

Planning and Licensing Committee

Tuesday, 30 January 2018 at 10:30

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

- | | | |
|---|--|---------|
| 1 | Minutes of the last Meeting 12 December 2018 | 3 - 14 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Declarations of lobbying | |
| 5 | Adoption of the County Council's Local Requirements for the Validation of Planning Applications | 15 - 42 |
| 6 | Update Report on the Licensing Work carried out by the Trading Standards & Community Safety Service | 43 - 46 |
| 7 | Development Management Progress Report | 47 - 66 |

NB At the close of the meeting a training session will be held for members of the Committee. The session will last approximately one hour.

None

Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

- (3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Peter Barker (Tel. 0115 977 4416) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.
- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>

Meeting	PLANNING AND LICENSING COMMITTEE
Date	Tuesday 12 December 2017 (commencing at 10.30 am)

membership

Persons absent are marked with 'A'

COUNCILLORS

Chris Barnfather (Chair)
Jim Creamer (Vice-Chair)

Pauline Allan	Sue Saddington
Neil Clarke MBE	Tracey Taylor
Sybil Fielding	Keith Walker
Paul Henshaw	A Stuart Wallace
John Longdon	A Andy Wetton
Rachel Madden	

OTHER COUNTY COUNCILLORS IN ATTENDANCE

John Cottee
Bruce Laughton

OFFICERS IN ATTENDANCE

Pete Barker – Resources Department
Eddie Brennan – Place Department
Rachel Clack – Resources Department
Mike Hankin – Place Department
Ruth Kinsey – Place Department
Neil Lewis – Place Department
Joel Marshall – Place Department
Jonathan Smith – Place Department

ALSO IN ATTENDANCE

Geoff Garratt – Hill Farm
Anthony Northcote – agent for applicant
Steven Parkhouse – The Ramblers' Association
David Walker – agent for applicant
Rebecca Woodhouse – Roehoe Lodge

MINUTES OF LAST MEETING HELD ON 31 OCTOBER 2017

The minutes of the meeting held on 31 October 2017 having been circulated to all Members were taken as read and were confirmed and signed by the Chair.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Andy Wetton and from Councillor Stuart Wallace, who was due to substitute for Councillor Andy Brown.

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

None

DECLARATIONS OF LOBBYING OF MEMBERS

None

APPLICATION TO ADD THREE PUBLIC FOOTPATHS TO THE DEFINITIVE MAP STATEMENT FOR WIDMERPOOL

Mr Brennan introduced the report and highlighted the following:

- The evidence for the existence of the three footpaths in question is the Widmerpool Inclosure Award of 1804
- Other documents were studied, including those concerning the construction of the Midland Railway and the earliest Ordnance Survey maps available, but no footpaths were identified. However, this does not exclude the possibility that the rights of way exist.

In response to a question Mr Brennan stated that there is a legal maxim that states 'once a highway always a highway' and unless there is evidence of a right of way being stopped up it will continue to exist in law, even if it has fallen into disuse. In this case no evidence of stopping up was found.

Following the introductory remarks of Mr Brennan, Mrs Woodhouse of Roehoe Lodge was given the opportunity to speak and a **summary** of that speech is set out below. Mrs Woodhouse stated that there was insufficient evidence to prove that a public right of way was created by the 1804 Award:

- The route of the footpath through a nesting area for game birds suggests that the path is for the use of the gamekeeper or visitors to the Keeper's Cottage and not a public right of way
- There was a much more convenient public footpath along Station Road which means the claimed footpath was unlikely to be used at the time of the 1804 Award and supports the contention that it was a mislabelled private right of way

- Other than the 1804 Award, the footpath is not shown on any other plans. If the footpath were a public right of way one would expect it to be marked on at least one other plan.
- Even if a public right of way was set out by the 1804 Award the line of the path is not sufficiently certain to enable a modification order to be made:
 - the only evidence of a public right of way is the 1804 Award
 - the committee report states that of the two plans drawn up for the implementation of the 1804 Award, only the small scale plan can be used as the other is so heavily amended as to be 'barely visible'
 - a decision of the Planning Inspectorate from 10th January 2012, based on the same plan attached to the Award, reached the conclusion that the small scale plan (relating to another footpath) was not of itself sufficiently precise to enable an order to be upheld
 - no physical path exists on the ground and there is no obvious route for it to follow

In response to questions, Mr Brennan stated that the decision in 2012 involved a public inquiry into a footpath in Upper Broughton whose alignment was found on OS maps. The 1804 Inclosure Award map was not available at the inquiry. In terms of the route for the footpath in question, Mr Brennan stated that though the line is very faint on the plan it had been possible, through a desktop exercise, to determine an alignment.

Mr Garratt of Hill Farm was then given the opportunity to speak and a **summary** of that speech is set out below:

- The land inclosure award dated 1776 does not show the relevant footpath but footpaths from Widmerpool to Keyworth, Stanton on the Wolds, Wymeswold and Thorpe, Willoughby, and Broughton Sulney are clearly marked.
- On the 1804 land inclosure award map all of the paths mentioned above were documented along with the route from Widmerpool to Kinoulton.
- Widmerpool estate was a well-known shooting estate and would not have been suitable for footpaths.
- The footpath had been documented by the Rector of Widmerpool as he had noticed it being used regularly by the estate workers and game keepers employed by James Robinson's estate. It was a mistake to define it as a public right of way and that is why it is not recorded on the following four maps found in the archives – 1796, 1924, 1957 and 1973.
- Pine Lodge was known as the Keeper's Cottage where the gamekeepers lived and they would make the journey from Kinoulton to Widmerpool daily.

- Hill Farm was three cottages for the estate workers who would be constantly using that route.
- People who grew up in the area can remember being told off by the gamekeepers for trespassing near these routes. This would be unlikely if an official footpath existed.
- The railway has no evidence that there was ever a footpath over the line in that location.
- Searches carried out in 1967 when purchasing Hill Farm only found footpath number 2 to Stanton on the Wolds. Bingham Rural District Council and Nottinghamshire County Council had no knowledge of a footpath between Widmerpool and Kinoulton over this land.
- In 1967 it had been possible to get footpath number 2 diverted. If the footpath in question had been known of then I am convinced it would have been possible for it to have been diverted down Station Road and Kinoulton Lane.
- People walking in the 19th Century would go by the most direct route. In this case the route would be straight down Station Road and Kinoulton Lane if the destination was Kinoulton.
- Route 4 already goes from Widmerpool to Kinoulton. At the time this would have been in close proximity to a meeting place at Turnpike Farm. Today the route would be over the dangerous A46.

Mr Brennan responded to comments by stating that the fact the footpath was not shown on the railway plans indicated that the footpath had fallen into disuse rather than it was not legally set out.

Mr Parkhouse of the Ramblers' Association was then given the opportunity to speak and a **summary** of that speech is set out below:

- The Ramblers' Association believes that there is a need for an off-road link between Widmerpool and Bridleway 11.
- The Association is keen to talk to landowners with the aim of agreeing on a route that is better for both walkers and landowners. In recent years this has happened elsewhere with great success several times.
- The Association encourages the Committee to accept the recommendations contained in the report with the proviso that before the orders are made discussions take place between them, Rights of Way officers and landowners to agree on a better route.

Mr Brennan responded to comments by stating that the Committee could not prejudice any decision and that the Authority would need to make a legal order

on the alignment in the report before any discussions on alternative routes could take place.

Councillor John Cottee, the local member, was then given the opportunity to speak and a **summary** of that speech is set out below:

- The footpath is only mentioned in the 1804 Inclosure Award, no record of the path can be found anywhere else either before or since 1804.
- I grew up in the village and remember Widmerpool Hall being owned by the AA. The route would only have been used by workers with the Cottages en route. The workers would go by the easiest, shortest route, which to Widmerpool would be south of Station Road.
- The footpath has been labelled public in error, it is a private route not a public one.

Following the speakers, members debated the item and the following comments and issues arose:

- Mr Brennan confirmed that the footpath in question has been deemed public in the 1804 Inclosure Award and directed members to Appendix D of the report where the relevant wording can be found.
- Mr Brennan agreed that the route of the footpath does now cross the A46 but the route in question was set out before motorised traffic existed. If Committee determines that the route exists and the order is made, then an emergency closure would be required on safety grounds.
- The Chair sympathised with the views of some members as to the futility of confirming a route only to close it again, but reminded members of the Committee's legal responsibilities in that if the route is declared as public in the inclosure award and there is no evidence of extinguishment, then the Committee has very little discretion in the matter.

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

RESOLVED 2017/038

Footpath A-B

- 1) That the making of a Modification Order by adding the footpath between points A-B (APPENDIX B) to the definitive map and statement be approved on the basis that the evidence shows a right of way to subsist (Test A).
- 2) That the Authority will support the confirmation of the Order in the event of it being referred to the Secretary of State for determination, unless further evidence is received in the meantime which indicates to officers

that either a neutral or objecting stance would be more appropriate, in which case officers are authorised to proceed accordingly.

Footpath C-D

- 3) That the making of a Modification Order by adding the footpath between points C-D (APPENDIX B) to the definitive map and statement be approved on the basis that the evidence shows a right of way to subsist (Test A).
- 4) That the Authority will support the confirmation of the Order in the event of it being referred to the Secretary of State for determination, unless further evidence is received in the meantime which indicates to officers that either a neutral or objecting stance would be more appropriate, in which case officers are authorised to proceed accordingly.

Footpath E-F

- 5) That the making of a Modification Order by adding the footpath between points E-F (APPENDIX B) to the definitive map and statement be approved on the basis that the evidence shows a right of way to subsist (Test A).
- 6) That the Authority will support the confirmation of the Order in the event of it being referred to the Secretary of State for determination, unless further evidence is received in the meantime which indicates to officers that either a neutral or objecting stance would be more appropriate, in which case officers are authorised to proceed accordingly.

The Committee agreed that the order of items be changed, in order that the report on the land adjacent to the railway line at North Muskhams be debated next.

LAND ADJACENT TO RAILWAY LINE, OFF GREAT NORTH ROAD, NORTH MUSKHAM, NG23 6HN

Mr Smith introduced the report which highlighted the following:

- The application seeks permission for the use of land to import, store and process inert wastes, including wastes from the Newark Waste and Water Improvement Project.
- The key issues relate to the principle of this type of development in the countryside having regard to the historic uses of the site; impacts to the amenity of adjacent residential properties from resultant noise; dust; from HGV traffic; and railway safeguarding issues.

Following the introductory remarks of Mr Smith, Mr Northcote, appearing in support of the applicant, Laffeys Limited, was given the opportunity to speak and a **summary** of that speech is set out below:

- The Newark Waste and Water Improvement Project is well under way and is generating not only clean excavated material, which is being used to form a new embankment at Muskham Lakes, but also excavated material that needs to be processed.
- The application site is ideally located, both for processing the waste arisings and for the Muskham Lakes site. There are several alternative routes to the site which is important given the frequent traffic congestion around Newark.
- The site has been used by the County Council for over 30 years for the storage and processing of excavated highway materials. In fact, the applicant has undertaken a proportion of this work on behalf of the County Council using the same screener and crushing equipment that will be used for this application development.
- Processing will occur on a campaign basis estimated to be a maximum of 2 or 3 days every 4 to 6 weeks, equating to between 8 and 13 campaigns per annum.
- Via's noise engineer confirms that any noise problems can be mitigated, agreeing that the processing can be undertaken between 8am and 6pm, Monday to Friday. The applicant has previously undertook work for the County Council on an unrestricted basis, with crushing and screening occurring at evenings and weekends without any noise mitigation.
- The report takes due cognisance of the Development Plan and other material planning considerations.

The local Member, Councillor Bruce Laughton, was then given the opportunity to speak and a **summary** of that speech is set out below:

- The application should be refused for a number of reasons
- The application is retrospective and the gap in the bunds will be used to access the field
- The works in Newark will be carried out regardless of the success or otherwise of this application
- Local residents say that the site access is dangerous, with near misses with vehicles being reported and only this morning a digger has destroyed the grass verge
- The local community does not want this mess and knows that in 2 ½ years' time an extension will be granted as these sites are useful

- This developer has a history of carrying out recycling operations without permission
- A similar application in Bilsthorpe was successfully fought in 2003
- Some residents will not object as they live in a residential home
- This developer took 5 – 6 years to clear a similar site
- The site and planning conditions will be abused and the application should be refused

Following the speakers members debated the item and the following comments and questions were responded to:-

- Mr Smith confirmed that the field behind the site is not part of the application, though the noise attenuation bunds would be sited there. Unauthorised use of the field ceased immediately when an enforcement notice was served previously. The Chair stated that the purpose of today's meeting was not to consider past misuse.
- Concern was expressed that the gap between the bunds could be used to access the field. Mr Smith stated that though the noise engineer's report had been based on the gap being there, Condition 4 could be varied to impose a single bund. Discussions would need to take place with the applicant and the noise engineer on site and the exact wording of the condition could then be agreed with the Chair and Vice Chair.
- Mr Smith agreed that it was not ideal that the field and the bunds were not included within the red line indicating the extent of the application, but stated that such a scenario was not unprecedented. A legal order could be made but this would mean a substantial delay and would also need to be agreed with the field's landowner, though Mr Smith confirmed that at present the field was under the applicant's control.
- In response to the statement that the site was too small for HGVs to be able to turn round, Mr Smith stated that the relevant condition would require HGVs to leave the site in forward gear with the applicant able to vary the site layout in order to achieve this.
- Members were aware that NCC Highways had used the site previously but the proposed usage relating to this proposal is far more intensive with residents in the area already in negotiations to get noise mitigation measures implemented
- Mr Smith confirmed that enforcement action would be taken immediately if any breaches of the conditions were reported.

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

Resolved 2017/039

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

GIRTON QUARRY, GAINSBOROUGH ROAD, GIRTON, NEAR NEWARK

Mr Hankin introduced the report and highlighted the following:

- At the 18th April 2017 Planning and Licensing Committee meeting members resolved to support a granting of planning permission for two separate planning applications to extend the existing completion date for mineral working at Girton Quarry until 31st December 2036
- The Council subsequently decided to withdraw the draft Replacement Minerals Local Plan, the policies of which partly informed the original decision taken by committee in April.
- Planning law requires the County Council to have regard to the Development Plan which is in place at the time the planning decision is issued and not as it stood when the committee resolution was made.
- The purpose of the report, therefore, is to review the original decisions taken in April 2017 which were informed in part by policies of the draft Replacement Nottinghamshire Minerals Local Plan and to reassess the merits of the planning applications in the absence of these policies.

Following the introductory remarks of Mr Hankin, Mr Walker on behalf of the applicant, Tarmac Trading Limited, was given the opportunity to speak and a **summary** of that speech is set out below:

- Girton Quarry is a mothballed sand and gravel quarry in the Trent Valley that has been closed since 2009 because of the economic recession.
- Tarmac would like to reopen the quarry next year with an anticipated output of 200.000 tonnes per annum. An estimated 3.44 million tonnes of sand and gravel remain to be extracted. This would take approximately 17 years to complete, hence an extension of the permission to quarry until 31st December 2036 is requested.
- The fixed processing plant on site is in a state of disrepair and needs decommissioning and removing.
- When the site is reopened the expectation is that mobile modular plant will be used.
- All existing environmental controls will be maintained, though those relating to ecology may need updating. This is mainly because of the site

having been largely untouched since 2009 with the consequence that some habitats have regenerated and some species have established themselves.

- Tarmac is committed to implementing the ecological mitigation measures set out in the two Regulation 22 submissions.
- In consultation with the Authority's ecological and landscape officers, Tarmac has produced an enhanced scheme of restoration as well as an interim scheme to restore the areas south of the site in the immediate short term
- Tarmac has agreed to establish a technical working group to review the progress of restoration which would include the authority, its advisors, and other interested parties such as the Nottinghamshire Wildlife Trust.
- Updated environmental controls will be implemented once planning permission is granted.
- If permission is not granted then the quarry would be permanently closed which could create a shortfall in the county land bank.

There were no questions.

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

Resolved 2017/040

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/16/01341/CMM

1. That the Corporate Director Place be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act to require the submission of a report of archaeological findings from areas previously stripped of soils within 12 months of the date that planning permission is issued and to impose controls over lorry routing to require all HGV traffic to access and exit the site to and from the north along the A1133 and thus avoid trafficking through Collingham village.
2. That subject to the completion of the legal agreement before 12th March 2018, or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman, the Corporate Director Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of the April committee report, supplemented by the conditions set out in paragraph 11 of this report imposing archaeological control. In the event that the legal agreement is not signed by 12th March 2018, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, the Corporate Director Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/16/01340/CMM

3. That the Corporate Director Place be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act to impose controls over lorry routeing, requiring all HGV traffic to access and exit the site in a northerly direction along the A1133 and thus avoid trafficking through Collingham village.
4. That subject to the completion of the legal agreement before 12th March 2018, or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman, the Corporate Director Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 2 of the 18th April 2017 committee report. In the event that the legal agreement is not signed before 12th March 2018, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, that the Corporate Director Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

KIRTON BRICKWORKS AND QUARRY, STATION ROAD, KIRTON, NG22 9LG

Mr Hankin introduced the report and highlighted the following:

- The application is for a western extension to Kirton Quarry for the extraction of 5.5 million tonnes of brick clay from a 20 hectare area of land
- The key issues relate to minerals policy issues concerning the allocation and extraction of brick making clay, the extraction of minerals from high quality agricultural land and the restoration provisions for the site, particularly the loss of agricultural land and ecological benefits derived from the restored site.

Following Mr Hankin's introduction members debated the item and the following comments and issues arose:

- Dust would be controlled at source with officers of the opinion that the ridge line between the village and the works means that dust should not be a problem.
- A Liaison Committee meets 6 monthly, if any measures prove inadequate, including those aimed at mitigating the effects of dust, then the applicant has 28 days to introduce further measures.
- The scheme would result in the loss of agricultural land but the balance has to be made between that loss and the economic benefits that will derive from the scheme.

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

Resolved 2017/041

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

DEVELOPMENT MANAGEMENT PROGRESS REPORT

Mr Smith explained that this report was an amalgamation of the previous reports and the Work Programme reports and that this format would be used for future meetings.

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

RESOLVED 2017/042

That no further actions are required as a result of the contents of the report.

The meeting closed at 12.45pm

CHAIR



30th January 2018

Agenda Item: 5

REPORT OF CORPORATE DIRECTOR - PLACE

ADOPTION OF THE COUNTY COUNCIL'S LOCAL REQUIREMENTS FOR THE VALIDATION OF PLANNING APPLICATIONS

Purpose of Report

1. To advise Members of the consultation exercise undertaken on the proposed changes to the County Council's Local Requirements for the Validation of Planning Applications, the responses received and to seek Committee approval of the changes and formal adoption of the revised document.

Information

2. Nottinghamshire County Council's current Validation Guidance was adopted in February 2016 and, consequently, now needs to be replaced to ensure that the Authority has an up to date Local List against which it can validate incoming planning applications. Members are advised that in accordance with central government requirements Local Lists must be no more than two years old. Without an adopted Local List the Council can only rely upon the national requirements when validating applications being submitted to the authority which could potentially lead to less comprehensive applications and ultimately less robust decisions being made.

Review process

3. The first step involved reviewing the existing list in the light of changes to legislation, national guidance and changes to some County Council procedures, such as charging for pre-application advice and to reflect the increase in the electronic submission of planning applications, including of electronic payments.

The main changes proposed may be summarised as follows:

- Changes to the requirements for the electronic submission of planning applications to reflect the increased use of this method for the submission and subsequent consultation and assessment of applications
- Amendments to the text within various sections to provide increased clarity as to when the submission of information is required

- Inclusion of Transport Statements within the existing Transport Assessments section to reflect the “lighter touch” transport evaluation required for some planning applications
 - Changes to departmental names reflecting a move of functions from within the County Council to joint venture partnerships such as to Arc and Via.
 - Proposed new criteria relating to agricultural land classification
 - Amendments to relevant sections to make reference to updated guidance in several sections
4. The Validation Guidance was updated to include these proposed amendments and relevant consultees were identified in accordance with the requirements of the national Planning Practice Guidance.

Consultation

5. The range of consultees identified included Nottinghamshire’s district and parish councils, County Council members, neighbouring authorities, statutory and non-statutory consultees, together with internal and external applicants and agents. Emails were sent to all relevant parties which provided a link to the County Council website where the existing and proposed Validation Guidance could be viewed and downloaded.
6. The consultation period ran for 21 days from 20th November until 10th December 2017. Eleven responses were received. Although, as expected, the response was minimal, comments from most of the consultee groups are represented; including parish councils, statutory consultees and the minerals industry. A summary of the responses and the proposed action and changes to the Validation Guidance is set out in Appendix 1 to this report. The updated Validation Guidance (including the changes made as a consequence of the consultations, which are highlighted in **block text**) forms Appendix 2.
7. Members should note that the minor changes proposed as a consequence of the consultation are not considered to materially amend the document to such an extent that would warrant a further round of consultation.

The next stage

8. If Members approve the updated Validation Guidance as set out Appendix 2 to this report then this will formally replace the version adopted in February 2016. It will be retained on the County Council website and will form the basis on which incoming planning applications are validated.

Other Options Considered

9. Given the requirements set out in paragraph 2 above no options other than a full review were considered to be adequate to meet the Government’s stipulation for Local Lists to be no more than two years old.

Statutory and Policy Implications

10. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required. There are no crime and disorder, financial, human resources, public sector, safeguarding of children and adults at risk, smarter working implications or implications for sustainability and the environment.

Data Protection Implications

11. The County Council has comprehensive procedures in place, such as redacting personal data etc. or sensitive information which accompanies planning applications, to ensure that information is kept securely and confidentially.

Human Rights Implications

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

Implications for Service Users

13. It is considered that the proposed review of the Local List will assist users of the document by containing more up to date and accurate information.

RECOMMENDATIONS

14. It is RECOMMENDED that Members note the response to the consultation exercise and approve the revised document, known as Nottinghamshire County Council's Guidance Note on the Validation Requirements for Planning Applications.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [SLB 05/01/2018]

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

Comments of the Service Director - Finance [SES 05/01/18]

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

Background Papers Available for Inspection

Consultation responses are available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division(s) and Member(s) Affected

All

Report Author
Jane Marsden-Dale
0115 9932576

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

Appendix 1 – Summary of responses to consultation

Consultee	Summary of comments	Council's response and proposed action / amendment to Validation Guidance (as highlighted)
Environment Agency	Confirmed that they have looked through the updated document and have no major comments to make. Welcomed the requirements to validate relevant applications of a Flood Risk Assessment, contamination report or biodiversity report where appropriate.	Comments noted No changes proposed
NCC- Senior Practitioner Nature Conservation	Commented that it would be beneficial to refer specifically to Preliminary Ecological Appraisals (PEAs), which are often the first step in assessing ecological impacts and which are now the industry standard.	Comments noted Insert the following highlighted wording into Section 11: For major development this assessment should take the form of an Ecological Impact Assessment (EclA), whilst for other development, a Preliminary Ecological Appraisal should be completed, noting that an EclA may subsequently be required.
Natural England	Natural England welcome the fact that comments they made when the Validation document was previously updated have been incorporated into the latest version, so have no further comments to make. Noted a typo in Section 11, Bilhaugh incorrectly spelt.	Comments noted Update document to read Birklands and Bilhaugh Special Area of Conservation
NCC- GIS Development Officer	Suggested that there should be a paper size and scale included within the requirements for electronic submission.	Comments noted Insert the following wording: All drawings shall include a scale bar, key dimensions, paper size and scale (for example 1:1250 at A3)
Ashfield District Council	Welcomed being consulted on the document and confirmed that after reading the contents they have no further comments to make.	Comments noted No changes proposed.
Warsop Parish Councillor	Commented that having reviewed two recent applications within their Parish	A response was sent to the Parish Councillor explaining that the issues raised are not

	<p>they have noticed that both applications suffered from the same problems- notably problems associated with the deferral of activities. Requested that the Validation Guidance be amended to include a section to address the following issues - timescales of working, length of project, deferral or amendment of timescales, what remedial action is to take place and associated timescales for this work. Also, in Section 15 regarding the Statement of Community Involvement (SCI) no mention is specifically made to the involvement of District and Parish Councils whether encompassing or adjacent to the proposed area. However, it was noted that this is mentioned in the proposed SCI (which is also the subject of a consultation exercise).</p>	<p>specifically matters on which an application would be invalidated. These are matters which are considered during the course of assessing the proposal and may be the subject of planning conditions.</p> <p>Comments regarding the SCI are noted and it was explained that any planning application would be publicised and dealt with in accordance with the requirements set out in the SCI, including involvement of and consultation with the District and Parish Councils.</p> <p>No changes proposed</p>
<p>NCC- Senior Practitioner Historic Buildings</p>	<p>Welcomed the inclusion of the requirement for a heritage statement in section 9.</p> <p>Commented that the Transport Assessment (Section 3) does not presently note that transport implications and the mechanism for remedying these may impact on a conservation area or the setting of a designated heritage asset. It would be appropriate to include this as a warning and encourage applicants to consider impacts alongside the others listed in Section 3.</p>	<p>Comments noted</p> <p>Insert the following highlighted wording into Section 3 Transport Assessment/ Transport Statements :</p> <p>Transport implications and the mechanism for remedying these may impact on a conservation area or the setting of a designated heritage asset. Where this is the case applicants must consider such impacts and include these within the TA/TS.</p>
<p>The Coal Authority</p>	<p>Confirmed that the Nottinghamshire County Council area has significant coal mining legacy which includes; 2062 mine entries, recorded and unrecorded coal workings at shallow depth and 505 hazard reports to the Coal Authority. The Coal Authority is pleased to see that the Local Validation List (section 18), notes that a Coal Mining Risk Assessment should be submitted to support relevant planning applications in the defined Development High Risk Area. They also support the inclusion of the signposting to the Coal Authority website should additional information or advice be required.</p>	<p>Comments noted</p> <p>No changes proposed.</p>

	The Coal Authority supports the Guidance Note on the Validation of planning applications.	
NCC – Planning Policy	Advised that it is anticipated that the proposed replacement for the existing Statement of Community Involvement will become Council policy in Spring 2018. It will be known as Nottinghamshire County Council’s Statement of Community Involvement – Second Review adopted [month to be inserted] 2018.	<p>Comments noted</p> <p>Insert the following highlighted wording into the further information section of Section 15 – Statement of Community Involvement.</p> <p>Nottinghamshire County Council Statement of Community Involvement- Second Review adopted 2018 (proposed)</p>
Sport England	Advised that the majority of consultations with Sport England involve school proposals which impact upon or involve the loss of playing field area. As a basic minimum in order to understand the proposal and its impacts the existing and proposed summer and winter pitch layouts would be useful and information around why the particular location within the site has been chosen. Further guidance can be found on Sport England’s website as to the type of information required in order for them to evaluate planning applications : www.sportengland.org/playingfieldspolicy	<p>Comments noted</p> <p>Insert the following highlighted wording into Section1- Supporting Planning Statement.</p> <p>For school developments which impact upon or involve the loss of playing field area existing and proposed summer and winter pitch layouts should be provided and confirmation as to why the particular location within the site has been chosen.</p> <p>Insert website details into Further Information of Section 1 www.sportengland.org/playingfieldspolicy</p>
Tarmac Trading Ltd	<p>Commented that in general terms the guidance note is helpful for those preparing and submitting planning applications within the County. However, in our view it does not consider/qualify the scope/variances of applications that the checklist would be applicable to. There are circumstances where requirements could be onerous/costly in ensuring applications are validated. The Guidance Note should distinguish between the different types of application and therefore the level of detail required.</p> <p>The Guidance note only requires 2 hard copies of applications to streamline the process and encourage electronic submission. Whilst this is strongly supported this is contrary to the national requirements for 4 copies plus the original. If this is a deviation from the</p>	<p>Comments noted</p> <p>Within the main introduction to the Guidance note, the introduction to Part Two, the Local List, and within several sections of the list reference is made to the fact that applications range in terms of their nature and scale and therefore requirements will vary from case to case and applicants are invited to contact planning officers at an early stage to discuss what information needs to be submitted. It is considered that the Validation Guidance would be far too long and complicated if every type of application was individually covered in terms of the information required.</p> <p>The National Planning Practice Guidance states that applicants who apply on a paper copy of the standard application form must provide the original plus 3 copies of the form (a total of 4 copies), unless the local planning authority indicate that a smaller number is required. NCC has decided that 2 copies is adequate for our own and consultation</p>

<p>Tarmac Trading Ltd, continued</p>	<p>national guidelines this should be made clear.</p> <p>It would be useful if the checklist to be submitted alongside planning applications could be available to download as a word document to ensure adequate space for the justification or otherwise for submitting information under each section.</p> <p>Section 2 – Environmental Statement, as the Planning Authority carries out Screening (under the EIA Regs.) when an application is submitted. The Guidance should refer to this to encourage more applicants to carry out a screening request prior to submission this may reduce risks of non-validation.</p> <p>Section 4- Draft Travel Plans, minerals development can generate a 'significant amount of movement', however a travel plan is likely to be unnecessary given the type of vehicle movements generated. This section should quantify what types of development may require a Travel Plan.</p> <p>Section 5-Planning Obligations –Draft Heads of Terms, this section would benefit from reiterating the importance of pre-application discussions and potentially scoping to address the potential need for Planning Obligations to address matters which cannot be controlled by planning conditions. It is considered that this should not be an essential criteria and “where considered essential by the County Council” should be removed. This statement infers development to be unacceptable without the use of obligations which may not come to light except during the course of determination.</p> <p>Section 6- Flood Risk Assessment, the Guidance should be more specific about what are considered to be 'critical drainage problems'. The requirement to include the design of surface management systems is overly onerous and costly to the developer and may not</p>	<p>purposes therefore this is reflected in the Guidance.</p> <p>Comments noted, a word version of the checklist will be put onto the County Council's website available to download, complete and send to the Council to accompany submitted applications.</p> <p>Section 2 makes it clear that a “screening opinion” can be obtained from the County Council as to whether the proposed development falls within the scope of the EIA Regulations. The County Council very rarely invalidates applications on this basis.</p> <p>It is considered that this section does specify when Travel Plans are required and where there is any doubt applicants should contact planning officers as referred to above.</p> <p>The County Council is currently reviewing and streamlining its Planning Obligation process. This will encourage Heads of Terms to be submitted at the earliest stage in order to avoid delays at the post decision stage. However, this requirement would only be applicable where it has been made clear during discussions at the pre-application stage. Insert the following wording into Section 5 Planning Obligations;</p> <p>Draft Heads of Terms will only be required where this has been made clear during discussions at the pre-application stage.</p> <p>Comments noted. 'critical drainage problems' is the standard terminology used by DEFRA and the Environment Agency for these situations. The Guidance has the support of the Environment Agency (see comments above). The guidance states that early consultation with the County Council as the Lead Local</p>
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<p>Tarmac Trading Ltd cont.</p>	<p>be necessary in all cases.</p> <p>Section 9- Heritage Statement, the scope of the assets identified within the guidance means that all applications have the potential to impact upon heritage. It should be established who makes the judgement over the level of impact/potential effect as this could hold up the validation of applications – this section would benefit from greater clarity on the scope of applications which may be caught by this criteria.</p> <p>Section 11- Biodiversity and geo-diversity Assessment, The Guidance states that EclA should be carried out for all major developments, this would include all major developments but EclA would generally not be carried out for every minerals application, but only when an EIA. The checklist should be more specific in this regard.</p>	<p>Flood Authority is advisable. Clarification can be provided as to when these requirements are essential.</p> <p>Sections 9 and Section 11. Comments noted. The wording of these sections have been drafted in conjunction with specialist heritage and biodiversity officers and no changes are proposed.</p> <p>As with other sections of the guidance specialist advice should be sought in connection with specific proposals where bespoke guidance can be given as to the level of submission required.</p>
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Appendix 2

Nottinghamshire County Council's Guidance Note on the Validation Requirements for Planning Applications

Introduction

In order for the County Council to deal properly and efficiently with the planning applications it receives, it is essential that the correct information is submitted from the outset.

This note sets out what “**minimum**” requirements applicants need to submit to enable the proper validation and determination of applications. This will ensure that applications are “fit for purpose” and minimise the need for the submission of information at a later stage. This in turn will enable the County Council to provide an efficient planning service and help to achieve targets for the determination of planning applications.

The County Council recognises that the scale and type of applications vary and this will require the submission of differing levels of information and supporting documentation. This guidance note takes this into account in the scope of information needed for the various types of applications dealt with by the County Council.

The National Planning Policy Framework (NPPF) states that “*Local planning authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question*” (para.193).

Pre-Application Advice

The County Council encourages applicants and their agents to seek pre-application advice. This is particularly relevant for larger, more complex or potentially controversial proposals. This should help applicants identify the information and details that needs to be submitted with their application. Such an approach can help minimise delays later in processing the application and identify whether other consents may be required. The NPPF also encourages pre-application discussions; it states early engagement has the potential to improve the efficiency and effectiveness of the planning application system. Such discussions should also involve local communities where relevant. The County Council charge for providing pre-application advice. The fee for this service depends on the scale of development. Some advice, such as whether planning permission is required, is provided free of charge. Full details of this pre-application advice service can be found on the County Council's website.

Compulsory pre-application engagement- On-shore wind turbine development

Article 3 of the Town and Country (Development Management Procedure) (England) Order 2015 requires a statement providing evidence of how the applicant has undertaken and responded to community consultation before submitting an application for on- shore wind turbine developments where the development involves more than two turbines, or where the hub height of any turbine exceeds 15 metres.

The Validation Process (including the right to appeal against non-validation)

All applications received by the County Council will be checked against the **Statutory national information requirements**, and the **Local information requirements (Local**

List). Most minor applications will be validated within 3 to 5 working days from the date of receipt and most major applications within 10 working days.

Invalid applications

Where an application does not contain all the information listed in the **Statutory national information requirements** the application will be deemed invalid under the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant will be informed in writing the requirements necessary to validate it. There is no right of appeal against the Council's decision to invalidate the application; any challenge to the decision must be made through a judicial review.

Where an application does not include information (in sufficient detail) listed in the **Local information requirements (Local List)** that the Council considers should be provided, then the application will be treated as invalid and the applicant will be informed in writing what information is required to validate the application. The Council will only request supporting information that is relevant, necessary and material to the application. In the event of a disagreement with the Council, the applicant may submit a written justification (using an Article 12 Notice, which may be submitted at any time during the course of the application) explaining why the information requested is not required in the particular circumstances of their application. The Council will consider any written justification and either agree that the information is not required and validate the application or invalidate the application where it can be demonstrated that the additional information **is** necessary to determine the application. If the dispute cannot be resolved the applicant has the right of appeal against non-determination on grounds of invalidity once the 8/13 week determination period, starting with the date of receipt of the application, has elapsed. The Planning Inspectorate will determine these cases, the inspector will consider both the dispute regarding invalidity and the merits of the application itself.

Electronic submission

The County Council's preferred method of receiving applications is electronically and should be sent to development.management@nottscc.gov.uk or submitted via the Planning Portal at www.planningportal.gov.uk

The national standards for on-line submission of electronic planning documents are as follows:

Maximum single or combined file size is 15 Mbytes file size (the sum of all document file sizes). Where these maxima are exceeded the information should be submitted off-line using CDROM/DVD or pen drive/memory stick;

Portable Document Format (PDF) is the recommended file format. They should not be secured in order that they can be electronically date stamped by the County Council and to ensure that they can be read by consultees;

All drawings shall be produced in a single layer and should avoid covering multiple issues on one plan, such as existing and proposed vegetation or superimposing the proposed development on existing;

All drawings shall be correctly orientated for on-screen display

All drawings shall include a scale bar and key dimensions, **paper size and scale (for example 1:1250 at A3)**

All plans and supporting documents should be clearly labelled,

All photographs should be submitted in PDF file format.

Information required for planning applications

Part One- Statutory national information requirements that must be submitted with all applications, and

Part Two- Local information requirements (Local List) that must be submitted with planning applications depending on their type and scale.

Part One- Statutory national information requirements

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires the following forms, plans and information to be submitted with all applications unless otherwise stated.

The planning application form: Planning applications should be made on the relevant planning application form and submitted electronically to the County Council at development.management@nottscc.gov.uk (or via the Planning Portal at www.planningportal.gov.uk). The standard (1APP) application form should be used for all applications (except those for Minerals, which should be submitted on the Minerals application form available on the Council's website). A separate form is also available for onshore oil and gas development. All planning application forms are available to download at www.nottinghamshire.gov.uk. If you prefer to submit paper copies please provide two copies. All forms must be signed and dated with all relevant sections completed.

The application fee: See Nottinghamshire County Council's or the Planning Portal's websites for the current fee schedule and exemptions. The Planning Portal's fee calculator can be used to calculate the correct fee. Payments for applications can be made electronically via the County Council's website, by telephoning the Planning Support Officer on 0115 9932584 or if paying by cheque these should be made payable to "Nottinghamshire County Council".

Ownership/ Agricultural Holding certificates: A completed, signed and dated ownership/agricultural holding Certificate A, B, C or D confirming the site ownership and whether any of the land to which the application relates is, or is part of, any agricultural holding. These certificates are part of the standard application form. For this purpose an 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years. 'Agricultural tenant' means a tenant of an agricultural holding, any part of which is comprised in the land to which the application relates. A notice to owners and /or agricultural tenant of the application site must be completed and served in accordance with Article 13 of the Development Management Procedure Order (DMPO), 2015

Location plan: As stated above the Council's preferred method of receiving applications is electronically. If not submitted electronically all applications must include two copies of a location plan based upon an up to date map. The location plan should be at a scale of 1:1250 or 1:2500, based on a metric, OS map, indicate north point and

give a drawing reference number. In exceptional circumstances, such as a development covering a large area, location plans of a smaller scale may be more appropriate to enable the application site to be identified. **The application site should be edged clearly with a red line. Where the proposal involves a new building or extension on a large application site the proposed building should be hatched in red** to provide extra clarity for consultation purposes. It should include all land necessary to carry out the proposed development – for example, land required for access to the site etc. A blue line should be drawn around any other land owned by/under the control of the applicant, close to or adjoining the application site. The location plan should wherever possible show at least two named roads, surrounding buildings and features. In the interest of clarity, the location plan should not include other information that is provided on other plans, such as topographical details.

Site Plan/Block Plan: If not submitted electronically two copies of the site plan should be submitted. The site plan should be at an appropriate scale for the development proposed and should accurately show the direction of North and the proposed development in relation to the site boundaries and other existing buildings, with written dimensions including those to the boundaries. The site plan should also show the following, unless these would NOT influence or be affected by the proposed development; all the buildings, roads and footpaths adjoining the site including access arrangements, all public rights of way, the position of all trees on the site and those on the adjacent land, the extent and type of any hard surfacing and any boundary treatment.

Other plans: If not submitted electronically two copies of all other plans should be submitted. For details of specific plans required see the Guidance notes accompanying the planning application forms. This will vary according to the type of development proposed. All plans should be at an appropriate scale and include a unique drawing reference number and a title. Plans and elevation drawings submitted in electronic format should specify critical dimensions (external measurements) such as building footprint, height to eaves/ridge.

Updated and superseded plans: Any plans or supporting documents which supersede those originally submitted should be clearly labelled and sent electronically to the County Council.

Design and Access Statement: A Design and Access Statement (DAS) must accompany the following applications;

All applications for **major development** (as defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015; or

- If within a designated area (Conservation Area or World Heritage Site) for development consisting of one or more dwelling or a building or buildings with a floor space of 100 square metres or more.

Design and Access Statements are not required for applications for waste development, change of use, engineering or mining operations or applications to amend the conditions attached to a planning permission (Section 73 applications).

Design and Access Statements should explain the design concepts and principles that have been applied to the proposed development and demonstrate how context has informed the scheme. Statements should also explain the approach to access and

state how any consultation on access issues have been taken into account. (refer to article 9 of the Development Management Procedure Order, 2015 for full details of DAS submission requirements). The level of detail required in a statement will depend on the scale and complexity of the application.

Further information

Town and Country Planning (Development Management Procedure) (England) Order 2015

National Planning Policy Framework

Planning Practice Guidance

www.nottinghamshire.gov.uk, www.planningportal.gov.uk and www.gov.uk

Part Two Local information requirements (Local List)

In addition to the national requirements above, the list below sets out further information and assessments that must be submitted with planning applications depending on their nature and scale. We will only request information about a matter which is likely to be a material consideration in the determination of the application. This information is required to enable the validation of the application. As requirements will vary from case to case you are advised to contact us at an early stage if you are unsure about what information you will need to submit.

If not submitted electronically two copies of all documents should be submitted, although more copies may be requested where a significant amount of consultation is to be carried out. All sections include references where further guidance may be found.

[A checklist is attached which should be completed and submitted with your application identifying the information that has been provided.]

1. Supporting Planning Statement

A statement required for most applications explaining the need for the proposed development, it should be proportionate and specific to the development. Where appropriate it should demonstrate how the proposed development complies with policies in the development plan, national policy and guidance and other relevant documents. Where a proposal does not comply with development plan policies an explanation must be provided to justify the need for the development and set out overriding reasons as to why the proposal should go ahead. The supporting statement should also include details of the proposed development in terms of its achievement of sustainable development. This should cover economic, social and environmental issues. Details of any consultation with Development Management or other County Council officers and wider community/statutory consultees undertaken prior to submission should be included in the supporting statement.

The Supporting Planning Statement submitted with proposals on school sites should also set out existing and proposed pupil and staff numbers, parking provision and nearby school information where there is a proposed change to pupil/staff numbers.

For school developments which impact upon or involve the loss of playing field area existing and proposed summer and winter pitch layouts should be provided and confirmation as to why the particular location within the site has been chosen.

Further information

National Planning Policy Framework

Planning Practice Guidance

Sport England www.sportengland.org/playingfieldspolicy

2. Environmental Statement

An Environmental Statement will be required if your proposal is likely to have significant effects on the environment. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 require a developer to prepare an Environmental Statement for all Schedule 1 projects and some Schedule 2 projects. For detailed guidance, including indicative criteria and thresholds for proposals requiring environmental assessment, see documents

listed below. A “screening opinion” can be obtained from the County Council as to whether the proposed development falls within the scope of the Regulations. The Regulations provide a checklist of matters to be considered for inclusion in the Environmental Statement and require the applicant to describe the likely significant effects of a development on the environment and to set out the proposed mitigation measures. You are entitled to request a “scoping opinion” as to the key environmental issues the Environmental Statement should cover. Early consultation with Development Management Officers is recommended prior to making your application.

Further information

*The Town and Country Planning (Environment Impact Assessment) Regulations 2017
Planning Practice Guidance
National Planning Policy Framework*

3. Transport Assessment and Transport Statements

All developments that generate significant amounts of movement should be supported by a transport assessment (TA) or a transport statement (TS). The need for a TA or TS should be scoped with the County Planning Authority in consultation with the Highways Development Control. TAs and TSs are ways of assessing the potential impacts of developments and may propose mitigation measures to promote sustainable development. These measures may inform the preparation of Travel Plans (see below). Transport Assessments are a thorough assessment of the transport implications of development, and Transport Statements are a “lighter touch” evaluation to be used where this would be more proportionate to the potential impact of the development (i.e. development with anticipated limited transport implications).

Transport implications and the mechanism for remedying these may impact on a conservation area or the setting of a designated heritage asset. Where this is the case applicants must consider such impacts and include these within the TA/TS.

The coverage and detail of the TA/TS should reflect the scale of the development and the extent of the traffic implications. Information should include all existing and proposed vehicular and pedestrian movements to and from the site. Loading areas and arrangements for manoeuvring, servicing and parking of vehicles should also be clearly identified. The assessment should describe and analyse existing transport conditions and explain how the development would affect those conditions and measures proposed to overcome any problems. A sustainable approach to transport should be explored for all proposals and the TA/TS should give details of proposed measures to improve access by public transport, walking and cycling.

For smaller developments, such as significant school extensions a TA/TS might still be required because thresholds are not solely based on the size of the proposed development but also the sensitivity of the location; for example development which is likely to increase accidents or conflicts between motorised and non-motorised users, particularly vulnerable road users such as children, people with disabilities and elderly people. Applicants should submit details of employee numbers, an assessment of accessibility by non-car modes and an estimate of both vehicle and cycle parking spaces in order that the County Council can advise on the level of assessment required.

Further information

The National Planning Policy Framework – Promoting Sustainable Transport (paras 29 – 41).

Planning Practice Guidance- Travel Plans, transport assessments and statements in decision taking.

Highways 6Cs Design Guide – November 2014

www.nottinghamshire.gov.uk

4. Draft Travel Plans

Where a development will generate a significant amount of movement a travel plan should be provided (NPPF para. 36). A travel plan is a long term management strategy that seeks to deliver sustainable transport objectives. It will normally be prepared alongside the transport assessment or statement (see above). Draft Travel Plans should outline the way in which transport implications of the development are going to be managed in order to ensure the minimum environmental, social and economic impacts. The draft travel plan should have a strategy for its implementation that is appropriate for the development proposal under consideration. Travel Plans should be considered in parallel to development proposals and fully integrated into the design and occupation of the new site (see Planning Policy Guidance). It should identify the travel plan coordinator, the management arrangements and the timetable of the plan.

School Travel Plans will be required for all planning applications involving new schools or significant extensions to existing schools - these should address parent, staff and pupil parking as well as vehicular and pedestrian access. For minerals and waste developments details to be submitted should include the amount of traffic movements that will occur during operating hours etc.

Travel Plans can form part of the Transport Assessment or Transport Statement.

Further information

The National Policy Planning Framework

Planning Practice Guidance

Road Safety Office Road.safety@viaem.co.uk

5. Planning Obligations – Draft Heads of Terms

The purpose of planning obligations is to make development acceptable in planning terms. This is about mitigation, rather than just identification, of any undesirable impact and is generally negotiated during consideration of a planning application (see PPG). Where considered essential by the County Council, the draft heads of terms for a Section 106 agreement or unilateral undertaking should be provided with the submission of the planning application.

Draft Heads of Terms will only be required where this has been made clear during discussions at the pre-application stage.

Further information

National Planning Policy Framework – Planning Conditions and Obligations (paras 203 – 206)

Planning Practice Guidance- Planning Obligations

www.planningportal.gov.uk

6. Flood Risk Assessment

Flood Risk Sequential Test

The NPPF states that development should not be permitted if there are reasonably available alternative sites appropriate for that development in areas at a lower risk of flooding.

Where a site has not been allocated, or sequentially tested by the Local Planning Authority, it is the responsibility of the developer in consultation with the LPA to demonstrate that the Sequential Test is passed. The requirements for the flood risk sequential test are set out in the Planning Practice Guidance.

Planning applications for proposals for new development in Flood Zones 2, 3a and 3b and for proposals of 1 hectare or greater in Flood Zone 1 should be accompanied by a Flood Risk Assessment (FRA). Furthermore, a FRA should be submitted for proposals within an area of Flood Zone 1 which has critical drainage problems or where proposals may be subject to other sources of flooding. Information about these zones and their implications for development can be found in the Planning Practice Guidance and on the Environment Agency's website. The FRA should identify and assess all forms of flooding to and from the development and demonstrate how these flood risks will be managed now and in the future, taking climate change into account.

Where a FRA is required this should be prepared by the applicant in consultation with the Local Planning Authority (as the Lead Local Flood Authority), the Environment Agency, and the Internal Drainage Board where appropriate. The FRA should include the design of surface water management systems including Sustainable Drainage Systems (SUDS). The County Council is now the Lead Local Flood Authority with powers and a statutory duty to manage and coordinate local flood risk management activities and therefore early consultation with them is advisable.

In all cases, a sustainable approach should be taken to the discharge of surface water following the sequential preference: (i) soakaway; (ii) watercourse; (iii) mains drainage. Where a less sustainable form of surface water drainage is proposed the application should demonstrate why a more sustainable method of surface water drainage cannot be used.

Further information

National Planning Policy Framework – Meeting the Challenge of Climate Change, Flooding and Coastal Change (paras 93 – 108).

Planning Practice Guidance on Flood Risk and Coastal Change

Flood Risk Standing Advice www.gov.uk

Association of Drainage Authorities - www.ada.org.uk/

Local Flood Risk Management Strategy 2016-2021

Lead Local Flood Authority-Flood Risk Management Team,
www.nottinghamshire.gov.uk

7. Land Contamination Survey

An appropriate contaminated land assessment must be submitted with any application where it is stated on the planning application form that land is known and/or suspected to be contaminated or the proposed use would be vulnerable to the presence of contamination. A desktop study to establish the extent of contamination and proposed remedial works will be required in support of all planning applications involving sites which have previously been used for industrial purposes, landfill or other potentially contaminating uses. Where contamination is known to exist more detailed investigation will be required. This should be able to demonstrate whether the site is suitable for the proposed use taking into account pollution from previous uses and any measures for mitigation.

Applications involving any works to school buildings known, or suspected, to contain asbestos should be indicated as such on the planning application form and include, as a minimum, a desk top study. If the desk top study identifies that further investigation is critical to the determination of an application (i.e. could not be the subject of a planning condition) a site investigation will be required to validate the application.

Further information

National Planning Policy Framework – Conserving and enhancing the natural environment (paras 120 – 122)

Planning Practice Guidance – Land affected by contamination

Environmental Management and Design – www.viaem.co.uk

A Guide to Developing Land in Nottinghamshire – by the Nottinghamshire Land Quality Group 2013

8. Tree Survey/Arboricultural Implications

Where a proposal involves works that affect any trees or hedgerows within the application site, the position, species, spread and roots of trees should be illustrated accurately on the site plan. This must indicate any trees which are to be felled or are otherwise affected by the proposed development. For large scale proposals, or those on sites with significant tree coverage, it may be appropriate to submit a detailed tree survey with the application. The location of any trees within adjacent sites, including highway trees, which may be affected by the application, should also be shown. Information will be required on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared by a suitably qualified and experienced arboriculturist.

Further information

BS5837; “Trees in relation to design, demolition and construction”, 2012

National Planning Policy Framework

Planning Practice Guidance

East and East Midlands Area (England) – Forestry Commission www.forestry.gov.uk

9. Heritage Statement

A Heritage Statement should be submitted with all proposals affecting Heritage assets either directly or indirectly. 'Heritage Assets' include Listed Buildings, Conservation Areas, and Scheduled Ancient Monuments, Registered Parks and Gardens and sites of Archaeological Interest and assets identified by the local planning authority. This requirement also applies to non-designated heritage assets, such as buildings of 'local interest'.

The Heritage Statement should describe the significance of the heritage asset affected, including any contribution made by its setting and the effect of the development on the asset. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the Nottinghamshire Historic Environment Record should have been consulted along with specialist officers at the County Council and at the relevant District Council.

Further information

National Planning Policy Framework – Conserving and enhancing the historic environment (paras 126 – 141)

Planning Practice Guidance

DCLG - Arrangements for handling heritage applications Direction April 2015

Conservation Officers – Nottinghamshire County Council and relevant District Council.

Historic England Guidance Notes- www.historicengland.org.uk

10. Archaeological Assessment

Applicants submitting proposals on sites of archaeological interest will be required to undertake an archaeological assessment and where necessary carry out further archaeological investigations to allow the significance of the archaeology, as well as the impact of the development, to be understood. The results of this work will need to be included in the Heritage Statement submitted with the application. The level of assessment required will depend on the archaeological sensitivity of the site. Advice should be sought from Archaeological Officers at the County Council. Documentation to support the application must be submitted in accordance with policy advice set out in the National Planning Policy Framework.

Further information

National Planning Policy Framework – Conserving and enhancing the historic environment (paras 126 – 141).

Planning Practice Guidance

Archaeological Officer – Nottinghamshire County Council.

Historic England Guidance Notes- www.historicengland.org.uk

11. Biodiversity and Geodiversity Assessment

Where a proposed development may have potential impacts on biodiversity and/or geodiversity, an assessment of these potential impacts should be carried out. A statement should be submitted setting out the existing wildlife and

habitats both on site and on adjacent sites. In all cases the sequential steps of the Mitigation hierarchy should be followed for all development projects comprising avoidance, minimisation, rehabilitation and offset. For major development this assessment should take the form of an Ecological Impact Assessment (EclA), whilst for other development, a Preliminary Ecological Appraisal should be completed, noting that an EclA may subsequently be required. These should include a desktop study (to include consultation with the Nottinghamshire Biological and Geological Records Centre and relevant nature conservation organisations, groups and individuals) and the results of surveys to determine the presence/absence of notable habitats, protected species or species of principle importance for the conservation of biodiversity in England. Such work must be undertaken by a suitably qualified person, following nationally recognised guidelines.

When considering impacts on biodiversity and/or geodiversity, consideration should be given to both direct impacts (such as habitat loss) and indirect impacts (such as changes to hydrology, air quality, noise and disturbance). Where proposals include mitigation and/or compensation measures, information to support those measures will be needed. Proposals should seek to provide ecological enhancements wherever possible, and make provision for the maintenance and management of retained or created biodiversity/geodiversity features.

In addition, where proposals have the potential to affect the Birklands and Bilhaugh Special Area of Conservation (SAC) or the Sherwood proposed potential Special Protection Area (ppSPA), then a Habitats Regulations Assessment (HRA) must also be undertaken.

For further advice please contact the County Council's Conservation Team.

Where appropriate, early consultation with Natural England is recommended, including use of the agency's Discretionary Advisory Service (DAS), together with its standing advice and detailed guidance.

Further information

National Planning Policy Framework – Conserving and enhancing the natural environment (paras 109 – 125).

Planning Practice Guidance

Circular 06/2005 Biodiversity and Geological Conservation- Statutory obligations and their impact within the planning system and the accompanying guide- Planning for Biodiversity and Geological Conservation: A Guide to good practice 2006

BSI: PAS 2010 Planning to halt the loss of Biodiversity

Association of Local Government Ecologists: Template for Biodiversity and Geological Conservation Validation checklists, www.alge.org.uk

Natural England and DEFRA's Guidance Protected Species: how to review planning applications updated August 2016- www.gov.uk

Nottinghamshire Wildlife Trust www.wildlifetrust.org.uk/nottinghamshire

DEFRA – Guidance on competent authority coordination under the habitat regulations July 2012 www.gov.uk

12. Noise Assessment

A Noise Impact Assessment should be submitted with all applications for potentially noisy developments and uses where these are likely to raise issues of disturbance to the occupants of nearby existing buildings. Proposals for noise

sensitive uses (such as a school) close to existing sources of noise should also be accompanied by a Noise Impact Assessment. These should be prepared by a suitably qualified acoustician and should include information on existing and proposed noise levels (including night-time noise levels where relevant) and where appropriate should recommend a scheme of measures to mitigate noise impact. Guidance is provided in the National Planning Policy Framework with specific guidance for minerals development, which can also be used to assess the noise impacts of waste development, in the Planning Practice Guidance.

Further information

National Planning Policy Framework – Facilitating the Sustainable Use of Minerals (paras 142 – 149) and para 123.

Planning Practice Guidance

BS4142:2014 Method for rating and assessing industrial and commercial sound

Noise Policy Statement for England, DEFRA 2010

Environmental Protection Act 1990, as revised.

ProPG: Planning and Noise- Professional Practice Guidance on Planning and Noise, plus Supplementary Documents 1 and 2: New Residential Development, May 2017

13. Air Quality Assessment

Proposals that impact on air quality or are potential pollutants should be supported by an Air Quality Assessment indicating the change in air quality resulting from the proposed development, details of sensitive receptors/locations, the methodology used for assessing impact and the proposed mitigation measures. Air Quality Assessments will be required where a proposed development would emit dust, lead to an increase in congestion, HGV movements, or would introduce sensitive “receptors”, such as a school in an area of poor air quality. Specific guidance on the impacts of dust emissions from minerals development, which can also be used to assess the dust impacts of waste development, is provided in the Planning Practice Guidance.

Further information

National Planning Policy Framework– Conserving and Enhancing the Natural Environment (paras 109 – 125).

A Breath of Fresh Air for Nottinghamshire- Nottinghamshire Environmental Protection Working Group, 2008.

District Council Environmental Health Officers.

Air Pollution Information Service (APIS) www.apis.ac.uk

14. Sunlighting / Daylighting / Lighting Assessment

Sun lighting / day lighting assessments are to be undertaken and submitted for all applications where there is a potential adverse impact upon current levels of sunlight/daylight enjoyed by adjoining properties or buildings, including their gardens or amenity space.

Where significant external lighting is proposed as part of a development (for instance, floodlighting of a multi-use games area) the application must include a layout plan with beam orientation, a schedule of the proposed equipment and the proposed measures to reduce any impact on neighbouring sites/properties.

Further information

National Planning Policy Framework

Planning Practice Guidance- Light pollution

British Research Establishment (BRE): Site layout planning for daylighting and sun lighting; a guide to good practice 2011

Lighting in the Countryside; Towards Good Practice (1997)

15. Statement of Community Involvement

Where relevant, applications need to be supported by a statement detailing how the requirements for pre-application consultation set out in the Council's adopted Statement of Community Involvement Review has been met. In particular this should demonstrate that the views of the local community have been sought and taken into account in the formulation of development proposals.

Further information

Planning Practice Guidance

Nottinghamshire County Council Statement of Community Involvement Review – adopted April 2013 www.nottinghamshire.gov.uk

Nottinghamshire County Council Statement of Community Involvement- Second Review adopted 2018 (proposed)

16. Rights of Way (footpaths, bridleways and byways)

Proposals which affect a public right of way, even temporarily during construction phases, within or adjacent to the application site should indicate this on the submitted plans. Proposed plans should show any envisaged diversions/ alternative routes. A statement should be submitted outlining the details, including, where appropriate, the steps to be taken to comply with any legal requirement to stop up or divert the right of way. Early consultation with the County Council's Countryside Access Team is advisable.

Further information

National Planning Policy Framework

Planning Practice Guidance- Open space, sports and recreation facilities, public rights of way and local green space

Countryside Access Team, NCC (countrysideaccess@nottscc.gov.uk).

Nottinghamshire County Council: Rights of Way Improvement Plan- 2007

Rights of Way Management Plan 2017-2026 – (proposed)

17. Landscape and Visual Impact Assessments (LVIAs)

Landscape and Visual Impact Assessments should be provided for all major developments which are subject to the Environmental Impact Assessment process and for all other development which, in the view of Nottinghamshire County Council, are likely to have an impact on the character of the local landscape and visual amenity. This applies to applications in both rural and urban settings. This assessment should include photographs and/or photomontages as appropriate. Early consultation with the Environmental Management and Design Team at Via and Natural England is advisable.

Further information

National Planning Policy Framework

Planning Practice Guidance- Natural Environment

“Guidelines for Landscape and Visual Impact Assessments” The Landscape Institute and Institute of Environmental Management and Assessment, April 2013

Landscape Institute Advice Note 01/11: Photography and photomontage in Landscape and visual impact assessment.

EIA Regulations, 2017

Environmental Management and Design – www.viaem.co.uk

Natural England www.gov.uk

DEFRA: Construction Code of Practice for the Sustainable Use of soil on development sites 2011

18. Land Stability/Coal Mining Risk Assessment

Coalfields are divided into high and low risk areas. A high risk area is where there are hazards that are likely to affect new development. Planning applications for proposals involving built development or disturbance to the ground in Development High Risk Areas, as defined by the Coal Authority, and held electronically by the Local Planning Authority, should be accompanied by a Coal Mining Risk Assessment. Further information can be found on the Coal Authority website including an interactive map showing the extent of the referral area and the information required for inclusion in the Coal Mining Risk Assessment. If the development is subject to the Environment Impact Assessment process it is suggested that the Coal Mining Risk Assessment should be incorporated into the Environmental Statement. Applications in low risk areas need not be accompanied by a coal mining risk assessment.

Further information

National Planning Policy Framework - Conserving and enhancing the natural Environment.

Planning Practice Guidance

Guidance Planning Applications: Coal Mining Risk Assessments, January 2017

www.gov.uk

Coal Authority website: www.gov.uk/coalauthority

British Geological Survey: www.bgs.ac.uk

Free of charge Coal Mining Information- October 2017 www.gov.uk

19. Agricultural Land Classification

Should the proposal involve the disturbance of existing agricultural land, details of the Agricultural Land Classification will need to be provided. The best and most versatile agricultural land is defined as Grade 1, 2 and 3a of the Agricultural Land Classification. Where such land is affected by the proposed development a

statement should be submitted justifying why this land is needed, as well as confirmation of what the intended restored grade the land would be.

Further information

National Planning Policy Framework- Conserving and enhancing the natural environment and Annex 2

Planning Practice Guidance- Minerals

Natural England - Agricultural Land Classification- Technical Information Note published 2012

Definitions

Definition of major applications, (based on Town and Country Planning (Development Management Procedure) (England) Order 2015), development involving:

- the winning and working of minerals or the use of land for mineral-working deposits;
- waste development (i.e. operational development designed to be used wholly or mainly for the purpose of, or material change of use to treating, storing, processing or disposing of refuse or waste materials);
- the provision of a building or buildings where the floor space to be created by the development is 1,000 sq. metres or more; or
- development carried out on a site having an area of 1 hectare or more.

Contacts

Further information and advice is available from the Development Management Team on 0300 500 80 80 or development.management@nottscc.gov.uk

Useful websites: www.nottscc.gov.uk , www.planningportal.gov.uk and www.gov.uk

CHECKLIST			
Planning Application address:			
	Yes	No	Notes/why information is not required for this application
• Essential Information as required by Part One			
1. Supporting Planning Statement			
2. Environmental Statement			
3. Transport Assessment / Transport Statements			
4. Draft Travel Plan			
5. Planning Obligation – Draft Heads of Terms			
6. Flood Risk Assessment			
7. Land Contamination survey			
8. Tree Survey/Arboricultural implications			
9. Heritage Statement			
10. Archaeological Assessment			
11. Biodiversity and Geodiversity Assessment			
12. Noise Assessment			
13. Air quality Assessment			
14. Sun lighting/day lighting/lighting Assessment			
15. Statement of Community Involvement			
16. Rights of Way			
17. Landscape and Visual Impact Assessments			
18. Land stability/ Coal Mining Risk assessment			
19. Agricultural Land Classification			

Please return this checklist with your planning application confirming which documents have been submitted

30th January 2018

Agenda Item: 6

REPORT OF THE SERVICE DIRECTOR - PLACE AND COMMUNITIES

**UPDATE REPORT ON THE LICENSING WORK CARRIED OUT BY THE
TRADING STANDARDS & COMMUNITY SAFETY SERVICE**

Purpose of the Report

1. To update the Committee on the recent firework inspections carried out by the Trading Standards & Community Safety Service.

Information

2. The Service has responsibility for a number of licensing and registration schemes designed to ensure the safety of our communities. In some cases the authority is responsible for issuing licences and ensuring safety standards are met through inspections and other activity. Each of the licence types and associated activities carried out by the Service are covered in more detail below.
3. During the fireworks season, Trading Standards Officers completed 24 inspections which included 6 high risk premises, 4 new premises and 1 of a Display Operator. The areas of the premises inspected are as follows:-

Ashfield	5
Bassetlaw	3
Broxtowe	4
Gedling	3
Mansfield	4
Newark & Sherwood	2
Rushcliffe	3
Total	24

4. The types of premises inspected included large retail outlets, high street shops and newsagents/convenience stores.
5. The firework inspections looked at different areas including safe storage and checks carried out by the business to ensure that no sales are made to under 18's. Advice is given during the visit to help businesses around Challenge 25, till prompts and a refusal register. A

common issue with fireworks storage is that other easily combustible materials are stored near to, or next to where the fireworks are stored. This is something that is verbally advised to the trader/premises along with a visit note. These issues are rectified in the officer's presence. Businesses must satisfy the officer that they operate a system to prevent the overstocking of fireworks and ensure safe storage.

6. Of the 24 premises inspected, a total of 5 were found to have old British Standard marked fireworks, as opposed to the new CE marked fireworks. The legislation changed in July 2017 requiring all pyrotechnical articles (including fireworks) to be CE marked to meet the new labelling requirements. Whilst the non-CE marked fireworks are not 'unsafe' they are not permitted to be sold or given away and must be destroyed safely. The owner of the fireworks may discharge the fireworks for their own personal use as a method of safely destroying them.
7. Advice was given to each of the non-compliant premises and a visit note was left advising of action to be taken. Two of the premises had the non-compliant fireworks on display for sale and these were immediately removed. Officers re-visited the premises to ensure that the stock had been safely disposed of and were not being offered for sale. The premises where old stock was being offered for sale/stored were sole traders or small businesses who were not aware of the recent legislative changes.
8. One large retailer was found to have 1 box of 1.3g fireworks which they were not permitted to store and was not meeting the required separation distance. Immediate action was taken and further revisits were made to ensure compliance. The fireworks were transferred to different licensed premise the retailer had which were licensed for 1.3g fireworks. Because of recent changes in the classifications, retailers are getting the wrong fireworks in error.
9. Another issue found by Trading Standards Officers was the different category types of fireworks being stored together. For example 1.3g and 1.4g fireworks are standard sizes of fireworks however each different size must be stored separately. Although the premises were licensed to hold up to 25kg of stock, the storage and separation distances were being breached. The issue was immediately rectified but this demonstrates the difficulty businesses have in fully understanding the requirements.
10. Following the inspections a letter was sent to all licensed fireworks premises to confirm the changes in legislation and detailed the offences should they fail to comply.

Statutory and Policy Implications

11. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

12. There are no financial implications within this report.

RECOMMENDATION/S

1) That Members agree to receive a full year end update report for 2017/18 licensing activities in October 2018, and that this be included in the work programme.

Derek Higton
Service Director, Place & Communities

For any enquiries about this report please contact:

Claudine White

Team Manager, Trading Standards and Community Safety

Tel: 0115 804 0277

Email: claudine.white@nottscc.gov.uk

Constitutional Comments (RHC 11/1/2018)

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

Financial Comments (RWK 11/01/2018)

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

Background Papers and Published Documents

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

- None

Electoral Division(s) and Member(s) Affected

- All

30 January 2018

Agenda Item: 7

REPORT OF CORPORATE DIRECTOR – PLACE

DEVELOPMENT MANAGEMENT PROGRESS REPORT

1. To report on planning applications received and determined (including the decision made) by the Development Management Team between 1 December 2017 and 12 January 2018, and to confirm those applications that remain outstanding for more than 17 weeks at 31st December 2017.

Background

2. Appendix A highlights applications received between 1 December 2017 and 12 January 2018, and those determined in the same period. Appendix B highlights applications outstanding for over 17 weeks. Appendix C sets out the Committee's work programme for forthcoming meetings of the Planning and Licensing Committee.

Statutory and Policy Implications

3. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.
4. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

RECOMMENDATIONS

5. That Committee considers whether there are any actions they require in relation to the contents of the report.

ADRIAN SMITH

Corporate Director - Place

Constitutional Comments [HD – 16/01/2018]

There are no immediate legal issues arising. Planning and Licensing Committee is empowered to receive and consider the report.

Comments of the Service Director – Finance [SES– 16/01/2018]

The contents of this report are duly noted – there are no direct financial implications.

Background Papers Available for Inspection

None

Electoral Division(s) and Member(s) Affected

All

For any enquiries about this report please contact:

Report Author / Case Officer
Ruth Kinsey
0115 9932584

Planning Applications Received and Determined
From 1st December to 12th January 2018

Division	Member	Received	Determined
BASSETLAW			
Tuxford	Cllr John Ogle		Variation of condition 3 of planning permission 1/53/04/00008 for the cessation date for their operations to be Bevercotes Energy Park, Land off West Drayton Avenue, Bevercotes, Retford, extended until 24 May 2026. Granted 01/12/2017.
Tuxford	Cllr John Ogle		Variation of condition 3 of planning permission 1/53/07/00005 for the cessation date for their operations to be extended until 24 May 2026. Bevercotes Energy Park, Land off West Drayton Avenue, Bevercotes, Retford, Granted 01/12/2017
Tuxford	Cllr John Ogle		To vary conditions 3 of planning permissions 1/53/04/00008, 1/53/07/00005 and condition 1 of planning permission 1/53/11/00008 to extend the cessation date for their operations to be extended until 24 May 2026. Bevercotes Energy Park, Land off West Drayton Avenue, Bevercotes, Retford. Granted 01/12/2017.

Division	Member	Received	Determined
			Erection of detached two-classroom building with ramped access, alterations to conservatory, additional car parking spaces, new play area and associated landscape and hard surface works. North Wheatley Primary School, Sturton Road, South Wheatley. Granted 08/12/2017
Retford West Misterton	Cllr Mike Quigley Cllr Tracey Taylor	Sand and gravel extraction, backfill with imported silt and restoration to agriculture and biodiversity. Including construction of a new access road. Land at College Farm, Great North Road, Barnby Moor, Retford. Received 22/12/2018	
Tuxford	Cllr John Ogle	Erection of a Multi-Use-Games Area (MUGA) (part retrospective) and retention of site boundary fencing, East Markham County Primary School, Askham Road, East Markham. Received 10/01/2018	
MANSFIELD			
Mansfield North	Cllr Joyce Bosnjak Cllr parry Tsimbiridis	Planning application to retain existing temporary classroom, Leas Park Junior School, Ley Lane, Mansfield Woodhouse, Received 07/12/2017	
Mansfield East	Cllr Vaughan Hopewell Cllr Martin Wright		Erection of 5m high boundary wall, 13 Anglia Way, Mansfield, Anglia Way Industrial Estate, Mansfield. Granted 22/12/2017

Division	Member	Received	Determined
Mansfield East	Cllr Vaughan Hopewell Cllr Martin Wright	Retrospective permission for silica sand extraction and associated revised site restoration proposals. Ratcher Hill Quarry, Southwell Road West, Rainworth, Mansfield, Received 12/01/2018	
NEWARK & SHERWOOD			
Southwell	Cllr Roger Jackson	Planning application to retain existing mobile classroom. Lowes Wong Junior School, Queen Street, Southwell. Received 01/12/2017	
Balderton	Cllr Keith Walker	Planning application to retain existing temporary classroom, known as building 6. Chuter Ede Primary School, Wolfit Avenue, Balderton. Received 01/12/2017	
Sherwood Forest	Cllr John Peck		Retention of mobile classroom, King Edwin Primary School, Fourth Avenue, Edwinstowe. Granted 05/12/2017,
Ollerton	Cllr Mike Pringle		Winning and working of clay, shales, mudstones, sandstones and siltstones comprising a western extension to the existing Kirton north quarry workings. Restoration to open water, woodland and grassland. Retention of temporary railway bridge crossing and haul road, Clay and soil stockpiling and variation to the restoration of Kirton North. Kirton Brickworks and Quarry, Station Road, Kirton, Granted 12/12/2017 (Committee)

Division	Member	Received	Determined
Muskham & Farnsfield	Cllr Bruce Laughton		Use of land for the importation, storage and processing of construction and infrastructure inert waste, Land Adjacent to Railway Line, Off Great North Road, North Muskham, Granted 15/12/2017 (Committee)
Balderton	Cllr Keith Walker	An additional leachate storage tank, Staple Quarry Landfill Site, Grange Lane, Cotham, Newark. Received 19/12/2017	
Collingham		New replacement 2 classroom single storey extension, Coddington C of E Primary School, Brownlows Hill, Coddington, Received 20/12/2017	
ASHFIELD - None			
BROXTOWE			
Stapleford & Broxtowe Central	Cllr Dr John Doddy Cllr John Longdon	Planning application to retain existing temporary classroom, Planning application to retain existing temporary classroom. Received 01/12/2017	
GEDLING			
Calverton	Cllr Boyd Elliott	Planning application to retain existing temporary classroom, St Wilfrid's C of E Primary School, Main Street, Calverton. Received 01/12/2017	

Division	Member	Received	Determined
Newstead	Cllr Barnfather	Retention of temporary classroom, Hawthorne Primary School, School Walk, Bestwood Village, Received 01/12/2017	
Newstead	Cllr Barnfather	Planning Application to retain existing mobile classroom, All Hallows C of E Primary School, Priory Road, Gedling. Received 06/12/2017	
Carlton West	Cllr Jim Creamer Cllr Errol Henry	Erection of a wooden cabin 5m x 8m to replace existing wooden seating area. Cabin to be fully functional with heating and lighting (no water or toilets). Priory Junior School, Priory Road, Gedling. Received 11/12/201	
RUSHCLIFFE			
			Proposed waste transfer station for the import, sorting and forwarding for recycling of non-ferrous metals. The Stables, Brunts Lane, East Bridgford, Application Returned 22/12/2018
Leake & Ruddington	Cllr Reg Adair Cllr Andrew Brown	Planning application to retain temporary classroom, Sutton Bonington Primary School, Park Lane, Sutton Bonington. Received 01/12/2017	
Keyworth	Cllr John Cottee		Plant storage extension to existing shredding unit of Biomass Plant, John Brooke Sawmills Limited, Fosseyway, Widmerpool. Granted 05/12/2017

Division	Member	Received	Determined
Leake & Ruddington	Cllr Reg Adair Cllr Andrew Brown	Erection of a three classroom building, car park extension and relocation of exiting play equipment with associated landscape works. Brookside Primary School, School Green, East Leake. Received 15/12/2017,	
Radcliffe on Trent	Cllr Mrs Kay Cutts	Installation of a sludge thickener building, a control building and an electricity substation kiosk at Radcliffe Sewage Treatment Works. Radcliffe on Trent Sewage Works, Lees Barn Road, Radcliffe on Trent. Received 19/12/2017,	
Radcliffe on Trent	Cllr Mrs Kay Cutts	Temporary alteration of access for a period of up to 12 months, Land to the north of Stragglethorpe Road, Nottingham. Received 02/01/2018,	
Cotgrave	Cllr Richard butler	Temporary alteration of access for a period of up to 12 months, Land to the west of Main Road, Cotgrave, Nottingham, Received 02/01/2018	

Applications outstanding over 17 weeks at 31 December 2018

Division	Member	Description	Weeks Out Standing	Comments
BASSETLAW				
Worksop South Warsop	Cllr Kevin Greaves Cllr Andy Wetton	To vary conditions 1 and 85 of planning permission 1/64/96/2 to allow the continuation of the extraction and processing of limestone until 2035 with restoration complete by 2037 (currently permitted until 28th October 2017 with restoration by 28th October 2019) and removal of condition 77 so to retain the access road. Nether Langwith Quarry, Wood Lane, Nether Langwith, NG20 9JQ	60	Presented to Committee on 31/10/2017 where it was resolved to grant permission upon the agreeing and signing of a S106 Legal Agreement.
Tuxford	Cllr John Ogle	Application for the Continued Use of the Existing Industrial Site and Buildings for the Production of a Range of Wood Fuel Products and for the Importation and Processing of Wastes to Produce a Range of Recovered Fuel Products. Land at Headon Camp Industrial Estate, Lady Well Lane, Headon, Retford,	25	Awaiting for further environmental information

Division	Member	Description	Weeks Out Standing	Comments
Blyth & Harworth	Cllr Sheila Place	Variation of condition 3 of planning permission 1/66/04/00004 to extend the timescale for inert waste disposal to cease by 22 August 2027, with enhanced restoration for a biodiverse nature conservation afteruse. Serlby Quarry, Snape Lane, Serlby,	24	Awaiting additional and revised restoration plan and additional information
Worksop South Warsop	Cllr Kevin Greaves Cllr Andy Wetton	Variation of Conditions 3 and 4 of Planning Permission Ref: 1/13/01390/CDM to allow a further 5 years for the placement of material and restoration of the site. Welbeck Colliery, Elkesley Road, Meden Vale.	21	This application will be determined with the soil management application below when the application has been re-submitted
Worksop South Warsop	Cllr Kevin Greaves Cllr Andy Wetton	Variation of Condition 3 of Planning Permission Ref: 2/2014/0272/NT to allow a further 5 years operation of the Soil Management Area. Welbeck Colliery, Elkesley Road, Meden Vale.	21	This application will be withdrawn upon submission of a new application.
MANSFIELD – None				
NEWARK & SHERWOOD				

Division	Member	Description	Weeks Out Standing	Comments
Farndon & Trent Balderton	Cllr Keith Cllr Mrs Sue Saddington Cllr Keith Walker	To vary condition 46 of planning permission 3/14/91/1237, revision to approved restoration scheme. Staple Landfill, Grange Lane, Cotham	89	Presented to Committee 20/09/2016 and was resolved to grant permission upon the agreeing and signing of S106 Legal Agreement. Application has been chased for the agreement to be completed
Collingham	Cllr Maureen Dobson	Vary conditions 8 and 9 of planning consent 3/98/0800 to allow an extension to the duration of quarry workings until 31st December 2035 (currently 31st August 2016) with full site restoration to be completed by 31st December 2036. The submission also incorporates an interim restoration scheme relating to land to the south of the plant site. Girton Quarry, Gainsborough Road, Girton.	74	Presented to Committee on 18/04/2017 where it was resolved to grant permission upon the agreeing and signing of a S106 Legal Agreement, a draft agreement is with the developer
Collingham	Cllr Maureen Dobson	Vary conditions 7 and 8 of planning consent 3/04/00394/CMM to allow the continued retention/use of the plant site/access road at Girton Quarry until 31st December 2035 (currently 31st August 2016) with full site restoration to be completed by 31st December 2036. Girton Quarry, Gainsborough Road, Girton.	74	Presented to Committee on 18/04/2017 where it was resolved to grant permission upon the agreeing and signing of a S106 Legal Agreement, a draft document is with the developer

Division	Member	Description	Weeks Out Standing	Comments
Collingham Muskham & Farnsfield	Cllr Maureen Dobson Cllr Bruce Laughton	Proposed southern and western extensions to existing quarry with restoration to water, nature conservation and agriculture together with revised restoration of existing workings and retention of existing plant site and site access. Land at Langford Quarry, Newark Road, Near Collingham.	74	Reg 22 further information concerning archaeology received and re-consultation is underway
Sherwood Forest Muskham & Farnsfield	Cllr John Peck Cllr Bruce Laughton	Planning Application - Revised layout and design of buildings, surface water lagoon and related structures/plant of approved Anaerobic Digestion Plant. Land at Stud Farm, Rufford,	31	Presented to Committee on 31/10/2017 where it was resolved to grant permission upon the agreeing and signing of S106 Legal Agreement . Negotiations are underway
ASHFIELD				
Hucknall North	Cllr Ben Bradley	Planning application for the continued use of an Aggregates Recycling Facility at Wigwam Lane for the treatment of waste to produce soil, soil substitutes and aggregates. Total Reclaims Demolition Ltd Wigwam Lane, Bakerbrook Industrial Estate, Hucknall	281	Meetings between the applicant and NCC has resulted in the applicant reconsidering the use of the site
Hucknall North		Retention of mobile classroom (Building 4,) Leen Mills Primary School, Leen Mills Lane, Hucknall	23	Awaiting further information

Division	Member	Description	Weeks Out Standing	Comments
Hucknall North		Retention of mobile classroom (Building 4,) Leen Mills Primary School, Leen Mills Lane, Hucknall	23	Awaiting further information
BROXTOWE				
Stapleford & Broxtowe Central	Cllr Dr John Doddy Cllr William Longdon	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings. Shilo Park, Shilo Way, Cossall	258	Awaiting outstanding information on contamination, landscape and ecology matters
GEDLING - None				
RUSHCLIFFE				
Leake & Ruddington	Cllr Reg Adair Cllr Andrew Brown	The proposed construction of an inland leisure marina; associated ancillary building, infrastructure, car parking and landscaping with incidental mineral excavation. Redhill Marina, Redhill Lock, Ratcliffe on Soar.	63	Request made for further information under Regulation 22, Chased up Agent for further information
Leake & Ruddington Toton, Chilwell & Attenborough	Cllr Reg Adair Cllr Andrew Brown Cllr Richard Jackson Cllr Eric Kerry	The extraction and processing of sand and gravel, including the construction of a new site access road, landscaping and screening bunds. Mineral washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas. Land off Green Street, Mill Hill and land at Barton in Fabis, off Chestnut Lane, Nottingham	20	Further information received under Regulation 25. Re-consultation to be carried out

Division	Member	Description	Weeks Out Standing	Comments
Leake & Ruddington	Cllr Andrew Brown Cllr Reg Adair	Section 73 planning application to vary condition 3 of planning permission 8/12/01028/CMA, condition 7 of planning permission 8/96/79/CMA and condition 9 of planning permission 8/94/00164/CMA to extend the permitted operational hours from 0730 hours to 0600 hours Mondays to Saturdays to allow 12 outbound pre-loaded HGV movements from the site and to bring forward the operating time on the IBA waste transfer area from 0730 hours to 0700 hours Mondays to Saturdays. Bunny Materials Recycling Facility, Loughborough Road, Bunny	85	Presented to Committee on 20/12/2016 where it was resolved to grant permission upon the agreeing and signing of a S106 Legal Agreement.
Keyworth	Cllr John Cottee	Placement of a 950KW Pytec biomass boiler within the existing building "C" incorporating a 10m high flue. Construction of a new enclosure to the south side of the existing building to cover two Fliegi dryers. And change of use of the existing building to a dry pellet store. John Brooke Sawmills Limited, The Sawmill, Fosseyway, Widmerpool	100	Presented to Committee on 20/10/2015 and was resolved to grant permission upon the agreeing and signing of S106 Legal Agreement. Legal Agreement nearing completion.

Division	Member	Description	Weeks Out Standing	Comments
Leake & Ruddington	Cllr Andrew Brown Cllr Reg Adair	The proposed construction of an inland leisure marina; associated ancillary building, infrastructure, car parking and landscaping with incidental mineral excavation. Redhill Marina, Redhill Lock, Ratcliffe on Soar	63	Applicant wishes to provide further supporting information under Reg 22 which would require further consultation

Schedule of future planning applications to be reported to Planning and Licensing Committee

13 th 2018	March	FR3/3756	Bestwood Hawthorne Primary School, Keeper's Close, Bestwood Village, NG6 8XE	Construction of new 2 storey 420 place primary (2 phases) and 39 place nursery school with associated playing fields, car parking, hard surfaced outdoor play, footpaths and campus access road. Associated landscaping and covered areas to nursery/reception classes, fenced bin store, and 2.4m high security fencing and gates. Off campus drainage works. Construction of access road, footway and associated works from Keeper's Close
13 th 2018	March	7/2017/1147NCC	Chris Allsop Business Park, Colwick Estate, Private Road No 2, Nottingham, NG4 2JR	Retention of underground drainage storage tanks, above ground storage tanks emergency generator, substation building and noise screen structure outside original site area.
13 th 2018	March	7/2017/1144NCC	Chris Allsop Business Park, Colwick Industrial Estate, Private Road No2, Nottingham, NG4 2JR	Variation of Planning Conditions 3, 7, 10, 16, 17, 21 and 25 imposed under Planning Permission 7/2011/0548NCC in relation to configuration of site layout, amended drainage scheme, alteration to car parking facilities, alteration to plant and machinery used on the site, increase to storage heights and phasing for providing boundary 15/09/2017 enclosures.
13 th 2018	March	1/17/01721/CDM	Wellsite 4, Farley's Wood, West Markham, Newark, NG22 0PN	Mineral Review planning application to retain existing oil production site planning permission 1/54/87/8D and site offices/mass cabin planning permission 1/54/12/00002
13 th 2018	March	2/2018/0006/NCC	Maun Valley Country Park	Proposed Maun Valley Cycle Route 4, comprising construction of new bitumen paths, widening of existing paths and associated works.
24 th 2018	April	3/16/01689/CMA	Land at Langford Quarry, Newark Road, Near Collingham	Proposed southern and western extensions to existing quarry with restoration to water, nature conservation and agriculture together with revised restoration of existing workings and retention of existing plant site and site access.
24 th 2018	April	7/2017/1491/NCC	Bestwood II Quarry, Mansfield Road, Papplewick, near Ravenshead, NG15 8FL	4.5 hectare eastern extension to existing sand quarry with restoration to nature conservation
24 th 2018	April	7/2017/1499NCC	Bestwood II Quarry, Mansfield	Erection of a portable unit to provide changing facilities for female staff

APPENDIX C

		Road, Papplewick, near Ravenshead, NG15 8FL	
24 th April 2018	7/2017/1504/NCC	Bestwood II Quarry, Mansfield Road, Papplewick, near Ravenshead, NG15 8FL	To vary conditions 3,6 and 29 of planning permission 7/2014/1156/NCC for an extension of time to extract the remaining mineral within Bestwood II Quarry until 31 December 2028.
24 th April 2018	7/2017/1503/NCC	Bestwood II Quarry, Mansfield Road, Papplewick, near Ravenshead, NG15 8FL	Vary condition 4 of planning permission 7/2015/0320NCC to enable retention of the visitors car park until final restoration of the quarry (31st December 2030 or within two years of the completion of mineral extraction, whichever is the sooner)
24 th April 2018	1/17/00973/CDM	Land at Headon Camp Industrial Estate, Lady Well Lane, Headon, Retford, DN22 0PA	Application for the Continued Use of the Existing Industrial Site and Buildings for the Production of a Range of Wood Fuel Products and for the Importation and Processing of Wastes to Produce a Range of Recovered Fuel Products.
24 th April 2018	1/17/01035/CDM	Serlby Quarry, Snape Lane, Serlby, DN10 6BB	Variation of condition 3 of planning permission 1/66/04/00004 to extend the timescale for inert waste disposal to cease by 22 August 2027, with enhanced restoration for a biodiverse nature conservation afteruse.
24 th April 2018	8/17/02096/CMA	Land off Green Street, Mill Hill and land at Barton in Fabis, off Chestnut Lane	The extraction and processing of sand and gravel, including the construction of a new site access road, landscaping and screening bunds. Mineral washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas.

Planning Applications currently being considered by NCC which will be reported to future meetings of Planning & Licensing Committee.

Planning App: 8/16/02736/CMA
Location: Redhill Marina, Redhill Lock, Ratcliffe on Soar
Development: The proposed construction of an inland leisure marina; associated ancillary building, infrastructure, car parking and landscaping with incidental mineral excavation

Planning App: 2/2017/0525/NCC
Location: Welbeck Colliery, Elkesley Road, Meden Vale, NG20 9PS
Development: Variation of Conditions 3 and 4 of Planning Permission Ref: 1/13/01390/CDM to allow a further 5 years for the placement of material and restoration of the site

Planning App: 1/17/01097/CDM

APPENDIX C

Location: Welbeck Colliery, Elkesley Road, Meden Vale, NG20 9PS
Development: Variation of Condition 3 of Planning Permission Ref: 2/2014/0272/NT to allow a further 5 years operation of the Soil Management Area

Planning App: ES/3793
Location: Land at College Farm, Great North Road, Barnby Moor, Retford
Proposal: Sand and gravel extraction, backfill with imported silt and restoration to agriculture and bio-diversity, including construction of a new access road.

