

Meeting PLANNING AND RIGHTS OF WAY COMMITTEE

Date Tuesday 24 May 2022 (commencing at 10.30am)

Membership

COUNCILLORS

Richard Butler (Chair)
Jim Creamer (Vice-Chair)

Mike Adams	Nigel Moxon
Andre Camilleri	Philip Owen
Robert Corden	Francis Purdue-Horan
Sybil Fielding - Apologies	Sam Smith
Paul Henshaw	Daniel Williamson - Apologies
Andy Meakin	

OTHER COUNTY COUNCILLORS IN ATTENDANCE

Matt Barney

SUSTITUTE MEMBERS

Pauline Allan substituted for Sybil Fielding.
Helen-Ann Smith substituted for Daniel Williamson.

OFFICERS IN ATTENDANCE

Pete Barker – Chief Executive’s Department
Rachel Clack – Chief Executive’s Department
Marion Clay – Children and Young People’s Department
David Marsh – Place Department
Jonathan Smith – Place Department
Daniel Sullivan – Place Department (via Teams)
Tim Turner – Place Department

1. MINUTES OF PREVIOUS MEETING HELD ON 19 APRIL 2022

The minutes of the meeting held on 19 April, having been circulated to all Members, were taken as read and were confirmed, and were signed by the Chair.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Fielding (Other reasons) and Councillor Williamson (Other reasons).

3. DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

There were no declarations of interest.

4. DECLARATIONS OF LOBBYING OF MEMBERS

Councillor Owen had received an email from a resident concerning the application for a new school in East Leake and Councillor Butler had received emails from two Rushcliffe Borough Councillors about the same application - which did not preclude Councillor Owen or Councillor Butler from speaking or voting on that item.

5. PROPOSED SOUTHERN EXTENSION, BANTYCOCK QUARRY

Mr Smith introduced the report which considered a planning application seeking permission for the extraction of approximately 5 million tonnes of gypsum from a southern extension to the quarry.

Mr Smith informed members that the key issues related to the blasting/vibration impact including impact on gas and oil pipeline infrastructure; the need to move a section of the oil pipeline to the south of Balderton Grange Farm; noise; dust; traffic; ecology, including impacts on the water environment; archaeological and heritage impacts; overall residential amenity impacts; and impacts on adjacent agricultural land holdings.

Following Mr Smith's introduction, Mr Jeremy Elvins, the applicant, was given the opportunity to speak and a **summary** of that speech is set out below:

- Gypsum quarrying in the Newark area has been continuous for 160 years. Bantycok Quarry is unique, it is the only source of high purity white gypsum in the UK.
- The quarry is a nationally important supplier of two types of gypsum – specialist industrial grade, for use at the adjacent Jericho factory, which is used in many essential applications such as the food industry, water treatment, agriculture, medical and dentistry and secondly, construction grade, for improving the quality of gypsum mined underground at our Barrow plaster and our East Leake plasterboard plants.
- The extension to the quarry is vital to continued operations at Newark, it will help Saint Gobain Formula & British Gypsum minimise the UK's reliance on imported gypsum. It will also help to secure the long-term future of the important plaster and plasterboard manufacturing in the East Midlands protecting UK manufacturing jobs, with UK sourced raw materials.

- The site is an important local employer with 60% of our employees living within 10 miles.
- It provides direct employment for around 165 members of staff. We make significant contributions to the local economy and have contracts with approximately 50 local suppliers for services. The company continues to make significant capital investments to modernise the manufacturing process.
- The extension would secure 5 million tonnes of gypsum extending the life of the quarry until at least 2040.
- Despite the challenges of the COVID restrictions we carried out a thorough public consultation exercise involving the distribution of a leaflet about the proposal to all local residents, and a dedicated interactive website, viewed over 400 times. We also held online meetings with local residents, other interested parties and our local quarry liaison group.
- The main concerns raised by local residents related to dust and the impact of blasting at their properties. These concerns were addressed at the meetings or through correspondence. We are proud of our relationship with the community and our track record of having very few complaints from local residents.
- Visitors to the quarry are surprised by the low intensity of our blasting operations, which are designed to break up the gypsum seam sufficiently to allow extraction by the excavators. Blasting is continuously monitored and we modify our blasting by reducing the amount of explosive per borehole as we approach sensitive receptors.
- We recognise the importance of restoration & biodiversity, we have worked hard with our landscape architect and ecologists to ensure that we have achieved significant biodiversity gains including substantially extending the aftercare period to ensure the delivery of high quality restoration and public access. The restoration scheme shows a significant increase in biodiversity units when measured using the new biodiversity net gain calculations.
- In the last 5 years as part of the progressive restoration of the site 29,000 native trees have been planted, a 25-acre wildflower meadow has been created and a further 50 acres is due to be restored later this year.
- Approval of this development will ensure a continued supply of this nationally important mineral. It will also help to protect 165 direct jobs and the long-term future of the manufacturing plants at Newark, Barrow and East Leake. We therefore respectfully ask that planning permission is granted in line with the officer recommendation.

Members then debated the item and questions were responded to as follows:

- There have been very few objections to this application.
- The recent Environment Act now requires applicants to deliver biodiversity net gain (BNG) with a metric calculation undertaken to show the extent of that gain. Any reduction to the restoration period is likely to decrease the size of this gain.
- A presentation by the County's ecologist on how ecological surveys are carried out will be organised for a future meeting of the Committee.

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

RESOLVED 2022/033

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

6. ERECTION OF PRIMARY SCHOOL, EAST LEAKE

Mr Marsh introduced the report that considered a planning application for the erection of a primary school for 1.5 forms of entry (315 places) with a 26-place nursery at 53 Evans Road, East Leake. Mr Marsh informed members that the key issues related to travel/traffic related impacts and impact on a public right of way.

Mr Marsh informed members that additional comments had been received from Rushcliffe Borough Council that broadly reflected the issues raised by East Leake Parish Council and provided the officer responses as below:

- A lack of parking for staff and visitors / The potential for traffic issues around the school at pick-up and drop-off times / Lack of provision for bus/coaches with consideration to be given to a dedicated vehicular drop-off/pick-up zone outside of the school - the school is smaller than previously approved in outline and it would have a proportionately larger car park, suitably sized for both staff and visitors. Adequate on-street parking would be available on Evans Road and the Persimmon Homes development in proximity to the school. Suitable provision would be available outside the school for a bus to park allowing children to safely alight.
- Provision for safe pedestrian and cycle routes from the adjacent housing developments and wider area. Consideration should be given to the provision of a dedicated gathering area for parents/guardians etc so as not to block the public footpath/ pavements/ cycle paths for other users at school start and end times and secure provision for children's scooters - the school would be accessed directly at school start/finish times from the footpath and cycle route. A dedicated parent assembly area is provided inside the perimeter fence. School cycle parking in a secured area can also accommodate scooters.

- Provision of vehicular access to the playing fields by emergency vehicles is questioned - a route will be available to the playing field from Sheepwash Way and may also be available along the path from Evans Road.
- The school cannot be expanded to accommodate future demand for pupil places - pupil place planning projections do not show a demand for pupil places for built and planned development above that which can be accommodated in the proposed 315 place school
- There is a need for a Traffic Regulation Order, for school zone safety measures all along Sheepwash Way and for a school crossing patrol to increase child safety - a TRO is proposed on both Evans Road and Sheepwash Way and a TRO is being introduced for the opening of the temporary school accessed from Sheepwash Way. The making of TROs is subject to a separate statutory process and if objections are raised and successful the residents would be the parties that would be adversely affected. The grants of planning permission for the residential developments both identified the provision and location of a school, and school related traffic and the need for a school safety zone could reasonably be anticipated.
- Hedgehog Highways – the provision of such highways in the perimeter fencing has already been incorporated into the design.
- There is a lack of solar panels - the applicant has set out the sustainable credentials of the building. Additional or alternative provision could be made, but the applicant states that the design is limited by budget, that the price of photovoltaics is reducing and their provision may become a more cost effective addition to be fitted retrospectively.

Mr Marsh informed Committee that since the publication of the papers, Councillor Thomas from Rushcliffe Borough Council had written in querying whether the additional capacity planned for the school would be enough to cater for the demand that would be generated as a result of the new houses already approved in East Leake. Mr Marsh stated that the applicant had used a DfE formula which was the accepted methodology for projecting the future number of school places required.

A further representation has also been received from Councillor Way of Rushcliffe Brough Council raising concerns about traffic and access and requesting a meeting with relevant parties to discuss the options before the building is completed. Mr Marsh informed members that Condition 34 requires the applicant to demonstrate that active engagement with the local community has taken place in the preparation of the Travel Plan. An additional Note to Applicant is recommended to encourage active engagement with the local Members at Rushcliffe Borough Council and with the Parish Council.

A local resident has also submitted a further representation after the publication of the papers drawing attention to the likely problem of parking by school-related traffic on shared drives. Mr Marsh stated that it should be noted that the Traffic Regulation Order proposed for Sheepwash Way and the indicative Traffic Regulation Order for Evans

Road both propose either double yellow lines or School Keep Clear markings across the entrance to the private drives, which may act as a deterrent. A Traffic Regulation Order can be imposed on land that is to become the future adopted highway and any measure introduced on shared private drives would not be able to be enforced. The drives are shared and anything which is done in terms of marking would need the collective agreement of the affected residents. The shared private drive is not within the red line of the planning application site, so planning conditions cannot be imposed in determining this application.

Mr Marsh informed Committee that the applicant has submitted updated landscape plans since the report was published. As a result the wording of Condition 3 needs to be amended to show reference to the following revised drawings related to the revised alterations to the site layout, finishes and landscape:

- Condition 3m) the approved drawing is Revision P06 received 23 May 2022
- Condition 3n) the approved drawing is Revision P05 received 23 May 2022
- Condition 3o) the approved drawing is Revision P06 received 23 May 2022
- Condition 3p) the approved drawing is Revision P05 received 23 May 2022
- Condition 3q) the approved drawing is Revision P06 received 23 May 2022
- Condition 3r) the approved drawing is Revision P05 received 23 May 2022
- Condition 3s) the approved drawing is Revision P05 received 23 May 2022
- Condition 3u) the approved drawing is Revision P06 received 23 May 2022
- The reference made to the Drawing approved by Condition 3m) in Condition 24 will need to be changed to Revision P06.
- In Condition 10, the numbering in roman numerals should begin with i), not h), and within the roman numeral vii) within that condition, that the words 'or hedges' should be added after the word 'trees' on the fourth line of text to give additional protection to both trees and hedges.

Following Mr Marsh's introduction the following points of clarification were made:

- There are private drives on Evans Road, but the road is wide enough to accommodate two-way traffic at the same time as cars stopping to drop off or pick up pupils.

- The design of the school does allow the retro fitting of photo voltaics
- It would be very difficult to impose a condition on the school to control the arrival and departure times of staff during the day as this would be unduly restrictive on how a school can operate. The size of the car park was based on the building of a school to accommodate 2 forms but the school now proposed is only for 1 ½ forms so the size of the car park should be adequate.
- With the agreement of residents it may be possible to introduce a TRO on private drives to prevent unwanted parking, but at the moment there are no residents in place to consult. It is an option to extend the length of double-yellow lines in future if required.

The applicant, Marion Clay on behalf of Nottinghamshire County Council, was then given the opportunity to speak and **a summary** of that speech is set out below:

- East Leake is a planning area which currently includes Brookside Primary Academy, Lantern Lane Community School and Costock C of E Primary School. As a result of house building, there is now a need for a new primary school. Projected demand would strongly suggest that the need can be met by the provision of a 315-place primary school on the Rempstone Road site.
- A presumption to identify the academy sponsor has already been undertaken and this new primary school will be operated by the Spencer Academy Trust. Due to site access constraints, a temporary school will be operating from September 2022 to meet local demand and it is expected that the permanent building will be completed for the academic year 2023/24. For this to happen, the contractors need to mobilise the site as quickly as possible, hence this application requires the approval of Members of this Committee.
- It is of note that the planning permission for the temporary village expires by September 2023. Without these school places, created in the temporary village for 2022 and the permanent site, for the 2023/24 academic year, it would not be possible to accommodate many East Leake children within the planning area.
- The design of Millside Spencer Academy seeks to balance initial capital costs against long term operating and maintenance costs. Consideration has been given to the conservation of energy. High levels of insulation and air tightness reduce heat loss, while ample natural light, energy efficient LED lighting, mechanical ventilation and heat recovery and natural ventilation aim to create a comfortable environment conducive to learning.
- The building is fully electric, making use of air-source heat pumps and providing EV charging. Providing PVs as part of the initial build was considered - however associated capital costs required balancing against other key priorities for the scheme. The design and structure allow for the

future installation of PV panels to further reduce reliance on the grid. Better value and efficiencies can be realised as the cost of PV panels reduce and the grid is decarbonised in the future.

- Thought has been given to sustainable travel including pedestrian and cycle connectivity; helping to reduce traffic and provide associated health and wellbeing benefits.
- Biodiversity has been a key driver seeking to support existing wildlife as well as encourage a biodiversity net-gain. The transitions between mature copse to trim trails and play areas helps to deliver a comprehensive and well-rounded project.
- We believe that projects such as this not only fulfil a specific purpose but provide learning opportunities for children, demonstrating how technology is used as part of the design process, the on-site activities of how buildings are constructed and put together, the understanding of waste recycling as well as considerations for dismantling and reuse.
- We look forward to seeking your support and help to make the project a success, delivering a much needed school as well as meeting wider environmental and sustainable objectives.

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

- I have been involved since 2014 in trying to lessen the impact for parents that has been created by the numerous new developments in this area.
- The site is beautiful, set in woodland and over looking ridge and furrow fields. The plans are well considered and the design of the school means that the building will be a good fit for its environment.
- I thank NCC's officers for overcoming many obstacles in getting to this point and I'd like to thank also the local borough and parish councils for their constructive comments.
- The strip of land between the two sites, owned by a third party, is a problem. Can I make a plea to the landowner to donate the land as the school would be so much better without this issue. Also I do not believe there is any commercial value to this land and it would free the landowner from any ongoing liabilities.
- The new school is smaller than originally envisaged and despite this morning's assurances I am concerned about the size of any future demand.
- I would like clarification that the stockpiling of soil and minerals by David Wilson Homes will not create a problem for the school and can be removed at

no cost to the authority if this does not prove to be the case.

- I am disappointed that there is no drop off point provided. I do appreciate that the provision of car parking has increased since the outline planning stage, but I am concerned that this provision is still not sufficient.
- I do acknowledge and welcome the £13m expenditure by NCC but do think PV panels should be provided at the outset as this would align with NCC's environmental commitments.
- I welcome the consideration given to the presence of hedgehogs on site.
- I appreciate the concerns residents on Sheepwash Way have regarding parking but it is reassuring that only 27 pupils have applied to the temporary school this year. I acknowledge that yellow lines and signage are also designed to meet the parking concerns.
- I would like to thank all those who have worked so hard to get to this stage and ask that the Committee approves the application.

Members then debated the item and questions were responded to as follows:

- Parking problems around schools are well known but government policy and NCC's own policies discourage car use. Introducing measures which make it easier and more convenient for car users to access and drop off at schools encourages car usage and is contrary to national and local planning policy requirements, as well as the County Council's declaration of a Climate Emergency. The DoE has certain specifications and standards that govern the size of spaces, including that of car parks – NCC has to work with the constrictions imposed on it.
- NCC also has to work with the site it is given, in this case there is limited scope to increase the provision of car parking.
- Residents will be able to comment on the proposed TRO restrictions with parking restrictions a preferred option to the introduction of residents' parking permits.
- The introduction of more sustainable measures, such as heat pumps or rainwater harvesting, would be supported by the authority but the applicant is restricted by budget.
- Ducting has been installed to allow the future expansion of EV charging in the future.
- An advisory note detailing the Committee's concerns about car parking and the timing of those visiting and leaving the site can be sent to the Academy Trust.

On a motion by the Chair, duly seconded, it was:

RESOLVED 2022/034

That planning permission be granted subject to the changed conditions in Appendix 1 and the additional advisory note as set out above.

7. REPORT ON PLANNING MONITORING AND ENFORCEMENT WORK FOR 2020-21 AND 2021-22

Mr Turner introduced the report that updated Members on the monitoring and enforcement work carried out during the financial years 2020/2021 and 2021/2022 and provided updates regarding notices served.

On a motion by the Chair, duly seconded, it was:

RESOLVED 2022/035

That the contents of the report and the accompanying appendices be noted.

8. DEVELOPMENT MANAGEMENT PROGRESS REPORT

Mr Smith introduced the report and confirmed that this was the usual report brought regularly to committee detailing the applications received, determined and scheduled.

Training on Town and Village Greens would be organised for members before the next Committee meeting in July.

A site visit to Mansfield quarries would be organised for members.

On a motion by the Chair, duly seconded, it was:

RESOLVED 2021/036

That the contents of the report be noted.

The meeting closed at 1.06pm

CHAIR