation of Mineral Workings* (November 1996). This suggested that an objection or conditional objection from MAFF would only occur in exceptional circumstances. In other words, the emphasis was on ensuring good restoration, not on trying to prevent best and most versatile land from being used for mineral extraction.
- 15.21 The Agenda 2000 agreement introduced the reductions in the levels of support previously provided through the Common Agricultural Policy (CAP) and placed an increasing emphasis on sustainable development. As a result the emphasis on the protection of the “*best and most versatile*” agricultural land changed and the powers of MAFF to intervene in decisions on the “*best and most versatile*” land were reduced. A fourth and final edition of PPG 7 was introduced in March 2001 and reflected these changes. Paragraph 1.7, for example stated:

Food production and a competitive agricultural industry continue to be highly important, and provide a basis for many other economic activities in rural areas..... Farmers are increasingly diversifying into other activities to supplement their incomes. Landowners need the flexibility to consider a range of options for the economic use of their land, including non-food crops, planting more woodland, recreation and leisure enterprises, the management of the land to provide environmental benefits, and the restoration of damaged landscapes and habitats

15.22 and Paragraph 2.3 said that:-

The guiding principle in the countryside is that development should both benefit economic activity and maintain or enhance the environment

15.23 In respect of agricultural land, Paragraph 2.17 stated:

Development of greenfield land, including the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification), should not be permitted unless opportunities have been assessed for accommodating development on previously developed sites and on land within boundaries of existing urban areas. Where development of agricultural land is unavoidable, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality, except where other sustainability considerations suggest otherwise. These might include, for example, its importance for biodiversity, the quality and character of the landscape, its amenity value or heritage interest, accessibility to infrastructure, workforce and markets, and the protection of natural resources, including soil quality.

15.24 In February 2005 PPG 7 was replaced by PPS 7 *Sustainable Development in Rural Areas*, which reflects the changes that have taken and continue to take place in the management of the countryside and outlines the Government's objectives for the future of rural areas. These are:

- To raise the quality of life and the environment in rural areas;
- To promote more sustainable patterns of development;
- Promoting the development of the English regions by improving their economic performance so that all are able to reach their full potential;
- To promote sustainable, diverse and adaptable agricultural sectors.

15.25 With regard to agriculture, Para 28 outlines the policy towards the consideration of the "best and most versatile" land within the planning framework is as follows:-

The presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification), should be taken into account alongside other sustainability considerations e.g. Biodiversity; the quality and character of the landscape; its amenity value or heritage interest; accessibility to infrastructure, workforce and markets; maintaining viable communities; and the protection of natural resources, including soil

quality, when determining planning applications. Where significant development of agricultural land is unavoidable, local planning authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations. Little weight in agricultural terms should be given to the loss of agricultural land in grades 3b, 4 and 5, except in areas (such as uplands) where particular agricultural practices may themselves contribute in some special way to the quality and character of the environment or the local economy. If any undeveloped agricultural land needs to be developed, any adverse effects on the environment should be minimised.

- 15.26 Thus the weight to be attached to the development of “*best and most versatile*” agricultural land has decreased significantly in recent years. Within the framework of PPG 7 between 1992 and 2005 it was considered that the “*best and most versatile*” land should be protected as a national resource for future generations (Para 2.17). Local planning authorities were required to give “*considerable weight*” to protecting such land from development.
- 15.27 However, PPS 7 issued in 2005, no longer refers to the “*best and most versatile*” land as a national resource and there is no longer a requirement to give “*considerable weight*” to it in the planning process. It is now only one of a whole range of considerations that should be taken into account, with no particular increased weighting, in the determination of planning applications. In addition the role of DEFRA has been weakened to the extent that they no longer mount any agricultural objections to developments on their own account.
- 15.28 In relation to potential indirect impacts upon agriculture, without suitable mitigation, the operation of a landfill site could affect the agricultural quality of the land surrounding the site through the escape of landfill gas, leachate and uncontrolled surface water. However, with suitable mitigation, these impacts would be minimal. These impacts have been fully assessed and mitigation measures proposed (refer to Sections 3, 7 and 8 of this ES). In particular, the landfill would be designed in accordance with the requirements of the Landfill Regulations, and would thus be a full containment landfill. Leachate and landfill gas management systems would be installed, together with a surface water management scheme. The precise details of these measures would be determined in an application for a PPC permit.
- 15.29 As set out above, a mushroom farm adjoins the site to the south-west. Mushroom growing is carried out in a group of enclosed industrial/agricultural style buildings believed to have been erected under planning permission no. 93/0189 granted on 25/5/93. The buildings are located within about 420 metres of the nearest point of approach of the proposed landfill, although some other short-term ancillary operations such as the creation of the on-site haul road and dismantling of an existing large soil mound would take place within about 150 metres of the buildings at their closest approach.

15.30 Mushroom farming is a potentially sensitive operation which can be adversely affected by air-borne bacteria, viruses and fungal spores as well as possibly by other pests such as insects and rodents. Dust generated by earthmoving operations could act as a vector for the spread of such diseases. The main risks can be summarised as:-

- virus spores can remain dormant in soils for tens of years, and may be released when land is disturbed;
- the landfill might provide a source of fungal pathogens and moulds which could affect mushroom crops;
- sciarid flies, phorid flies and other flying insects breeding within the landfill may cause physical contamination of, or transmit bacterial contamination to the finished product; and
- birds and rodents attracted to the landfill may spread disease through their droppings

15.31 It is accepted that, without proper mitigation, the landfill proposal could have some impact on the mushroom farm. However, it is considered that the impact during the operational period of the development is unlikely to be significant given the following conditions and proposed mitigation measures:-

- the prevailing wind direction, and the strongest winds, are south-westerly, *i.e.* blowing from the mushroom farm towards the application site.
- it is proposed to plant a substantial (100 metre wide) fast growing tree belt between the site and the mushroom farm as part of the early landscaping measures. This would act as a dust filter.
- best waste management practices would be employed on the site: to minimise exposed waste, minimise dust emissions, ensure effective pest control.
- carry out major soil moving operations within 500 metres only when there is no component of wind blowing from the soil moving site towards the mushroom farm.
- implement a long term dust monitoring programme on the boundary of the site adjoining the mushroom farm and review mitigation measures when necessary.

15.32 To support the 1997 Terry Adams Ltd application, a report was prepared by ADAS assessing the potential impacts upon the mushroom farm. This report is reproduced at Appendix 15/1 to this ES.

Residential Amenity

15.33 In the immediate vicinity of the main body of the application site there are seven individual residential properties. None of the relevant technical assessments reported within this ES, and in particular those listed in paragraph 15.1, and which address residential or public amenity, have

identified any significant impacts upon residential amenity at these properties. Further afield are the settlements of Annesley and Kirkby Woodhouse to the east and Selston to the west. Due to the topography and separation distance between the nearest properties in these settlements and the application site, it is considered that the proposed development would not give rise to any loss of amenity through on site operations.

- 15.34 The site would have access onto the A608, which in turn provides access to the M1. The proposed access road would pass one property (Two Dale Farm) before reaching the public highway. Again, none of the technical assessments have identified a significant impact.

Conclusions

- 15.35 The potential impact of the development upon surrounding land use, including agriculture and residential areas has been considered in detail in a number of Sections of this ES, including those addressing visual impact, noise, dust and odour, litter, vermin and birds. These assessments did not identify any significant environmental impacts that, either individually or collectively, would result in a significant impact on adjoining land use.
- 15.36 The construction of the access road would lead to a loss of agricultural land, some of which is classified as “*best and most versatile*”. The design of the access road has sought to minimise the severance of land, with areas that become severed managed to enhance biodiversity. Overall, the loss of agricultural land is offset by the permanent benefits that flow from the reclamation of the Tip and Void.
- 15.37 Consequently, providing the mitigation measures set out in the planning application and ES are employed, there would not be any significant adverse effect on adjoining land uses.