



24th May 2016

Agenda Item:

REPORT OF CORPORATE DIRECTOR – PLACE

MANSFIELD DISTRICT REF. NO.: 2/2016/0225/ST

PROPOSAL: IMPORTATION OF 123,000 CUBIC METRES (APPROX 250,000 TONNES) OF SOILS AND CONSTRUCTION WASTES TO FACILITATE THE REMODELLING AND UPGRADING OF THE EXISTING PRACTICE GROUND OUTFIELD AND SHORT GAME AREA INCORPORATING A WATER HARVESTING SCHEME; CONSTRUCTION OF COVERED PRACTICE BAYS; AND EXTENSION OF CAR PARK, INCLUDING THE CONSTRUCTION OF A TEMPORARY ACCESS ROAD FROM BADGER WAY.

LOCATION: SHERWOOD FOREST GOLF CLUB AND FORMER MANSFIELD COLLIERY TIP, EAKRING ROAD, MANSFIELD

APPLICANT: SHERWOOD FOREST GOLF CLUB

Purpose of Report

1. To consider a planning application for remodelling of Sherwood Forest Golf Club utilising imported soils and construction wastes. The planning application raises key issues regarding construction impacts and in particular the access arrangements for delivery vehicles. The recommendation is to support a conditional grant of planning permission.

The Site and Surroundings

2. The application site comprises 6.2 hectares of land that currently forms part of Sherwood Forest Golf Club. The application site has also been drawn to incorporate a 280m corridor of land to provide temporary vehicular access across the former Mansfield Colliery Tip between Badger Way within Crown Farm Industrial Estate and Eakring Road. (see plan 1)
3. The golf club is located to the east of Mansfield town centre on the edge of the built up area. It is accessed from Eakring Road which in turn obtains access to the wider public road network at the traffic signal controlled junction of Violet Hill/Oak Tree Lane. The first 650m length of Eakring Road nearest Oak Tree Lane passes through a residential area, once past these properties the road narrows for its remaining length (750m) to the point of access into the golf course. (see plan 2)

4. The wider golf club incorporates an 18-hole course, practice areas, club house and car park. The golf course has a heathland character with pockets of wooded areas dominated by oak, birch, and Scots Pine. Parts of the golf course, but not the development area, fall within the Sherwood Forest Golf Course SSSI, designated for its 'dwarf shrub heath'. The area to the east of the existing access track lies within the Sherwood Forest Golf Club Biological Local Wildlife Site.
5. The land uses surrounding the golf course include plantation woodlands and former colliery workings to the west, Eakring Road to the south, beyond which is the Mansfield Golf Club and Driving Range. To the north and west is the restored former Mansfield conical tip, beyond which is Crown Farm Way industrial estate and its access road.
6. The land on which the proposed ground modelling work would take place is used as the outfield for the golf practice ground. The area suffers with poor drainage and is often waterlogged hence it is not extensively used by the golf club. The ground cover comprises managed amenity grassland. Some areas of scrub have recently been cleared but a mixture of mature trees and young trees remain around the site boundaries (see plan 3).
7. The main water feature that lies within the application area is a steep sided lagoon (formerly part of the colliery tip) situated on the northern boundary. The lagoon is fed water from the south (Mansfield Golf Course) via an open concrete ditch which runs down the western boundary of the application site. The pond is also periodically fed from surface water flows from the former colliery tip during periods of heavy rain. The pond is drained by an outfall pipe which connects with fishing ponds (Newlands Ponds) via a pipe which is buried beneath the colliery tip.

Planning History

8. Planning permission was originally sought in October 2015 under reference 2/2015/0672/ST for remodelling works at Sherwood Forest Golf Club utilising imported inert waste materials. The scheme was similar to that considered in this report (described below) albeit that all deliveries to the site were proposed to be trafficked along Eakring Road.
9. This earlier planning application generated over 20 letters of objection from residents of Eakring Road and the surrounding residential areas due to the number of HGV deliveries that would be required to import the inert waste to re-engineer the site. In particular concerns were raised that the residential character of Eakring Road would be adversely affected by the delivery vehicles and the capacity of the road could not accommodate the number of delivery vehicles.
10. To address these concerns the developer was requested to investigate ways in which the potential disturbance from vehicles travelling along Eakring Road could be reduced and also to review the drainage facilities across the site to maintain continuity of existing water flows which flow north to south across the site. This review resulted in the application now under consideration.

Proposed Development

11. This planning application is a resubmission of the scheme originally submitted in October 2015 albeit with alterations made to the site access for delivery vehicles so as to incorporate land crossing the former Mansfield Colliery from Badger Way which would be used for the construction of a new temporary haul road and thereby avoid most of the delivery movements along Eakring Road. The application also incorporates modifications to the site drainage.
12. The planning application incorporates three principle elements of works which are described below and identified on Plan 4:

The remodelling of the practice ground outfield

13. The applicant states that the practice outfield is currently too small and narrow and lacking interest and excitement. Furthermore its location at the base of the valley makes it prone to drainage problems and therefore difficult to manage. The facility therefore is generally unused by members and does not match the overall quality of the other facilities at the club.
14. To address these problems the club wish to raise the ground so that it sits above the water table and re-shape the surface so that the terrain is designed to shed water and drain by a series of swales, ditches and ponds which will lead to a water storage lagoon. The works would improve the ease of maintenance and therefore aesthetic appearance by enabling a smoother surface to be installed. The existing lagoon/pond on the northern edge of the practice ground would be filled using up to 8m of soils and in so doing would enable a lengthening of the practice area as well as assisting with ball containment. 15 covered bays would be installed within a low level wooden building incorporating a berm lighting system to extend its hours of use. The building would measure 63m long, 4m wide and 3.1m high rising to 4m.

The remodelling of the short game area

15. The imported waste would also be used for the construction of a new short game academy area. The golf club seek to construct a new, high quality, free draining area where members can practice an array of practice shots within native landscaping and a new wetland waterway. The new academy would feature multiple targets, tees and bunkers to further encourage beginners and young participants into the game. A separate new practice putting green would also be constructed.
16. An existing engineered concrete drain which runs along the western boundary of the site would be re-orientated to run through the short game area as a landscaped open swale.

Car Park Extension

17. The eastern boundary of the existing car park current drops steeply away. This has resulted in some subsidence within the car park as a result of the instability of the underlying ground. The golf club wish to address this problem as well as extend the car park so as to provide a further 36 off-street car parking spaces by using imported waste to raise ground levels and create a level area of land for the car park extension.

Drainage Works

18. An integral part of the proposed earthworks involves addressing the existing drainage problems within the development site and in particular resolve problems of waterlogging following periods of heavy rain. This would be achieved by the installation of underdrainage below the top soil level which would enable rainwater to be gathered and irrigated to the replacement storage pond, relocated from the northern boundary of the site to a new lined pond in the centre of the site, thereby allowing an extension of the length of the driving range. The applicant has confirmed that the existing drainage flows into the site from Mansfield Golf Club to the south and the former colliery tip to the north would be connected into the new pond and the outfall would be extended back to the new pond to ensure water continues to flow towards Newlands Pond Angling Club before flowing towards Vicar Water. The new pond and swales would be clay lined to ensure the quantity of water flowing downstream is not reduced. Furthermore, plans to irrigate some of the water from the pond onto the golf course have also been aborted.

Construction Works

19. The previous planning application submitted in October 2015 sought consent to allow all the delivery vehicles to access the site via Eakring Road. Deliveries were proposed to be undertaken over a 12 month period and would have averaged 59 deliveries a day (118 two way movements). Publicity undertaken in connection with this planning application generated significant opposition from the local community and 22 letters of objection were lodged with the Council. In response to these concerns the case officer requested the developer to review the access arrangements for the site and investigate alternative points of access which would not necessitate travelling by residential properties on Eakring Road.
20. After due consideration, the applicant has identified an alternative access route from Badger Way within Crown Farm Industrial Estate and crossing the restored former Mansfield Colliery Tip. The access road would be constructed from crushed stone.
21. Since the access road across the restored former Mansfield Colliery Tip was outside the original planning application boundary it was necessary to withdraw the original application and re-apply for planning permission under this current submission.
22. This planning application originally sought consent to allow an initial six week period to permit delivery vehicles to access the development from Eakring Road

to assist with the construction of the haul road. However, following officer requests the applicant has amended this aspect of the development and now proposes to construct the temporary haul road before any deliveries are made to the site. This modification to the planning application therefore ensures that no delivery vehicles would be routed along Eakring Road.

23. As with the original scheme, the works require the importation of 123,000 cubic metres of fill material comprising uncontaminated soils, subsoils, mining wastes and inert wastes including bricks, concrete, ceramics, tiles and ash. It is anticipated that these materials would be imported over a 12-24 month period, dependant on the rate that suitable materials can be sourced. Construction works would utilise a bulldozer, 360 excavator, mini digger and dump truck. Working hours are anticipated to be between 7.00 am until 7.00 pm Monday to Friday and 7.00 am until 1.00 pm on a Saturday.
24. All existing vegetation and top-soils are to be stripped and stored before any sub-soil importation and grading takes place. These soils would be stored on site in stockpiles and used within the restoration of the site.

Consultations

25. **Mansfield District Council:** *No representations received.*
26. **Natural England:** *No response has been received in connection with this current planning application.*
27. *Natural England provided a consultation response to the original planning submission, raising no objections to the development but making the following observations:*
 - a. *Natural England confirm they are satisfied that the nature and scale of the proposal is not likely to have an adverse effect on the Sherwood Forest Golf Course Site of Special Scientific Interest (SSSI), subject to a planning condition to require the site operates in accordance with a construction environment management plan to ensure good working practices are adopted which avoid impacts to the SSSI from dust, contamination and run-off. Natural England advises that the development offers an excellent opportunity to create areas of lowland heathland in the Sherwood Forest area which is a biodiversity action plan target.*
 - b. *Natural England confirm they are satisfied the development would not result in any adverse impacts to breeding woodlark and nightjar birds and no direct or indirect impacts to any future designation of a Sherwood Forest Special Protection Area (SPA). Natural England consider the proposed heathland regeneration across the site will help to expand the heathland area in this location which will be beneficial for both species in the long term.*
28. **Nottinghamshire Wildlife Trust:** *Object to the development on the following grounds:*

- a. *The ecological surveys which support the planning application are inadequate, in particular:*
- *There has been no assessment made of the ecological effects of the construction of the haul road across the colliery tip.*
 - *There is no quantified data to enable a comparative assessment of the area of habitat that would be lost in undertaking the development, nor is there any data to explain the amount of new habitat which would be created following the completion of the works, thus it is difficult to conclude whether there would be an ecological benefit from carrying out the works.*
 - *Neither is there a quantified assessment of the habitats that would be lost and gained as a result of the development.*
 - *Concerns are raised regarding the adequacy of the reptile survey.*
 - *No invertebrate survey has been undertaken.*
 - *The breeding bird survey which was informed by two visits in April and May is considered inadequate to fully ascertain the breeding bird value of the site. It does not explain how the loss of habitat during the construction works would be mitigated in the short and medium term.*
- b. *Despite the Ecology Report stating that Heathland is to be provided through the landscaping/restoration of the golf course this is not shown on the landscape plan.*
- c. *There are no cross sections of the replacement ponds to demonstrate whether they would provide replacement habitat for the pond that has been lost. This existing pond supports a population of toads but the ecology report does not include an assessment of the size of toad population. The method statement for toad translocation does not include sufficient information regarding timings, frequency and method of collection nor does it contain sufficient detail regarding the suitability of the receptor site, its location, size and quality nor the availability of foraging habitat.*
- d. *The species mixes used in the restoration are appropriate but further detail is required regarding establishment methodology.*
- e. *Replacement tree planting would take 5-10 years to replace any trees that would be lost.*
29. **NCC (Nature Conservation):** *Raise no objections in principle. The following specific comments are made.*
- a. *The development would affect part of the Sherwood Forest Gold Course Local Wildlife Site (LWS 1/131); however, the area subject to the works is, in large part, amenity grassland associated within the golf course, and the area will be subject to restoration upon completion of the works.*
- b. *It appears that a small area of heathland, on the northern bank of the existing pond, would be lost to the proposals and/or affected by landscape planting. It is requested that a condition is used to require the production and implementation of a Method Statement which seeks the salvage and*

translocation of this habitat, for example by scraping off the top 100mm of soil, storing it temporarily, and reinstating once works have been completed.

- c. *The pond at the northern end of the site is used by breeding toad (and also common frog according to the desktop study). It is requested that a condition is used to require an updated Precautionary Method of Working relating to Common Toads/Frogs to ensure their protection during works. This should, amongst other things, require that replacement pond(s) have been created prior to the infilling of the existing pond.*
 - d. *Impacts on foraging/commuting bats are not considered; however, it appears likely that any such impacts would be relatively minor, with boundary vegetation being retained and extensive similar habitat occurring in the wider area.*
 - e. *Given the proximity of the application site to the Sherwood Forest Golf Course SSSI (400m to the east), Natural England should be consulted on these proposals, if they have not already been so.*
 - f. *Conditions should be used to (i) control vegetation clearance outside the bird nesting season, (ii) ensure protected species are managed satisfactorily, (iii) require the protection of all retained vegetation during construction, including through the use of temporary protective fencing.*
 - g. *The proposals will not give rise to likely significant effects on nightjar or woodlark and therefore affect any future Sherwood SPA.*
 - h. *The proposals have potential to provide ecological benefits upon restoration subject to the use of appropriate planting being used.*
 - i. *If there is a need for any artificial lighting to be used during the works, then a condition should require the submission of further details, to ensure that lighting is directed away from boundary vegetation.*
 - j. *The resubmission now involves a temporary haul road coming across the restored Mansfield Conical pit tip. The route of this haul road should be surveyed prior to the commencement of the development, regulated by planning condition with a requirement to mitigate any impacts. The restoration of Mansfield Conical was not particularly successful, in that it was intended for large parts of it to be heathland/acid grassland, but this habitat has not established. However, there remains the possibility of such habitat being created in the future. Therefore, it is important that the material used to create the temporary haul road is removed after use, and that said material is neutral, or ideally acidic in nature, rather than calcareous, to avoid soil conditions being made less favourable to heathland creation in the future.*
30. **Sport England:** *No response has been received from Sport England in connection with this current planning application.*

31. *Sport England provided a consultation response to the original planning submission, raising no objections to the development but stating that they support developments which lead to increased participation in sport.*
32. **NCC (Archaeology):** *No response has been received from NCC (Archaeology) in connection with this current planning application.*
33. *NCC (Archaeology) provided a consultation response to the original planning submission, raising no objections.*
34. **NCC (Landscape):** *No response has been received from NCC (Landscape) in connection with this current planning application.*
35. *NCC (Landscape) provided a consultation response to the original planning submission, raising no objections, but commenting that given the low-lying character of the site visual impacts are assessed as being minor and generally limited to the construction stage of the improvements. The development would not affect the landscape character of the immediate area which is characterised by the golf course. Planning conditions are suggested to ensure that landscaping planting on the site is in keeping with the heathland character of the area.*
36. **NCC (Reclamation):** *No response has been received from NCC (Reclamation) in connection with this current planning application.*
37. *NCC (Reclamation) provided a consultation response to the original planning submission, raising no objections, but commenting that only clean inert soils should be imported. Consideration of the treatment train for iron, aluminium salts and acid mine drainage typically contained in former spoil tips should be made in the design of the infiltration/detention ponds and swales. The ground is noted as being water logged even in summer periods, it is noted that the proposal includes for the excavation of land to a level of approximately 93mAOD, this should be carefully considered given the water logged nature of the soils in the area. It is noted that a cut of up to 3 m is proposed at the toe of the spoil tip slope to construct the main infiltration pond, there does not appear to have been any consideration of impact on slope stability. This should be addressed prior to any works being carried out at the toe of the spoil tip slope.*
38. **NCC (Highways):** *The Highways Authority support the use of the Warren Way and Badger Close and the temporary haul road over the restored colliery tip for access on the basis that these roads are industrial in character with lower traffic and pedestrian flows and therefore lower risk to general highway user safety and less likelihood of pedestrian/vehicle conflict.*
39. **NCC (Noise Engineer):** *No response has been received from NCC (Noise Engineer) in connection with this current planning application.*
40. *NCC (Noise Engineer) provided a consultation response to the original planning submission, raising no objections, commenting that the proposals would not cause significant noise emissions at the nearest property which is around 500m from the site and screened by intervening topography. The HGV movements associated with the earthworks phase (an average of 10 per hour travelling*

along Eakring Road) are unlikely to significantly alter road traffic noise levels at the nearest receptors. Planning conditions are recommended to control working hours: 7am-7pm (Mon-Fri) & 7am-1pm (Sat) with no working on Sundays and bank holidays and to ensure that any vehicles under operators control be fitted with broadband reversing alarms.

41. **NCC (Flood Risk Management):** No response has been received from NCC (Flood Risk Management) in connection with this current planning application.
42. NCC (Flood Risk Management) provided a consultation response to the original planning submission, raising no objections, but recommending that planning conditions regulate the final design of the drainage including infiltration and volumetric calculations to ensure that flood conditions up to 1:100 year + 30% for climate change can be managed and water quality from final discharge is of an appropriate standard. Levels of any new buildings should be set above flood water levels.
43. **Environment Agency:** Raise no objections
44. The Agency state that the development would require an Environment Permit to operate, unless a waste exemption applies. As part of the permitting process the Agency will give consideration to the status of the site as either a waste recovery or disposal operation.
45. **Western Power Distribution:** No response has been received from Western Power Distribution in connection with this current planning application.
46. Western Power Distribution provided a consultation response to the original planning submission, raising no objections, but making the applicant aware that the proposed extension to the car park may necessitate the diversion of a low voltage service to the club house. In addition there is an 11kV overhead line which crosses the proposed temporary haulage road.
47. **NCC (Countryside Access), National Grid (Gas), Severn Trent Water Limited:** No representations have been received.

Publicity

48. The application has been publicised by the posting of site notices along the length of Eakring Road and on Warren Way, a press notice with the Mansfield Chad Newspaper and the posting of 100 neighbour consultation letters to residents adjacent to Eakring Road, members of the public who wrote to the Council in connection with the previous planning application and businesses on Crown Farm Way. The publicity has been undertaken in accordance with the County Council's adopted Statement of Community Involvement Review.
49. Six letters of representation have been received in connection with the planning application submission which incorporated a six week period of haulage along Eakring Road. The following observations were raised.

- Residents can see no reason to use Eakring Road at all for any HGV traffic. The use of Eakring Road for six weeks for lorry haulage creates a huge safety risk for people living on this road, particularly with regard to children's safety, potential for speeding vehicles, pollution and dust. All access therefore should go through Crown Farm Industrial Estate and Badgers Way. The road should be constructed before any waste is imported so as to ensure that no vehicles start to use Eakring Road which could be very difficult to stop.
 - Other residents raise concerns about the proposed temporary haul road on the restored former colliery tip would have its own environmental impacts noting that the area is becoming an important habitat for wildlife providing habitat for skylarks, wild flowers, butterflies, insects, bee orchids. No ecological assessment has been carried out to consider whether these would be affected by the construction of the road. Furthermore the proposed haul route cuts across an area of footpaths which would be crossed by haulage lorries delivering materials for the works raising safety concerns to pedestrian and cycle safety.
 - Alternative accesses to the site have been suggested including should be obtained from the A614 to the east. Or around the eastern perimeter of the restored colliery tip.
 - Concerns are raised regarding pollution and the disposal of waste in the local area.
50. The planning application is supported by the Mayor of Mansfield District Council (Kate Allsop) on the basis that the development would enhance the golf club and bring more clientele to the area.
51. Councillor Alan Bell and Colleen Harwood have been notified of the application.
52. The issues raised are considered in the Observations Section of this report.

Observations

Need for the Development

53. The applicant states that the alterations enable the practice ground and short game area to be upgraded, remodelled and modified so as to make the facilities more attractive to existing and new club members. The works also allow the drainage in this area to be re-engineered so that surface waters can be collected and irrigated into the network of swales and ponds which are to be created and therefore resolve problems of waterlogging experienced by the existing facilities. The development also creates a purpose built driving range facility with lighting which is available for year round use as well as providing a 36 space extension to the car parking area.
54. By undertaking the works the club hopes to become more attractive to prospective members and also assist with retaining existing membership,

thereby increasing membership numbers, in what they state is a very competitive market.

55. The economic benefits provided by the development are supported by the National Planning Policy Framework (NPPF). Paragraph 7 identifies the important role that economic development contributes to securing sustainable development, paragraph 18 confirms the Government's commitment to supporting economic growth and paragraph 19 identifies the role that the planning system plays in delivering this growth, stating:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.'

56. NPPF paragraph 28 supports economic growth in rural areas by encouraging the sustainable growth and expansion of all businesses in rural areas, particularly the development and diversification of land based rural business.
57. The economic benefits provided by the development should be given significant weight within the planning decision.

Waste Management Policy

58. The re-engineering of the golf course utilises a large quantity of waste material importation into the site. The importation of these soils needs to be considered against the waste management policy context set out within the National Planning Policy for Waste (NPPW), the Waste Management Plan for England and the Nottinghamshire and Nottingham Waste Core Strategy (WCS). These policy documents aim to ensure that waste is managed sustainably by moving it up the 'waste hierarchy' of prevention, preparing for reuse, recycling, other recovery with disposal only as a last resort.
59. In the context of the waste hierarchy the permanent deposit of waste soils on land could be classed as either a recovery or disposal activity and therefore at different levels in the waste hierarchy. The determining factor as to where the process actually sits within the waste hierarchy is based on a legal test derived from the European Waste Framework Directive, the test being whether or not the waste is being used beneficially as a suitable replacement for non-waste materials. This decision is taken by the Environment Agency at the permitting stage. At the present time a permit application has not been made and therefore a definitive decision has not been made.
60. To assist the process of determining whether an activity is disposal or recovery the Environment Agency has published a guidance note title 'Defining Waste Recovery: Permanent Deposit of Waste on Land'. This identifies that landscaping of golf courses can be considered as recovery where a number of criteria are met, these include:
- it is demonstrated that the soils would provide genuine benefit,

- evidence is provided to demonstrate that excessive soils are not used to achieve the intended landform,
 - materials already on site could not be used,
 - detailed drawings are presented to show how the soils will be used on a site,
 - the soil types are suitable for use, and
 - the soils will provide lasting benefit.
61. The developer has produced a waste management plan to support their planning application and argue that their facility is a waste recovery operation when assessed against the above criteria. In particular the developer considers the development satisfies the tests set by the Environment Agency for it to be classed as a recovery operation on the basis that the waste soils would be used to improve and re-engineer a beneficial landform, the use of waste soils would preserve natural soils that would otherwise have to be used for this purpose, the development does not use excessive soils, soils are not available on site which could be used and the works would provide a lasting benefit. The applicant therefore has confirmed that they propose to seek a waste permit for the works based on it being a recovery operation rather than a disposal facility.
62. It is not appropriate for NCC to make a definitive decision on whether this development constitutes a recovery or disposal operation on the basis that this decision will be taken by the appropriate authority (the Environment Agency) at the permitting stage. However the improvements have the potential to ensure that waste soils are managed at a higher level in the waste hierarchy in compliance with national and local waste management policy.
63. WCS Policy WCS1 incorporates a presumption in favour of sustainable development. The management of waste within a recovery facility would be more sustainable than within a disposal facility.
64. Policy WCS3 (Future Waste Management Provision) supports recovery facilities where they divert waste that would otherwise be disposed of. If classed as recovery the facility would recover the soils to a beneficial use in accordance with this policy.
65. WCS Policy WCS4 identifies the broad location for waste management facilities. WCS Appendix 2 (Table 8) sets out the size and capacity of different types of waste management facilities in relation to this policy (and also relevant to Policy WCS7), grouping them into small, medium and large scale facilities according to their capacity and site area. Unfortunately the table does not incorporate a threshold for 'other recovery of soils' on the basis that there is an assumption that any inert waste which cannot be recycled is disposed of within a disposal facility with no identification in the plan that some of these disposal sites may be classed as recovery operations. If this facility was considered as an inert landfill facility (to best fit the definitions of Table 8) it would be classed as a 'small' to 'medium' scale waste management facility. Policy WCS4 provides support for development of small/medium sized waste treatment facilities in or close to the built up areas of Mansfield. The location of the application site is ideally placed

to meet Mansfield's inert waste disposal needs and therefore its siting is in accordance with Policy WCS4.

66. Table 4c of the WCS identifies waste management capacity shortfalls for the management of inert waste and the calculations assume that inert waste disposal will reduce to 10% by 2025. Using this projection a shortfall of 3.2 million cubic metres has been identified over the plan period. The golf course re-engineering works at Sherwood Forest Golf Course would provide 0.12 million cubic metres of inert waste tipping capacity and therefore would make a small but positive contribution to addressing this shortfall. There are sites currently available within the Mansfield area which are consented to take inert waste and therefore there is no acute shortfall in capacity. However the capacity provided at Sherwood Forest Golf Course would assist with delaying longer term shortfalls that are identified in the WCS. There is therefore a need for this development if it was classed as a disposal operation on the basis that it helps address shortfalls in disposal capacity.
67. Policy WCS5 (Disposal Sites for Non-Hazardous and Inert Waste) and Policy WCS7 (General Site Criteria) identify the locations where preference will be given to the development of new inert waste disposal facilities. The policies do not differentiate between recovery and disposal operations (for the reasons identified above) but are nevertheless relevant to this planning application.
68. WCS Policy WCS5 states:

Policy WCS5: Disposal sites for hazardous, non-hazardous and inert waste

'Where it is shown that additional non-hazardous or inert landfill capacity is necessary, priority will be given to sites within the main shortfall areas around Nottingham and Mansfield/Ashfield. Development outside these areas will be supported where it can be shown that there is no reasonable, closer, alternative.....

Preference will be given to the development of disposal sites for hazardous, non-hazardous and inert waste in the following order:

- (a) The extension of existing sites;
- (b) The restoration and/or re-working of old colliery tips and the reclamation of mineral workings, other voids and derelict land where this would have associated environmental benefits;
- (c) Disposal on greenfield sites will be considered only where there are no other more sustainable alternatives.

Where disposal sites proposed in the Green Belt constitute inappropriate development, very special circumstances would need to be demonstrated in line with national guidance.'

69. Sherwood Forest Golf Course is located in Mansfield and therefore within a 'shortfall' area favoured by the policy. As a greenfield site, disposal at Sherwood Forest Golf Club would be least favoured by the sequential selection criteria listed in the policy. However, the applicant has demonstrated that there is a specific need for the waste at the application site to enhance the golf facilities and support the economic viability of the club, benefits that would not be derived if an alternative site was developed. The location of the development site therefore is considered appropriate in the context of WCS Policy WCS5.
70. Overall it is concluded that the development is supported by waste management policy. Whilst it is preferable in the context of the waste hierarchy and Policy WCS3 for the site to be classed as recovery, there are large shortfalls in disposal capacity which the facility would make a contribution to addressing. The waste management capacity that would be provided by the development would give the local waste industry greater choice of available facilities in close proximity to one of the main waste generating areas of Mansfield. The facility would therefore assist in reducing the distance waste is transported in accordance with the objectives of WCS Policy WCS11: Sustainable Transport.

Government guidance relating to large-scale landscaping development using waste

71. On 20th January 2009 the Department of Communities and Local Government (DCLG) issued a letter entitled 'Large scale landscaping development using waste'. The letter advises planning authorities to question developers about the purposes of importing waste for undertaking landscaping projects (particularly golf courses) so as to ensure that any material is genuinely needed for the development, ensuring that the waste is recovered and not simply disposed of by bypassing other initiatives to recycle and reuse waste. Particular scrutiny should be given to schemes which involve the importation of more than 100,000 tonnes of waste. A copy of the letter is attached as appendix 1 to this report.
72. The improvement works would utilise 123,000 cubic metres of soils (circa 250,000 tonnes) and is therefore of a scale which the DCLG letter advises planning authorities to question how the waste is being used so as to ensure that it is being used beneficially through recovery rather than being disposed of.
73. In accordance with DCLG's advice NCC requested the developer to prepare a waste recovery plan to confirm that the volume of waste imported to the site is reasonable and not excessive. The report identifies that the quantities of waste provide clear benefits to the site, that the type of waste to be imported is suitable for use and the benefits provided by re-contouring the site using waste materials could not be achieved without waste importation, specifically a cut and fill operation would not overcome the problems of waterlogging within the existing practice. It is considered that the current scheme enhances the existing facilities within the golf course whilst minimising disruption to the existing golf course facilities and ensures that waste materials are used beneficially within the development.

Local Planning Policy relating to the enhancement of golf courses

74. Policy LT12 of the adopted Mansfield Local Plan (1998) is supportive of the development, stating that planning permission will be granted for recreational uses at former tipping areas. Specifically in the context of this policy, LT12(a) makes reference to the former Mansfield Colliery site (incorporating the planning application site) with the supporting text (paragraph 2.7.60) specifically identifying the potential suitability of the former Mansfield Colliery site to be developed as a golf facility. The development contributes towards the aims of this policy by enhancing the existing golf facility at Sherwood Forest Golf Course, assisting with the continued viability of the golf club and ensuring it continues to be a viable use of the land.
75. Mansfield District Council have recently published a Consultation Draft New Local Plan (January 2016). This plan does not incorporate any specific land use policies relating to Sherwood Forest Golf Course other than policy NE8 which seek to protect the biodiversity interest of the site. This policy is considered in greater detail in the ecology section of this report below.

Significance of Environmental Effects.

76. WCS Policy WCS13 supports new waste disposal facilities only when it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby. Wherever possible the policy encourages opportunities to be taken to enhance the local environment through the provision of landscape, habitat or community facilities. The environmental effects of the development are considered in the following sections.

Impact on local highway network

77. WLP Policy W3.14 states that planning permission will not be granted for a waste management facility where the vehicle movements cannot be satisfactorily accommodated on the local highway network or where its operation would cause unacceptable disturbance to local communities. The approach is generally consistent with paragraph 32 of the NPPF which states that '*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*'.
78. The planning application is supported by a transport statement which identifies the level of vehicular movements associated with the development and the suitability of the local highway network to accommodate these vehicle movements. The transport statement was primarily prepared to support the original planning submission and therefore has an emphasis on the assessing the suitability of Eakring Road as an access point. With deliveries no longer proposed along Eakring Road much of this original capacity assessment is superfluous, nevertheless, the transport assessment continues to provide a useful reference of the traffic implications of the development.

79. The transport statement identifies that the 123,000 cubic metres of waste soils (circa 250,000 tonnes) would be delivered to the site in HGVs with an 8 cubic metre carrying capacity, equating to a total of 15,375 delivery vehicles or an average 59 deliveries a day (118 two way trips) based on a five and a half week delivery schedule undertaken over a 12 month duration. The developer has indicated that if adequate soils cannot be obtained during a 12 month window he would require a longer duration for soil importation up to a maximum 24 month programme. The traffic assessment therefore represents a worst case scenario since a longer duration would clearly reduce the average daily delivery rate.
80. The original planning application which sought consent for all waste delivery lorries to travel along Eakring Road generated significant local opposition from residents regarding potential noise and disturbance. These concerns were understandable on the basis that Eakring Road is predominantly residential in character with little or no existing HGV traffic. It was also a point of concern that the traffic data was submitted on the basis of average flows (5 delivery lorries an hour or 10 movements) rather than maximum hourly flows which could be significantly higher at peak periods due to the character of muck shifting operations where construction sites typically work on an intensive campaign basis with the incentive to remove waste in the shortest timeframe possible.
81. To address these concerns the golf club were requested to investigate potential options to reduce/avoid the number of HGVs travelling along Eakring Road. Amongst the options considered were:
- The use of Jubilee Way for a proportion of the HGV traffic, but this was resisted by the NCC Highways who considered it preferable to travel the shorter distance along Eakring Road (700m) rather than the much longer distance (2.5km) round Jubilee Way, particularly since Jubilee Way becomes very busy with pedestrian and vehicular traffic in the vicinity of Tesco's and the Leisure Centre, the potential for conflict with the larger number of residential properties adjacent to it, the proximity of Oak Tree Primary and Nursery School and playgrounds/open space, and the fact that Jubilee Way is also a cycle route.
 - Access from the A614 via Eakring Road to the east was also considered, but this is not possible due to the road being in private ownership and inaccessible along part of its length.
 - The golf club could impose tighter controls over the numbers and times that HGVs travel along Eakring Road, but this would only provide a partial solution to the residents' concerns by potentially reducing HGV numbers on a daily basis but almost certainly extending the duration of movements above 12 months.
82. The applicant has taken on board the officer advice regarding the constrained nature of Eakring Road to accommodate HGV traffic and revised their access arrangements by the provision of the new haul road across the former Mansfield Colliery site leading from Badger Way/Warren Way and Crown Farm Way. These roads are industrial in character and of a suitable standard and width to accommodate HGV traffic and thus there is no requirement to control the

maximum number of haulage vehicles which would utilise this access within the planning conditions. The use of this access avoids HGVs passing any residential properties and therefore addresses the original concerns regarding Eakring Road. It is very welcome that the golf club has further amended their access arrangement and no longer propose any HGV movements along Eakring Road. The Highway Authority are supportive of the revised access proposals.

83. It is recommend that controls are imposed through planning conditions to limit the delivery hours to between 0700 to 1800 hours Monday to Friday and 0700 to 1300 hours on Saturday with no material imports to be carried out on Sundays, public or bank holidays.
84. There would be a small increase in traffic along Eakring Road attributable to the use of the putting green and short course game once constructed. The trips generated by this additional use is comparatively minor and would generally occur outside the highway peak periods. Impacts to the highway from the operation of the improved facilities are therefore considered negligible.
85. Subject to the imposition of the suggested planning conditions the traffic and highway impacts resulting from the development can be satisfactorily managed and the development would comply with WLP Policies W3.14 and W3.15.

Flood Risk and Surface Water Drainage

86. The alterations to the golf course would affect the drainage of the site. Currently surface water flows from the south and Mansfield Golf Club via a concrete channel within the application site to the existing pond/lagoon on the northern boundary. This pond also collects surface water flows from the restored Mansfield Colliery Tip. Water from this pond discharges via a pipe and a culvert beneath the golf course and discharges towards Newlands Fishing Ponds to the north.
87. Concerns raised by the Newlands Pond angling club in connection with the original planning application which proposed to collect water for irrigation onto the golf course and therefore did not maintain downstream flows have been addressed in this latest submission. The current submission maintains flows through a network of swales and ponds which are connected to the pipe and culvert which feeds Newlands Ponds thus maintaining water flows. The drainage features provide a more natural drainage feature across the site and remove the existing concrete channels on the site which are a legacy of the former coal mining works. Capacity is built into the system to accommodate flows which occur after heavy rainfall events and therefore avoid additional off-site flooding. The driving range building is constructed at a higher level on the site than the network of ponds and drains and therefore would not be at risk from flooding.

Assessment of Visual and Landscape Effects

88. WLP Policies W3.3 and W3.4 seek to minimise the visual impact of waste developments.
89. The development would have some temporary visual impacts which would occur due to the disturbance of existing vegetation within the golf course and the placement of soils. These works would be undertaken over a short period and would be constrained to a comparatively small area of the golf course to minimise the amount of affected land. Following the completion of the works the site would be re-landscaped with additional areas of landscape planting provided. Although parts of the re-contoured site would have slightly elevated ground levels, these changes would be carried out on a gently undulating site and would blend into the varied topography of the golf course with none of the works extending above any ridgeline or high ground level in the area. Once the site is re-seeded and landscaped the visual impact from the changes to the ground level would be negligible. The additional landscaping and removal of some of the legacy features of the former colliery use from the site including engineered concrete drainage channels and lagoon edges with exposed colliery shale would enhance the visual appearance of the site. WLP Policies W3.3 and W3.4 are therefore satisfied.
90. With regard to the effect on the landscape, there would be a slight change to the landscape character for the duration of the construction works however following completion of the development the site would continue in use as a golf course and therefore landscape effects would be neutral.
91. The construction of the haul road across the restored colliery tip would have a temporary visual impact as a result of the construction of a linear pathway across an existing area of grass. However, the haul road, once constructed would be similar in appearance to the existing pathways which have been provided as part of the restoration works and therefore is not visually incongruous. It is proposed to remove the road upon completion of the development thus ensuring any impacts are temporary. The use of the road by haulage vehicles would also have a transient visual impact. Overall it is considered that whilst there are some visual impacts to the restored colliery tip from the haul road, the level of impact is minor and acceptable having regard to its benefits in terms of avoiding the use of Eakring Road by haulage vehicles.

Ecology

92. NPPF paragraph 118 requires planning authorities, when determining planning applications, to conserve and enhance features of biodiversity interest.
93. The ecological assessment submitted in support of the original planning submission has been supplemented during the course of processing the planning application to address a number of concerns and omissions identified within the original consultation response from Nottinghamshire County Council's Nature Conservation Officer.
94. The ecological appraisal of the development identifies that:

- The development site incorporates part of the Sherwood Forest Golf Course Local Wildlife Site although the area subject to the works is, in large part, amenity grassland associated with the golf course and therefore significant direct impacts are not anticipated subject to the site being appropriately replanted.
- There are four SSSIs within a 2km radius of the site. Natural England have confirmed that the development would not result in any significant impacts to these SSSIs.
- None of the habitats within the site are considered as notable, the development site being dominated by amenity grassland with oak, ash and sycamore trees along the south and west margins and a small area of heathland on the northern bank of the existing pond. This heathland habitat has ecological value, which can be salvaged and translocated through a planning condition.
- The existing pond is used by breeding toads and frogs. To ensure their protection during the works a precautionary planning condition can be imposed to control the method of working which amongst other measures should require the replacement ponds to be provided before the existing ponds are removed. The pond does not provide habitat for Great Crested Newts.
- To avoid impact to nesting birds, site clearance works should be undertaken outside the bird nesting season (March – August) unless site surveys demonstrate that nesting birds are not present on the site.
- Require the protection of vegetation that would not be disturbed by the development including the erection of protective fencing.
- Soils from the site should be stripped and stored for subsequent re-use so as to ensure that appropriate habitat can be reinstated following restoration, unless appropriate sandy soils of low ph and phosphorous can be imported and used on the site.
- Ensuring that the new ponds are constructed with shallow sloping margins so as to ensure they provide ecological enhancements.
- Replanting the site with an appropriate species mix to ensure the restored site provides ecological enhancements.

95. The site falls within an area of Sherwood Forest which has been identified by Natural England as potentially being designated as a Special Protection Area (SPA) for its breeding bird (nightjar and woodlark) interest. Although no final decision has yet been made as to whether the area should be formally designated as an SPA, Natural England have issued a guidance note to local planning authorities which recommends they take a 'risk based approach' when considering planning applications within or adjacent to areas which are under consideration for SPA designation, effectively considering these planning applications on the basis that there is an SPA formally designated and thus ensuring that any decisions taken today are compliant with any future SPA designation.

96. The potential impacts to nightjar and woodlark and any future SPA have been assessed within the applicant's Ecological Impact Assessment and the results have been reviewed by the Council's Nature Conservation Officer. This report identifies that the site falls within the Sherwood Forest Important Bird Area with records of breeding nightjar on Sherwood Forest Golf Course SSSI approximately 1,150m to the east, and Strawberry Hills Heath SSSI approximately 710m to the south. Using Natural England's 'risk based approach', potential impacts have been considered to these species and significant impacts are not anticipated. The proposals therefore would not give rise to significant effects on nightjar and woodlark nor any future SPA designation.
97. The consultation responses of both NCC's Ecological Officer and Nottinghamshire Wildlife Trust acknowledge that the restoration of the former Mansfield Conical intended large parts of it to be restored to provide heathland/acid grassland but this habitat has not established. The construction of the haul road would result in the disturbance of a linear strip of grassland on the restored colliery tip. Given the habitat of this site, NCC's Ecological Officer is satisfied that sufficient ecological information is available to conclude that significant adverse ecological impacts are unlikely to occur as a result of the provision of this haul road which is a temporary feature and would occupy a narrow corridor of land. Ecological effects are likely to be very localised and limited in scale with mitigation provided though the recommended planning conditions which regulate the timing of vegetation clearance to avoid impacts to potential ground nesting birds and a pre-commencement survey of the haul road route. The temporary haul road would be removed following the completion of the works and the ground reinstated.
98. Although Nottinghamshire Wildlife Trust object to the development it is noted that neither Natural England nor NCC's Ecological Officer share these concerns, subject to the matters identified above being regulated by planning condition. The new habitats provided by the development give an opportunity to improve the biodiversity of the area in accordance with the policy and objectives of the NPPF and WCS Policy WCS13.

Contamination Issues

99. The materials used within the re-engineering of the golf course would comprise waste originating mainly from construction sites, many of which may be brownfield in character.
100. Management of risks from contamination would primarily be exercised through the permitting regulations imposed by the Environment Agency. These regulations control the quality and type of materials which the site is permitted to accept so as to ensure they fall into acceptable categories that do not give rise to contamination.
101. To supplement the controls imposed under the permitting regulations it is also possible to regulate the risks from imported potentially contaminated materials through the planning conditions. The developer has supported their planning application with their Construction Environment Management Plan which would

form part of their Environmental Permit application to the Environment Agency. This plan sets out a series of controls to ensure that materials imported to the site are suitable for use. This is principally achieved by ensuring that all waste imports are supported by documentation setting out a chain of custody to demonstrate that the soils are fit for purpose. Where there is a risk of contamination chemical testing would be undertaken to ensure that materials are clean and fit for purpose. This judgement would be made by assessing the results of the chemical testing against safe levels.

102. It is recommended that a planning condition be imposed to ensure that the site is operated in accordance with this Construction Environment Management Plan so as to ensure materials used within the scheme are fit for purpose.
103. Subject to compliance with the materials acceptance methodologies imposed through the Environment Permitting regulations and the planning permission, it is concluded that contamination risks can be appropriately controlled.

Noise

104. Works associated with the re-engineering of the golf course would utilise plant and machinery including excavators, bulldozers and haulage vehicles which would generate noise emissions. The potential for these noise emissions to affect surrounding noise sensitive receptors has been assessed by Nottinghamshire County Council's Noise Engineer who comments that the site is sufficiently remote from residential properties and other sensitive receptors (the nearest property being approximately 500m away and screened by the topography of the land) to ensure that noise disturbance would not occur at these properties.
105. The Construction Environment Management Plan incorporates a series of controls to limit the level of noise emissions from the site activities including controls over operating and delivery hours, the use of appropriately silenced plant and machinery and broadband reversing alarms which can be regulated through the planning conditions and therefore ensure compliance with WLP Policy W3.9. The use of the haul road across the restored colliery tip ensures that delivery vehicles do not pass in close proximity to residential properties thus minimising the potential for disturbance.

Dust

106. The Construction Environment Management Plan also incorporates a series of controls to limit the level of dust emissions from the site activities including the use of dust suppression through water bowsers, the sheeting of haulage lorries, and speed restrictions on haul roads. This approach would be in accordance with Policy W3.10 of the WLP.

Protection of Public Access

107. Neither the golf course nor the restored colliery tip incorporate any formal public rights of way. However the restored colliery tip incorporates a number of hard-surfaced pathways and informal routes which are used by the local community. The construction of the haul road would necessitate the crossing of these routes and has potential to bring lorries into close proximity with members of the public who use the former Mansfield Colliery Tip as a recreational area.
108. The Sherwood Forest Golf Club own much of the restored Mansfield Colliery Tip. Informal public access would not be closed during the works but the golf club would be required to implement a traffic management scheme on the restored colliery tip to ensure safety of users. Exact details of traffic management measures could be regulated by planning condition but would incorporate pathway crossing points, signage and the issuing of instructions to drivers to ensure safety is maintained. Controls such as this are not uncommon on construction and mineral sites where there is public access and operate successfully. Subject to appropriate controls regulated by planning condition, public access and safety can be appropriately safeguarded throughout the duration of the works.

Other Options Considered

109. The report outlines the various options which the applicant has investigated to provide access to the development site. The proposed access across the restored Former Mansfield Colliery Tip is considered the preferable option on the basis that it ensures haulage vehicles do not travel along residential streets.

Statutory and Policy Implications

110. 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

111. The development would be undertaken within the site of an established golf club and benefits from the existing security provided on the site.

Implications for Sustainability and the Environment

112. With regard to sustainability and the environment, the development would assist the waste management industry by providing an additional local facility to manage waste soils, potentially putting these materials into a recovery facility and diverting them from landfill disposal.

Human Rights Implications

113. 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. The proposals have the potential to introduce impacts such as noise, dust and additional traffic in the local area. However, these potential impacts need to be balanced against the mitigation measures incorporated within the development and regulated through the planning conditions and the wider benefits the proposals would provide to the golf club and wider community in terms of providing additional waste management capacity. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.
114. There are no financial, service user, equalities, human resources and safeguarding of children implications.

Conclusion

115. The development would enable the Sherwood Forest Golf Club to re-engineer/re-design its existing golf course to improve the attractiveness of its facilities to existing and future club members helping to secure the long term viability of the business. The NPPF requires the planning system to give significant weight to the economic benefits provided by the development.
116. The developer has provided a detailed golf course design to create a new practice area and driving range. Materials are not available within the golf course to engineer the required landform and therefore it is necessary to import materials to the site to carry out these works. The use of surplus soils originating from construction projects provides the most cost effective solution to sourcing suitable materials to undertake these re-landscaping works.
117. The planning merits of using waste soils to carry out these works has been assessed against the planning policies of the WCS where it is shown that the development would provide the local waste industry greater choice of facilities in a location that is in very close proximity to Mansfield town centre and assist in managing identified shortfalls in capacity. If the site was classed as a recovery facility it would also assist with the movement of waste up the waste hierarchy.
118. The environmental effects of the development have been assessed against WCS Policy WCS13 and the saved policies of the WLP. Significant environmental impacts are not identified although some specific mitigation measures have been recommended and would be secured by planning conditions.
119. In particular this planning application incorporates a temporary haul route across the restored Mansfield Colliery Tip to minimise potential disturbance from haulage vehicles. The planning submission also addresses concerns previously raised about maintaining continuity of drainage flows across the site. Appropriate controls are identified to protect ecology within the site and safeguard potential pollution including controls relating to hours of operation,

dust emissions, noise emissions so as to safeguard the amenity of surrounding land users in general.

120. Overall the balanced assessment of the planning application supports a conditional grant of planning permission, subject to planning conditions.

Statement of Positive and Proactive Engagement

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

RECOMMENDATIONS

122. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 2. 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

Will be orally reported

Comments of the Service Director - Finance (SES 13/05/16)

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

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

Mansfield West – Cllrs Alan Bell and Colleen Harwood

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