



11 December 2018

Agenda Item: 8

REPORT OF CORPORATE DIRECTOR – PLACE

RUSHCLIFFE BOROUGH REF. NO.: 8/16/02736/CMA

PROPOSAL: THE PROPOSED CONSTRUCTION OF AN INLAND LEISURE MARINA, ASSOCIATED ANCILLARY BUILDING, INFRASTRUCTURE, CAR PARKING AND LANDSCAPING WITH INCIDENTAL MINERAL EXCAVATION

LOCATION: REDHILL MARINA, REDHILL LOCK, RATCLIFFE ON SOAR

APPLICANT: REDHILL MARINE LIMITED

Purpose of Report

1. To consider a planning application for the construction of a 290 berth inland leisure marina involving prior extraction of circa 117,500 tonnes of sand and gravel, at land near to Redhill Marina, Redhill Lock, Ratcliffe on Soar. The key issues relate to the principle of development within the Green Belt, impacts on the rural landscape and visual impacts, and on matters of archaeology and ecology. Implications regarding the safeguarding for the route of the planned HS2 rail line are also pertinent.
2. The site lies within the designated Green Belt and in line with this Authority's handling of previous proposals at this site the application has been treated and consulted upon as a 'departure' from the Development Plan.
3. The application was originally submitted in July 2016 and validated in October 2016. Following consultation, a formal request for further information on a variety of topics was issued to the applicant in January 2017. To date this remains outstanding and Officers now consider there is an overriding public interest in determining the application as originally submitted.
4. The recommendation is to refuse planning permission for the reasons given at paragraph 260 of the report.

The Site and Surroundings

5. The site is located within the River Soar washlands close to the Ratcliffe on Soar power station and East Midlands Parkway railway station. It is accessed off the dualled A453 and is approximately 13km south-west from Nottingham

city centre. The River Soar forms the county boundary with Leicestershire and its confluence with the River Trent is close-by to the north.

6. The general area is framed by the A453 to the south, the River Soar to the south and west, with the Midland Mainline and Parkway station to the east, beside the power station. With its eight cooling towers the power station provides a prominent local landmark. The applicant owns and operates a marina/boatyard at Redhill Farm which lies to the north and accessed by a private track from the Parkway Station junction off the A453. The settlement at Ratcliffe on Soar is situated to the south of the A453 and contains a number of historic and listed buildings. This area is shown on plan 1.
7. The land beside the River Soar is predominantly low lying permanent pasture interspersed with some hedgerows and riparian trees along with river bank. Beyond Redhill Farm the terrain rises into a wooded escarpment at Red Hill, through which the Midland Mainline passes via its tunnels before continuing north across the Trent valley. On the southern flanks of the hill beside the railway tunnels are the buried remains of the Roman shrine and town at Red Hill which is designated a Scheduled Ancient Monument (SAM). Further SAMs including the buried remains of a Roman villa are situated on the Leicestershire side of the river which together indicate the area around the confluence of the Rivers Soar and Trent are of rich archaeological significance.
8. There are also a number of sites noted for their wildlife/ecology interest in the vicinity. The nearest nationally designated site is the Lockington Marshes Site of Special Scientific Interest (SSSI) which at its closest point is approximately 130m to the west of the application site on the Leicestershire side of the River Soar. Red Hill escarpment is locally noted as a Local Wildlife Site (LWS) as is the River Soar and its environs.
9. At the existing marina there are a number of workshop buildings housing boat building and other related businesses along with areas of informal external storage for boats and related equipment. There is a narrowboat lock featuring a Grade II Listed packhorse bridge. There are extensive areas of boat moorings immediately around the existing marina complex and in the area around the lock. A line of moorings (numbering 96 and possibly more in the summer) extends south of the marina along a 1.3km stretch of the eastern river bank. There are also two small basins offering off-line boat moorings. All of these are understood to be let by the applicant.
10. Beyond the marina to the north there is a line of around a dozen permanent residential properties following alongside the bank of the river. Access for these properties is via the private road through the marina complex.
11. A public footpath (FP7) runs along the access road to the marina and to the packhorse bridge. There are further public footpaths following alongside the Leicestershire side of the river bank as part of a wider footpath network as shown on plan 2.
12. The application site itself covers an area of 13 hectares comprising a large pasture field in the bend of the River Soar. For the purposes of serving the proposed development the application red line boundary envisages a new

access track across the adjacent field to the east to adjoin the existing Redhill Farm access road. Alongside the proposed access track there is a small watercourse which broadly defines the northern site boundary. This flows from the vicinity of the power station and crosses via a culvert under the access road, across the fields and into the Soar. The eastern field boundary is defined by a mature hedge. Along the river bank there are occasional clusters of trees including alongside an existing off-line mooring basin which has been excluded from the application site area. A flood defence embankment cuts across the western corner of the site. A pond surrounded by scrubby vegetation is present in the south of the site. There are several rough vehicular tracks crossing the field and following along the river bank.

13. The site and wider area lie within the designated Green Belt as defined by the Rushcliffe Local Plan, the western boundary of which is demarked by the River Soar. The site and its Green Belt context are shown on plan 3. The site is also noted as being within Flood Zone 3, at a high risk of flooding.
14. In terms of the nearest affected permanent residents these are limited to Middle Gate Cottage which is situated alongside the access road. There are a further two long-term vacant properties in the area: Masons Barn situated south of Middle Gate Cottage and North Bridge Cottage, at the A453 parkway junction. There are upwards of 96 boat moorings alongside the River Soar, many of which are permanent residential and let by the applicant.
15. The route for the planned HS2 High Speed Rail line (Phase 2b spur to Leeds) runs south-west to north-east through the application site on its approach across the Soar and Trent valleys towards the East Midlands 'Hub' at Toton. The safeguarded route is shown on plan 4 and this matter is further considered within the report.

Planning History

16. The applicant has submitted three previous planning applications for inland leisure marina proposals at this site. These involved the prior extraction of sand and gravel in volumes significant enough for the County Council, as the Minerals Planning Authority (MPA) to be the determining authority for the proposed developments as a whole. Two of these applications are worth noting.
17. In 2011 an application was made for a 632 berth marina along with a main facilities block, boat house, satellite sanitary and waste building, and associated vehicle parking, landscaping and infrastructure (Ref 8/11/00753/CMA). This application was subsequently withdrawn by the applicant.
18. In 2012 an application (Ref 8/12/00856/CMA) was made for the construction of a 553 berth leisure marina comprising marina basin with leisure moorings and ancillary buildings, associated vehicle parking, landscaping and infrastructure. The applicant appealed to the Secretary of State against this authority's non-determination of the application and this appeal was subsequently dismissed by the appointed Planning Inspector in his decision of 20th January 2015. The County Council resolved that had the appeal not been made, it would have

refused planning permission on the grounds of inappropriate development in the Green Belt and lack of need for the marina berths. Loss of archaeology, impacts to aviation safety and insufficient information on a number of other aspects were other reasons cited. These issues were heard in detail by the appeal Inspector.

19. In summary the Inspector found that the marina was inappropriate development in the Green Belt, by definition and by its form, scale and size affecting the undeveloped openness of the riverside pasture. The proposal was considered to be visually intrusive, particularly from local public footpaths and which would harm local landscape character.
20. The Inspector was not persuaded that there was a pressing need for the additional marina berths and although the prior extraction of sand and gravel had some positive weight, overall he did not agree there were any 'very special circumstances' made out to overrule the importance of maintaining the undeveloped Green Belt. A key finding was that the open and undeveloped character of the site took on greater importance due to the intervening infrastructure/developments in the vicinity, which therefore did not justify further erosion of the Green Belt. The harm to the rural landscape and from the loss of archaeology further tipped the balance against the development.
21. Separately there is a lengthy and mixed history of applications and enforcement work concerning elements of buildings and external storage in and around the existing marina which are in the remit of Rushcliffe Borough Council. It is not necessary to consider these in detail.

Proposed Development

22. This latest application seeks planning permission to construct a 290 berth inland leisure marina along with an associated marina building, car parking, access/site infrastructure and landscaping with prior extraction of mineral deposits. The proposed masterplan is shown on plan 5.
23. The application is accompanied by an Environmental Impact Assessment (EIA) pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the 2018 Regulations do not apply in this case as the application pre-dates these) and includes a package of background reports and assessments on a range of topics.
24. The main elements in further detail are:

A 290 berth marina basin

25. This would be excavated and constructed as a broadly rectangular basin within the centre of the existing field. The marina would be split up into a northern and southern area by an engineered split extending from the eastern side. Two small islands with some marginal areas providing wildlife enhancements would be constructed in the southern area.

26. An entrance from the river would be created at its north-west corner just upstream of the existing off-line basin moorings. This would incorporate a flood control gate.
27. The various berths for boats would be created by a series of linked floating pontoons held in place by driven poles ensuring dry egress in times of flood. In places these would line the banksides whilst in others they would extend out into the basin. Different areas and berths are designed and sized for varying types of craft including for small leisure craft, narrowboats and wide-beam craft/Dutch barges. Various paths and walkways around the marina would link these all together to the facilities building and car parks.
28. The application also proposes that this 1.3 km length of riverbank is cleared of all existing moored boats with a view to reaching terms with the boat occupants whereby they are relocated into the proposed new marina. A similar proposition was offered during the course of the previously refused application.

Facilities building

29. This would be a relatively small and functional single-storey building providing a café and toilet and shower facilities. Measuring 130 sqm this building would be raised up on stilts and positioned to overlook the northern side of the marina. Access would be via steps up to a surrounding balcony. Facing materials are indicated to be brickwork with a tiled hipped roof. The café would have floor to ceiling windows on two sides offering views overlooking the marina. This building is shown on plan 6.

Car parking (130 spaces in two areas, including 6 disabled spaces)

30. A main car park would be created to the rear of the facilities building at the entrance to the marina site. This would provide space for 72 spaces and formed with permeable hardcore. A second car park with a further 58 spaces would be created on the northern side of the marina.

Vehicular access track

31. This would be formed with permeable hardcore and would circulate the marina leading from the main car park and facilities building. The track would then continue across the edge of the adjacent field alongside the watercourse and join onto the current marina access road.

Habitat areas

32. The western corner of the site within the bend in the river would be enhanced as a habitat creation area. Elsewhere the site would be enhanced with additional landscape and tree planting. In particular the plans show a broad landscape strip alongside the existing hedgerow to the east. Additional tree planting is also

shown along the northern side alongside the car park. The marina and access track would be set back from the river which would be left in a natural state.

Construction works

33. Construction works would be split into two main phases - excavation and then construction of the marina infrastructure.
34. The excavation of the marina basin to extract the sand and gravel deposits would take approximately one to two years, but the application indicates this would depend on the local market prices at the time. Works would be progressive across the site and could be done on a campaign basis. The mineral would be hauled off-site for processing elsewhere. No processing plant is therefore envisaged. Extraction would require the dewatering of the works by using pumps operating 24/7. Excavation would be undertaken using a hydraulic excavator, with dump trucks or HGVs.
35. Soils and clays would be stripped and placed in temporary stockpiles around the site for use in final engineering and restoration works. The basin would be excavated in three phases starting with the northern area and then working south. An estimated 117,500m³ of sand and gravel would be extracted. The full extent of mineral across the basin would be extracted after which the split and islands would be constructed utilising the stockpiled materials. The excavated basin would provide for a minimum water depth of 1.4m requiring some over excavation into the underlying clay. Surrounding slopes would be generally formed at 1 in 3 or 1 in 5 and battered with clay. There is no requirement to import engineering materials.
36. Based upon a higher (i.e. worst case) scenario of extraction of 117,500 tonnes per annum (over 250 working days) the application estimates the extraction phase would generate 46 HGV movements per day (23 in 23 out) based on standard industry loads of 20 tonnes. If the appointed contractor uses larger articulated type HGVs then this number will decrease.
37. Working hours are anticipated to be 07.00-18.00 Monday to Friday, 07.00hrs to 13.00hrs on Saturdays with no working on Sundays or public/bank holidays.
38. Following the marina excavation and shaping, the remaining infrastructure and building elements would be undertaken including the roadways, services, pontoons and the installation of the lock gates. Water would then be let into the marina and the final connection to the River Soar opened up. This phase would take between 6 to 12 months to complete. The facilities building would then be constructed and the existing river moorings removed.

Marina operation

39. When fully operational the applicant envisages the employment of 7 or 8 new positions including a full-time manager a full-time groundsman and part time administrative, café, groundsmen and cleaning staff.

Consultations

40. **Rushcliffe Borough Council – No Objection.**

At its meeting of the Development Control Committee of the 15 December 2016 the Borough Council considered an officer's report and recommendation that an objection be raised to the proposed development. The Committee however resolved to support the application.

It was considered that the proposal to extract minerals was not inappropriate development in the Green Belt and that the resulting restoration of the site by the creation of the marina would be appropriate development. Furthermore, the Council did not consider that the proposal would have an adverse impact upon the openness of the Green Belt.

The Borough Council requests that the County Council give full consideration to and are satisfied on matters of biodiversity; protected species; landscaping; and archaeology.

The Borough Council notes the Secretary of State for Transport's announcement of 15th November 2016 and the issuing of the formal HS2 Safeguarding Direction. The preferred route for Phase 2b passes through the application site. The Borough Council requests that the County Council have full regard to the consultation process required.

The Borough Council requests that the marina is limited (by planning condition or legal agreement) to leisure moorings only (i.e. no full time residential moorings) and that the existing riverside moorings are removed. It is also requested that conditions be imposed on the following matters:

- *Measures to control noise, dust, vibration during extraction/construction including controls on the hours of working (including deliveries) to 07.00-19.00 hrs Mondays - Fridays; 08.00-17.00 Saturdays and not at all on Sundays/Bank Holidays.*
- *The design of any lighting should be submitted for approval.*
- *The finished floor level of the building should be set at 600mm above the flood level and not 300mm as currently shown. Further flood resilience measures along with a Flood Management Plan should be implemented.*
- *Delivery and waste collection times for the marina use should be restricted to 07.00-18.00 hrs Monday-Friday; 08.00-17.00hrs Saturdays and not at all on Sundays/Bank Holidays.*

41. **Ratcliffe on Soar Parish Meeting - No response has been received. Any comments received will be orally reported to Committee.**

42. **Kegworth Parish Council - Comments.**

Attention is drawn to the East Midlands Gateway development starting in 2017 including highway improvement works to the A453 and to M1 junction 24. The Parish Council is working with the developer, Local Authorities and Highways England to manage disruption in the area. The marina excavation will mean significant works and considerable HGV movements. The Parish Council would like a carefully planned, joined up approach.

The Parish Council is extremely concerned that HGVs [associated with the Redhill marina project] may consider using the A6 which runs through Kegworth as an alternative route to avoid the works and possible delays. It is suggested that very specific instructions are made clear to HGV drivers on acceptable routes, so to ensure the village is not affected by any unnecessary HGV movements.

43. Leicestershire County Council - No objection.

It is considered that the submitted Landscape and Visual Impact Assessment has adequately demonstrated that the development will not result in any significant adverse landscape or visual effects for the people of Leicestershire. There will be impacts on the river, but it is considered that these can be mitigated.

There should be opportunities for biodiversity enhancements and wetland creation. Wetlands (ponds/marsh) are not shown in the 'Habitat Creation area' of the Masterplan which is a missed opportunity. An updated Water Vole survey before development commences is also recommended.

44. North West Leicestershire District Council – No objection.

Raises no objection, subject to all statutory consultees and Nottinghamshire County Council being satisfied that the proposal would not cause significant impacts on North West Leicestershire particularly in respect of an accumulation of HGV movements on the highway network associated with the development site as well as the Strategic Rail Freight Interchange to the west of Kegworth.

45. Lockington Parish Council has not responded. Any comments will be orally reported to Committee.

46. High Speed Two (HS2) Limited - Objection.

(Original consultation response 5 December 2016)

Since the planning application was submitted and validated, the Government on 15 November 2016 formally announced the preferred route for Phase 2b of High Speed 2 (HS2). The Secretary of State for Transport simultaneously issued Safeguarding Directions in order to protect the preferred HS2 route from conflicting development. Safeguarding is an established tool of the planning system designed for this purpose and aims to ensure that new developments along the route does not impact on the ability to build or operate HS2 or lead to excessive additional costs.

It is apparent that part of the application site is located within the limits of land subject to the formal Safeguarding Direction. The preferred route for the railway crosses the application site from the south-western boundary to the north-eastern boundary. Therefore, there may be a requirement for part of the site to be permanently acquired for the construction and/or operation of the railway.

In light of the above, further discussion needs to take place in order to fully understand the interface between the proposed marina development and the railway in that location and unless and until HS2 Ltd are convinced that the two proposals can co-exist it is considered that the application proposals will potentially conflict with the preferred line of route for HS2. Therefore HS2 Ltd are left with no alternative at this time but to lodge a holding objection to the proposed development.

(Updated position 21 November 2018)

The proposed development is located directly under the proposed alignment of the HS2 Ratcliffe Viaduct crossing the valley and the River Soar. In the permanent situation HS2 Ltd would acquire land both beneath the viaduct and land either side of the viaduct edges for maintenance and access purposes. HS2 Ltd's technical opinion is that the railway would preclude the construction of a marina or other development below the viaduct.

A working draft Environmental Statement (WDES) has been published for consultation in advance of a hybrid bill submission to Parliament. The WDES presents draft environmental information, describes the likely environmental impacts of building and operating Phase 2b of HS2; as well as proposed ways to avoid, reduce, mitigate and monitor the effects. It is based on a point-in-time assessment in the ongoing development of Phase 2b. Consultation closes on 21 December 2018 and feedback will be taken into consideration as the plans are developed.

With reference to the WDES in the temporary construction period, HS2 has determined that land shaded pink within the so called CCB (Consolidated Construction Boundary) is required to construct the viaduct and the railway. This area of land is needed for storage of materials and plant, assembly of items, office facilities, parking, environmental mitigation and landscaping and would not be available to develop until after HS2 have vacated the area within the CCB. From a main works civil engineering activities perspective that could mean until 2030, and 2032 for Rail Systems completion. It is assumed that the applicant would not be prepared to wait up to 12 years for that land to become available for a scaled back form of development potentially being accommodated on the remaining land in the Red Hill vicinity.

HS2 provide a suggested reason for refusal.

47. Environment Agency – Objection.

The submitted Flood Risk Assessment (FRA) does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:

- *Identify the effects that raising the access track and other areas may have to the River Soar and the Ratcliffe on Soar Power Station Main River floodplain, which may increase the risk of flooding elsewhere as a consequence.*
- *Consider the impacts of the proposed development to the existing flood defence (embankment) onsite.*
- *Consider the effect of raising the ground levels of the access road immediately adjacent to the Ratcliffe on Soar Power Station Main River. We recommend easements (approximately 8m) are provided from the top of the bank of the Main River.*
- *Confirm whether the moorings will be used as permanent or temporary accommodation, which may change the flood risk vulnerability of the development. The site is located in the functional floodplain, therefore only water compatible and essential infrastructure is appropriate.*

The EA recommends that a detailed hydraulic model is undertaken to understand the third-party flood risk impacts. The objection will be maintained until an adequate FRA has been submitted.

48. Canal and River Trust – Comment.

It is noted that this application follows the dismissal at appeal of an application for a 553 berth marina on this site, and the earlier withdrawal of a scheme for a 632 berth marina in 2011. The number of berths has been further reduced to 290 in this proposal.

Impact on Water Resources/Navigational Safety:

An assessment of water resources was undertaken by the CRT in relation to the previously withdrawn scheme for a 632 berth marina. Although the Erewash, Trent and Mersey and Grand Union Canals would all be affected by increased lockage it concluded that there were sufficient water resources available to meet the additional demands of the scheme. This was on the basis that the 632 berths included moving 96 existing moorings on the river into the new marina.

The supporting environmental information accompanying the current proposal continues to be based on the marina achieving a reduction in the number of on-line moorings along this stretch of the River Soar, and states that 96 boats currently moored on-line in the vicinity of the application site will be relocated to the new marina. Given that the environmental impact of the scheme has been assessed on this basis the CRT would expect that the Council will seek to ensure, through the planning process, that the moorings on the river are required to be relocated into the marina.

The application does not provide any clear breakdown of the intended tenure of the berths within the marina (i.e. leisure moorings, visitor moorings, hire boats etc), and this makes it more problematic to predict the likely number of boat movements generated, and thus the impact on water resources. However, the

CRT confirm that there are sufficient water resources available to support the much smaller 290 berth marina development now proposed.

This is based on the assumption that the current proposal does not include any provision for hire boats to operate from the marina, as there is no reference to this within the application and only a suggestion that the berths will comprise a mix of leisure and visitor moorings. The CRT request that any planning permission as may be granted restricts the operation of hire boats from the marina by condition, unless it can be demonstrated through the submission of a suitably detailed water resources assessment that there are sufficient water resources available to accommodate their operation.

The marina entrance itself appears unchanged from the previous scheme and therefore remains acceptable in terms of navigational safety.

Submitted Information on Need/Demand:

The CRT wish to make clear that they have not provided any specific information for this scheme in relation to need or demand for offline moorings, nor does it carry out such studies. It is for the applicant to deal with these matters.

Some concern is expressed in relation to references in the application to out of date document sources attributed to the CRT's predecessor (British Waterways) and to statements within the application claiming that it is government policy to encourage development of marinas, as essential facilities to support the use of waterways for tourism and leisure purposes, when no such general policy is known to exist.

49. Natural England – No objection.

Natural England considers that the proposed development will not damage or destroy the nearby Lockington Marsh SSSI or its features of interest for which it has been notified and raises no objection.

The development presents significant opportunities to develop biodiversity and habitats that can complement and expand on those found on the opposite side of the river. The conservation area should be looking to replicate the features found at Lockington Marsh SSSI namely shallow areas of open water surrounded by fen and with areas allowed to develop as wet willow woodland. This could be achieved by extending slightly the area of gravel winning or re profiling the land to ensure some stays wet throughout the year. Work on the large back water which extends it and reprofiles the bank could provide not just better habitat but also an enhanced fish refuge on the site. In addition the area to the north of the car park (currently unlabelled) should also aim to replicate the Lockington Marsh habitats.

These changes would help the application make a significant contribution to the creation of nationally rare wet woodland habitats and provide additional space for rare species found at Lockington Marshes working towards both national and county biodiversity targets. The habitats suggested also have the advantage on not being particularly attractive to roosting birds so reducing bird management

issues. Natural England would be happy to work with the applicant under its discretionary advice service to help build an appropriate habitat creation package.

Standing advice with respect to protected species should be followed. General advice is offered on a range of other matters.

50. NCC (Nature Conservation) – Objection.

The Preliminary Ecological Appraisal (PEA) describes the results of fieldwork carried out in mid-November 2015, which included badger and riparian mammal surveys, and an assessment of two ponds in relation to great crested newts. Importantly, the PEA highlights that further surveys are required in relation to: Bat roosts; Bat activity; Wintering birds; Breeding birds; Reptiles. It is assumed that these additional surveys have been completed during winter 2015-16 and spring/summer 2016, so the results surveys of these are requested.

If such surveys have not been completed, then they need to be carried out prior to the determination of the application, noting that British Standard BS 42020:2013 (Biodiversity – code of practice for planning and development) states, in paragraph 6.4.5, that “...where a PEA contains recommendations that further detailed survey work is necessary in order to inform a planning application, this work should be undertaken before the determination of the planning application.”

The County Ecologist requests that a decision on this application is deferred until the required surveys have been carried out and supplied, and a proper ecological impact assessment has been completed. The Ecologist has concerns with the adequacy of the submitted information, given that no assessment of impacts has been carried out. A full and proper ecological impact assessment should be carried out, to accord with the CIEEM guidelines.

51. Nottinghamshire Wildlife Trust - Objection.

A Preliminary Ecological Assessment has been submitted, based on a single day survey in November 2015, where riparian mammal and badger surveys were also undertaken. Given the very basic level of this survey, the Consultants have quite correctly recommended surveys for notable and protected fauna (Breeding and overwintering birds; reptiles; bats; further riparian mammals surveys). These surveys do not appear to have been undertaken, as the information is not included. Old surveys from the previous application, undertaken in 2008-2010 have been included, but this information is now very out of date.

With regard to the nearby Lockington Marshes SSSI, the consultant states that they “understand” that there would be no impact, but no evidence has been provided to underpin this assertion. Therefore it has not been adequately demonstrated.

In the absence of the above ecological survey information, it is not possible to undertake a robust Ecological Impact Assessment i.e. there is insufficient information to assess either the direct or the indirect effects to protected fauna

and/or designated habitat (River Soar Local Wildlife Site). No meaningful mitigation or ecological compensation is proposed. It is also not possible to consider the merits or otherwise of any proposed habitats, given the lack of baseline information.

NWT would expect to see additional assessments of the marginal vegetation along the affected river bank and for the potential for Great Crested Newts in a pond on site.

Given the above, NWT judge that there is insufficient ecological information to determine this application and therefore objects to this scheme.

52. Historic England – Comment.

Historic England recommend that this case is determined with reference to national and local planning policy and guidance, the report of Planning Inspector Mr John Woolcock [in respect of the previously refused application] and the detailed advice of the County Council Archaeologist.

The present scheme whilst differing in detail and extent [from the previous appealed application] is supported by the same archaeological field assessment report. Historic England concurs with the previous assessment of the County Archaeologist in her letter to the Planning Inspectorate on the above reference dated 13th August 2013, viz:

"The unusually deep stratified Roman deposits with apparent continuities of occupation into the Anglo-Saxon period are of at least regional importance and potentially contain elements of national importance. The significance of the site is further enhanced by the proximity of nationally important designated remains comprising the Roman Site on Red Hill Scheduled Monument (ref NT 141)."

In respect of the importance of undesignated remains, paragraphs 135 and 139 of the NPPF require a proportionate approach to importance up to and including parity with Scheduled Monuments where there is demonstrable equivalence.

With regard to the setting impact upon Scheduled Monument NT 141 there is evident harm from the removal of important contemporary remains with a strong spatial association (bearing in mind also the material discovered on the intervening East Midland Parkway Rail Station Site). In that respect all harm to designated heritage assets requires clear and convincing justification and for conservation of the asset's significance to be given great weight when set against public benefits.

Where it is proposed to work a gravel site dry in such an archaeologically sensitive location (i.e. to lower the water table by pumping down) there is a strong likelihood that waterlogged remains both on and off site may be harmed through desiccation and oxygen percolation.

53. NCC (Archaeology) – Objection.

This proposal has two distinct archaeological zones, a dryland area and a more complex wetland area. The dryland one has been evaluated through the

previous fieldwork, which has adequately demonstrated that there is archaeology present, associated with the scheduled site to the north and including human remains, but nothing of such great archaeological significance that it clearly provides grounds for refusal of the application. The dryland archaeology can be mitigated for should consent be granted.

For a long while the main issue from the archaeological viewpoint has been the unknowns of the wetland area. Palaeochannels and other slight earth forms are evident and have the potential to contain a wide range of archaeological material, from boats, to fish weirs, possibly an Anglo-Saxon mill, and potentially Roman wharfage.

Because river channel fills are anaerobic and waterlogged, organic materials which would normally rot away on most dryland sites can be beautifully preserved and can provide significant information. The dry excavation of a large area in the middle of a complex set of palaeochannels has also the potential to introduce oxygen into surrounding deposits, so that not only will any archaeology within the excavated area be destroyed, but so also potentially will a significant area beyond the limit of excavation.

The location of the scheduled Roman town at the confluence of the Rivers Soar and Trent makes it highly likely that there was Roman wharfage here. These may have been destroyed by subsequent river movement, or they may still exist within or adjacent to the application site. If they do survive, they are likely to be impacted on by the proposal. Roman wharves associated with the Roman town and shrine would be of national importance. Dealing with such archaeology properly is associated with significant costs and is a time-consuming affair. The possibility that a site such as this is uncovered in the course of excavation for the marina is a real risk. However this risk has not been assessed using up to date specialist techniques.

The archaeological potential of the wetland zone is sufficient to recommend refusal of the application, as a safe mitigation strategy cannot reasonably be identified. If, however, there are pressing reasons for approving the application which feasibly outweigh the high potential for nationally significant archaeology, then it is recommended that the applicant be requested to provide additional information in the form of further evaluation of the wetland areas of the site. The results of this work should take into account the potential impacts of development on palaeoenvironmental remains beyond the limit of extraction. It is the County Archaeologist's view that this work would demonstrate the presence of nationally significant archaeological remains, the destruction of which – in the words of the NPPF, should be wholly exceptional.

54. **Highways England** - No objection.

55. **NCC Highways** – No objection.

It is noted that the submitted Transport Assessment (TA) originates from the previous appeal [against non-determination] of the application for a 553 berth marina. On this basis, it presents a more robust assessment of how traffic patterns could manifest themselves.

800 tonnes of material will be transported from the site in 20 tonne HGVs, equating to 8 HGV trips per hour. In terms of highway impacts, this additional traffic is not considered significant and does not require any mitigation measures to address capacity issues.

Concerns have been raised regarding the impact of major highway works at nearby developments being able to compromise the operational highway capacity, thereby encouraging HGV traffic to divert through Kegworth. These occurrences are unlikely as all arms of M1 J24 will be affected at some stage by the works and any potential advantage gained slim. Side Ley, Station Road, Kingston Lane and Kegworth Road are subject to a 7.5T weight restriction which can be enforced making such occurrences less likely.

When operational there is plenty of spare capacity to accommodate the related traffic without any improvements being required.

56. **NCC (Planning Policy)- Comments**

Confirms the national policy context in relation to mineral extraction is clear in that in determining planning applications for minerals development, great weight should be given to the benefits to be derived from extraction, including to the economy, whilst ensuring that there are no unacceptable adverse impacts (both individually and cumulatively on the natural and historic environment, human health and aviation safety). Securing of restoration and aftercare at high environmental standards at the earliest opportunity is also mentioned.

As of December 2016 (as stated in the latest Local Agreement Assessment, published October 2017) the sand and gravel landbank stood at 10.29 years, with permitted reserves totalling 17.5 million tonnes. This is therefore above the minimum 7-year requirement within the NPPF and under MLP Policy M6.2.

Under Policy M6.3: 'Sand and gravel extraction in unallocated land' extraction outside allocated areas will not be permitted unless it is evident that existing permitted reserves and the remaining allocations cannot sustain the landbank requirements. Paragraph 084 of the Planning Practice Guidance also states that applications should not solely be decided on the landbank situation and each application must be considered on its own merits. Policy M14.1 'Incidental mineral extraction' is also relevant to this proposal as the principle of recovering minerals as an incidental element of another development proposal promotes sustainable development.

The proposal should also be considered against NPPF with respect to the Green Belt. Environment and amenity impacts will also need to be assessed.

Progress on the new MLP:

The development of a new Minerals Local Plan has been underway since July 2017. To date evidence gathering has included a call for sites exercise with the minerals industry. The Redhill proposal was submitted and was assessed alongside all the proposals put forward. An Issues and Options document and a Draft Plan document have also been drafted and consulted on. The Draft Plan set out proposed site allocations and draft policies. The Redhill proposal was not

included as a site-specific allocation as it was not considered deliverable due to the lack of a mineral operator to deliver the scheme.

57. Via (Countryside Access) - No objection

Ratcliffe on Soar Footpath No. 7 runs along part of the current access road. Although there would be more traffic overall using the access route this should not be significant at any particular time and the public are already aware of a certain level of traffic at present. During the construction/extraction phase all machinery/vehicles should be made aware of the potential for walkers using the path and signage should be installed to that effect.

58. Via (Landscape) – Comment.

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) carried out to current guidance and standards. Overall there is broad agreement with the majority of the findings of the LVIA.

The proposed marina consists of a 290 berth marina and a single storey facilities building with a footprint of 130m². A car park for 130 vehicles is located to the north east of the site directly east of the building. The extent of any ancillary items such as bollards, lighting, bin storage and signage are not shown on the drawings.

The application area is made up of low lying, flat agricultural land, with some willow and hawthorn scrub fringing the River Soar along the western boundary. Isolated outgrown hawthorn scrub runs along old field boundaries to the south eastern section of the site.

The site lies within the Soar Valley Farmlands Policy Zone TSV02 of the Trent Valley Regional Character Area. This area is described as being:

“a low-lying narrow flood plain bordering the River Soar. Fields are bounded mostly by hawthorn hedgerows which are often species rich with frequent hedgerow trees which are mostly ash.”

This policy zone is assessed as having a “moderate” landscape condition with “moderate to strong” landscape strength, leading to a landscape policy of “conserve and enhance.”

Landscape Actions associated with this policy zone and applicable to the proposed development include:

- Conserve the older field patterns such as those reflecting open systems and the irregular and regular geometric patterns;*
- Conserve areas of permanent pastoral farming along the river floodplain;*
- Conserve and where possible enhance the continuity of riparian trees, meandering rivers and pasture along the river;*
- Enhance riparian trees through local replanting;*
- Conserve river meadows where present along the riverbanks;*

- Enhance hedgerow boundaries and ensure replacement;
- Conserve the wooded impression of the DPZ through maintenance and planting of hedgerow and riparian trees;
- Conserve the infrequent nature of built form on lowest ground and the villages situated on rising higher ground.

The development is not in accordance with two of the landscape actions for this policy zone, namely to “Conserve areas of permanent pastoral farming along the river floodplain” and to “Conserve the infrequent nature of built form on lowest ground”. However, it is acknowledged that there are opportunities to carry out many of the other actions through the landscape mitigation works.

The amount of vegetation to be removed has not been shown on a drawing or quantified. The minerals operation and the marina development will cause the permanent loss of one medium sized field of unimproved grassland. A pond fringed by a group of mature trees set within an area of rough grassland will also be removed.

The applicant considers that the overall level of landscape effect of the development (which includes mineral extraction) with regards to landform to be slight adverse.

The impact of the development will alter the character of the landscape particularly to the south of the site at a localised scale. With mitigation this may reduce to a slight adverse effect but this is dependent on the detailed landscape proposals and the future land management of the site. The relocation of boats into the marina are described as having a slight beneficial effect but this should be balanced against the loss of unimproved pasture with the creation of the marina site and may be off-set by the views of parked vehicles along the access roads within the marina itself.

Overall it is considered that the impact on landscape character is **slight to medium adverse** over the immediate landscape. Comprehensive landscape works may reduce this to a slight adverse impact over a 15 year period.

In terms of visual impact the applicant examined 15 representative viewpoints of which they considered Viewpoint 1 (from Footpath L61/3 to the west of the site) and Viewpoint 6 (from a public right of way south of the site at Ratcliffe Lock) as having a “substantial to moderate” effect during the construction period. There is agreement with this level of effect for this phase of the development.

Post-completion the County Council’s appointed landscape architect considers that at viewpoint 1 there would be a **medium adverse** impact for year 1 and **slight adverse** for year 15. At viewpoint 6 it is considered that there would be a **medium adverse** impact for year 1 and **medium to slight** for year 15 dependent on planting and detail design.

The proposed landscape works are at an illustrative stage as shown on the Master plan. Broad principles have been set out in the LVIA. Ideally more detail on the plan should be provided at this stage of the design process given the

location of the site and the dependency on landscape mitigation to reduce landscape and visual impacts of the development.

Further detail as to the planting design, new habitats to be created and long-term management should be provided by the applicant. All trees and hedgerows to be retained should be identified.

Heights of storage topsoil/subsoil and overburden mounds have not been specified though this is a temporary feature.

There has been no visual impact assessment of any proposed lighting arising from this development which may increase the level of visual intrusion into this river corridor landscape.

[The landscape officer has subsequently confirmed that details of landscaping/planting; lighting; temporary stockpiles can be secured by planning condition and the finding that there would be a slight to medium adverse landscape impact would remain unchanged if such details were subsequently agreed and implemented.]

Conclusion

This is a smaller, more constrained scheme than previous applications for this site and as such the impacts on landscape and visual receptors is marginally less.

*However it is considered that the impact on the landscape character within the study area of the Soar Valley Farmlands Policy Zone is **slight** to **medium** rather than a neutral to slight adverse impact as stated by the applicant. Depending on detailed design and the extent of mitigation works, this may reduce this in the longer term (Year 15) to a slight adverse impact. Currently the application does not demonstrate that the mitigation proposed will achieve this.*

On balance it is not considered that the visual impacts or the impacts on landscape character are insurmountable should a comprehensive landscape scheme be put forward.

59. **Via (Noise Engineer) – No objection.**

The noise assessment submitted in support of this latest application is from 2010 and was first submitted in support of the original marina application in 2012. However, the latest proposals are a scaled down version of the original marina plans. It would have been preferable to have an up to date noise assessment however given the dualling of the A453 and the increased distance to the nearest receptors, it is accepted that the background noise levels and the predicted noise impacts are likely to represent the 'worst case' scenario in the 2010 assessment and given this demonstrates compliance with the latest Planning Practice Guidance for minerals, it is accepted that the latest proposals should not give rise to unacceptable noise impacts.

The proposals are acceptable in terms of noise impacts subject to the inclusion of recommended conditions controlling extraction/construction noise and hours

(to be 0700 - 1800 hours Monday to Friday and 0700 - 1300hours on Saturday with no working on Sundays or Bank Holidays). Noise from a proposed refuelling and pump out station should also be limited.

60. Via (Reclamation) - No objection.

Concurs with the conclusions and recommendations made within the ground conditions section of the application in that contamination is not expected and that a planning condition addressing the risks from encountering unexpected contamination would be most prudent.

The construction of the marina will necessitate excavations within and immediately adjacent to the watercourse. The management of these activities to prevent uncontrolled release of sediments, fuel oils etc. will be crucial. Discharge of dewatering volumes will be regulated through the Environment Agency and settlement of sediments will be required prior to any discharge to the watercourse.

There are no proposals to import any earth materials. Should this not be the case and imported materials are required for landscaping etc. then the provenance of such materials should be ascertained, ensuring that no contaminated materials are imported to the site. Guidance is given in relation to preparing an Environmental Management Plan for the construction/excavation works.

Controls are required to protect fuel storage and prevent any leakage from such.

Recommendations are made relating to the handling of soils in accordance with good practice.

61. Network Rail Civil Engineering - Objection.

Network Rail has no objection in principle to a development of this type at this location but cannot support the proposals in the current format. This is because the development as proposed appears to be partly located on an area of land still in the ownership of Network Rail.

Concerns are raised in relation to construction traffic and traffic associated with the mineral extraction and the potential impact upon the road surfaces under NR ownership. Given the frequency and nature of traffic proposed, the road leading from the roundabout to the site is of lightweight single track construction and there would be insufficient room for vehicles to pass each for both construction/mineral extraction and the subsequent operation of the marina. The Council should be satisfied that the road construction and width is sufficient to support the proposed development without impacting the free flow of traffic.

The applicant is advised to discuss the proposed access arrangements with NR and agree to a strategy to protect the road assets from potential damage.

All access to any part of the railway undertaker's land shall be kept open at all times during and after the development including access to East Midlands Parkway station.

A condition is recommended to control/manage any abnormal loads.

62. **East Midlands Airport - No objection subject to conditions.**

The site is located in close proximity to the Airport and has an inherent attraction to bird species that are hazardous to aircraft. Increased bird activity in the vicinity of the Airport can increase the risk of birdstrike to aircraft and therefore affect aircraft and passenger safety.

The application includes a proposed Bird Management Plan (BMP) for the development which fails to assess and fully mitigate the bird hazard risk associated with the proposals. However the Airport would be happy to discuss with the applicant an amended BMP to address the risk of birdstrike the development may pose.

The Airport requires conditions to be attached to any grant of planning permission requiring submission of a) a satisfactory BMP agreed in consultation with the Airport and b) a detailed landscaping scheme designed so as not to increase the level of bird activity at the site, such submissions to be approved prior to commencement of the development.

63. **National Air Traffic Services (Safeguarding) - No objection.**

The proposed development has been examined from a technical safeguarding aspect and does not conflict with NATS safeguarding criteria.

64. **NCC (Built Heritage); NCC (Flood Risk Management Team); The Ramblers Association; Western Power Distribution; National Grid (Gas); Severn Trent Water Limited** have not responded. Any response received will be orally reported.

Publicity

65. The application has been publicised as a 'departure' application which is supported by an Environmental Statement by means of the placement of 6 site notices (two within Ratcliffe on Soar village), a press notice and neighbour notification letters sent to 19 of the nearest occupiers (including several moorings) in accordance with the County Council's adopted Statement of Community Involvement Review.

66. A copy of the application, its plans and the Environmental Statement have been deposited at the waterside café at the current Redhill Marina for public inspection.

67. In accordance with the Environmental Impact Assessment Regulations a full copy of the application and Environmental Statement has also be deposited with the National Planning Casework Unit acting on behalf of the Secretary of State.

68. 15 letters in support of the proposal have been received, including 9 proforma letters from employees of businesses based at Redhill Marina. The following points are made:

- (a) The proposal would enhance the marina site and provide much needed local moorings of a high standard;
 - (b) It would secure and possibly create much needed employment;
 - (c) The provision of a purpose built off-navigation would be of benefit to boats in times of flood;
 - (d) The marina would be a beneficial local leisure facility/ the Government is keen to promote outdoor activity;
 - (e) The existing marina has good access both by water, road and rail. It is 5 minutes from East Midlands Parkway, 10 minutes to the M1 and 15 minutes to East Midlands Airport.
 - (f) The new marina would bring increased income and work to support the existing boat sales/repair/maintenance businesses and support the local economy.
69. A detailed letter of objection has been received on behalf of Pillings Lock Marina (Quorn). The main issues raised are:
- a) The development is inappropriate development in the Green Belt. The situation has not changed since the previous refusal;
 - b) The applicant's survey of locally available moorings was estimated over one day in 2015 and is now out of date. The applicant has not shown there is need/demand for the marina moorings. There is a lack of need/demand data in the application;
 - c) Nationally there has been a decline in boat ownership whilst the supply of moorings has increased significantly and there is a high supply in the area;
 - d) If a new marina is constructed and is filled this will be matched by decline in occupancy elsewhere;
 - e) This scale of marina is still very significant so the harm to the landscape and the Green Belt and to other interests remains.
70. One further response raises concerns:
- a) Cumulative concerns regarding the urbanising effect of developments along the A453 corridor (A453 dualling; East Midlands Gateway project; Lockington Quarry; HS2)
 - b) Design details need to respect the rural character, such as low-key lighting.
 - c) First impressions on entering the County are impaired by former works compounds, and some empty dwellings. Sensitive remediation should be conditioned.
71. Councillor Andrew Brown was originally notified of the application. Councillor Reg Adair has now also been advised of this application.

72. The issues raised are considered in the Observations Section of this report.

Observations

Background

73. As noted above this application has remained undetermined since being validated in October 2016 and the applicant has been in receipt of the MPA's formal request for further information since January 2017. Discussions with the applicant/agent have been indicative of wholly unsatisfactory progress over this time and more recently appear to indicate some additional survey work has been cancelled at the applicant's request. The public interest in providing certainty in planning decisions is now considered to outweigh the option of delaying determination any further.
74. The planning history section above shows the site has been subject to several previous development proposals for leisure marinas which were considered by this Authority due to the significant levels of mineral (sand/gravel) extraction. The present proposal represents a further down-sizing of the applicant's marina plans. The first noted application sought permission for a 632 berth marina over 20 hectares before it was withdrawn. The second application noted sought permission for a 553 berth application over the same area and in this case was dismissed at appeal. Although the present proposal is substantially the same type/form and location of development as the previously refused application, the present proposal differs in a number of respects.
75. With the exception of the access track the site now encompasses a single agricultural field defined by the bend in the River Soar, by a hedgerow field boundary and by a small watercourse. The previous proposals encompassed an adjacent field to the east up to the access road as well as a further area to the north of the watercourse reaching nearly as far as the existing marina complex. The previously refused application also included a substantial facilities building, a large car park and separate boat house and ancillary store.
76. The present application must though be determined on its own merits in accordance with relevant planning policy and material considerations as they stand today. It is however appropriate to consider certain aspects of the previous Inspector's report so far as they are material to the present application, particularly where the planning policy context remains the same.
77. For the purposes of this assessment the application falls to be determined against the adopted 'development plan' which in this case comprises:
- The Rushcliffe Local Plan Part 1: Core Strategy (2014)
 - The Rushcliffe Borough Local Plan (1996) - saved policies only.
 - The Nottinghamshire Minerals Local Plan (2005).

78. In addition to the above there are certain material considerations relevant to the development proposal, these being:
- Rushcliffe Local Plan Part 2: Land and Planning Policies (Publication version May 2018). This has now been submitted to the Secretary of State for examination and moderate weight can be afforded to its policies.
 - Policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) (depending on their consistency with within the NPPF and/or whether the Local Plan Part 2 is more up to date).
 - The National Planning Policy Framework (Revised July 2018) and related Planning Practice Guidance.
 - Emerging Nottinghamshire Replacement Minerals Local Plan. Only limited weight can be afforded to this draft plan at this stage.
 - Safeguarding Direction for development affecting the route of the planned High Speed Two Rail Project – Phase 2b, issued by the Secretary of State for Transport on 15th November 2016 and confirmed in September 2017.
 - HS2 Phase 2b Working Draft Environmental Statement published 11 October 2018.
 - Report of Planning Inspector Mr John Woolcock dated 20 January 2015 for the previous application proposal.

Principle of the development

79. In assessing the general principle of the marina development, the key considerations are the appropriateness or 'inappropriateness' of the marina development (and mineral extraction phase) within the designated Green Belt. The report will later consider whether there is a clear need for the marina berths in this location; whether there is a need for the associated mineral extraction; other impacts and considerations; and whether *very special circumstances* exist to justify development in the Green Belt.
80. The site does fall wholly within the Green Belt as designated by the 1996 Rushcliffe Local Plan via Policy EN15. The Rushcliffe Core Strategy has largely saved the extent of the Green Belt except where modifications were made to enable several large housing led allocations, none of which affect the application site. Core Strategy Policy 4 states that the principle of the Green Belt will be retained and will be subject to a strategic review in the Part 2 document.
81. The Rushcliffe Borough Non-Statutory Local Plan has been applied as a material consideration in planning decisions within Rushcliffe. Policy EN14 deals with individual development proposals in the Green Belt. However it is now considered to be an out of date material consideration which has been overtaken by the emerging Part 2 Local Plan and the NPPF.

82. The Local Plan Part 2 - Land and Planning Policies (LAPP) has recently been submitted for examination prior to its eventual adoption. Given its advanced stage of preparation moderate weight can be afforded to its policies, but this depends on their consistency with the NPPF as advised by paragraph 48 of the NPPF.
83. Policy 21 of the LAPP states that the Green Belt boundaries are defined on the accompanying policies map. This map shows the extent of the Green Belt at Red Hill will not be altered with all the land up to the River Soar included. For the purposes of assessing individual development proposals in the Green Belt the policy then defers to national policy, stating that applications should be determined in accordance with the NPPF.
84. In this case the revised NPPF stands on its own as a significant material consideration and which supersedes the previous version of the NPPF. It is therefore used as the basis for considering proposals in the Green Belt within Rushcliffe.
85. Within Chapter 13 of the NPPF the Government reaffirms the great importance that it attaches to Green Belts and to their fundamental aim of preventing urban sprawl by keeping land permanently open. The Green Belt serves five purposes which are: to check the unrestricted sprawl of large built-up areas; prevent neighbouring towns merging into one another; assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land (paras 133 and 134).
86. Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity (para 141).
87. The guidance then goes on to deal with individual development proposals setting out two lists of types of development proposals. The first list within paragraph 145 concerns 'buildings'. It states that the construction of new buildings should be deemed inappropriate in the Green Belt save for a defined list of buildings which are excepted from this definition. Of potential relevance is: b): "the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it".
88. In the second list within paragraph 146 certain other forms of development are deemed 'not inappropriate' (and so are appropriate) in the Green Belt so long as they preserve openness and do not conflict with any of the five Green Belt purposes listed above. This includes three categories of potential relevance: a) mineral extraction; b) engineering operations; and e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

89. Where a development proposal does not fall within paragraph 145 or, if falling within paragraph 146 it does not then satisfy the tests to preserve openness and avoid conflict with Green Belt purposes, the proposal must be adjudged as inappropriate development in the Green Belt.
90. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 143). Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations (para 144).
91. The first step therefore is to determine whether the proposal falls within the types of development listed in NPPF paragraphs 145 or 146.
92. Firstly it is clear that mineral extraction and lagoon engineering works (if they are proposed as such) are capable of being appropriate development within the Green Belt under paragraph 146. Part of this would involve creating several temporary stockpiles which have potential to affect the openness of the Green Belt. However, it is considered that the locations and sizes of stockpiles could be controlled under detailed plans/conditions so to preserve openness as required by paragraph 146. They would in any event be transitory and temporary in nature. The mineral extraction/engineering works are however only an enabling phase for the proposed end use as a leisure marina and so it is this end use which is determinative.
93. When looking at the proposed marina end use, it is noted that under paragraph 145 appropriate building facilities in connection with outdoor sport, outdoor recreation etc are considered capable of being appropriate development in the Green Belt. These must be in connection with an existing sport/recreation land use or connected to a change of use of land for that purpose. This is also subject to preserving openness and not conflicting with the purposes of including the land within the Green Belt. It is pertinent that this relates solely to new buildings, and not a marina itself.
94. The proposed facilities building and café included in the application could be considered appropriate if the marina end use is found to be acceptable.
95. The development of a new marina itself would instead be classed as a material change of use of the land (following extraction and engineering works) and as such is capable of falling under paragraph 146 e). This is how the Inspector classed the previously proposed marina development and his finding in this respect remains pertinent to the present application.
96. Material changes of use were missing from the equivalent lists in the former NPPF which formed the key consideration at the last planning appeal and so the proposed marina development was found by the Inspector to be inappropriate development 'by definition' (additionally in terms of impacts to openness and other harmful effects to the Green Belt).
97. The insertion of paragraph 146 e) into the revised NPPF suggests that certain forms of changes of use of land suited to countryside locations are capable of

being an appropriate form of development in the Green Belt. Examples of outdoor sport and recreation are cited. This represents a key policy change which arguably corrects a mistake within the former NPPF as historically such changes of use had been classed as potentially appropriate before planning guidance was rationalised into the first NPPF.

98. Having regard to the revised NPPF, officers consider that the development of a leisure marina can be (by definition) an appropriate type of development in the Green Belt (and the countryside more generally) and can be assessed under 146 e). However in order to be appropriate the proposal must meet the tests that are to preserve openness and to not conflict with the purposes of including the land within the Green Belt, otherwise the proposal must be dealt with as being inappropriate development in the Green Belt.
99. The concept of ‘openness’ and what is meant as ‘preserve’ in this context has been subject to case law. Openness of the Green Belt has a spatial as well as a visual aspect. It can mean to keep land free from development, but does not mean that the land has to be left entirely unchanged. Instead the effects on openness from a development proposal must not be *harmful* in order to ‘preserve’ Green Belt openness.¹ Two extracts from relevant judgements follow.

“openness” is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs and factors relevant to the visual impact on the aspect of openness which the Green Belt presents.”²

“There is an important visual dimension to checking “the unrestricted sprawl of large built-up areas” and the merging of neighbouring towns, as indeed the name “Green Belt” itself implies. Greenness is a visual quality: part of the idea of the Green Belt is that the eye and the spirit should be relieved from the prospect of unrelenting urban sprawl. Openness of aspect is a characteristic quality of the countryside, and “safeguarding the countryside from encroachment” includes preservation of that quality of openness.”³

100. The marina would be a substantial development accommodating 290 boats of varying sizes/types and whilst a notably smaller development proposal to previous plans, there remains concern that the boats, their moorings, jetties, access tracks, lighting, car parks, services and associated paraphernalia would together result in a built character of development affecting the openness and permanence of the Green Belt.

¹ Samuel Smith Old Brewery (Tadcaster) and Oxton Farm vs North Yorkshire County Council & Darrington Quarries Ltd [2018] EWCA Civ 489

² Turner v SoS CLG & Anor [2016] EWCA Civ 466

³ Samuel Smith Old Brewery (Tadcaster), Oxton Farms v North Yorkshire County Council & Anor [2018] EWCA Civ 489

101. The applicant contends that the development would be formed such as to break up the massing of boats and enhanced with additional landscaping and habitat areas to result in a more naturalistic character and appearance. However the plans clearly show a reliance on regimented rows of moorings and engineered embankments necessary so to provide safe access. Landscape screening and planting could serve to partly screen and break up its visual appearance, however the details of this have yet to be shown in any great detail and would in any case take several years to be effective. Overall the development would be detrimental to maintaining the open nature of the site and would represent encroachment into the open countryside.
102. It is also relevant that the Inspector to the previous appealed application attached great weight to preserving the openness of the riverside pasture.
- “The openness of the Green Belt in this area is already impacted by important infrastructure, such as the power station and railway line/station. The existing marina, with large areas of open storage, also has an impact. In this context, the remaining open areas take on a greater significance and importance. Openness within the Green Belt is a finite resource. The existing development in the Green Belt in the vicinity of the appeal site is not an argument in favour of further erosion of its openness.”⁴*
103. It is considered that the development proposal, whilst revised in scale and content, results in a harmful impact to the Green Belt key characteristics of openness and permanence and would represent an encroachment of development into the countryside, thereby conflicting with one of the five purposes of the Green Belt. The site’s rural and open characteristics was found at the previous appeal to have a particularly important function in providing a natural contrast against the nearby transport and power infrastructure, or as the Inspector put it: *“the open rural landscape here serves as a useful foil to the nearby built forms of the railway station and electricity generating infrastructure.”*
104. After considering the relevant tests and considerations the proposed development must be deemed inappropriate development which is by definition harmful to the Green Belt requiring demonstration of very special circumstances in order to succeed. This is informed by the Inspector’s previous findings and relevant up to date case law.
105. It is for these reasons Officers disagree with the reasoning of Rushcliffe Borough Council which resolved to raise no objection. The Borough Council came to this view on the basis that the mineral extraction was appropriate development and the ‘restoration’ to a marina was also appropriate development. Further they considered there to be no adverse impact upon the openness of the Green Belt.
106. Whilst it is a key aim of the NPPF to promote and provide access and opportunities for outdoor sport and recreation to which a marina would partly assist, this in itself does not mean that such development proposals are

⁴ Para 39 Appeal Decision APP/L3055/A/13/2194755 20/01/15

appropriate or do not need to pass the high thresholds of demonstrating very special circumstances. This policy aim can though be taken into account when considering whether very special circumstances are made out to exist.

107. Paragraph 144 of the NPPF states that substantial weight should be given to the identified definitional Green Belt harm and that very special circumstances will only be demonstrated where this harm and other harmful planning aspects is outweighed (clearly) by other considerations.
108. The applicant has put forward reasons for where they consider very special circumstances would arise in this case. In summary these are:
 - a) The provision of an appropriate recreation facility in the countryside providing outdoor sport and recreation.
 - b) An economic benefit and increase in employment opportunities.
 - c) Contributing towards an identified need for marinas as well as contributing towards an identified need for sand, gravel and minerals.
 - d) Presenting the opportunity to enhance the river by removing online moorings as well as improving navigability and flood safety.
 - e) Contributing to the local environment by promoting a gain in biodiversity enhancements by introducing new habitats.
109. These matters are considered individually and in the overall planning and Green Belt balancing exercise further in the report.

Ecology

110. The site comprises part of the riverside pastures alongside the River Soar and includes areas of hedgerow, trees (particularly along with river bank) and a couple of ponds. The bulk of the site itself is not notified for wildlife interest, however the River Soar is designated as a Local Wildlife Site and would be affected due to the need for a connection into the proposed marina basin. The site also lies within proximity to the Lockington Marshes Site of Special Scientific Interest (SSSI) which is 130m to the west on the Leicestershire side of the river.
111. The application has been accompanied by a Preliminary Ecological Appraisal (PEA) which looked at the types of habitat present and the potential notable and/or protected species which might be affected and which would necessitate further surveys. Some survey work was undertaken for riparian mammals, bats and a suitability assessment of two ponds for potential amphibians. In practice therefore the PEA exercise is only a first stage to identify where supplementary work is required. The ecological consultants indeed recommended that further surveys be undertaken in relation to bat roosts; bat activity; wintering birds; breeding birds and reptiles. These surveys have not however been provided with the application documentation. A request for these surveys was made in January 2017 as part of a wider Regulation 22 request for further information but they have not been provided to the MPA.

112. Adopted MLP Policy M3.1 states that planning permission for minerals development will not be granted unless sufficient information is provided to enable a balanced assessment of all relevant factors including assessment of the ecological value of the area and of the potential impacts of the development.
113. The adopted MLP Policy M3.17 states that planning permission will not be granted for minerals development which will adversely affect the integrity or continuity of habitats or features identified as priorities in the UK and/ or Nottinghamshire Local Biodiversity Action Plan, unless an overriding need for development is demonstrated to outweigh the nature conservation interests. In such circumstances provision of compensatory measures are sought.
114. The NPPF states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity particularly through establishing coherent ecological networks (para 170). Paragraph 175 sets out the sequential approach to biodiversity i.e. significant harm to biodiversity should first be avoided (including if necessary through refusing planning permission), followed by providing adequate mitigation, or as a last resort compensated for.
115. This more up to date approach is reflected in Rushcliffe Core Strategy Policy 17 which seeks to increase biodiversity, improve Green Infrastructure networks and ensure that development proposals first demonstrate that no alternative sites or scheme designs are suitable before harm to biodiversity is permitted when mitigation and lastly compensatory measures are required.
116. The County Ecologist and the Nottinghamshire Wildlife Trust raise similar objections to the application as it stands. This is on the basis of the inadequate level of information provided and the assumptions made within the chapter of the Environmental Statement in summarising the ecological appraisal work undertaken. This latter aspect falls short of what should be a fit and proper Ecological Impact Assessment (EclA).
117. Although the application lacks a proper EclA to consider potential impacts on the SSSI, Natural England as the lead regulator with respect to SSSIs has concluded that the proposal would not have an adverse impact on the SSSI. However they defer assessment of impacts to protected species or local designated sites to this authority.
118. It is well established planning practice and law that full and adequate ecological baseline information should be provided in support of planning applications. Such information allows for an informed appraisal of any impacts from the proposed development and if necessary, provision of appropriate mitigation or compensation. The applicant has had sufficient opportunity to produce and submit the additional surveys. Typically many surveys have to be undertaken in the spring/summer seasons to coincide with the presence of species such as bats or breeding birds. Officers became aware that partial surveys had only been undertaken this summer i.e. in the second summer survey window following the request and that the work was then stopped at the applicant's request with respect to bat surveys and reptiles, for which the seasonal survey window is closed again. It is understood that the applicant had hoped to access

survey work being undertaken by a different consultant working on behalf of HS2 on the site and to utilise this for the present proposal, but it remains unclear whether this is available to other parties such as the landowner/applicant and at what stage it is at (the recently published HS2 phase 2b Working Draft Environmental Statement states that such field work is ongoing). In any event none of the additional surveys have been provided to the MPA.

119. It is not possible with the available information to make positive conclusions on this issue and given the initial findings of the PEA (in recommending further survey work for notable species) the proposals do not accord with planning policy. In the absence of the survey work and a proper EclA, it can only be concluded that the applicant has not properly identified or assessed the potential impacts to ecological interests. The proposal also cannot be adjudged to be sustainable development if the environmental arm of sustainability (along with social and economic arms) are not fully informed and in balance.
120. Outline proposals for landscaping works and an area for 'habitat creation' are shown on the submitted plans and set out in the Landscape and Visual Impact Assessment. These would require additional planning work to deliver optimal habitat which would be suited for the site. It is also not possible in light of the above to know whether this would act as compensatory habitat provision or whether it would result in an overall ecological enhancement as is claimed by the applicant.
121. Consequently it can only be concluded that the application does not accord with adopted MLP policies M3.1, M3.17, Rushcliffe Core Strategy Policy 17 and paragraphs 170/175 of the NPPF with respect to ecology.

Archaeology and heritage

122. The potential for significant archaeology to be present and to be affected by the excavation of the proposed marina is a key consideration in the determination of this application.
123. The application has been accompanied with a report from an archaeological field evaluation undertaken in 2007 and which was provided with the earlier planning application. As part of this, a series of trenches were opened across the area associated with the previous larger marina proposal and which provided various finds related to Roman and Romano-British settlement associated with the nearby Scheduled Ancient Monument (SAM) at Red Hill. The interpretation of the field work shows that the site was spiritually important at this time, as evidenced by the site of a shrine at the confluence of the Rivers Trent and Soar and also commercially important as borne out by the finds including pottery, metal working and human burials. The Roman finds were mainly found within an area alongside the current access road to Redhill Farm.
124. In terms of dealing with archaeology Policy M3.24 of the adopted MLP is the starting point. It states that planning permission will not be granted for minerals development which would destroy or degrade nationally important archaeological remains and their settings, whether scheduled or not. Planning permission will only be granted for development which would affect

archaeological remains of less than national importance where it can be demonstrated that the importance of the development outweighs the regional or local significance of the remains and where appropriate provision is made for the excavation and recording of the remains. This policy therefore requires an assessment and understanding of the significance of the archaeology (in its context) and which then determines how it is dealt with in the planning decision in terms of it being nationally, regionally or locally important.

125. The NPPF, which is a key material consideration, takes a similar approach to dealing with heritage assets in terms of their relative significance. It states that all heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
126. At paragraph 189 of the NPPF is the requirement on the applicant to describe the significance of any heritage assets affected (including any contribution made by their setting). Where there are archaeological interests, applicants are required to submit an appropriate desk-based assessment and where necessary additional field evaluation surveys. The level of detailed information should be proportionate to the importance of the asset(s).
127. Planning authorities are then required to assess the impacts by taking into account the available evidence and any necessary expertise and should aim to first avoid or minimise conflict between the heritage asset and the proposed development. In considering impacts to the significance of heritage assets great weight should be afforded to the asset's conservation, with the greatest weight attached to the more important assets (para 193). The NPPF makes clear that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance. Any harm to, or loss of, the significance of a designated heritage asset (which can arise directly through alteration or destruction or as a result of development within its setting) should require clear and convincing justification (para 194).
128. NPPF paragraph 194 sets out that substantial harm to or loss of designated heritage assets of the highest significance, notably *inter alia* scheduled monuments, should be wholly exceptional.
129. A footnote states that "*non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.*"
130. Paragraph 195 sets out that where a proposal would lead to substantial harm to designated heritage assets, consent should be refused "*unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all the following apply.*
 - (a) *the nature of the heritage asset prevents all reasonable uses of the site;*
and

- (b) *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - (c) *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
 - (d) *the harm or loss is outweighed by the benefit of bringing the site back into use. All four criteria have to apply to justify substantial harm to heritage assets if substantial public benefits are not identified.”*
131. Paragraph 196 relates to where there is less than substantial harm to the significance of heritage assets, allowing this to be weighed against the public benefits of the proposal.
 132. It is also relevant to note paragraph 199 which confirms that developers should be required to record and interpret for public record heritage assets (such as archaeological finds) which would be lost through the course of development. Importantly, however, it states that such recording should not be a factor in deciding whether such a loss should be permitted in the first instance.
 133. Emerging Policy 29 of the LAPP affirms that planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them. Where remains of significance are identified planning permission can be granted where either: the remains will be preserved *in situ* through careful design and layout and siting of the proposed development; or when this is not justified or feasible, that appropriate excavation and recording and study of the remains is secured from the developer.
 134. The supporting text makes clear that in deciding which is the appropriate course the planning authority may refuse planning permission; or require modifications to be made so that remains may be preserved *in situ*; or require detailed survey/recording and excavation where it is considered the development should proceed with no *in situ* preservation.
 135. This policy context is relevant to the proposal in broadly two ways. Firstly there is potential for the marina development to indirectly affect the nearby designated Red Hill SAM in terms of effects on its setting and secondly through the direct impact and possible loss of buried archaeology from the excavation of the site, which whilst being non-designated is capable of being categorised as of equivalence to the most important assets which include SAMs.
 136. The 2007 archaeological fieldwork and previous investigations undertaken in the area have provided a level of understanding of the significance of the site and area, showing in particular Romano-British settlement and continuing into the Anglo-Saxon period. There is a clear relationship between the application site and the SAM nearby. This understanding was however limited to the techniques and practice available at the time.
 137. The County Archaeologist advises that the site can be broadly split into a dry zone and a more complex wet zone beside the river. High profile national archaeological discoveries (most notably at Must Farm in the Cambridgeshire

Fens) have shown that in waterlogged anaerobic conditions organic remains can be preserved to a very high degree.

138. The standards of assessment of wet zone archaeology has advanced in that time such the 2007 report is now considered out of date by the County Archaeologist. The 2007 work did not properly deal with this area, indeed it acknowledges that the floodplain deposits could at that time only be briefly tackled and that the trenching programme was not designed to map the substantial palaeochannel deposits.

139. The report concludes at chapter 7 with the following:

“With such an active river as the Soar the probability that the site will produce not only palaeochannels but also structures associated with exploiting wetland resources is high...The confluence of the Trent and Soar lies to the north east of the Red Hill SAM and the importance and significance of the dryland remains cannot be divorced from the wetland, in both practical and spiritual terms. The positioning of an ancient shrine at the high point in the landscape and its proximity to the confluence of two major rivers indicates the site’s importance in terms of its spiritual significance throughout antiquity as well as its significance as an exploitable natural resource.”

140. The County Archaeologist concurs that the location makes it highly likely that it would have been the site of Roman activity such as river wharfage or possibly a river crossing as mentioned in the 2017 report. Such remains would be considered of national archaeological importance commensurate with SAMs and which should only be destroyed in a wholly exceptional situation in accordance with NPPF paragraph 194. Even if they were outside of the application area the effect of de-watering for the construction of the marina would likely lead to the degradation of wetland remains though the introduction of oxygen into the ground. This issue is also noted by Historic England in its response. The County Archaeologist recommends refusal of the application on the basis of the information presented.

141. Historic England comment that the findings of the Planning Inspector remain relevant to the determination of the current application. Historic England agrees that the site has at least regionally important deposits and potentially nationally important remains with a strong spatial association with the Red Hill SAM.

142. The applicant has been given a request and further opportunity to investigate the significance/potential of the wetland zone but has chosen not to submit further information on this matter.

143. In dealing with the previous larger application the County Council was ‘minded to refuse’ planning permission on the basis *inter alia* that the site contains at least regionally important archaeological remains and potentially nationally important remains. There was no demonstrative pressing need for the marina and hence this was outweighed by the importance of preserving the archaeology. The Inspector in considering the subsequent appeal noted that the site has potential for archaeological remains by reason of its proximity to the Roman shrine at Red Hill, being as it is located at the confluence of two rivers,

and to Romano-British sites in the area. He found that the (then larger) marina proposal would not accord with Policy M3.24. He wrote:

“The proposed excavation and dewatering could harm any archaeological remains on the appeal site. The risk is difficult to quantify. However, given the nature of the works proposed, I consider that the risk would be significant, because the possible existence of remains that would require in situ preservation cannot be ruled out. I find that the risk to archaeological remains is a factor that, to some extent, weighs against the proposal.”⁵

144. Whilst it is possible that the smaller marina proposal in consideration would now avoid direct impacts to the known Roman remains alongside the access road, the requirement for it to be sited by the river places it within the wetland zone which is now of concern. In such situations mitigation measures may be limited. It may not be possible to avoid archaeology by means of preservation *in situ* due to the nature and scale of excavations to form the marina basin. Nor is it clear as to whether any preservation *in situ* (which could require subsequent revisions to the development) would actually be achievable or successful – as noted above works could lead to the introduction of degrading oxygen into any surviving remains.
145. From the level of information available to the MPA and to the consultees, the MPA understands the significance of the archaeology on site to qualify as nationally significant, of equivalence to a Scheduled Ancient Monument and therefore of the highest significance. The wetland zone archaeology cannot be divorced from the dryland archaeology and in turn there are strong associations with the Roman shrine SAM.
146. Footnote 63 of the NPPF states that “*Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets*”. On this basis it is therefore appropriate to apply the test at paragraph 194b of the NPPF (that any harm to, or loss of, the significance of a scheduled monument should be wholly exceptional) and the tests at paragraph 195 (that a proposed development that will lead to substantial harm to (or total loss of significance of) a designated heritage asset should be refused consent unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss; or alternatively the 4 criteria detailed in paragraph 130 above apply. As will be explored elsewhere in this report, the position of the officers remains that the need for and public benefits of a marina are not so clear and/or great as to outweigh the identified harm to archaeology in this case and the great weight which should be afforded to their continued preservation. Furthermore the separate tests under paragraph 195 do not apply or are not satisfied with respect to the archaeological interests. These interests do not prevent the continuing and reasonable use of the site for agricultural use. Therefore, it is considered that the application fails the tests in NPPF paragraph 195. As such

⁵ Para 28 Appeal Decision APP/L3055/A/13/2194755 20/01/15

the proposed development does not accord with Policy M3.24 and should be refused in accordance with paragraphs 193 to 195 of the NPPF.

147. Briefly in terms of impacts to other built heritage, the application site does not lie in proximity to any Listed Buildings, the nearest being located within Ratcliffe on Soar village to the south. These are however separated from the site by the A453 and the proposed development would not impact on their setting. There is also a Grade II listed packhorse bridge at the existing marina to the north, which would again be unaffected. In this respect there is no conflict with Policy M3.25 or national planning guidance.

Flooding

148. The site comprises low lying land within the River Soar floodplain and is classified within Flood Zone 3 i.e. at a high risk of river flooding. In addition to the river there is a small ditch along the northern site boundary which discharges into the river as well as a couple of on-site ponds. A flood defence embankment is present across the site. Land generally to the east of the existing access road is at a higher level where the Parkway Station is situated. The access road itself has a low point near to the ditch/culvert and rises up to higher ground at the parkway station roundabout.
149. MLP Policy M3.1 requires sufficient information to be provided in planning applications including assessment of surface drainage and hydrogeology.
150. MLP Policy M3.9 states that minerals development will not be permitted where there would be an unacceptable impact on flood flows, flood storage capacity or to the integrity of flood defences and local drainage systems, unless appropriate conditions can be imposed.
151. Policy 17 of the emerging LAAP generally follows the approach within the NPPF.
152. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe for its lifetime without increasing flood risk elsewhere (para 155). It puts in place the sequential approach to site selection whereby development should not be permitted if there are reasonably available sites in lower risk areas (para 158). It also provides for an exception test where planning permission can be granted if it is not possible for developments to be located in lower risk zones (taking into account wider sustainable development objectives and also the potential vulnerability of the site and proposal) and subject to passing the tests.
153. For the exception test to be passed it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. (para 160). (Both elements of the exception test should be satisfied).

154. Development should only be allowed in areas at risk of flooding where, in light of a Flood Risk Assessment (FRA) (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site the most vulnerable development is located in areas of lowest flood risk (unless there are overriding reasons); b) development is appropriately flood resistant and resilient; c) sustainable drainage is incorporated unless it is clearly inappropriate d) any residual risks can be safely managed and e) safe access and escape routes are included with emergency planning (para 163).
155. A FRA accompanies the application and considers the general acceptability of the proposals in this location and the flooding impacts at both the extraction phase and final user/occupation phase. Mitigation measures are also identified in order to make the development safe and flood resilient. The FRA does not consider the sequential assessment of alternative sites.
156. The FRA includes calculations of likely flooding, making appropriate allowances for the effects of future climate change. Whilst the existing flood embankment provides some protection, the flood modelling indicates that in a 1 in 100 year + climate change flood event the whole site would be flooded to a depth of between 1m and 1.6m. The existing access road would be cut off at its low point near Masons Barn but would still be passible in a lesser 1 in 20 year flood.
157. At the mineral extraction phase, the FRA advises that all surface waters and ground waters can be satisfactorily managed within the workings using pumps to dewater active mineral working areas, the outflow from which would be discharged into the river under regulation from the Environment Agency. Stockpiles such of soils or mineral would typically be of short existence and could be arranged parallel to potential flood flows so not to become a barrier in a flood event.
158. The proposed marina basin would provide a large open area for flood water to traverse in a flood event and overall there would be no loss of flood plain storage. A flood control gate at the marina entrance could potentially be used to regulate water levels, however the moorings would all use floating pontoons and walkways designed for 1 in 100 year flood events (plus climate change). All access routes and walkways would be finished at 30.4m AOD to deal with a 1 in 50 year to 1 in 100 year flood event, so to ensure safe and dry emergency access. Roadways would have marker posts to show the edge of the roadway in times of flood. Also the low point at the access road at Masons Barn would be raised to ensure dry safe access in times of flood.
159. The FRA states that the existing flood defences would not be affected. It is however noted that a roadway would be constructed along the top of part of the embankment and other hard surfaces would be built including substantial areas of car parking. The type of surfacing is not clear but could potentially be mitigated by using a permeable material or hardcore.
160. The facilities building would be located at a slightly lower risk area of the site and raised on piles with floor level above a 1 in 100 year flood event. Further flood resilient design could be included such as raised services. Mitigation is also proposed in the requirement for an emergency flood management plan.

161. National Planning Practice Guidance sets out the appropriateness of certain types of development in each flood zone. Sand and gravel workings are classified as 'water-compatible' development and are generally appropriate in Flood Zone 3 including Zone 3b which is the functional floodplain. Marinas, water-based recreation, outdoor sports (and essential facilities such as changing rooms) and areas for amenity open space or nature conservation are also classified as 'water-compatible' development which are appropriate in flood zones 3a and 3b. However this appropriateness is subject to the development satisfying certain conditions, namely: the development should remain operational and safe for users in times of flood; result in no net loss of floodplain storage; not impede water flows; and not increase flood risk elsewhere. These matters apply to all stages of the proposal from mineral extraction through to end marina use.
162. The sequential approach to locating development in areas at lesser risk of flooding is a key provision in the NPPF and should usually be applied to development proposals. However the appropriateness of the proposed development should also be considered and in this case all main aspects of the proposed development from mineral extraction through to final marina use (with ancillary buildings and open spaces) is classified as water compatible in principle. This is because the mineral deposits are naturally found in the river floodplain (and can only be worked where they are found) and because the marina requires a waterside location.
163. Whilst the FRA does not include a sequential site selection assessment, flooding has been one of several considerations in the submitted Alternative Site Appraisal. Fourteen alternative sites were considered along the Soar valley, 6 of which were identified at partial flood risk with flood mapping showing in some cases these outside or partly within Flood Zone 3. Purely on flood risk therefore there may be other suitable sites at lesser risk of flooding which could warrant further investigation through a robust sequential test approach. The Environment Agency however do not challenge the proposed site selection process and the development is classified as generally appropriate at this waterside location in terms of flooding impacts. Importantly however the relevant policies require that the development should not heighten the risk of flooding elsewhere or adversely impact on flood flows or the integrity of flood defences. The development should also be designed to be flood resistant/resilient.
164. The Environment Agency has raised an objection on the basis of there being an inadequate Flood Risk Assessment, which needs reviewing to take into account a number of matters raised in their response. In particular, questions are raised about the impacts/changes to the existing flood defence embankment running across the site and the effects from the raising of levels where access tracks are proposed. These may have impacts to flooding in the wider area. The Agency also questions whether the moorings would be permanent residential or for leisure accommodation.
165. This information has been requested from the applicant. It is understood that discussions have taken place between the Agency and the applicant/agent however no supplementary information has been forthcoming and the Agency

has recently reconfirmed that the objection stands. Therefore in this situation it can only be concluded that the development proposals and FRA as submitted cannot satisfactorily demonstrate that it would not lead to increased flood risk elsewhere or adversely affect the existing flood defences, in particular to nearby residential properties at Middle Gate Cottage or to the current access road which is the sole access/egress route for properties to the north of Redhill Farm as well as the farmhouse and current marina. The proposal is thereby contrary to NPPF paragraphs 155 and 163, associated practice guidance, MLP policies M3.1 and M3.9 and emerging LAPP Policy 17.

High Speed Two

166. The application site is directly affected by the Government's plans for the High Speed Two (HS2) rail project. The second phase of this project will expand the first phase from London to Birmingham (now under construction) into a Y-shaped network, with the eastern leg passing via the East Midlands to Sheffield and Leeds. This eastern leg (phase 2b) includes a hub station at Toton sidings and this preferred route was confirmed by the Government in an announcement on 15th November 2016 (after submission of the application). At the same time the Department for Transport issued formal safeguarding directions under the planning acts to protect the preferred alignment from conflicting development.
167. Whilst some changes to its alignment have been made since the initial route was first announced back in 2013 (around East Midlands Airport and Kegworth) and refinements will be needed in places such as Long Eaton, the HS2 plans have consistently shown the route passing directly through the middle of the application site and are unlikely to change at this stage. It would do so by means of a 14m high viaduct crossing the A453, the Soar valley, through Redhill escarpment and across the Trent valley. Plans are for construction of the eastern leg to commence in 2023 with the line opening in 2033.
168. The guidance notes issued with the Safeguarding Direction states that safeguarding procedures are an established tool of the planning system which aims to ensure that new developments along the route do not impact on the ability to build or operate HS2 or lead to excessive additional costs (the safeguarding purposes). In practice the Direction requires the planning authority to consult with HS2 Ltd (the Government established body charged with its development) on most types of applications along the safeguarded route. This was duly done with the present application and in their response HS2 Ltd (as a statutory consultee) has objected to the planning application.
169. In their original objection HS2 Ltd confirmed that the application site lies within the boundary of the safeguarded land and that therefore the land will need to be permanently acquired for the railway's construction/operation. HS2 reiterated the purposes of the safeguarding and advised that they are not convinced that the proposed marina development could co-exist with the railway. HS2 were open to meeting with the applicant and/or the MPA to discuss the situation and this was relayed to the applicant as part of the request for further information under Regulation 22. It is understood that after some difficulty, this meeting did take place, but that this has not changed the position of HS2.

170. HS2 Ltd has recently reaffirmed their objection and supports a refusal of planning permission. They state that they plan to permanently acquire land both beneath the viaduct and either side for future maintenance purposes. It is their technical opinion that the railway would preclude the construction of the marina. Furthermore HS2 have identified a requirement for additional areas of the applicant's landholding for the purposes of constructing the railway viaduct as set out in the HS2 Draft Working Environmental Statement (published October 2018). The land would not be available for redevelopment until after HS2 had vacated the area, which could be 2030 or 2032.
171. Procedurally the objection from HS2 does not prevent this authority from disagreeing with its position and 'approving' planning permission. However any such resolution would require referral to the Secretary of State for Transport who would be likely to use powers to 'call in' and determine the application himself (or the SoS for Communities) or to require that planning permission be refused. The safeguarding objection is though clearly a significant material planning consideration in its own right. Case law confirms that the HS2 safeguarding directions are capable of being material planning considerations⁶ and in particular their three purposes; i.e. to ensure that new developments along the route do not impact of the ability to build (1) or operate (2) HS2 or lead to excessive additional costs (3).
172. Policies 3, 14 and 15 of the Rushcliffe Core Strategy support improvements to public transport services and sustainable transport options in order to reduce car travel and support the delivery of the economic and housing growth strategy for the Borough and the wider Nottingham area.
173. The County Council's Plan 'Your Nottinghamshire Your Future' recognises the significance of HS2 as a once in lifetime opportunity to change the economy of the county and to improve connectivity. The Council is leading on the development of a vision for a Growth Zone around the HS2 station at Toton to maximise benefits for people and businesses throughout Nottinghamshire.
174. At a regional level *East Midlands Councils*, which represents the interests of local authorities, has established a HS2 Strategic Board and drawn up an East Midlands HS2 Growth Strategy. It believes that the opportunities for trade, investment and jobs that HS2 brings could lead to the equivalent of 74,000 new jobs and an extra £4bn GVA (Gross Value Added) to the local economy by 2042 taking the region above the nationally projected trend. The strategic importance of HS2 is therefore evident.
175. The safeguarded route across the Trent and Soar valleys, passing as it does directly through application site, represents a mature alignment and one which is at a stage where it is unlikely to change. The development of an inland marina in this location would certainly interfere with the construction of the railway and at the very least require additional engineering related to the viaduct construction along with consequent implications for costs to the public purse.

⁶ HS2 Action Alliance and London Borough of Hillingdon vs Secretary of State for Transport EWCA Civ 1578 [2014]

176. If planning permission was to be granted for the proposed marina development and in the event that the marina was completed in advance of HS2 main construction works in 2023, it is probable that the site and wider Redhill Farm would be taken up as a construction zone for the railway as indicated within the HS2 working draft Environmental Statement. HS2 Ltd would also permanently acquire some of the land needed for the railway and they may well do this before any development of the marina commences. All of this construction activity would potentially impact on the viability of a marina and whose future could not be guaranteed.
177. Furthermore the theoretical living conditions and general amenity of anyone staying in moored boats beside a high speed railway line (225mph) raises planning compatibility concerns. At its operational phase from 2033, the HS2 working draft Environmental Statement gives an indication of the likely noise effects of the railway passing over the site. The line is expected to run between the hours of 05.00 and 00.00 with 10 trains per hour in each direction at its peak. Noise contour maps show that train only noise (not taking into account background noise at this stage) would be 55-60dB night time (between 23.00 and 07.00) within 30m of the rail line and 65-70dB daytime passing through the centre of the application site – a level which is identified as having a significant effect on the nearby Middle Gate cottage which, if not demolished by HS2, would require noise insulation mitigation. Beyond this the remainder of the application site would fall within the 50-55dB night time and 60-65dB daytime contour. Such impacts raise fundamental viability and compatibility concerns and it is not obvious how this could be mitigated.
178. The submitted application makes no consideration of the effects/implications of HS2 on the marina project (the safeguarding was confirmed after submission). It is not possible to approve planning permission without supplementary evidence of how the two projects could both be delivered, (without conflict with the HS2 project) and evidence that the amenity of the marina would not be so adversely affected to undermine its viability and attractiveness and hence the need for this Green Belt development. The applicant has been given sufficient opportunity to respond on this matter, however the conflict is now further compounded by HS2 Ltd.'s developing plans. The applicant has sought a further delay to the consideration of the planning application since the publication of the HS2 Working Draft Environmental Statement. Officers have considered this request but consider this latest information does not assist or overcome the conflict with the HS2 safeguarding and consider that a further postponement of a planning decision would not be in the public interest.
179. In this situation the national importance and significance of the HS2 project along with the three purposes of the safeguarding direction, and the objection from HS2 Ltd must be considered to be relevant and highly material considerations which strongly weigh against the grant of planning permission. The national and local importance of the HS2 project clearly outweighs the local benefits a marina might bring to the area and needs to be weighed together with any other factors weighing against the application.

Landscape, visual and green infrastructure impacts

180. The site comprises low-lying pasture fields alongside the meander of the River Soar before its confluence with the Trent to the north. There is some fringing willow and hawthorn scrub alongside the river bank and hawthorn dominant field hedgerows to the east. There are some detracting and intervening built features within the immediate landscape setting, notably the sheer bulk of the power station to the east and the elevated A453 cutting across the river valley to the south. The proliferation of certain aspects of the existing marina/yard area to the north are also detracting from the rural landscape, particularly with respect to the areas of open storage. It is also worth noting that the moorings extending along the river bank could also be perceived as a detracting feature particularly with the residential paraphernalia such as seating, planters, washing lines, parked vehicles and such like, although this is not as significant. The application site therefore, whilst seen in this modified context, is itself still intrinsically a pastoral landscape, part of the natural washlands and within the designated Green Belt.
181. The landscape character has been categorised as within the Soar Valley Farmlands Policy Zone of the Trent Valley Regional Character Area as set out in the Greater Nottingham Landscape Character Assessment (LCA). This states that it is characterised by low-lying land associated with the River Soar floodplain. The land is mostly pastoral and fields are bounded by species-rich hedgerows and ash trees. The character strength of the area is 'moderate to strong' whilst its condition is 'moderate', leading to a landscape policy of 'conserve and enhance'. The LCA sets out the conservation and enhancement actions appropriate to the area. These are highlighted in the landscape officer's advice above, but most notably include the action to conserve areas of permanent pastoral farming along the river floodplain; conserve and enhance riparian trees and to limit built form on areas of the lowest ground.
182. In terms of relevant planning policy, MLP Policy M3.22 states that planning permission for minerals development which is likely to adversely impact local character and landscape distinctiveness will not be granted unless there are reasons of overriding public interest or where amelioration can reduce impact to acceptable levels. Policy M3.3 states that minerals development will only be permitted where any adverse visual impacts can be kept to acceptable levels.
183. Rushcliffe Core Strategy Policy 16 seeks to provide a Green Infrastructure (GI) network, including along the Soar valley, but also seeks to protect, conserve or enhance landscape character in line with the recommendations of the Greater Nottingham Landscape Character Assessment.
184. The emerging LAPP recognises the Soar as a Green Infrastructure Corridor. It seeks to promote its primary functions which are for ecology, floodwater storage, improved pedestrian/cycling connectivity and for outdoor recreation. Policy 34 seeks to ensure that Green Infrastructure (GI) assets including rivers, and flood areas will usually be protected from development which may adversely affect their GI function. Proposals which protect, enhance, or widen their GI importance will be supported, provided it does not adversely affect their primary functions. The loss of GI should generally be replaced. Policy 35 requires the Soar GI corridor to be maintained and enhanced. Opportunities for improvements, such as to connectivity, or to its function should be taken.

185. The NPPF recognises the intrinsic character and beauty of the countryside along with the wider benefits from natural capital and ecosystem services.
186. The submitted development masterplan shows that the intention would be that existing areas of trees and vegetation would be largely retained and supplemented with new woodland planting around the boundaries to provide screening of the development and to mitigate views of the building and car park. A landscape buffer would run along the eastern boundary, while retaining the existing hedgerow. Similarly a belt of trees would enclose the northern boundary. The eastern corner in the river bend would be set aside as a habitat area, possibly of more open grassland character. The plan shows other tree planting across green and peripheral areas of the marina basin to soften the overall appearance. The landscaping is indicative at this stage, but there is a basis for detailed landscape proposals to be drawn up in consultation with East Midlands Airport as a result of their consultation response.
187. The plans have been supported with a Landscape and Visual Impact Assessment (LVIA) which has also considered the proposals from several key viewpoints in the vicinity, including from public footpaths. This work has been reviewed by the MPA's landscape advisor who considers that the assessment underplays the level of impact in the short to medium term, at least until new landscape planting has become established after 15 years. The level of impact is assessed as in the range of between *slight to medium adverse* to the surrounding landscape character, with the exact level of impact dependent on achieving a comprehensive and successful landscape planting scheme. The proposed development would also not accord with two of the landscape policy zone actions, namely to conserve areas of permanent pastoral farming along the river floodplain and to conserve the infrequent nature of built form on the lowest ground.
188. In terms of visual effects the LVIA has considered visual impacts of the proposed development from 15 viewpoints within the surrounding landscape. The most crucial views are considered to be those from close-by public footpaths as walkers are considered very sensitive to visual intrusion as they pass through what is essentially a rural situation. The MPA's landscape advisor considers that views from viewpoint 1 (from footpath L61/3) should be uprated to a medium adverse impact at year 1, reducing to slight adverse at year 15 as opposed to the slight impact as put forward in the LVIA. This footpath cuts across the field on the opposite bank side, however there is a further footpath (L63/4) closely hugging the western bankside which joins L61/3 and which would appear to be more affected but has not been selected as a viewpoint. Viewpoint 6 at Ratcliffe Lock, just to the south provides a better view of the site at close quarters from footpath L63/2. Again the landscape advisor considers that visual impacts should be uprated to medium adverse at year 1 and medium to slight adverse at year 15.
189. When walking these footpaths, particularly those on the Leicestershire side of the river, it is within a picturesque and undeveloped scene, following the gentle meander of the Soar and looking directly across the river to the application site. The site is read within the context of the river floodplain but has the backdrop of the power station beyond. The Inspector appointed in considering the previous

marina appeal considered the visual effects upon viewpoints including users of the public footpaths. A key passage of his decision letter states:

“the proposed marina, with extensive areas of moored boats and large areas of car parking, would by reason of the overall scale of the facility, have an adverse visual effect. With appropriate landscaping some adverse impacts could be minimised in time, but the scheme would be visually intrusive in this part of the open countryside. This would have a harmful visual effect because the open rural landscape here serves as a useful foil to the nearby built forms of the railway station and electricity generating infrastructure.”

190. Although this concerned a much larger marina development, the currently proposed development is sited in the same situation set against the river in the undeveloped floodplain. The proposed development would introduce a built form to this open countryside and designated Green Belt detracting from its open and pastoral character. Whilst the existing boat moorings could be cleared from the riverbank, those within the marina would still be visible and conspicuous from the footpath viewpoints, along with a multitude of pontoons/poles, walkways and elevated access tracks. The facilities building, elevated on stilts would also be seen across the marina basin, along with the car parks.
191. Whilst boats and moorings are a familiar sight on this part of the river they are largely related to existing development and wharfs, including at the current Redhill marina. The proposed marina, located away from the current marina, would appear as a large intrusion into the landscape and a landscape which requires conserving and enhancing, particularly given the detractions of road, rail and power infrastructure locally. It would not relate well to the current built development at the existing marina and would not appear as any form of extension or improvement.
192. It should also be noted that during construction/extraction works the level of visual intrusion and other disturbance to local walkers would be very noticeable and substantial as a result of the excavation areas, temporary stockpiles and use of mobile plant and machinery. Whilst this would be a short-term impact, it is an adverse impact nonetheless and the Inspector in considering the previous marina proposal considered such intrusion to result in a considerable level and duration of harm.
193. It is therefore considered that the proposed development would not accord with the landscape policy aims applying to this situation, would result in adverse visual impacts and would not conserve and enhance the condition of the landscape as required in this character area, including taking into account mitigation planting. This is contrary to Core Policy 16 and emerging LAAP policies 34 and 35 with respect to Green Infrastructure aims. Compliance with MLP Policy M3.3 is also at risk with respect to temporary adverse effects from mineral extraction. MLP Policy M3.22 therefore would require reasons of overriding public interest to outweigh the identified landscape harm. The level of identified harm must therefore be weighed alongside all other considerations.

Transport

194. The application site has excellent main highway access to and from the A453 which has been upgraded to a dual carriageway in recent years. The existing and planned marina take access via the remodelled junction serving the Parkway Station, the Power Station and Ratcliffe on Soar village. The village can also be accessed by a lane leading under the A453. Further rural routes are possible to Kegworth (3km to the south) and east towards Gotham.
195. The application estimates that the construction and mineral extraction phase would generate around 46 daily HGV movements (23 in 23 out) which would be routed onto the A453 to be exported to third-party sites for processing and sale, rather than establish a processing operation on site. These destination(s) are not known at this stage, but feasibly could include local quarries or other aggregate sites.
196. At the operational marina stage, the application relies on the submitted Transport Assessment produced for the previous marina proposal in order to provide a robust basis for assessing likely trip rates. This assessment estimated that over 700 daily two-way trips could be generated. Given that this proposal was for a 553 berth marina (as opposed to the 290 now proposed) the figures are considered more than robust and also took into account the redeveloped A453 and the Parkway Station.
197. Policy M3.13 of the adopted Minerals Local Plan states that minerals development will only be permitted subject to the highways network being able to satisfactorily accommodate the associated traffic and without causing unacceptable impact to the environment or to local amenity. Policy M3.15 states that 'major' proposals reliant on road haulage should demonstrate that more sustainable forms of transport (such as barge or rail) are not viable.
198. It appears the applicant has made no analysis of potential sustainable transport options (such as barging the extracted mineral) so to comply with the requirement of Policy M3.15, however it is possible that the width/beam of the river navigation may preclude practical use of commercial bulk carrying barges and the works are nonetheless limited and temporary in nature. As such this issue is not challenged in the present case.
199. The Highways Authority raises no objection to the proposed development. Whilst it is noted that the application relies on an older Transport Assessment related to the previous proposal, the information is considered robust given the reduced scale of the current proposal. There is adequate highway capacity to accommodate both the HGVs associated with the mineral extraction stage and of those vehicles associated with the marina use. Highways England, which is responsible for the A453, also raise no objection.
200. On the matter raised by neighbouring Kegworth Parish Council regarding disruption from other road improvement works at M1 Junction 24, the Highways Authority notes that the use of back lanes from Ratcliffe on Soar to the A6 at Kegworth is protected by a 7.5 tonne weight limit and so HGVs would not be able to cut through the settlement or avoid Junction 24. The works are now substantially in progress.

201. On the matter raised by Network Rail relating to the use of the access route which is in their ownership and particularly concerns about impacts or possible damage during the extraction/construction phase, officers are of the view that this primarily consists of a private interest matter which concerns private land and not a public highway. Notwithstanding this there is a public interest in maintaining the public right of way which exists along the current access road and ensuring the safety of users at the extraction/construction stage. The County Rights of Way officer has advised that the issue of construction traffic along the public footpath can be managed with appropriate signage and with other traffic management measures. In accordance with Policy M3.12 measures could also be required to be put in place to prevent mud/deleterious materials being deposited off-site.
202. In terms of the construction and extraction phase, the proposal is considered compliant with policies M3.12, M3.13 and M3.15 subject to conditions regarding the above matters.
203. In terms of transport and access for the operational marina, there are no highway capacity concerns which has led to no objection being raised by the Highway consultees.
204. It is however worth giving some consideration to the site's sustainability in terms of access, other than means of private car, to local facilities and destinations. Policy 14 of the Rushcliffe Core Strategy (Local Plan Part 1) seeks to ensure that demand for travel by private car is reduced by locating developments in the most accessible locations which are or can be made accessible by public transport, walking and cycling.
205. Saved policy MOV11 (Water Transport) from the Rushcliffe Non-Statutory Local Plan also has relevance. It states that planned infrastructure associated with freight or passenger movement on navigable waterways should inter alia be appropriate to a sustainable transport network and should not generate significant levels of road traffic.
206. No highway comments have been offered on this matter, however the submitted Transport Assessment does indicate that, notwithstanding its marina use, such developments do generate the day-to-day comings and goings of private cars associated with everyday use. The planned provision of two car parks accommodating circa 130 spaces also indicates a reliance on private cars to access local shops and facilities which are not available on site (other than a small café and marina services) nor in the village. The site does have the benefit of the adjacent Parkway Station which offers regular train services to Nottingham, Leicester, Sheffield and London, but for day to day services trips are likely to be to local centres, the nearest of which is Kegworth which lies beyond the usual 2km distance indicator for making it a viable/attractive cycle option. Bus services are limited in the village. There is therefore at least some concern that the proposed marina development may not be as sustainably situated as could be and this is a matter to be considered in the overall planning balance.

207. This section deals with noise impacts arising without the potential HS2 project, which is covered above.
208. The previous Noise Assessment has been submitted with the current application to assess likely noise at the extraction and operational stages. This has been reviewed by the MPA's appointed Noise Engineer who notes it would have been preferable to have an updated assessment, however the Noise Engineer is content that the assessment is a worst case scenario particularly now that the A453 has been dualled (and so background noise levels are unlikely to have decreased) and also now that the size and scale of the marina has been reduced and thereby increasing the separation distance to the few properties which are present alongside the access road.
209. There are four properties which have been assessed; Redhill Farmhouse (occupied by the applicant and therefore not considered to be sensitive); Middle Gate Cottage; Masons Barn and Bungalow; and North Bridge Cottage. The latter two remain unoccupied and are in Network Rail ownership. The closest affected property currently therefore is Middle Gate Cottage. In the previous marina proposal this was 200m from the extraction boundary whereas it would now have an increased separation distance of 235m. The Noise Engineer is of the view that this should be sufficient standoff to limit noise at this property during extraction.
210. The acceptable noise levels associated with minerals development as set out in National Planning Practice Guidance can be complied with, these being 55dB LAeq for daytime noise and 42dB LAeq at night, when only a dewatering pump would be required to run. At the operational marina stage the only notable noise source would be from a Pump Out Station, but this can be controlled by condition.
211. In conclusion the proposal would not lead to any unacceptable noise impacts to local amenity and is therefore considered to accord with Policy M3.5 of the adopted Minerals Local Plan, subject to any controls as recommended by the Noise Engineer and those recommended by Rushcliffe Borough Council to set noise limits at the nearest properties (backed up with a complaints procedure) and controls on hours of operation and plant and machinery.

Aviation Safeguarding

212. The proposed marina development has potential to attract increased bird activity which could increase the risk of bird strike/danger to aircraft in the vicinity of East Midlands Airport (EMA). Paragraph 205 of the NPPF requires minerals development to prevent unacceptable adverse impacts on aviation safety. Draft Policy DM10 of the Emerging Minerals Local Plan requires the applicant to demonstrate that the proposed extraction, restoration and after use will not result in any unacceptable adverse impacts on aviation safety.
213. The Safeguarding Officer at EMA has reviewed the application and in particular the submitted Bird Management Plan (BMP) and considers the BMP to not be acceptable as it currently stands. However the airport would be willing to work with the applicant to submit an acceptable BMP by way of a planning condition

and therefore do not object to the application. EMA further request that final detailed landscape plans for the site are agreed in consultation with them. The MPA is satisfied that these matters of detail could be controlled through planning conditions.

Pollution prevention/reclamation

214. The MPA's appointed Reclamation Officer is satisfied that the extraction and construction works could be undertaken in a safe and controlled manner to protect the environment. This would include measures to contain all fuels and oils securely. Dewatering of the excavations would also be controlled via regulation of the Environment Agency. This would prevent uncontrolled releases of sediments into the River Soar. As such the proposed development is considered compliant with MLP Policy M3.8 relating to the water environment.

Need considerations – mineral extraction

215. In order to demonstrate very special circumstances necessary to permit inappropriate development within the Green Belt, the applicant needs to show that other considerations, including the need for the development, *clearly* outweigh the identified harm to the Green Belt (and additionally any other identified harm) (NPPF para 144).
216. MLP Policy M6.2 states that the MPA will endeavour to maintain 7 year landbank of sand and gravel reserves. This is also the requirement within the NPPF at paragraph 207 and which also states that great weight should be afforded to the benefits of mineral extraction at paragraph 205. MLP Policy M6.3 states that proposals for sand and gravel extraction outside of allocated areas will not be permitted unless it is evident that the existing reserves cannot sustain the landbank.
217. MLP Policy M14.1 states that the extraction of minerals as a necessary element of other development proposal on the same site will be permitted provided any resulting environmental or other impacts are acceptable and that the extraction is of a limited nature and short duration.
218. Policy 42 of the emerging LAAP states that development will not be permitted where they would sterilise mineral resources of economic importance.
219. The proposed prior extraction of sand and gravel from the application site is promoted by the applicant as a necessary aspect of the overall development. An estimated 117,500 tonnes of sand and gravel would be recovered and put to economic use within the general aggregates market. The extraction phase would be of limited duration lasting around one or two years, with other works continuing thereafter. The application states that the mineral extraction would be short term and provide a limited windfall of sand and gravel which would support sustainable economic growth and not significantly harm the MPA's Minerals Local Plan process including site allocations and landbank. It is also claimed that the county has a pressing need for the mineral to address a shortfall in the landbank supply and this is advanced as a contributing very special circumstance to justify the overall development within the Green Belt.

220. Based on the latest available Local Aggregate Assessment (October 2017) the county can demonstrate a more than adequate landbank of over 10 years, based on annual average sales in the County of 1.7 million tonnes and reserves totalling 17.5 million tonnes. In planning for the future, the new MLP being prepared will make provision to meet the needs for the plan period and will take into account the geographic spread of supply to serve local markets. Therefore there is no pressing, identified need for sand and gravel extraction at this site and Policy M6.3 creates a presumption against planning permission.
221. In the event that the need for a marina end use can be demonstrated, the prior mineral extraction could be considered against Policy M14.1 as incidental mineral extraction.
222. The working period of one to two years would clearly be of limited duration. In terms of volumes, taking the last three years of available figures for sand and gravel sales in Nottinghamshire (1.43 million tonnes in 2014, 1.52 million tonnes in 2015, and 1.27 million tonnes in 2016), the 117,500 tonnes (if extracted in year one) would equate to 7.7% to 9.3% of existing county-wide sales. Therefore whilst the overall volumes are relatively modest in industry terms the annual proportion would be not insignificant. The application has also failed to satisfy various environmental aspects.
223. The sand and gravel would therefore amount to a windfall to the county's sand and gravel production and if the end use is found to be needed/acceptable, then the recovery of the mineral for economic use would be a notable benefit of the proposed development which should be afforded great weight in accordance with NPPF paragraph 205. The construction of the marina basin would also ensure that mineral deposits (as a finite resource) would be put to economic use, rather than it being sterilised (for example by using cut and fill techniques) or disposed of. This approach would accord with Policy 42 of the emerging LAAP.
224. In conclusion the mineral extraction on its own is not supported by policies in the Minerals Local Plan as there is no pressing requirement for the mineral to be worked at this time, given the current landbank supply and proposed allocations. However if the need for a marina is borne out the mineral should be put to economic use and thus would amount to a windfall, which would carry weight in favour of the proposed development as guided by the aims of the NPPF.

Need considerations – marina berths

225. The applicant has submitted a Need Assessment to provide justification for the proposed new marina use. As part of this, a simple occupancy survey of existing marinas and moorings was undertaken along the River Soar/Grand Union Canal; River Trent; Trent and Mersey Canal; and the Erewash Canal within a 20 mile radius of Red Hill. This survey involved traveling along the waterways and counting the vacant berths available at existing marinas and moorings. Firstly this shows that the local waterways appear to be well-served by numerous marinas and on-line moorings. The results pertain to show that occupancy levels are high ranging from 73% to 100% full.

226. This survey is a very brief and cursory approach and provides essentially a 'snap shot' in time, which given that the survey was undertaken in July/August 2015 is now rather dated. Furthermore a snapshot survey of occupancy does not equate to demonstrating a pressing or unmet need for new moorings in the Green Belt. Lacking from the assessment are data and analysis of trends in the regional and national use of waterways such as market trends, changes in the numbers of licence holders, waiting lists at marinas and such like. The previous application for a larger marina included such information in much more detail, but the Planning Inspector was still not persuaded of the applicant's need case. The Canal and River Trust have also taken issue with some of the statements made within the Need Assessment. The Trust make it clear that it is the applicant's responsibility to prove need. It is also unclear how many existing riverside moorings may be affected and moved into the marina and whether these would be on a permanent residential basis and/or on what terms.
227. The objection received on behalf of an established marina further downstream on the River Soar includes detailed reasons why the need case is considered to be deficient. It is claimed that the previous growth in the numbers of boat licences has reversed in recent time, but the applicant has not considered such trends.
228. Officers broadly agree with the points made by the objector and that the applicant's case is inadequate to prove an unmet need for off-line moorings. The inadequacy of the Need Assessment has been raised with the applicant within a request for further information under Regulation 22, which remains unanswered.
229. The application also includes an Alternative Site Assessment as part of the justification for the chosen Green Belt site. This has considered 14 potentially suitable locations along the River Soar navigation along a 40 mile stretch to Narborough. Factors taken into account include the physical size and access to the location; constraints such as Green Belt, flood risk, nature and historic conservation interests, and other factors. In looking at the principal constraint that is the Green Belt, which is affecting the application site, a number of potential alternative sites have been incorrectly stated as being within the Green Belt. For example there are sites nearby around Kegworth, which contrary to the assessment, are not constrained by this designation (nor HS2) and which appear to warrant further detailed investigation if a local need can be established. These sites may also benefit from access to local amenities and facilities, whereas the application site at Red Hill is distant and isolated from such.

Benefits to the rural / visitor economy

230. A further consideration in the planning balance is the potential gains to the rural and visitor economy, from visitor spending in local businesses and services, as well as direct job creation.
231. Rushcliffe Core Strategy Policy 13 states that provision of new tourism facilities of an appropriate scale will be generally encouraged, but that these should be

focussed in or adjoining district centres, or through improvement or further development of existing facilities.

232. Policy 31 of the emerging LAPP follows with more details. The development of new tourism and leisure attractions (including accommodation) is generally supported, particularly where this would be well connected to other tourist/leisure destinations and amenities (particularly by public transport, walking and cycling) and those which enhance environments and local distinctiveness including landscapes and heritage. Under this policy new tourist attractions and accommodation should be directed towards district centres where they can make use of existing infrastructure. It recognises however that there may be instances where a proposal requires a countryside location (for example riverside and canal side moorings), provided proposals comply with other policies such as on the Green Belt. Proposals should respect the character of the countryside and be of an appropriate scale to the local landscape and the surrounding environment.
233. Saved Non-Statutory Rushcliffe Policy COM11 sets out to safeguard the River Soar corridor (amongst others) from development which would prejudice its recreational, tourist and commercial potential. It states that particular protection will be given to environmental and wildlife features which contribute to the character of the area. The supporting text comments on the potential tourism and recreational opportunities for the corridors, but also makes clear that development will be strictly controlled and over-intensive tourism and recreational developments will not be permitted where these would spoil and lessen the attractiveness of the environment.
234. Paragraph 83 of the NPPF gives support to the sustainable growth of rural businesses, rural diversification and sustainable rural tourism and leisure developments so long as they respect the character of the countryside.
235. Against this policy context it is evident that marina developments such as that proposed could enhance the local tourism and leisure offering and support local businesses such as those based at the existing marina. A new marina could capitalise on the site's central location, at a junction on the navigable waterway network and attract touring boat (and enable overnight and short break accommodation) visitors to the area. The marina would create a limited number of new jobs but would undoubtedly create some business opportunities for the associated businesses based within the current marina complex involved in boat building and associated specialist services. The majority of representations received in favour of the application are linked to these businesses.
236. The applicant's socio-economic assessment accompanying the application sets out the expected benefits to the local economy from the construction and thereafter operation of the proposed marina. With an expected turnover of £1.2 million (and using industry calculations) the assessment estimates that the marina would add £793,000 Gross Value Added (GVA) to the economy with the majority spent at a local level, spread across direct and indirect employment and spend with suppliers and businesses. In addition, the assessment calculates an anticipated visitor spend outside of the marina of £520,000 per annum with services and amenities, with the majority of these expected to be at the local or

district level. The applicant believes these direct and indirect economic gains would be a major benefit.

237. Clearly there would be some resulting visitor spending at local shops, pubs and other amenities. However, due to the site's location away from District Centres and other settlements providing a wider range of day to day services and amenities, the benefits to the local economy may not be fully realised and can be expected to be widely dispersed.
238. Whilst benefits may not be fully realised in the immediate locality, Rushcliffe Core Strategy Policy 13 and Policy 31 of the emerging LAPP nonetheless allow this type of waterside development in rural situations subject to scale and landscape character assessments. Applying Saved Non-Statutory Rushcliffe Policy COM11 to this ensures there are checks and balances for over-intensive and unsympathetic leisure and tourism developments.
239. There is therefore support for the proposed leisure marina development in this rural location (Green Belt and other considerations aside) which could enhance the local visitor and tourism offer. However there remain concerns about its scale and visual impacts and impacts on the open character of the landscape – the very features of the countryside which make it attractive to visitors.
240. On balance therefore the proposal is not considered to fully accord with the aims of promoting sustainable rural tourism within policies 13, 31, COM11, and national planning guidance. Due to the site's detached situation, the benefits to the rural economy may not be fully realised and, by virtue of its scale, siting and nature, the proposed marina would not be sympathetic to the rural character.

Overall conclusions and assessment of Very Special Circumstances

241. It is established planning practice that it is for the applicant to demonstrate that very special circumstances exist to justify overriding the great importance of the Green Belt and to its planning purposes. The benefits of the development proposed must clearly (and decisively) outweigh the identified harm to the Green Belt, in particular the identified harm to its openness and the conflict with its purpose in safeguarding the countryside from encroachment together with all other identified harms and deficiencies. For reference the applicant states the following reasons for where they consider very special circumstances would arise:
 - The development would provide an appropriate recreation facility in the countryside providing outdoor sport and recreation.
 - There would be an economic benefit and increase in employment opportunities.
 - It would contribute towards an identified need for marinas as well as contributing towards an identified need for sand and gravel minerals.
 - It presents the opportunity to enhance the river by removing existing online moorings as well as improving navigability and flood safety.

- It would contribute to the local environment by promoting a gain/enhancement in biodiversity by introducing new habitats.
242. This report has found that the proposed marina would offer only limited benefits to the rural and visitor economy and a modest number of new jobs to directly manage the facility. There is no identified need for the associated sand and gravel extraction due to adequate landbank reserves and future plans. The applicant has not demonstrated there is a need for new moorings/berths in an area already well served with a range and choice of other facilities. The proposed removal of the existing moorings along the river bank could provide a benefit to river navigation, however it is not evident that these are presently causing a particular hindrance or hazard to other river users. Due to insufficient information it is not possible to understand the ecological impacts of the proposal or whether the development would lead to a net enhancement of habitat or biodiversity. Also due to incomplete information it is not possible to show that the development would be safe in times of flooding and not result in increased flood risk elsewhere. The applicant's very special circumstances are therefore not demonstrated.
243. It is a material consideration that paragraph 141 of the NPPF sets out to promote the enhancement and beneficial use of the Green Belt, such as looking for opportunities for outdoor sport and recreation. However the same paragraph also includes reference to retaining and enhancing landscapes, visual amenity and biodiversity. It is also pertinent that the emerging LAPP, within the supporting text to policy 21, states that the health and well-being benefits of proposals for outdoor sport and recreation will constitute very special circumstances –subject to assessment of their effects on the openness of the Green Belt, and on the purposes of including land in the Green Belt. Therefore whilst the new marina would promote recreational access to the Green Belt and to the River Soar corridor more widely, officers have found that it fails to preserve the openness of the Green Belt and it prejudices the function of the land as part of the countryside, acting as a 'foil' to the built forms of development nearby. These material considerations do not point to very special circumstances being made out.
244. In weighing up, the starting point is to attach substantial weight to the identified harm to the Green Belt, including to its purpose to safeguard the countryside from encroachment and harm to its openness. Added to this should be any other harm as identified. These include conflicts with landscape character aims and objectives and adverse visual impacts which are considered a moderate adverse impact and to which minor to moderate weight can be attached; loss of potentially nationally significant archaeology, considered to be of the highest importance and to which significant weight can be attached; and inadequate information on ecology and flood risk to which considerable weight is attached in the absence of additional information. The application also directly conflicts with the safeguarding direction for HS2 to which significant weight is attached. In favour is a benefit to the local economy and from the creation of new employment opportunities to which moderate weight is attached. Given that there is no identified need for new moorings nor any need for the mineral extraction in its own right, the need for the development overall is only a neutral consideration which is afforded only limited weight.

245. Given the serious deficiency with the application and the wholly inadequate case for a need for the marina, the weighing exercise is straight-forward and determinative that planning permission should be refused. The applicant has been given sufficient and multiple opportunities to provide further information to potentially overcome the concerns identified but has not responded with this information and therefore the application should now be taken to a decision. In doing so all material considerations have been considered and this leads to the conclusion that the proposal is unacceptable and there are clear and decisive reasons for refusing the application most notably in terms of national planning policy to protect the Green Belt. Accordingly, the proposal is not sustainable development for the purposes of paragraph 11 of the NPPF.

Other Options Considered

246. The report relates to the determination of a planning application. Further information under Regulation 22 (Town and Country Planning Environmental Impact Assessment Regulations 2011) was requested by the MPA in January 2017. Despite multiple agreements to extensions for more time the applicant has not made any additional submission and officers have no confidence that this is likely to be forthcoming. Therefore the County Council is under a duty to consider the planning application as submitted.
247. If committee is minded to resolve in favour of a grant of planning permission, contrary to the advice within this report and contrary to the objection of HS2 Ltd, the authority must refer the application to the Secretary of State for Transport under the requirements of HS2 Safeguarding Direction and not issue any decision for a period of 21 days to allow for him to consider the application. In addition it would also be necessary to refer the application to the Secretary of State for Housing, Communities and Local Government under the requirements of the Town and Country Planning (Consultation) (England) Direction with respect to Green Belt development and with respect to the decision being contrary to the objection from the Environment Agency on flood risk matters, again allowing a period of 21 days for him to decide whether to call in the application for his own determination.

Statutory and Policy Implications

248. 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.

Data Protection and Information Governance

249. All members of the public who have made representations on this application are informed that copies of their representations, including their names and addresses, are publically available and are retained for the period of the application and for a relevant period thereafter.

Human Rights Implications

250. 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. Given the recommendation in this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Public Sector Equality Duty Implications

251. The report and its consideration of the planning application has been undertaken in compliance with the Public Sector Equality duty and there are no identified impacts to persons/service users with a protected characteristic.

Implications for Sustainability and the Environment

252. In reaching the recommendation the report considers the effects on the local environment including matters of ecology; landscape and heritage. Inadequate supporting information has been prepared to support the planning application with respect to potential impacts to ecology and local habitats. Objections have been lodged with respect to archaeology and flooding.
253. The proposed development would not satisfy the three arms of sustainable development. A refusal of planning permission, as recommended, would preserve the current environmental interests of the land for future generations.
254. As a result of the recommendation there are no implications arising with respect to human resources; finance; crime/disorder and children/adults at risk safeguarding. There are no implications for County Council service users.

Conclusion

255. The application was originally validated in October 2016. The applicant has failed to respond to a request for further information under Regulation 22 of the EIA Regulations issued by the MPA in January 2017 which included objections from statutory consultees. Discussions with the applicant have indicated wholly unsatisfactory progress to date and the application is therefore to be determined on the basis of the original submission.
256. Whilst it is considered that the proposed development would promote the beneficial enjoyment of the Green Belt for outdoor leisure and recreation it is considered to be inappropriate development, (for the purposes of paras 143 and 144 of the NPPF) by failing to preserve the openness of the Green Belt and by

prejudicing the land's function in safeguarding the countryside from the encroachment. The proposal conflicts with landscape character policy aims, creates adverse visual impacts to rural amenity and would be detrimental to Green Infrastructure objectives contrary to Rushcliffe Core Policy 16 and emerging LAAP policies 34 and 35, and MLP policies M3.3 and M3.22.

257. In addition, the application and Environmental Statement have been found to be inadequate with respect to assessing impacts to ecology, flooding and archaeology. The requirement of MLP Policy M3.1 to provide adequate assessments as part of the planning application has not been fully complied with. The proposal is likely to result in the loss of nationally significant archaeology. The proposal is contrary to emerging LAAP Policy 29 and MLP M3.24 and national planning policy with respect to archaeology; contrary to MLP Policy M3.17, Rushcliffe Core Policy 17, and national policy with respect to ecology; and contrary to national policy and guidance, MLP Policy M3.9 and emerging LAAP Policy 17 with respect to flooding.
258. The application also directly conflicts with the safeguarding direction for HS2 and would therefore compromise a project of national importance. Taken together these harmful impacts are not outweighed by other considerations weighing in favour (which include benefits from visitor/customer spend and from mineral extraction, albeit there is no identified need for the minerals) and therefore very special circumstances do not exist to justify the harm to the Green Belt. There are other nearby locations which lie outside of the Green Belt which warrant further analysis. An insufficient case for the need for the marina has been made to justify overriding the Green Belt, archaeology, landscape and HS2 considerations.

Statement of Positive and Proactive Engagement

259. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by assessing the proposals and the content of the Environmental Statement against relevant Development Plan policies, the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The Minerals Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; liaised with consultees and progressed towards a determination of the application. Multiple issues of concern have been raised with the applicant affording a generous opportunity to consider whether such matters can be suitably resolved through submission of further information under Regulation 22. This approach has been in accordance with the requirement set out in the National Planning Policy Framework. In this instance, however, no additional supporting information has been forthcoming and therefore it has not been possible to resolve the issues of concern so as to overcome the harm as identified in the reasons for refusal.

RECOMMENDATIONS

260. It is RECOMMENDED that planning permission be refused for the reasons set out below. Members need to consider the issues set out in the report and resolve accordingly.

Reasons for Refusal

- i) The National Planning Policy Framework confirms the great importance of Green Belts and their fundamental aim in preventing urban sprawl by keeping land permanently open. Their essential characteristics are their openness and permanence (paragraph 133). The proposed marina is considered to constitute a material change of use of the land following mineral extraction and engineering operations by reference to paragraph 146 of the National Planning Policy Framework. The proposed development by virtue of its scale, numbers of moorings, buildings, associated infrastructure and overall engineered appearance would significantly harm and erode openness and represent an encroachment into the open countryside contrary to the purposes of Green Belts and their essential characteristics within the aims of the National Planning Policy Framework. Consequently, the proposed development is considered to be inappropriate development in the Green Belt and is therefore harmful by reason of failing to preserve the openness of the Green Belt and by conflicting with the purposes of the Green Belt. The applicant has not demonstrated a need for the proposed additional moorings and there is no need for the mineral extraction aspect, as the MPA can demonstrate a sufficient landbank of sand and gravel resources. The identified harm to the Green Belt, along with other identified harm and deficiencies in relation to matters of biodiversity; landscape character; visual impacts; flood risk; archaeology and to HS2 clearly outweigh any identified benefit resulting from the proposal and as such very special circumstances necessary to permit inappropriate development do not exist. The proposed development is therefore contrary to the provisions of the National Planning Policy Framework.
- ii) The proposed development by virtue of its scale, numbers of moorings, associated infrastructure and overall engineered appearance would result in an adverse impact to visual amenity to what is currently an important area of open and distinctively undeveloped countryside, providing a contrast to surrounding infrastructure. The proposed development also fails to conserve and enhance the existing local landscape character, notwithstanding the provision of any mitigating planting. The proposed development therefore does not accord with Policy 16 of the Rushcliffe Local Plan Part 1: Core Strategy or policies 34 and 35 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies-publication draft. There are no overriding reasons of public interest or demonstrated need for the proposed marina or prior mineral extraction to outweigh the identified harm to local landscape character, taking into account the proposed mitigation measures. The proposed development therefore does not accord with Policy M3.22 of the Nottinghamshire

Minerals Local Plan. The prior extraction of minerals would also likely lead to unacceptable adverse impacts to visual amenity, in particular to users of the local rights of way network, contrary to Policy M3.3 of the Nottinghamshire Minerals Local Plan.

- iii) The proposed development would conflict with the HS2 Phase 2b safeguarded route as published, emerging design developments and the Government's objective of delivering HS2, which is a project of national importance. The proposal is therefore contrary to Government Guidance contained in the National Planning Policy Framework (NPPF). The proposal does not conform with the provisions of the NPPF and it is considered that the applicant is unable to overcome such principle concerns.
- iv) Inadequate environmental information has been provided with respect to potential impacts to protected and notable species and/or habitats. Background surveys have not been provided which are essential to understand the biodiversity value of the site and whether the proposed development would conserve and enhance biodiversity and/or provide any necessary mitigation or compensatory measures as may be required. The application does not satisfy the requirements of policies M3.1 and M3.17 of the Nottinghamshire Minerals Local Plan; Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy; and paragraphs 170 and 175 of the National Planning Policy Framework.
- v) Inadequate environmental information has been provided with respect to potential impacts (direct and indirect) on nationally significant archaeology, the loss of which should be wholly exceptional. There is no demonstrated need for the proposed new marina or any other such need or demonstrable substantial public benefits to qualify such an exception to outweigh the great weight which is afforded to the conservation of the archaeology. The proposal does not accord with Policy M3.24 of the Nottinghamshire Minerals Local Plan or paragraphs 193 to 195 of the National Planning Policy Framework.
- vi) The site is located within the identified Flood Zone 3 and is at a high risk of flooding. The submitted Flood Risk Assessment does not comply with the requirements of Planning Practice Guidance to the National Planning Policy Framework and fails to provide adequate information to fully assess the flood risk arising to the proposed development or demonstrate it would not lead to increased flood risk to surrounding land or property or adversely affect existing flood defences. The proposal is thereby contrary to Policy M3.9 of the Nottinghamshire Minerals Local Plan and paragraphs 155, 160 and 163 of the National Planning Policy Framework and associated Planning Practice Guidance. The proposal also does not accord with Policy 17 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies- publication draft.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [RHC 19/11/2018]

Planning & Licensing Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

Financial Comments [RWK 19/11/2018]

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

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division and Member Affected

Leake and Ruddington- Councillors Andrew Brown and Reg Adair.

Report Author/Case Officer
Joel Marshall
0115 9932578

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