

Planning and Rights of Way Committee

Tuesday, 17 December 2024 at 10:30

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

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| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below) | |
| 4 | Declarations of Lobbying | |
| 5 | Proposed extension eastwards to existing Misson Grey Sand Quarry – Misson Quarry, Bawtry Road, Misson | 9 - 52 |
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| 7 | Development Management Progress Report | 65 - 76 |

Notes

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

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

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Katherine Harclerode (Tel. 0115 854 6047) or a colleague in Democratic Services prior to the meeting.

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

Meeting: Planning and Rights of Way Committee

Date: Tuesday 5 November 2024 (commencing at 10:30am)

Membership:**COUNCILLORS**

Mike Quigley MBE (Chairman)
Jim Creamer (Vice-Chairman)

Mike Adams	Andy Meakin
André Camilleri	Nigel Moxon
Robert Corden	Philip Owen (Apologies)
Sybil Fielding (Apologies)	Francis Purdue-Horan
Paul Henshaw	Gordon Wheeler
Rachel Madden (Apologies)	

SUBSTITUTE MEMBERS

Councillor John Ogle for Councillor Philip Owen

OFFICERS AND COLLEAGUES IN ATTENDANCE:

David Arnold	-	Head of Planning and Environment
Wayne Bexton	-	Service Director, Green Growth, Investments and Assets
Tommi Cluley	-	Planning Monitoring and Enforcement Officer
Steven Eastwood, Sr-		Advanced Legal Practitioner
Rebecca Kirkland	-	Planning Support Officer
Katherine Harclerode-		Democratic Services Officer
Jaspreet Lyall	-	Barrister and Legal Advisor to the Committee
Joel Marshall	-	Planning Applications Senior Practitioner
Jonathan Smith	-	Team Manager, Development Management

PUBLIC SPEAKERS IN ATTENDANCE:

Councillor Tracey Taylor (Nottinghamshire County Councillor for Misterton)	-	Variation of condition 2 of planning permission 1-18-00217-CDM, variation of condition 3 of planning permission 1-18-00218-CDM, and variation of condition 2 of planning permission 1-18-00219-CDM for extension of time to allow for importation, stockpiling and recycling of
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inert construction and demolition waste as part of existing material recycling facility, Daneshill Landfill site, Daneshill Road, Lound

1. MINUTES OF THE LAST MEETING

The minutes of the last meeting held on 17 September 2024, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman.

2. APOLOGIES FOR ABSENCE

Councillor Philip Owen - other reasons
Councillor Rachel Madden - other reasons
Councillor Sybil Fielding - illness

3. DECLARATIONS OF INTERESTS

There were no declarations of interest.

4. DECLARATIONS OF LOBBYING

There were no declarations of lobbying.

5. VARIATION OF CONDITION 2 OF PLANNING PERMISSION 1-18-00217-CDM, VARIATION OF CONDITION 3 OF PLANNING PERMISSION 1-18-00218-CDM, AND VARIATION OF CONDITION 2 OF PLANNING PERMISSION 1-18-00219-CDM FOR EXTENSION OF TIME TO ALLOW FOR IMPORTATION, STOCKPILING, AND RECYCLING OF INERT CONSTRUCTION AND DEMOLITION WASTE AS PART OF EXISTING MATERIAL RECYCLING FACILITY, DANESHILL LANDFILL SITE, DANESHILL ROAD, LOUND

Jonathan Smith, Team Manager Development Management, introduced the application and gave a presentation which included the following information:

- The planning history of the site, the site layout details, site context, maps, photographs, restoration plan and planning policies which underpin the application.
- The site is part of a longstanding landfill site which has planning permission for the deposit of waste until 2048. The County Council will continue to review the implementation of the restoration master plan.
- The section 73 applications seek to extend the use of the materials recycling site until December 2029 and thereby defer restoration of this part of the wider landfill site.
- The site is managed by FCC Environment under a long-term lease from the County Council.

- The applications are being submitted to the committee for consideration because objections from a neighbouring parish council and from five members of the public had been received, all of which were addressed within the report.
- The wider landfill is occasionally active based on market demand, and the site was currently closed with the recent waste cells capped. The landfill site was most recently active from August 2021 to May 2023. The materials recycling site has most recently been used for stockpiling of restoration soils used for capping waste cells on the site.
- It was expected that activities at the site will resume operations as before, with recycling of materials such as rubble, soil, sand and gravel taking place in the open, without the addition of any buildings or fixed structures.
- Planning and Environmental health teams at Bassetlaw District Council raised no objection but Torworth Parish Council objected and believe the site should be restored by 2029 whilst also raising concerns regarding contamination, traffic, heritage and environment loss and ejected waste from vehicles.
- Five members of the public had made representations objecting to the continuation of operations at the site, citing negative effects of contamination, traffic, heritage and environment loss.
- The applicant stated that not extending the deadline would result in the permanent loss of an Environment Agency permitted recycling facility. This would mean that materials that would have previously been recycled on site would in future have to be managed at a more distant site, incurring associated emissions and costs. Granting planning permission would allow the facility to be available at immediate notice to react quickly to market conditions and commence recycling activities as and when required.
- Ecological, environmental and immediate impacts have been considered and will continue to be managed by controls in the planning conditions. The principle of using the site had been established in previous permissions, having been assessed under relevant local and national planning policies.
- The Waste Hierarchy sets out the national planning policy for waste, and the Waste Core Strategy identifies that recycling waste and preparing it for re-use is preferable to disposal. It was considered that the site could be used for beneficial and sustainable material recycling in line with the policy.
- It was recommended that the three applications were granted permission subject to the conditions appended to the report to allow continuation of the use of the material recycling site until 31 December 2029.

Councillor Tracey Taylor, the Nottinghamshire County Councillor representing the Misterton Division, spoke on the application and raised the following issues:

- The application was causing significant concern to residents in the community of Lound and neighbouring villages, including those on the transport route. Torworth suffers particularly from the HGV traffic, including vehicles in the roadside ditches and repeated debris shed from unsheeted loads; and this despite planning conditions on the extant permission(s).
- This extension of time was felt to be important, not only because it would allow the currently permitted operations to continue, but more significantly because it would keep the door open for operations which are not yet permitted.
- The committee had heard the site is currently mothballed, but simultaneously that the facility was too valuable to be lost if permission was not granted.
- This committee considered an application a few years ago for operations that would include the importation of potentially contaminated soils, specifically listing the possibility of asbestos particles in the loads. Whilst NCC approved that application in principle, that decision was called in by the Secretary of State in the absence of a full Environmental Impact Assessment, and permission was ultimately refused when the applicant did not proceed to submit the further required paperwork. The EA also subsequently refused permission for those particular operations.
- Since that time, the applicant has appealed the EA's refusal of the discrete application and has also sought to vary the terms of the current operating permit to allow inclusion of contaminated materials (including the possibility of asbestos). A confusion of EA opinions and decisions, including a refusal and some failures to consult with the public at appropriate times, then led to a full public enquiry to consider the applicant's appeals against the refusals. The outcome of that enquiry is currently awaited.
- The decision was felt to be very significant because this was not simply about extending the life of the existing operations, but of creating the circumstances where a site that should have ceased operating in December 2023 would remain open whilst the ongoing legal challenges over other more concerning activities and operations play out.
- The committee previously considered the request of IGas Energy, Plc to extend the restoration phase of the site at Misson Springs, during the moratorium on fracking. It was felt that members had sensibly applied the planning rules of the day, rather than making a decision based on the future possibility of the moratorium being lifted. This application also required a decision based on the prevailing planning rules, and it was hoped this would not inadvertently facilitate the future aspirations of an operator who has not been a trusted friend of the host community.
- It was felt to be time for this site to cease operations and for full restoration to proceed.

In response to these points, Officers clarified the following issues:

- The site was still required although 'currently mothballed' Since general landfilling ceased at the site, operations had been intermittent at the site. This was the last landfill site in the county, and although waste policy sought to move waste up the hierarchy, it was understood that there would always be some element of waste that could not be reused or recycled which would require some landfill capacity.
- It was likely that as recycling contracts come up the continued use of the site could continue, and the site was likely to be required for recycling at points in the future.
- It was acknowledged that another application had been received which involved hazardous waste such as asbestos bearing materials but this had been refused as no Environmental Impact Assessment had been provided. Officers were aware of the current Environmental Agency appeal process. There were controls for what could be brought into the site under the applications under consideration which did not include hazardous materials. A future application for those hazardous materials could be possible in the future, but this would be a separate matter which was not being considered at this time.

Further to the report and the presentations, Members did not require additional clarifications or express additional comments during debate.

RESOLVED (2024/17):

- 1) That the application be refused for the following reasons:
 - a) The site which is presently mothballed should be brought forward for its conservation restoration in line with Policy WCS13 – Protecting and Enhancing our Environment.
- 2) That, in accordance with the Council's Code of Best Practice, authority be delegated to officers to put the above reason for refusal in writing to allow the decision notice to be issued.

6. DEVELOPMENT MANAGEMENT PROGRESS REPORT

Jonathan Smith, Team Manager for Development Management, introduced the report.

RESOLVED (2024/18):

- 1) That the Development Management Progress Report be noted.

The Chairman closed the meeting at 11:14 am.

CHAIRMAN



17 December 2024

Agenda Item: 5

REPORT OF EXECUTIVE DIRECTOR - PLACE

BASSETLAW DISTRICT REF. NO.: 1/24/00410/CDM

PROPOSAL: PROPOSED EXTENSION EASTWARDS TO EXISTING MISSON GREY SAND QUARRY

LOCATION: MISSON QUARRY, BAWTRY ROAD, MISSON

APPLICANT: MISSON SAND & GRAVEL CO LIMITED

Purpose of Report

1. To consider a planning application for a proposed eastern extension at Misson Quarry. The application is being reported to Planning and Rights of Way Committee in accordance with the Code of Best Practice because the expected annual level of output (80,000 tonnes per annum) exceeds the level that can be determined under delegated powers (30,000tpa). The planning application does not raise any significant environmental impacts.
2. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

3. Misson Quarry is located within an isolated rural location midway between the villages of Misson and Newington (see Plan 1). The area is characterised by flat low lying agricultural land incorporating large arable fields interspersed with hedgerow boundaries. Mineral workings associated with the extraction of sand and gravel within the River Idle valley are prevalent in the area including the workings of the Newington Quarry to the south which was undergoing final restoration operations before flooding and the restored Finningley Quarry to the north, in addition to the applicant's workings at Misson Quarry. Tunneltech (a mushroom growing substrate manufacturing company) is also based locally.
4. Misson Quarry is located on the north side of Bawtry Road from which vehicle access is obtained. The quarry opened in 2001 and is known for producing a grey coloured sand alongside incidental sands and gravels. Initial extraction operations were undertaken on land immediately adjacent to the road. Subsequently mineral extraction has progressed in a northerly direction under a

series of planning permissions. Areas of worked out void have been restored to provide low lying agricultural pasture.

5. The quarry is remote from residential properties. A group of residential properties are located approximately 0.6km due west of the processing area at Norwith Hill. The nearest residential property in Misson village is 0.4km to the east (800m to the processing area and 500m from the proposed extension area) (see Plan 2).
6. Misson Bridleway 2 (Holdin Causeway/Bryans Close Way) runs alongside the northern boundary of the quarry between Misson and Austerfield
7. The application site incorporates 5.6ha of land, including some 3.4 hectares of arable farmland extending south eastwards from the existing quarry workings towards Bawtry Road. The agricultural land is of moderate quality with a grade 3b agricultural land classification.
8. Areas around the site are designated as a Flood Storage Area/Reservoir by the Environment Agency, but which also includes parts of the existing quarry/restored areas directly to the west of the proposed extension area.

Planning history

9. Mineral workings associated with the applicant's business commenced in 2001 (reference 1/32/00/4) on land immediately to the north of Bawtry Road. The land has now been restored at a low level to agricultural grazing use.
10. In 2005 planning permission (reference 1/32/05/00016) was granted for the extension of the quarry to extract 380,000 tonnes of mineral over a period of ten years on land to the west of the original workings. A small extension to the quarry (8,000 tonnes) was granted in 2007 (reference 1/32/07/00015). These permission areas have been superseded by later applications and now incorporate the processing area and restored areas south of the processing area. A further westerly extension was granted in 2011 for a 1.2ha extension to extract an additional 80,000 tonnes of grey sand over a three-year period (reference 1/32/11/00020) and this area has been fully restored and is in its fifth year of a five-year aftercare period.
11. In 2013 planning permission was granted (reference 1/13/01145/CDM) for a further extension to the north of the existing workings yielding an estimated 130,000 tonnes of mineral over a five-year period. This area has now been largely restored and is starting the fifth year of aftercare.
12. In 2015 planning permission was granted (reference 1/15/01574/CDM) for a further extension to the north working up to Misson Bridleway 2. This remains the operational area and restoration operations have commenced in the eastern extent of the permission area.

13. Mineral within the consented planning permission areas has consistently been depleted at a quicker rate than the timescales originally set out within the planning application documentation (and reported above).
14. In 2023 Permission was granted for a western extension (reference 1/22/00867/CDM) and two variations (1/22/00864/CDM & 1/22/00865/CDM) associated with changes to facilitate the western extension. The western extension, and two associated variations, were implemented in September 2024 to ensure a continued supply of mineral over winter 2024.

Proposed Development

15. Planning permission is sought for a 3.4 hectare extension to the Quarry. The extension is located on third party land and, with land immediately to the north having been restored or in the process of restoration, the timing represents the last time the access through the previous quarry area will remain. An 80m long track would need to be provided through restored land to access the site with the existing section of track, around 400m, between the plant site to the last 80m of track remaining in place. The applicant's recent permission for a western extension, on land they own, would be proposed to be paused and then worked after this extension subject to relevant consents (these various areas are detailed on Plan 2).
16. The planning application site also incorporates the existing access road and plant site, seeking consent for the continued use of these facilities for the duration of the extended extraction area and increasing the entirety of the application site to approximately 5.6 hectares.
17. It is anticipated that the extended area would yield around 400,000 tonnes of mineral, extending the life of the quarry by 5 years subject to continuity of mineral reserves and market conditions.
18. Mineral extraction would continue in accordance with existing practice utilising mechanical excavators and dump trucks to haul the material to the plant site where it would be screened prior to sale. Soils would be stripped from the site and stored for restoration purposes. Extraction would be undertaken to a similar depth to the existing workings (average of 0.25m AOD) and therefore maintaining quarry floor levels above the local ground water table (average of -1.4m AOD). Operational policies and procedures already in place would be maintained to protect the environment including delivery patterns which would be capped at 15 HGV loads a day (30 movements) and would be routed in a westerly direction towards the A614, thereby ensuring HGVs do not travel through Misson village.
19. The extension would be worked in four phases (see Plan 3). As part of phase 1 it would include the strip adjacent to Bawtry Road which would allow the early planting of a woodland block which would provide a continuation of woodland by connecting existing established woodland on either side of the proposed extraction area. Phase 2 would then work back in a northerly direction and

Phase 3 would be the northernmost section of the area allowing for progressive restoration throughout the extension area. Phase 4 is to act as a 25m buffer along the western boundary during the working of Phases 1 to 3. The Environment Agency will require a scheme to be agreed prior to working Phase 4 to allow for the protection of the Flood Storage Reservoir with the construction of a suitable reservoir embankment.

20. Restoration would be to a mix of agricultural grassland as well as areas for biodiversity and undertaken to a low level (see Plan 4). Since extraction would be undertaken to a depth which does not penetrate the water table, except for the creation of the habitat pond area, in the east of the site, the restored site would be dry. The banked edges of the extraction area would be graded back to blend into the levels of the adjacent land.
21. These bankings are proposed to be restored to priority acidic grassland and heathland brashing, with one bank, in the east, to be left vertical as a sand face for a sand martin habitat. The top of the northern and southern banks, restored to existing ground level, would be subject to scrub and tree planting.
22. A new hedgerow is proposed to be planted along the full length of the eastern boundary of the extraction site.
23. The applicant has confirmed they would accept a 15-year aftercare period on the parts of the site restored to nature conservation, with 5-years for the land restored to agriculture (the quarry floor).

Consultations

24. **Bassetlaw District Council** - Raise no objection.
25. **Misson Parish Council** – *The Parish Council comment the proposal will mean vehicles remain on the road for an extended time period than was expected and request all vehicles use the wheel wash facilities prior to leaving site and refer to airborne dust during dry conditions. The Parish also comment the quarrying is getting close to the village.*
26. **Environment Agency** – *No objection subject to a condition.*
27. *The EA's reservoir engineer team had requested a 25 metre easement be maintained until a scheme has been agreed with the applicant for the construction of a suitable reservoir embankment in accordance with the requirements of the Reservoirs Act 1975. The EA is pleased to see that its requirements are now reflected in the updated Flood Risk Assessment (FRA) and phase plan.*
28. *A condition is therefore recommended requiring the development to be carried out in accordance with the FRA, including that all quarry workings are carried out in accordance with the submitted phasing plan, and no working shall be undertaken within 25 metres of the existing hedgerows proposed to be retained*

between the future reservoir and the proposed quarry extension until a scheme for the construction of a suitable reservoir embankment has been agreed.

29. *Advice is provided regarding flood emergency response procedures and the EA requests that the local authority, through its emergency planning role, considers the potential impact on people working within the quarry area to ensure their safety.*
30. *Comments are provided on the protection of controlled waters and the continued monitoring of water levels during the works is essential to ensure the base of the quarry remains above the water table. If this is the case and pollution prevention measures are followed appropriately, the risks to controlled waters is low.*
31. **NCC (Lead Local Flood Authority) – No objection.**
32. **Isle of Axholme and North Notts Water Level Management Board** -*The Board confirms that there are no maintained watercourses in close proximity to the site. Advice on works to any channel of a riparian watercourse is provided.*
33. **Natural England** - *No objection subject to an appropriate planning condition being attached to any planning permission securing a Construction Environment Management Plan to ensure no damage or destruction to the interest features for which the River Idle Washlands Site of Special Scientific Interest has been notified.*
34. **NCC (Nature Conservation)** *No objection subject to mitigation measures being secured by condition.*
35. *The application is supported by an Ecological Appraisal. Overall, NCC Conservation are satisfied that this confirms that the site is of relatively low ecological value, and given the relatively small area affected (extending the existing quarry), impacts will be minimised.*
36. *The site enhancements proposed in section 5 of the EclA should be secured through a condition.*
37. *Confirms that as the application pre-dates BNG becoming mandatory and therefore the 10% minimum doesn't apply but confirms the metric provided demonstrates a modest net gain.*
38. *A detailed restoration and aftercare scheme will be required providing details of species mixes, establishment methods and maintenance regimes, which should be secured by condition. In line with previous extensions this will be conditioned to be submitted within 6 months of the planning permission being enacted (if granted).*
39. *NCC Conservation have suggested a 15 year aftercare period.*
40. **NCC (Archaeology)** - *No objections subject to existing archaeological conditions for watching briefs during periods of soil stripping being imposed.*

41. **NCC (Highways) Bassetlaw** - *No objections subject to highways conditions on existing consents being repeated.*
42. **NCC (Planning Policy)** – *No objection.*
43. *As outlined in the Minerals Local Plan, Misson Quarry, also known and referred to in the Plan as Bawtry Road (MP2d), is a key active quarry in the Idle Valley which extracts Misson Grey sand. Under Policy MP2k, it is recognised that mineral at the site will be depleted by 2026 and so a western extension is allocated to ensure continued provision. This allocation was permitted in April 2024 (application reference 1/22/00867/CDM). The applicant though has now gained a short-term lease for land to the east of the existing quarry, providing an opportunity to extract 400,000 tonnes of Misson Grey Sand. They have therefore submitted an application to work this eastern area first and continue the life of the current active quarry.*
44. *Overall, though this eastern extension is not allocated within the adopted Minerals Local Plan, it is recognised that this proposal is a time limited opportunity for the operator to extract Misson Grey sand and so prevent the sterilisation of the mineral resource. This time sensitivity will delay the allocated and permitted western extension coming forward, but we recognise that this proposal will, in the longevity, ensure the continued supply of Misson Grey Sand in the Idle Valley.*
45. **Cadent Gas Limited, National Grid Electricity Distribution, Severn Trent Water Limited and Nottinghamshire Wildlife Trust:** *No representations received. Any late representations that are received will be orally reported.*

Publicity

46. The application has been publicised by means of site notices at and around the site as well by local press notice in accordance with the County Council's Statement of Community Involvement. Due to the isolated nature of the site no neighbour notification letters have been necessary.
47. No public representations have been received.
48. Cllr Tracey Taylor has been notified of the application.

Observations

Introduction

49. In accordance with the statutory requirements, planning applications must be determined in accordance with the Development Plan, unless there are material considerations which indicate otherwise.

50. The primary part of the Development Plan in the context of these minerals proposals is the Nottinghamshire Minerals Local Plan (2021) (MLP) but policies within the Bassetlaw Local Plan 2020-2038 are also of relevance.
51. The National Planning Policy Framework (NPPF) and supporting Minerals Planning Practice Guidance are not part of the local development plan but are important material considerations in the determination of planning applications on the basis that they set out the Government's planning policies for England and how these are expected to be applied.

Need for the minerals

52. The applicant has calculated there is approximately 400,000 tonnes of saleable sand and incidental gravel resource once processed from the extension area which is expected to provide reserves for five years based on the recent production/sales rates. Output at circa 80,000 tpa would provide a boost to supply over the 30,000 tpa previously expected through the Minerals Local Plan on the western extension but would remain similar to output over recent years (66,000 to 90,000tpa). The increased extraction is not expected to lead to any oversupply situation, particularly as the western extension would be paused and worked after this extension, and this would remain a low volume operation in comparison with other aggregate producing quarries.
53. MLP Policy MP2 (Sand and Gravel Provision) states that an adequate supply of sand and gravel will be identified to meet expected demand over the plan period up to 2036. The policy identifies a series of site allocations including a western extension at Misson Quarry (site reference MP2k-Bawtry Road West) which was granted permission in 2023 but this extension is not contained within the MLP Allocations so consideration must be given to policies MP1: Aggregate Provision and SP1: Minerals Provision.
54. Clause 3 of Policy MP1 states; *Proposals for aggregate extraction outside those areas identified in policies MP2, MP3 and MP4 will be supported where a need can be demonstrated.*
55. The County can currently show a sand and gravel landbank of some 20.52 million tonnes which, based on average 10-year sales of 1.34 mt p/a, equates to over 15 years of production (2023 Local Aggregate Assessment), therefore well in excess of the minimum 7-year landbank prescribed in the NPPF. Whilst this might suggest a lack of need for additional extraction from an unallocated site, it should be noted that whilst the NPPF seeks to maintain a sand and gravel landbank of at least 7 years, there is a requirement to ensure 'that the capacity of operations to supply a wide range of materials is not compromised' (paragraph 219(f)). Footnote 77 of the NPPF states that, in respect of landbanks, 'Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites'. Therefore, whilst it could be argued that the relatively healthy landbank indicates a lack of need for further reserves to be permitted on an unallocated site, factors such as the specialist

nature of the grey sand, in addition to the fact that this might be the only opportunity to access and extract mineral from this area (which is in third party ownership), need to be taken into account.

56. Misson Quarry contributes to a limited extent to this total landbank and aggregate output and is now one of only two active aggregate quarries within the Idle Valley area of the county, after the recent closure of Newington Quarry (although other supplies are available from South Yorkshire). It therefore has an important role to play in aggregates supply in this part of the county.
57. The Minerals Local Plan makes a specific distinction for Misson Grey Sand which serves a niche market (for specialist mortars) which alluvial sand and gravels cannot meet. It has a premium value because most local mortar sands are red and yellow being derived from the Sherwood Sandstone. Although counted as sand and gravel in planning and landbank terms, it would be inappropriate to treat it as part of the normal sand and gravel resource when assessing 'need' because the grey sand serves a particular niche market. This planning application seeks to enable the established quarry company to continue trading and maintain supplies of this distinctive mineral to established markets in the local area.
58. Consequently, in order to maintain a steady supply in line with the approach of the MLP, it is considered reasonable to allow continued production of this distinct grey sand and permit the site extension at this time, irrespective of the countywide sand and gravel landbank situation and the timescale and tonnage assumptions in the Plan.
59. This is consistent with the NPPF which, in addition to the advice detailed above, states that great weight should be given to the benefits of mineral extraction, including to the economy. The additional five years of consented reserves would allow for the continuation of employment for the site's permanent employees and those contracted in on a campaign basis.

Landscape and Visual Impact

60. MLP Policy DM1: Protecting Local Amenity states that proposals for minerals development will be supported where it can be demonstrated that any adverse landscape and visual impacts on amenity are avoided or adequately mitigated to an acceptable level.
61. MLP Policy DM5: Landscape Character states that proposals for minerals development will be supported where it can be demonstrated that they will not adversely impact on the character and distinctiveness of the landscape and that landscaping, planting and restoration proposals should take account of the relevant landscape character policy area as set out in the Landscape Character Assessments covering Nottinghamshire.
62. Similar policy requirements can be found within the Policy ST35: Landscape character of the Bassetlaw Local Plan and also within the NPPF.

63. The Bassetlaw Landscape Character Assessment places the site and surrounding area in the Idle Lowlands Policy Zone 02 - Misson which has a 'moderate' condition and an overall zone objective to 'conserve and restore'. The restoration principles have been established on the wider Misson Quarry site and the proposals for the small-scale extension are in keeping with the Idle Lowlands Landscape Character Type and would assist with overall biodiversity and landscape actions for the Idle Lowlands Policy Zone 02 - Misson.
64. There are limited visual issues due to the isolated nature of the site and limited residential receptors in the immediate vicinity. The closest residential properties are some 500+ metres to the east of the proposed extension area but are screened by woodland. For context, recent extraction areas in the north have been as close as 400m in the last few years with half of the eastern flank having been fully restored.
65. In terms of local public rights of way, quarrying would be around 300m from Misson Bridleway 2, which runs along the northern boundary of the wider site. The views into this application area would be limited in comparison as the site would be located behind a rising restored banking and visual impact would therefore be minor in scale and temporary in duration. Misson Byway 7 to the south and Misson Footpath 13 to the west, are both sufficiently distant and/or screened by intervening vegetation.
66. The proposed development would utilise the existing highway access and processing area and soils stripped from the development would be stored in the existing dedicated soil stockpile area within the consented area prior to being used in the restoration of the site.
67. As areas are worked out and graded to final levels the soils would be used within the progressive restoration of the wider site thereby limiting the growth of soil stockpiles.
68. Whilst the restoration of the site would be a change from the existing arable use of the land, the restoration would integrate into the existing low level quarry restoration restored to or being restored to agricultural grazing land. Further hedgerows would be planted along the eastern flank as well as other habitat areas being planted or created on the site. The proposed restoration and ecological features would be in keeping with the existing restoration and wider local landscape.
69. In terms of compliance with MLP Policy DM5, whilst acknowledging the short-term operational impacts on landscape character, the longer-term effect once the site has been restored is consistent with the landscape character within the policy requirements. The development therefore is considered to be compliant with MLP Policies DM1 and DM5 and BLP Policy ST35.

Ecological Impact

70. MLP Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity provides support for minerals development where it can be demonstrated that the development is not likely to give rise to the loss or deterioration of Local Sites (Local Wildlife Sites or Local Geological Sites) except where the need for and benefits of the development in that location outweighs the impacts and the development would not result in the loss of populations of a priority species or areas of priority habitat except where the need for and benefits of the development in that location outweigh the impacts. The policy seeks to ensure that where there is an impact to a designated site or protected species, adequate mitigation relative to the scale of the impact and the importance of the resource must be put in place, with compensation measures secured as a last resort. The policy also seeks to ensure that minerals developments maintain and enhance ecology networks.
71. The approach within MLP Policy DM4 in terms of seeking to protect designated sites and protected species, mitigate any adverse impacts and secure ecological enhancements is generally consistent with Bassetlaw Local Plan Policy ST38, and the NPPF.
72. The application is supported by an up-to-date Ecological Impact Assessment (EclA) (dated 2nd February 2024), based on a Preliminary Ecological Assessment (PEA) carried out in January 2024. The Ecological Impact Assessment contains but is not limited to:
- Identification of Nature Conservation Sites Within 2km of the proposed development;
 - An assessment of suitability of the site to support Protected or Notable Species;
 - Identification of requirements for further (ongoing) surveys;
 - A preliminary assessment of potential impacts on any features of interest on the site;
 - Habitat enhancement recommendations, constraints and opportunities in line with the NPPF and MLP;
 - Mitigation measures;
 - Protected species surveys;
 - Biodiversity Net Gain (BNG) calculations for all on site measures (Noting the application was received before 12 February 2024 and is therefore exempt from compulsory BNG).
73. The submitted surveys indicate the baseline condition of the site in terms of site context and habitats and conclude that, long term, the impacts of the restoration would be positive with a low significance of impacts during the development phase.

74. There is one statutory designated wildlife site within 2 km of the application site, and Natural England have confirmed that the development would not result in any adverse impacts to the Misson Line Bank SSSI (c3km east). With regards to the River Idle Washlands SSSI, Natural England has advised that any planning permission granted should be subject to a condition requiring the submission of a Construction Environment Management Plan (CEMP) in order to ensure any potential impacts on this SSSI, which has hydrological connectivity to the application site, are avoided. Natural England has set out in detail the matters which would need to be included in the CEMP, including:
- (a) Details to prevent impacts from pollution of watercourses running into the SSSI;
 - (b) An assessment of noise impacts from the development to the SSSI to inform appropriate mitigation in the CEMP, which could include avoiding certain noisy activities during the bird breeding season.
75. There are a number of non-statutory locally designated sites in the vicinity of the site, the closest being Slaynes Lane Local Wildlife Site 180m south of the application site. NCC (Nature Conservation) has raised no concerns regarding the impacts of the proposed extension on these sites.
76. The proposed extension is predominantly arable agricultural land that is not designated for its ecological value and is generally considered to be of a comparatively low ecological value. The site boundary incorporates hedgerow which have some habitat value.
77. The proposals would result in limited hedgerow removal of a width sufficient to provide for access. This has been recommended to be in an area of gappy hedge to the eastern end of northern boundary.
78. The proposals would lead to the loss of arable land. The most notable ecological impact from this is the loss of habitat used by birds. NCC Nature Conservation note that given the relatively small area affected and the restoration of the site, any impact would be limited and short term.
79. It is recommended that conditions requiring the sand martin cliff face achieve a minimum 3m vertical face are continued to be imposed as well as the condition requiring annual maintenance ahead of the bird nesting season.
80. The Preliminary Ecological Appraisal concludes that restoration of the application site would supplement the areas of permanent grassland scrub, pond and woodland habitats, providing buffering and expansion of an existing woodland copse and establishing a permanent sand cliff available for nesting sand martins.
81. On the overall balance, officers agree with this conclusion with opportunities sought to maximise the potential of the site whilst remaining in keeping with the local area and allowing the creation of linked habitats creating wildlife corridors

and coherent habitats in accordance with policies set out within the MLP, the Bassetlaw Local Plan and the NPPF.

Restoration and aftercare

82. Policy SP2 (Biodiversity led restoration) is a strategic policy which supports restoration schemes which seek to maximise biodiversity gains and achieve a net gain in biodiversity, in accordance with the targets and opportunities identified within the Nottinghamshire Local Biodiversity Action Plan.
83. Policy DM12 (Restoration, aftercare and after-use) of the MLP requires planning applications for minerals development to include an appropriate scheme for the restoration, aftercare and long term after use to enable long term enhancement of the environment.
84. Restoration on the quarry floor is planned predominantly to agricultural grassland consistent with the wider site's restoration scheme and other areas, such as the bankings and margins, are set aside for a range of new wildlife habitats and ecological benefit.
85. Following the completion of mineral extraction, the site would be restored to provide a mixture of habitats including woodland and scrub, acid grassland and heather brashing, mixed grassland, a sand face, hedgerow, and wildlife ponds. The restoration would complement the existing restoration schemes at the site and the wider local landscape character.
86. The proposed restoration scheme, whilst being consistent with the previously approved/restored scheme of the wider site, would provide additional ecological enhancement measures that would ensure that the long-term biodiversity interests of the site are maximised and therefore consistent with MLP Policy DM12.
87. The enhancements include acid grassland and seeding and heather brashing on the bankings of the restored quarry and a pond to be created at the base of the proposed sand martin face on the eastern edge of the proposal. The wildlife pond in front of the sand martin face would also act as a deterrent for predators and encourage sand martins to utilise the proposed sand martin bank once this phase has been extracted and the bank constructed.
88. A Biodiversity Net Gain calculation has been provided which shows a modest net gain of 5.75% for Habitat Units and 18.14% gain for Hedgerows. The application was submitted before BNG became mandatory and therefore the 10% minimum does not apply.
89. The aftercare management for the restored Misson Quarry is regulated within the various planning permissions for the site and require the areas restored to agricultural use to be managed for a five-year period, which is recommended to be continued across to the proposed eastern extension.

90. The consultation process has identified concerns that this period is not sufficient to ensure successful establishment and provide ongoing management to maximise biodiversity value on the non-agricultural areas. It is acknowledged that this application was submitted before biodiversity net gain became a mandatory requirement for planning applications where a 30-year post-restoration period will be required to maintain and manage the ecological enhancements. In this context, the suggested 5-year period does seem to be short and a 15-year period is considered more appropriate. The applicant has agreed to an extended aftercare period and this can be regulated through planning condition.
91. The implementation of the proposed restoration scheme and incorporating proposed mitigation and maintenance provisions would result in long term biodiversity benefits. The restoration is therefore compliant with MLP Policy SP2 in providing a restoration scheme which achieves a Biodiversity Net Gain and is consistent with the wider site's Site Allocation Development Brief.

Agriculture/Conservation of soil resources

92. Whilst the land is not classified as best and most versatile land, MLP Policy DM3 (Agricultural Land and Soil Quality) is relevant in terms of protecting and maintaining the soil qualities throughout the lifetime of the development.
93. Moderate quality arable farmland would be lost through the extraction and subsequent restoration of the site as the proposed restoration scheme would not reinstate any arable agricultural land with predominantly pasture proposed. Furthermore, the area would be constrained by the inclusion of the ecological features and slopes on the land which would mean the area is not viable to be returned to arable. Whilst this area is affected, the loss of the arable land is considered to be outweighed by the need for the continued niche mineral supply.
94. There would be no importation of soils which are to be stripped, stored and replaced during restoration in accordance with industry best practice to ensure the soil resource is appropriately safeguarded. Soil handling procedures would be controlled by conditions.

Traffic, Access and Parking

95. Policy DM9 of the MLP deals with Highways Safety and Vehicle Movements / Routeing. The policy is supportive of minerals development where the highway network can satisfactorily and safely accommodate the vehicle movements, where there would not be highway amenity issues, where appropriate vehicle routeing controls are put in place (as necessary) and where appropriate controls are put in place to prevent mud/detritus contaminating the public highway. Policy DM1 also requires minerals related development to avoid adverse residential impacts.

96. The extraction of mineral reserves from Misson Quarry currently benefits from planning permission and therefore the proposal would not result in any noticeable additional quantity of extraction, export or import of any material from Misson Quarry on a day to day basis, although of course quarrying would be extended for an additional period of time, a matter highlighted by Misson Parish Council. The intended rate of extraction, processing and export of mineral has increased over the last five years above what was originally expected in the MLP (for the allocation in the west) but this has remained within the permitted vehicle movement numbers. Daily vehicle movements are controlled by planning condition to 15 HGVs leaving the site each day (30 in/out daily movements). The rate of output is proposed to remain broadly unchanged, with exported material proposed to be transported by the same means as at present, and there would be no change in the number of staff working at the site. Accordingly, the proposal would not result in any additional operational traffic movements, either in total or within any given period of time and no change to the vehicle movements numbers has been requested. The condition regulating vehicle numbers leaving the site is to be continued and this number is site wide and not just per permission area.
97. Vehicle access to the quarry would continue to be from Bawtry Road. Heavy Goods Vehicle routing is currently regulated through planning condition and required to enter and leave the site in the direction of Newington and the A614 to the southwest and avoid the village of Misson. It is recommended that the condition continues to be imposed and replicated, if approved.
98. The level of HGV and mobile plant activity associated with the quarry extension would remain as currently occurs, and no significant adverse impacts are anticipated.
99. All HGVs departing the quarry would continue to be required to use the wheel cleaning rumble strip facilities and be sheeted with conditions on extant permissions requested to be continued across all these proposals.
100. On the basis of the above, it is concluded that extending the period over which existing levels of HGVs access and leave the site for a further five years would not result in any unacceptable transport impacts, therefore complying with Policy DM9 and DM1 of the MLP and the NPPF.

Noise

101. MLP Policy DM1: Protecting Local Amenity states that proposals for minerals development will be supported where it can be demonstrated that any adverse noise impacts on amenity are avoided or adequately mitigated to an acceptable level. The NPPF and its supporting Planning Practice Guidance (PPG) reflect the above requirements and contain guidance on appropriate noise levels for minerals development.
102. The nearest residential receptors to the site are those on the edge of Misson Village around 500m to the east of the proposed extension.

103. The site has received no noise complaints to date and as operations are proposed to continue as currently approved, any works in the western extension are not anticipated to create any significant adverse noise impacts. The hours of operation would remain unchanged from that on the existing permitted operations and conditions relating to this and the control of noise across the site should be applied to the extension area and carried forward for the remainder of the quarry.
104. Noise levels on the site, for normal day to day quarrying operations, are not permitted to exceed the background level by more than 10dB(A) subject to a maximum of 55dB(A) LAeq, 1h (free field) at noise sensitive properties. Temporary operations, such as soil stripping, the construction/removal of baffle mounds and aspects of site road construction and maintenance are permitted up to 70dB(A) LAeq 1h (free field) at noise sensitive properties for periods up to to 8 weeks in a year at specified noise-sensitive receptors, both in line with the PPG. In the case of a justified complaint showing either of these noise levels are breached the MPA can request further noise mitigation measures. Further noise conditions require all vehicles, plant and machinery be fitted with effective silencers and broadband (white noise) reversing alarms.
105. With the above noise mitigation measures in place, it is considered that the proposed development would comply with MLP Policy DM1 in respect of noise.

Air Quality/Dust

106. MLP Policy DM1: Protecting Local Amenity states that proposals for minerals development will be supported where it can be demonstrated that any adverse impacts on amenity including impacts from dust are avoided or adequately mitigated to an acceptable level.
107. Whilst the site is relatively isolated in terms of residential receptors, the quarry has a series of environmental management conditions including those relating to dust management and mitigation measures. These measures include the use of water sprays to dampen down dust on road surfaces during dry and windy weather, restrictions of onsite speeds and minimisation of drop heights when unloading material. It is recommended that the implementation of these dust management controls are continued through a planning condition. Should these measures not adequately deal with dust and mud, then the MPA can request a further mitigation strategy in addition to the controls in place by planning condition. Subject to the implementation of these controls regulated by planning conditions, it is considered that dust impacts will not be significant or unacceptable and the development therefore is considered to be supported by MLP Policy DM1.

Flood Risk

108. MLP Policy DM2: Water Resources and Flood Risk supports proposals for minerals development where it can be demonstrated that there would not be

any unacceptable flood risk impacts and no unacceptable impacts on surface and ground water quality and flows.

109. The Environment Agency have identified that the site lies adjacent to the Misson West Flood Storage Area which lies to the west of the extraction area.
110. In order to protect the Flood Storage Reservoir area, the Environment Agency have requested alterations to the scheme to allow for a 25m buffer zone, taken from the existing hedgerow, to mark the boundary of the Phase 1 to 3 extraction limit. A revised Flood Risk Assessment has been provided to address this matter and the Environment Agency is satisfied subject to a condition requiring the development to be carried out in accordance with the assessment, the submitted phasing plan to be followed, and a suitable reservoir embankment being provided prior to any works being undertaken within 25 metres of the existing hedgerow which lies between the quarry extension and the future reservoir.
111. Once this scheme has been agreed, the applicant would be in a position to be able to work Phase 4 which is a 25m buffer area running along the western flank. This requirement is considered acceptable and can be imposed by planning condition.
112. The applicant acknowledges that the eastern extension area is within flood zone 2 and therefore at a medium risk from river flooding with flood events affecting the site likely to occur in a 1 in 1000 down to 1 in 100 years event. Parts of the existing quarry including the access are at a high risk of flooding in flood zone 3.
113. The applicant believes the risk is lowered with the majority of the application site set at a higher level (avg. 7m AOD) than Bawtry Road (4.3m AOD). Furthermore, should an extreme flood event occur, the restoration scheme for this proposal would provide additional long term water storage capacity.
114. The NPPF acknowledges that sand and gravel extraction is classed as 'water compatible', and therefore appropriate in flood zones 2 and 3, subject to the development not increasing flood risk to surrounding land or property.
115. At the Environmental Agency's request, the site operators have also provided a flood risk emergency plan to allow safe evacuation during periods of flooding. The Environment Agency recommends that this is agreed with the County Council's Emergency Planning Team and whilst not strictly a planning requirement, officers would be happy to share the submitted emergency plan with colleagues in Emergency Planning for their consideration.
116. The Environment Agency have also provided comments on the protection of groundwater. The site would continue to be worked above the water table and Condition 6 of the recommended conditions prevents mineral extraction from penetrating into the underlying groundwater levels. On this basis, coupled with the implementation of appropriate pollution prevention control measures, the risks to controlled waters is considered to be low.

117. It is therefore considered that the proposed development complies with Policy DM2 of the MLP and the NPPF in terms avoiding unacceptable flood risk in the locality, subject to the imposition of the condition detailed above.

Archaeology/Heritage

118. An approved methodology for archaeological mitigation and supervision has been utilised across the previous permission areas. This requires a watching brief to be undertaken during all periods of soil stripping in accordance with the approved methodology. NCC's Archaeology team are happy to continue with this approach to deal with the archaeological potential of the extended site in compliance with MLP Policy DM6: Historic Environment and NPPF paragraph 205 which requires local planning authorities to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

Cumulative Impacts

119. MLP Policy DM8 states that proposals for minerals development will be supported where it can be demonstrated that there are no unacceptable cumulative impacts on the environment or on the amenity of a local community.
120. As noted above in the planning history section, this quarry has developed through successive, but relatively small site extensions and the current proposals would add a new, further extraction area to the south – south east of the site's existing footprint. The existing areas, once worked out, are being progressively restored and further areas within the currently permitted areas are likely to have been restored before extraction would commence in this extension. Restoration is also largely complete at nearby Newington quarry now that this has finished production and the traffic movements associated with this have largely ceased although this site has flooded, and amendments may therefore need to be made to that Planning Permission for the restoration to be achieved. There are no other developments or proposals in the vicinity which are likely to have significant interactions with Misson Quarry.
121. Whilst these applications would result in the quarry being operational for a longer period, it is not considered that this gives rise to any materially different impacts upon the environment or amenity than currently experienced.
122. None of the individual environmental impacts are considered to be significant and therefore in combination it is unlikely to result in any unacceptable combined effects to the environment or local communities. Therefore, the development is supported by MLP Policy DM8.

Other Options Considered

123. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

124. 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.

Crime and Disorder Implications

125. The development would form part of the established Misson Quarry facility, continuing to make use of the existing security features within the site including the use of secured site building, security fencing and CCTV coverage.

Data Protection and Information Governance

126. Given that no representations have been received from the public, it is considered that no data protection issues have been raised.

Human Rights Implications

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

Public Sector Equality Duty Implications

128. 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 protected characteristics.

Safeguarding of Children and Adults at Risk Implications

129. The quarry would continue to comply with health and safety guidelines in terms of suitable boundary treatment to ensure the general public, and in particular young children, are safeguarded.

Implications for Sustainability and the Environment

130. The development would contribute a sustainable supply of mineral which would contribute to the country's economic growth and quality of life. The environmental issues arising from the development have been considered in the Observations section above including ecology (and beneficial site restoration), water resources and other such matters.
131. There are no implications arising in relation to Human Resources, Finance, or for Service Users.

Conclusion

132. Nottinghamshire Minerals Local Plan (MLP) Policy MP1 seeks to ensure there is a steady and adequate supply of minerals in Nottinghamshire over the plan period, primarily by the identification of suitable land in the form of site allocations for mineral extraction.
133. The development site is not allocated although the MLP, in Policy MP2, makes a specific distinction for Misson Grey Sand, supporting proposals for extraction where a need can be demonstrated. The proposal would maintain a continuity of grey sand supply and so it is therefore concluded that the development is supported by MLP Policy MP1, Policy MP2 and Policy SP1, along with national planning policy and these benefits should be given significant weight.
134. The restoration of the site would provide ecological benefits by creating a mix of new habitats including acidic grassland, waterbodies, retained sand faces for sand martins and new hedgerow consistent with the targets of the Nottinghamshire Biodiversity Action Plan and MLP Policies SP2 and DM12.
135. Officers consider that the benefits provided by the extraction of a western extension at Misson Quarry in terms of continued mineral supply (MLP Policies MP1 and MP2), economic gains, biodiversity gains upon restoration (MLP Policy SP2) and broad compliance with planning policy in relation to protection of amenity (MLP Policy DM1), protection of ground water and flood risk (MLP Policy DM2), biodiversity (MLP Policy DM4), landscape character (MLP Policy DM5), highways safety and vehicle routeing (MLP Policy DM9) and restoration/aftercare (MLP Policy DM12) are supportive of a grant of planning permission, outweighing any short to medium term impacts with appropriate mitigation measures and providing longer term benefits.

Statement of Positive and Proactive Engagement

136. In determining this application, the Minerals Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has

been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

137. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

DEREK HIGTON

Executive Director - Place.

Constitutional Comments

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference set out in the Constitution of Nottinghamshire County Council

[JL 03/12/24]

Financial Comments

There are no specific financial implications arising directly from this report

[PAA29 03/12/2024]

Background Papers Available for Inspection

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at: www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=F/4604

Electoral Division(s) and Member(s) Affected

Misterton

Cllr Tracey Taylor

Report Author/Case Officer

Daniel Ambler

01159773730

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

F/4604
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RECOMMENDED PLANNING CONDITIONS

Commencement and notifications

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The Minerals Planning Authority (MPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.

Approved Documents

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application (as amended), documents and recommendations of reports, and the following plans:

- (a) Drawing No. UKSD-SA-08-0001: Site Location Plan received by the MPA on 6th December 2023.
- (b) Drawing No. UKSD-SA-08-0002, revision A00: Existing site block plan/topographical survey received by the MPA on 6th December 2023.
- (c) Drawing No. UKSD-SA-08-0003, revision A02, Proposed phasing and workings plan received by the MPA on 7th November 2024.
- (d) Drawing No. UKSD-SA-08-0004, revision A02: Proposed Restoration Plan received by the MPA on 7th November 2024.

Reason: For the avoidance of doubt as to the development that is permitted.

4. From the commencement of the development to final restoration, a copy of this permission, including all plans and documents, and any schemes or details subsequently approved in accordance with this permission, shall always be available at the site and the terms and contents thereof shall be made known to supervising staff at the site.

Reason: To ensure site operatives are conversant with the terms of the planning permission.

Duration of Mineral Extraction Operations

5. The extraction of mineral from the application site shall be completed no later than 5 years from the date of commencement, as notified under the requirements of Condition 2. Restoration of the site shall be completed to the landform shown on drawing ref UKSD-SA-08-0004, revision A02 and titled Proposed Restoration Plan received by the MPA on 7th November 2024 no later than one year following the completion of mineral extraction.

Reason: To ensure the period of disruption from mineral working is minimised and to ensure the restoration of the site as soon as possible in compliance with requirements of Policy DM12 of the Nottinghamshire Minerals Local Plan.

Extraction limits

6. Mineral extraction shall not penetrate into the underlying groundwater level and shall not be undertaken to a depth greater than the levels identified on Drawing ref UKSD-SA-08-0004, revision A02 titled 'Proposed restoration plan' received by the MPA on 7th November 2024.

Reason: To define the extent of minerals permitted to be worked and to protect groundwaters from potential contamination in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

Hours of Operation

7. No operations or movement of plant or machinery, or HGV movements on and off the site shall take place outside the hours of 7am to 7pm Monday to Friday, 7am to 1pm Saturdays, nor at any time on Sundays or Public/Bank Holidays, except in the case of emergency. The MPA shall be informed in writing within 48 hours of any emergency that occurs such as to cause working outside these hours.

Reason: To protect local residents from noise disturbance in accordance with the requirements of Policy DM1 of the Nottinghamshire Minerals Local Plan.

Storage Heights

8. Stockpiles of extracted mineral shall be stored within the quarry floor or within the storage and processing area and shall not be stored to a height which exceeds the ground level of the surrounding unworked land.

Reason: To minimise visual impact of quarrying operations in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Construction

9. The Construction Environment Management Plan (CEMP) received by the MPA on 28 August 2024, detailing measures to avoid potential pollution and noise impacts to the River Idle Washlands SSSI during the operation of the development, including its subsequent restoration, shall be implemented throughout the life of the development.

Reason: To protect species and their habitats, in accordance with Policy DM4 of the Nottinghamshire Minerals Local Plan.

Ecology

10. A protected species population monitoring report shall be undertaken on an annual basis and the results submitted to the MPA in writing by 31st March each year. The report shall incorporate recommendations of mitigation works to support the protected species populations which shall be implemented as approved.

Reason: In the interest of protecting species and their habitats, in accordance with Policy DM4 of the Nottinghamshire Minerals Local Plan.

11. During all phases of mineral extraction, site restoration and aftercare the operator shall ensure that an accessible route is provided within the quarry workings for protected species to travel through the site and access adjoining land thereby ensuring that protected species do not become trapped within the site. Any trenches left overnight should have a sloping end or ramp to allow any animals that may fall in to escape. Any pipes that are over 200mm in diameter should be capped off overnight to prevent animals from entering.

Reason: In the interest of ensuring the safety of protected species and to satisfy policy set out within the National Planning Policy Framework.

12. Operations that involve the removal and/or destruction of vegetation shall not be undertaken during the months of March to August inclusive except with the prior written approval of the MPA which shall only follow the submission and approval of a report to the MPA confirming that the vegetation to be removed and/or destroyed has been checked for nesting birds by a suitably qualified

ecologist and that any necessary mitigation measures to protect active nests have been (or shall be) put in place, and provides for a further check immediately prior to the vegetation being removed and/or destroyed following the MPA's approval in writing. Soil stripping shall not commence until any standing crop or vegetation has been cut and removed from the area to be stripped.

Reason: To ensure bird nesting habitat is not adversely impacted, in accordance with Nottinghamshire Minerals Local Plan Policy DM4.

13. Reptile mitigation strategy shall be undertaken in accordance with Section 4.6.2 of the Ecological Impact Assessment ref 240130 compiled by Whitcher Wildlife Ltd Ecological Consultants dated 2nd February 2024 and received 9 February 2024.

Reason: In order to protect reptiles in accordance with Nottinghamshire Mineral Local Plan Policy DM4.

14. New hedgerow on eastern boundary identified on the Proposed Restoration Plan shall be planted in the first available planting season.

Reason: In order to secure early biodiversity gains and improve habitat for birds and hedgehogs in accordance with Policies DM4 and DM12 of the Nottinghamshire Minerals Local Plan

15. A plan outlining the timescales, quantity and locations of the site enhancements in Section 5 of the Ecological Impact Assessment ref 240130 compiled by Whitcher Wildlife Ltd Ecological Consultants dated 2nd February 2024 and received 9 February 2024 shall be submitted to the MPA within 6 months of the commencement of the development and implemented in accordance with approved timescales.

Reason: In the interest of protecting species and their habitats, in accordance with government policy set out within the National Planning Policy Framework.

16. The development hereby permitted shall be carried out in compliance with the statement approved on 22 May 2006 in discharge of Condition 6 of permission number 1/32/05/00006 detailing appropriate measures to be taken to either dissuade sand martins from using excavated areas or to temporarily work around nesting sand martins.

Reason: In order to protect sand martins.

17. In the event that breeding sand martins are present in any face to be worked during March-August inclusive, quarry excavations shall cease in the vicinity of the sand martins and a suitably qualified ecologist shall be employed to

advise on an appropriate strategy that ensures that breeding birds are not adversely affected by the development. The strategy shall be submitted as part of a written report to the MPA for its approval in writing. Quarry excavations shall thereafter only recommence in the vicinity of the sand martins in accordance with the mitigation strategy as approved.

Reason: In order to protect sand martins.

18. Upon completion of mineral extraction within the quarry extension area hereby approved the operator shall ensure that the sand martin cliff face as detailed on drawing ref: UKSD-SA-08-0004 A02 (Proposed restoration plan) is provided as part of the quarry restoration scheme so as to achieve a minimum 3m vertical face. If appropriate, the sand martin cliff may be excavated at its base to achieve the 3m vertical face to provide appropriate protection from predators for nesting sand martins.

Reason: In order to protect sand martins.

Noise

19. No supplementary plant and machinery shall be used for the extraction of sand and ancillary gravel on the site over and above the plant and equipment approved by the MPA in discharging Condition 8 of permission reference 1/32/05/00006, unless its specification and noise output is formally agreed in writing by the MPA.

Reason: To minimise noise emissions from quarrying operations in accordance with Policies DM1 of Nottinghamshire Minerals Local Plan.

20. Reversing alarms used on mobile plant operated in the site shall be fitted with broadband (white noise) warning devices.

Reason: To protect local residents from noise disturbance in accordance with the requirements of Policy DM1 of the Nottinghamshire Minerals Local Plan.

21. All vehicles, plant and machinery operated and used on site shall be fitted with effective silencers maintained in accordance with the manufacturers' recommendations and specifications.

Reason: To protect local residents from noise disturbance in accordance with the requirements of Policy DM1 of the Nottinghamshire Minerals Local Plan.

22. In the event of a noise complaint being received by the MPA regarding the development hereby permitted which, in the considered opinion of the MPA

may be justified, the operator shall, within one month of a written request from the MPA, undertake a BS4142 noise survey to determine if the level of noise:

- For normal day to day quarrying operations the noise from the site does not exceed the background level by more than 10dB(A) subject to a maximum of 55dB(A)LAeq, 1h (free field) at noise sensitive properties.
- For temporary operations undertaken for a maximum 8 weeks in a year comprising soil stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance noise levels does not exceed 70dB(A) LAeq 1h (free field) at noise sensitive properties.

Details of the noise survey, including the position of noise monitoring equipment, the methodology to be used and the date(s) for the survey to be undertaken, shall have been agreed with the MPA prior to the survey taking place. In the event that the noise survey indicates that the noise criterion detailed above is being exceeded, the submitted report shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criterion, including a timetable for the implementation of these additional measures. The additional mitigation measures shall be implemented in accordance with the approved details and thereafter maintained for the life of the development.

Reason: To minimise the impact of noise from the site in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Access and Routing

23. Unless otherwise agreed in writing by the MPA, the total number of heavy vehicles (a vehicle >7.5t gross laden weight) leaving the site in connection with the development hereby permitted and any other operational areas within the wider quarry complex shall not exceed 15 vehicles each operational day. The operator shall keep records of all HGV visits to the site and such records shall be supplied in writing to the MPA within two weeks of a request for such records being made by the MPA.

Reason: In the interest of highway safety and to protect local residents from disturbance caused by quarry traffic, in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.

24. The operator shall take all reasonable steps to instruct all delivery vehicles entering and leaving the site to access from the south towards Newington thereby avoiding trafficking through Misson village. These steps shall include the issuing of instructions to all drivers to advise of the required route and the

retention of the turn right signage at the exit of the quarry access throughout its operational life.

Reason: In the interest of highway safety and to protect residents of Misson village from disturbance caused by quarry traffic, in accordance with Policy DM1 and DM9 of the Nottinghamshire Minerals Local Plan.

25. The existing access shown on plan JMH/RO6–3 (Scheme of Working) received on 16th November 2015 shall be used by all quarry traffic. No other access shall be used by traffic entering or leaving the quarry. All vehicles transporting minerals from the site shall be fully covered with sheeting prior to them leaving the application site and entering the public highway.

Reason: To ensure satisfactory access to and from the site and to minimise the impact of the development on the local highway network and to prevent mud and other deleterious material contaminating the highway in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.

Archaeology

26. During all periods of soil stripping an archaeological watching brief shall be undertaken. The archaeological watching brief shall follow the methodology set out within the written scheme of investigation for an archaeological watching brief (November 2011) received by the MPA on the 28th November 2011 in connection with Planning Application 1/32/11/00020, unless an alternative method statement is agreed in writing by the MPA.

Reason: In the interests of preserving, investigating and recording features of archaeological interest affected by the development in accordance with Policy DM6 of the Nottinghamshire Minerals Local Plan.

Groundwater Protection

27. The scheme for monitoring groundwater levels to discharge Condition 13 of planning permission 1/32/05/00006 shall be carried out in relation to the development hereby permitted throughout the period of mineral extraction and restoration. The results of groundwater monitoring shall be submitted to the MPA in writing within 4 weeks of the monitoring being undertaken, and the monitoring shall inform the depth of quarrying excavations within the limits specified within Condition 6 above.

Reason: To ensure that mineral workings are undertaken at a level above the normal groundwater level thus protecting groundwater from contamination, in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

28. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water, whether direct or via soakaways. The toilet facility serving the cabin office shall be of a sealed chemical type which shall be emptied at appropriate intervals by a licensed waste carrier for appropriate disposal.

Reason: To protect groundwater from contamination, in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

29. The mineral extraction operations shall not utilise ground dewatering. In the event that the restoration proposals incorporate groundwater charged pond habitats, any dewatering operations associated with the construction of these ponds shall be agreed in writing beforehand with the MPA.

Reason: To ensure that mineral workings are undertaken at a level above the normal groundwater level thus protecting groundwater from contamination, in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

30. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of their aggregate storage capacity, whichever is the greater. All filling points, vents, and sight glasses must be located within the bund. There must be no drain through the bund floor or walls.

Reason: In the interests of pollution control in accordance with Policy DM4 of the Nottinghamshire Minerals Local Plan.

Prevention of Flooding

31. All excavated materials shall be stored on land which is designated as Flood Zone 2.

Reason: To prevent increasing flood risk elsewhere within the River Idle floodplain in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

32. The development shall be carried out in accordance with the submitted flood risk assessment compiled by Roy Loble Consulting (ref: RLC/1065/FRA01) dated 06/11/2024 and received by the MPA on 7 November 2024 and drawing number UKSD-SA-08-0003 (Rev A02) – Proposed Phasing and Working Plan received by the MPA on 7 November 2024 and the following mitigation measures they detail:

- (a) All quarry workings shall be carried out in accordance with the submitted phase plan (Ref: UKSD-SA-08-0003 – Rev A02);
- (b) No workings shall be undertaken within 25 metres of the existing hedgerow (as indicated figure in 5.1 on page 11 of the flood risk assessment), proposed to be retained, between the future reservoir and the proposed quarry extension until such a time as a scheme has been approved in writing by the MPA, in consultation with the Environment Agency Reservoir team, for the construction of a suitable reservoir embankment in line with the requirements of the Reservoirs Act 1975 as indicated in the submitted FRA and accompanying phasing plan (Ref: UKSD-SA-08-0003 – Rev A02).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed quarrying undertaking and people working within the quarry area.

Buildings, fixed plant and machinery

- 33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, replacing or re-enacting that Order), no buildings, fixed plant or machinery, structures, lights, fences or private ways shall be erected, installed or otherwise replaced within the application site without the prior written approval of the MPA.

Reason: To safeguard the amenities of the area.

Dust/Mud

- 34. Measures shall be employed to ensure that dust and mud generated within the site are kept to a minimum and contained within the site. These measures shall include, but not necessarily be restricted to:
 - a. The use as appropriate of a dust suppression system throughout all working areas;
 - b. The use as appropriate of water bowsers and/or spray systems to dampen the access roads, vehicle circulation and manoeuvring areas;
 - c. The maintenance of the access road in a good state of repair and its regular sweeping to ensure that it is kept clean and free of mud and other debris;
 - d. The temporary cessation of processing during periods of extreme dry and windy weather.

In the event that a complaint is received regarding dust or mud arising from the operation of the site which the MPA consider may be justified the operator shall within 1 month of a written request of the MPA prepare and submit a mitigation strategy to remedy the nuisance. The site shall thereafter operate in compliance with the approved mitigation strategy throughout its operational life.

Reason: To minimise disturbance from mud and dust in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

35. No HGV shall leave the site without first using the wheel cleaning facilities/rumble strips to ensure that no mud or other deleterious material is deposited on the public highway. The wheel cleaning facilities/rumble strips shall be maintained in an effective state for the duration of the development. In the event that these measures are not effective, additional measures shall be installed to give effect to this requirement within 4 weeks of a written request from the MPA.

Reason: In the interests of highway safety, and to accord with Policy DM9 of the Nottinghamshire Minerals Local Plan.

Soil handling, stripping, and storage

36. The stripping, handling and replacement of topsoils and subsoils shall be implemented in accordance with the Soil Handling Strategy received by the MPA on 16th November 2015. Notwithstanding the generality of paragraph 3.14 of the soil stripping strategy, topsoils shall not be replaced within the areas of land to be restored to acid grassland.

Reason: To ensure proper restoration of the site conserving and managing all available soil resources in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

37. Prior to the commencement of soil stripping operations the operator shall submit to the MPA for its approval in writing a plan showing:
- a. the area to be stripped of topsoil and subsoil including the depths of soil excavation;
 - b. the location of soil storage stockpiles or direct placement for restoration purposes;
 - c. the quantity and nature of material to be stored or used for direct placement;
 - d. the areas where stored soils are to be replaced.

The development shall be carried out in accordance with the approved details.

- Reason: To ensure proper restoration of the site conserving and managing all available soils resources in accordance with Policy DM3 and DM12 of the Nottinghamshire Minerals Local Plan.*
38. At least 7 days written notice shall be given to the MPA prior to any soil removal or replacement operations within the application site.
- Reason: To ensure proper restoration of the site conserving and managing all available soil resources in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.*
39. No turf, topsoil, subsoil or overburden shall be removed from the site and no soils or soil making materials shall be imported onto the site.
- Reason: To ensure the proper restoration of the site, and to conserve and manage all available soils resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.*
40. No plant or vehicles shall cross any area of unstripped or replaced topsoil or subsoil except where such trafficking is essential and unavoidable for purposes of undertaking soil handling operations.
- Reason: To ensure the proper restoration of the site and to conserve and manage all available soils resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.*
41. Stocks of topsoil shall not exceed 3m in height and stocks of subsoil shall not exceed 5m in height.
- Reason: To ensure proper restoration of the site conserving and managing all available soils resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.*
42. No movement of soil shall take place except when the full volume of soil to be stripped or otherwise transported is in a suitably dry soil moisture condition i.e. the soil is in a non-plastic state such that damage to its structure shall be avoided. Conditions shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty. Soil handling and movement shall not be carried out between the months of October to March inclusive unless specifically agreed in writing by the MPA.
- Reason: To ensure proper restoration of the site conserving and managing all available soils resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.*
43. All soil storage stockpiles that remain in situ for more than 6 months or over winter shall be vegetated in accordance with a scheme covering vegetation establishment and management that shall be submitted to and approved in writing by the MPA prior to mound construction.

Reason: To ensure proper restoration of the site conserving and managing all available soils resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

Restoration

44. Notwithstanding the generality of paragraph 3.14 of the soil handling strategy (received by the MPA on 16th November 2015), prior to the replacement of subsoils and topsoils within the quarry there shall be submitted to the MPA for its approval in writing details of the depths of soils to be used across the site. The depth of subsoil and topsoil shall be varied across the restored site to reflect the aftercare planting proposals for the site. Thereafter soils shall be replaced in compliance with the details approved to an even depth across the re-laid area.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

45. Only low ground pressure machinery shall work on re-laid topsoil or subsoil to replace and level topsoil.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

46. Before any placement of subsoil and topsoil in accordance with the restoration scheme shown on drawing ref UKSD-SA-08-0004, revision A02, titled 'Proposed restoration plan', the surface of the site shall be graded and cross-ripped so as to achieve, after placement of soils, the approved restoration contours, taking into account the proposed soil profiles.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

47. Following placement of topsoil, the surface shall be cross-ripped to an agreed depth and spacing that penetrates 150mm into the underlying layer or 500mm total depth, whichever is the greater, to remove compaction at the interface and loosen all material within the area and depth of operations. Stones and any other obstructions to cultivation greater than 100mm in any dimension shall be removed.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

48. All operations involving soil placement and cultivation treatments shall only be carried out when the full volume of the soil involved is in a dry soil moisture condition thereby avoiding damage to soils and maximising the effects of the subsoiling operations. Plant and vehicles shall not cross areas of replaced or loosened materials or areas spread with subsoil or topsoil except for the express purpose of restoration operations.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

49. For purposes of storage and placement of soils, topsoil shall only be mixed with topsoil and subsoil shall only be mixed with subsoil.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

50. The MPA shall be notified of the completion of soil replacement within 1 month of its completion.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

51. In accordance with the restoration requirements, all plant, machinery and buildings shall be removed from the site within 6 months of the date of cessation of mineral extraction.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

52. Prior to restoration of acid grassland/lowland/heathland areas, a soil chemistry test shall be undertaken of the subsoil to ensure that the correct nutrient conditions have been created for heather planting. The results of this testing and any proposed soil treatment shall be submitted to the MPA for its approval in writing prior to the restoration of these areas. The restoration of these areas shall be implemented as approved in the first available sowing season.

Reason: To ensure satisfactory landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

53. The development shall be carried out in accordance with the submitted proposed restoration plan (ref UKSD-SA-08-0004, revision A02, dated December 2023 and titled 'Proposed restoration plan' received by the MPA on 7 November 2024) and the following mitigation measures it details:

- Area restored no higher than the existing finished ground levels which are deemed to be as detailed on the existing site block plan /topographical survey drawing (ref UKSD-SA-08-0002, revision A00, dated December 2023 and received by the MPA on 6 December 2023).

These mitigation measures shall be fully implemented in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

The final levels shall be verified with the submission of a topographical survey upon completion of soil replacement.

Reason: To prevent flooding elsewhere by ensuring that there is no raising of ground levels within the floodplain.

54. Within 6 months of the commencement of development, as notified by Condition 2, a detailed landscaping restoration scheme shall be submitted to the MPA for its approval in writing. The scheme shall provide details of species mixes (generally set out within Appendix 1 of the Supporting Statement but the grass mix provided is a ryegrass mix not a bent and fescue mix as indicated), establishment methods and maintenance regimes. Restoration works shall be undertaken in accordance with the approved scheme.

Reason: To ensure the site is restored to a suitable condition at the earliest possible date in the interests of ecology and in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Aftercare

55. An aftercare scheme and strategy shall be submitted for the written approval of the MPA no later than 3 months before the spreading of subsoil commences within each phase. The strategy shall outline the steps to be taken, the period during which they are taken, and who will be responsible for taking those steps to ensure the land is restored and brought back to a satisfactory condition. The aftercare scheme shall include but not be restricted to details of the following:
- a) cultivations;
 - b) weed control;
 - c) keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the MPA between 31 March and 31 May each year;
 - d) drainage and irrigation;
 - e) management practices to ensure that aftercare works are undertaken with an ecological emphasis and are integrated into the previous workings at the site;
 - f) remedial treatments;

- g) fencing;
- h) tree protection and management
- i) habitat creation works including sandmartin habitat.

The development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory restoration and landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

56. Prior to any area being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the MPA, the aftercare period shall run from the agreed date.

Reason: To ensure satisfactory landscaping of the site following mineral extraction in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan

57. Following the replacement of soils over the application site, the aftercare scheme approved under Condition 54 shall be implemented throughout the five year period following the replacement of soils on the site. Areas of non-agricultural grassland shall undergo aftercare management for a 15 year period. The date of commencement of aftercare of the site shall be submitted to and agreed in writing by the MPA and the 15 year aftercare period for non-agricultural grassland and 5 year aftercare period for the remainder of the restoration shall run from this date.

Reason: To ensure proper aftercare management of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Premature cessation of operations

58. Should, for any reason, extraction operations cease for a period exceeding 6 months, or in any other circumstances cease prior to the completion of the approved scheme, such cessation being in the reasoned opinion of the MPA a permanent cessation of operations, then within 3 months of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted to the MPA for approval in writing. Details to be submitted shall include the restoration landform, after-uses of the restored site, a program of restoration works with timings, provision of soil cover, grass seeding, tree and shrub planting, rights of way and associated drainage, fencing and after-care provisions, in a manner similar to those details submitted with this application and subsequently approved pursuant to conditions attached to this permission. The approved revised scheme shall be fully implemented within 12 months of the date of written approval by the MPA.

Reason: To achieve a satisfactory restoration of the site in the event of premature closure of the quarry.

Informatives/notes to applicants

1. You are recommended to maintain and regularly review a Flood Evacuation Plan or emergency plan to protect site workers in the event of flooding taking place. Further guidance is available here: www.adeptnet.org.uk/floodriskemergencyplan 'Flood risk emergency plans for new development'
2. Environmental permit - advice to applicant

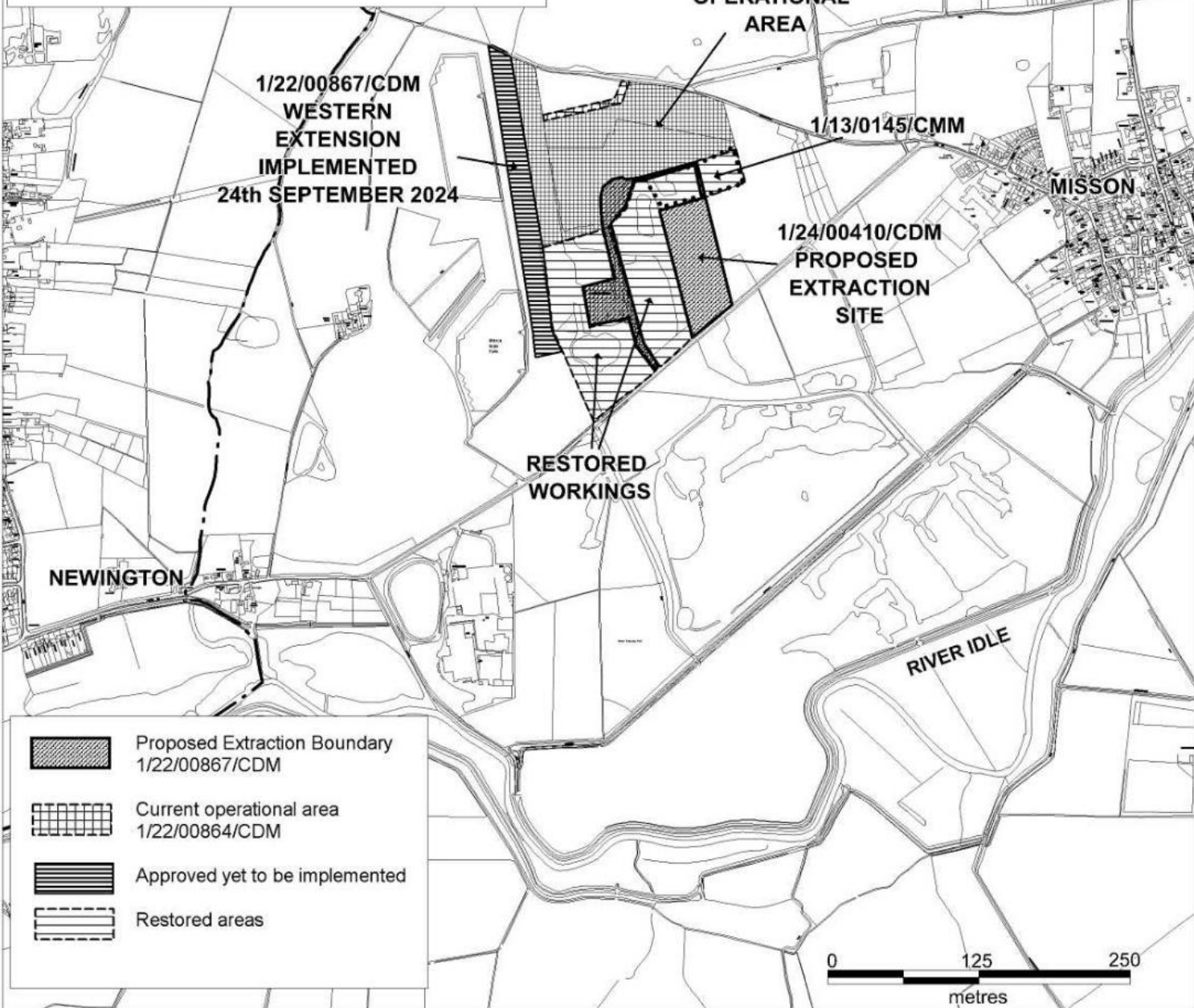
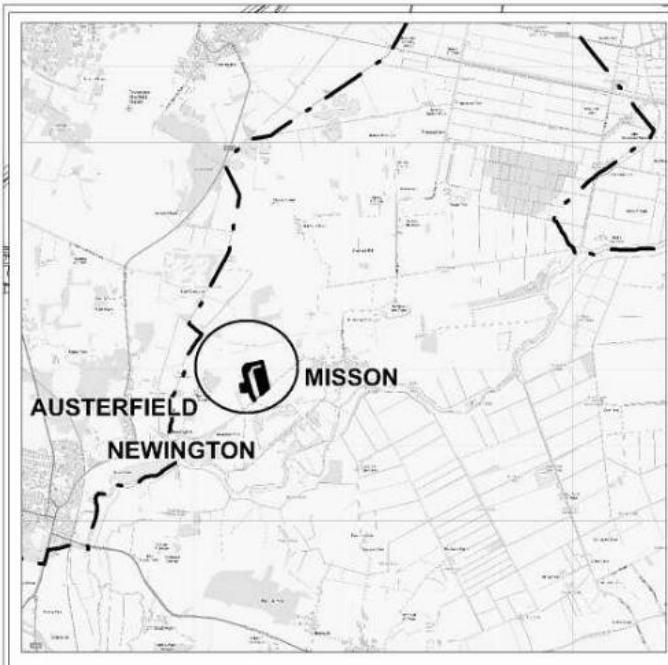
The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:


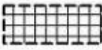


- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

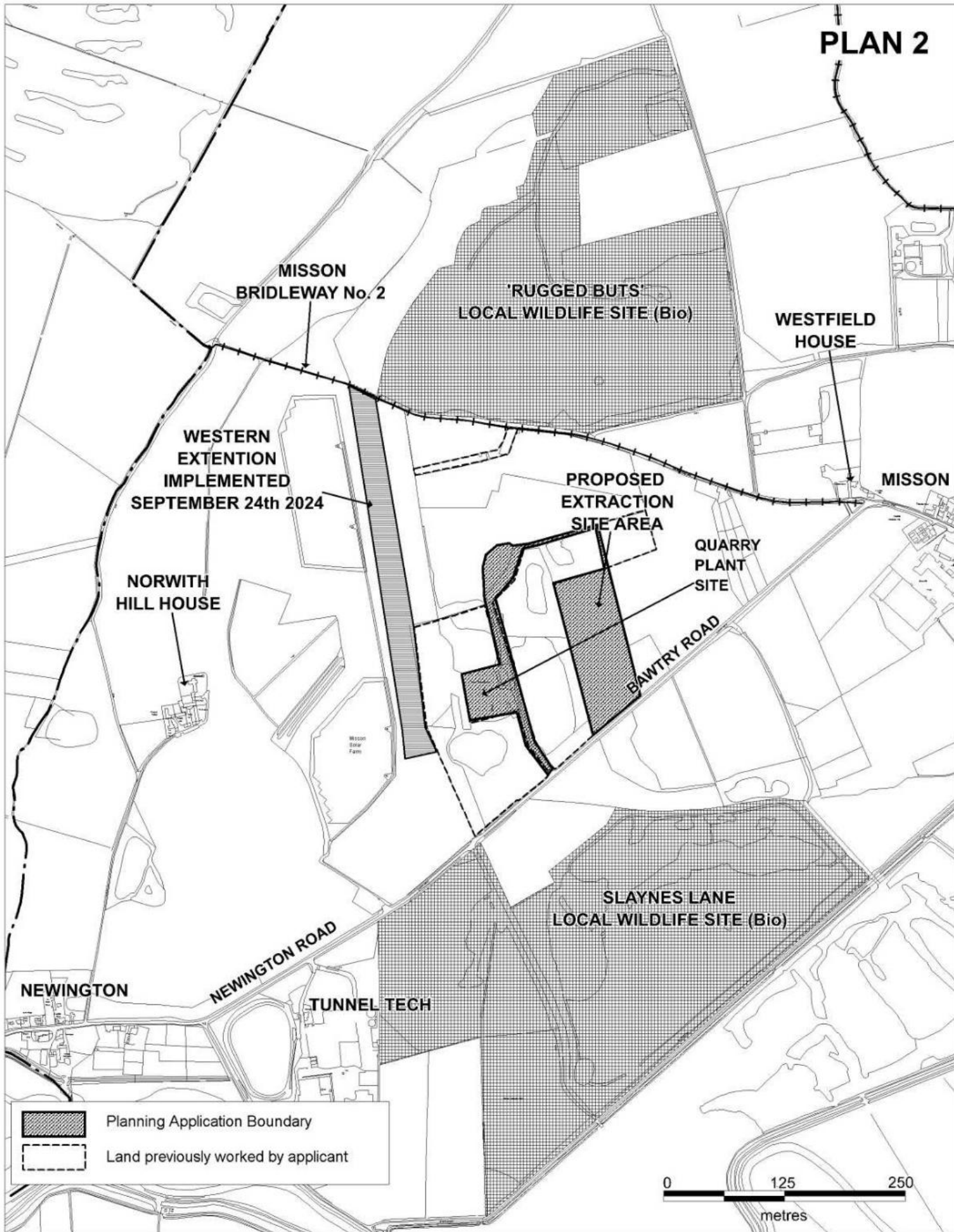
For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

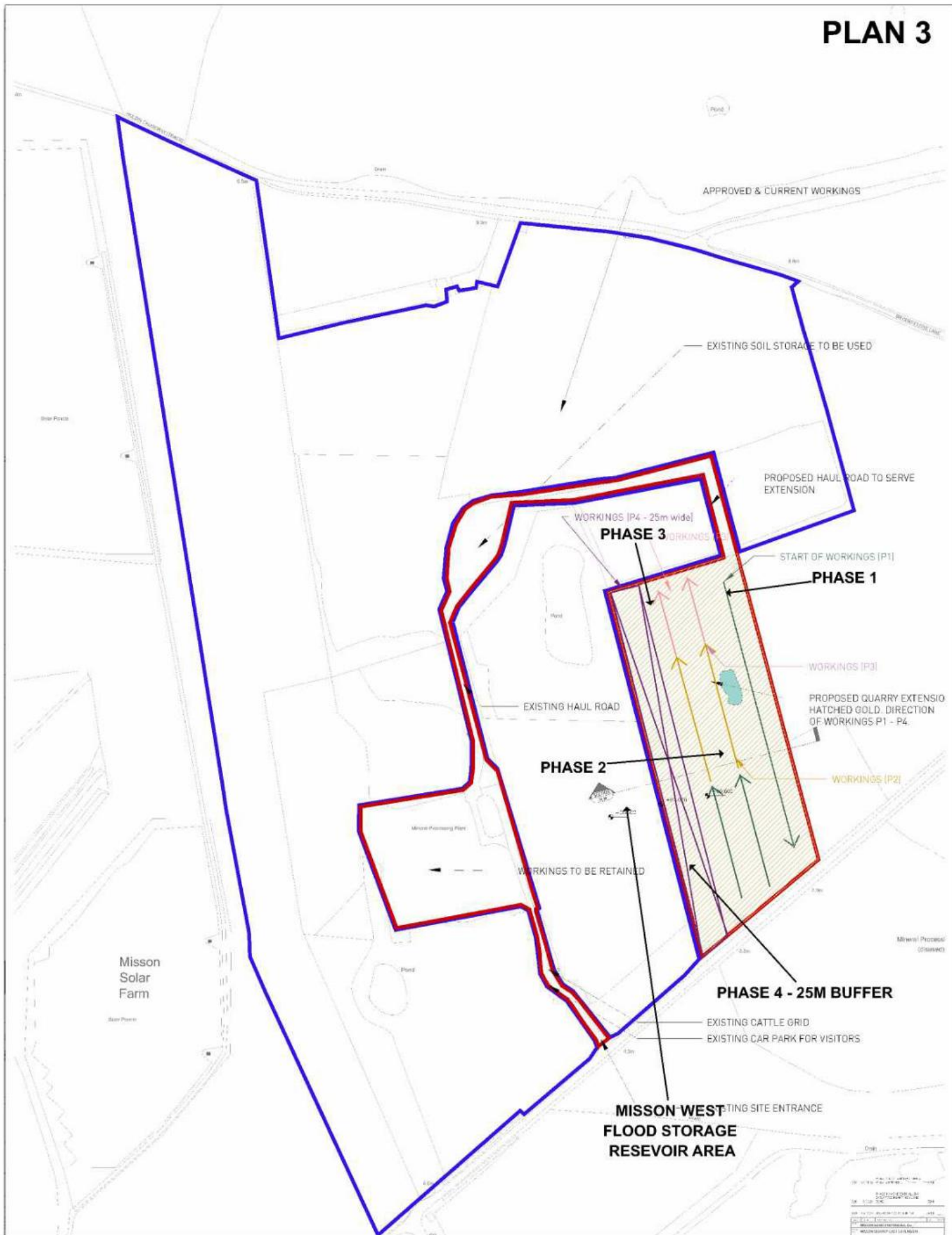
The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

It is your responsibility to ensure that the existing permit/consent conditions continue to be met. Where necessary, variation(s) will be required to take into account any changes in discharge content, volume or location arising as a result of the current proposals.

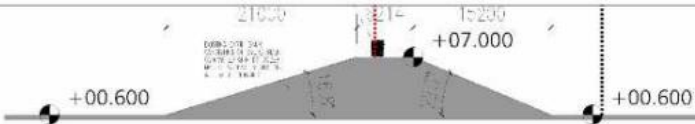


	Proposed Extraction Boundary 1/22/00867/CDM
	Current operational area 1/22/00864/CDM
	Approved yet to be implemented
	Restored areas





SECTION SA-A-A





17 December 2024

Agenda Item: 6

REPORT OF EXECUTIVE DIRECTOR – PLACE

REVIEW OF THE COUNTY COUNCIL’S PRE-APPLICATION PLANNING ADVICE CHARGING SCHEDULE

Purpose of report

1. To seek approval from Members to update the County Council’s pre-application planning advice service, including a proposed increase in fee levels.

Background information

2. In July 2014 the County Council introduced a charging regime for providing a pre-application advice service for minerals, waste and Regulation 3 (Council’s own) developments. Prior to July 2014 the pre-application advice service was provided free of charge. In July 2021 fee levels for this service were reviewed and increased. Given that three years has now elapsed since the last review it is considered timely to review and uplift the current fee levels.
3. Planning officers within the County Council’s Development Management Team provide pre-application advice to all potential applicants upon request. The purpose of pre-application advice is to improve the quality of planning applications and provide relevant guidance and engagement which, in turn, increases the efficiency of the subsequent planning application process.
4. It is now common practice for county, district and unitary planning authorities to charge for their pre-application advice service. Several statutory bodies, including the Coal Authority, the Environment Agency, Natural England, and Historic England now charge for their advice at pre-application stage. The County Council as Highway Authority charges for pre-application advice where this is sought directly and over and above any advice being sought from either the County Council or any of the district and borough councils. Their charging regime falls outside the remit of the pre-application charges under consideration in this report, but it can be confirmed that they are kept under regular review.

Legislation and policy context

5. Section 93 of the Local Government Act 2003 gives powers to Local Authorities to charge for “discretionary activities” i.e. those which they do not have a mandatory duty to provide. This provision enables Local Planning Authorities to charge for, inter alia, providing pre-application advice. The Act stipulates that fees should not, however, exceed the cost of providing the service.

6. The effectiveness and importance of the pre-application process was endorsed by the Planning Act 2008. This Act introduced a statutory requirement for applicants to engage in consultation with local communities, local authorities and other parties who would be directly affected by proposals in relation to nationally significant infrastructure projects. This requirement was further consolidated in 2011 by the Localism Act which introduced a requirement for applicants to engage with local communities in advance of submitting planning applications for certain developments.
7. Underpinning the whole Development Management approach is the need for good communication and collaboration between relevant parties and front-loading the process. The National Planning Policy Framework (NPPF) updated in 2023 encourages pre-application discussions; relevant paragraphs state the following:

Para 39: “Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

Para 40: Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.

Para 41: The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.

Para 42: The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible”.

8. The Government’s Planning Practice Guidance was updated in March 2019 and in respect of pre-application advice states the following:

Pre-application engagement by prospective applicants offers significant potential to improve both the efficiency and effectiveness of the planning application system and improve the quality of planning applications and their likelihood of success. This can be achieved by:

- *providing an understanding of the relevant planning policies and other material considerations associated with a proposed development*
- *working collaboratively and openly with interested parties at an early stage to identify, understand and seek to resolve issues associated with a proposed development, including, where relevant, the need to deliver improvements in infrastructure and affordable housing*
- *discussing the possible mitigation of the impact of a proposed development, including any planning conditions*
- *identifying the information required to accompany a formal planning application, thus reducing the likelihood of delays at the validation stage. The information requested must be reasonable.*
- *putting in place a Planning Performance Agreement where this would help with managing the process and agreeing any dedicated resources for progressing the application.*

The approach to pre-application engagement needs to be tailored to the nature of the proposed development and the issues to be addressed.

9. The County Council's Guidance Note on the Validation Requirements for Planning Applications also encourages applicants and their agents to seek pre-application advice. This Guidance, which was last updated in March 2024, states "*The County Council encourages applicants and their agents to seek pre-application advice. This is particularly relevant for larger, more complex, or potentially controversial proposals. This should help applicants identify the information and details that needs to be submitted with their application. Such an approach can help minimise delays later in processing the application and identify whether other consents may be required.*"
10. In addition to the pre-application advice service the County Council also has an approved Planning Performance Agreement Charter in place which includes the opportunity to seek pre-application advice alongside other services at various stages of the planning application process. Fees within the PPA Charter are reviewed annually and no changes are proposed as part of this pre-application review.

The need for pre-application advice charges

11. Engagement prior to submitting any planning application can be extremely important and enables the applicant and local planning authority to gain a clear understanding of the objectives and constraints associated with a particular development. It also provides an opportunity for wider engagement with other stakeholders, where appropriate. This can in turn deliver better outcomes for all parties.
12. The scope of the current pre-application service provided by the Development Management Team is extremely diverse. It ranges from ad hoc emails/telephone

calls about new boundary treatment around a school, for instance, to more in-depth and formal meetings about a proposed new quarry involving prospective developers and other interested parties. Providing this comprehensive service is expensive in terms of resources and officer time.

13. Justification for this charging regime arises from the need to recover at least some of the costs incurred by the County Council for providing this service. Costs for this service are transferred from the “public purse” to those using, and therefore benefiting from, the service.
14. Charging developers for pre-application advice on minerals and waste proposals brings in new income for the County Council. However, charging for pre-application advice on the Council’s own developments (Regulation 3) will sometimes involve transferring money from one department’s budget to another. Notwithstanding this, there are logical reasons for continuing to include Reg. 3 applications in the proposed charging regime, these include:
 - To ensure consistency and transparency in the applications process i.e. internal and external applicants should be treated alike and the Local Government Ombudsman often cites the need to treat internal applicants no differently from external applicants.
 - Pre-application advice on Reg 3 applications take up just as much officer time as for minerals and waste development and there is no reason why the Development Management Team should not recoup its costs in the same way.
 - For larger scale Reg. 3 developments it is likely there will be some element of external, i.e. private sector, funding e.g. Section 106 contributions.
 - Reg. 3 applications are not exempt from nationally set planning fees.

Proposed new fee levels and summary of the proposed changes

15. The table below sets out the current and proposed fee levels for pre-application charges, alongside the proposed changes in advice categories:

Category	Existing Definition	Existing Fee Level	Proposed Alterations to Definition	Proposed Fee Level
Significant	<p>Significant minerals and waste schemes:</p> <ul style="list-style-type: none"> All new and extensions to opencast coal sites. All new quarries or landfill sites. Any extensions (site area, mineral reserve, void area or life) to existing quarries or landfill sites where extraction or deposit exceeds 30,000 tpa Any waste management facility processing over 30,000 tpa. Major energy, minerals, or infrastructure proposals, including all stages of hydro-carbon development. <p>Any development involving creation or change of use of 500 sq.m or more floorspace</p>	<p>*£1250 to £2000 plus VAT (meeting and written advice)</p> <p>*The amount charged will be dependent on the scale and complexity of the proposal. If the larger fee is required, this will be confirmed in advance.</p>	<p>Significant minerals and waste schemes:</p> <ul style="list-style-type: none"> All new and extensions to opencast coal sites. All new quarries or landfill sites. Any extensions (site area, mineral reserve, void area or life) to existing quarries or landfill sites where extraction or deposit exceeds 30,000 tpa Any waste management facility processing over 30,000 tpa. Major energy, minerals, or infrastructure proposals, including all stages of hydro-carbon development. <p>Any development involving creation or change of use of 500 sq.m or more floorspace</p>	<p>*£1,500 - £2,400 plus VAT (meeting and written advice)</p> <p>*The amount charged will be dependent on the scale and complexity of the proposal. If the larger fee is required, this will be confirmed in advance.</p>
Major	<ul style="list-style-type: none"> Any extensions (site area, mineral reserve, void area or life) to existing quarries or landfill sites where extraction or deposit is between 5,000 and 30,000 tpa Any waste management facility processing between 5,000 and 30,000 tpa. Any development involving the creation or change of use of between 150 and 500 sq.m floorspace. 	<p>£750 plus VAT (meeting and written advice)</p>	<ul style="list-style-type: none"> Any extensions (site area, mineral reserve, void area or life) to existing quarries or landfill sites where extraction or deposit is between 5,000 and 30,000 tpa Any waste management facility processing between 5,000 and 30,000 tpa. Any development involving the creation or change of use of between 150 and 500 sq.m floorspace. 	<p>£900 plus VAT (meeting and written advice)</p>

Category	Existing Definition	Existing Fee Level	Proposed Alterations to Definition	Proposed Fee Level
Minor	<ul style="list-style-type: none"> Minor minerals and waste proposals, not listed in the significant or major categories, such as minor variations / non-compliance to existing schemes /installation of plant and machinery. Any development involving the creation or change of use of floorspace less than 150sqm or development involving no new floorspace. 	£375 plus VAT (meeting and written advice)	<ul style="list-style-type: none"> Minor minerals and waste proposals, not listed in the significant or major categories, such as minor variations / non-compliance to existing schemes /installation of plant and machinery. Any development involving the creation or change of use of floorspace less than 150sqm or development involving no new floorspace. 	£450 plus VAT (meeting and written advice)
Follow-up Meetings	<ul style="list-style-type: none"> Follow up meetings will be held, where appropriate, for all the above categories (significant, major, and minor). Where necessary (and relevant to the proposal) specialist officers may be invited to attend follow up meetings Officers may also attend meetings arranged by relevant consultees/third parties as required (this may arise where consultation is required with other bodies to address a specific / technical issue 	<p>£150, plus VAT per officer, per meeting.</p> <p>Specialist officers will be charged for at the above rate</p> <p>£150, plus VAT per officer, per meeting.</p>	<ul style="list-style-type: none"> Follow up meetings will be held, where appropriate, for all the above categories (significant, major, and minor). Where necessary (and relevant to the proposal) specialist officers may be invited to attend follow up meetings Officers may also attend meetings arranged by relevant consultees/third parties as required (this may arise where consultation is required with other bodies to address a specific / technical issue 	<p>£180 plus VAT per officer, per meeting.</p> <p>Specialist officers will be charged for at the above rate</p> <p>£180, plus VAT per officer, per meeting.</p>
Other	Informal, office-based or virtual meeting (up to one hour to discuss any proposal)	£150 plus VAT (no written advice)	Informal, office-based or virtual meeting (up to one hour to discuss any proposal)	£180 plus VAT (no written advice)

Category	Existing Definition	Existing Fee Level	Proposed Alterations to Definition	Proposed Fee Level
Permitted Development Enquiry (new category)			<ul style="list-style-type: none"> Confirmation as to whether planning permission is required. 	<p>£0 - £76*</p> <p>*If the applicant has indicated which relevant article(s) in the GPDO they consider exempts them from requiring planning permission, no charge will be applied. If no such information is provided and the applicant wants a full examination of whether planning permission is required, a £76 charge will be applied.</p>

Category	Existing Definition	Existing Fee Level	Proposed Alterations to Definition	Proposed Fee Level
Free and Self-Service (new category)	<ul style="list-style-type: none"> Confirmation as to whether planning permission required. Any proposal for which there is no planning fee. 	<p>Free</p> <p>Free</p>	<ul style="list-style-type: none"> Confirmation as to whether planning permission required. Any proposal for which there is no planning fee. Nottinghamshire County Council's validation requirements: final-validation .pdf Planning application forms and associated guidance: Apply for planning permission Nottinghamshire County Council The Nottinghamshire Minerals Local Plan: adoptedmineralslocalplancompressed.pdf Nottinghamshire and Nottingham Waste Core Strategy: waste-core-strategy-1.pdf Nottinghamshire and Nottingham Waste Local Plan: Adopted Waste Local Plan - Complete Document Online Planning Register: Nottinghamshire County Council - Development Planning 	<p>Free</p> <p>Free</p> <p>Free</p> <p>Free</p> <p>Free</p> <p>Free</p> <p>Free</p>

Summary of the main changes proposed

Permitted Development Enquiries

16. We are proposing to introduce a fee for some enquiries into whether planning permission is required. We have never charged for this service before, however we are receiving an increased amount of permitted development enquiries (most of which contain multiple plans and reports), which can take considerable time to deal with. Furthermore there is plenty of free advice available on our website and elsewhere, such as on the Planning Portal's website and the General Permitted Development Order itself, which applicants could read in order to determine a proposal's permitted development status without the need for significant officer intervention.
17. We propose to create a new permitted development page on our website along with a permitted development enquiry request form. The form will ask the applicant to state which Article of the General Permitted Development Order (GPDO) they believe applies to the proposed development which may mean it is exempt from planning permission. Applicants who complete the form in full will not be charged for their permitted development enquiry as the information provided will reduce officer time and promote a deeper understanding of what is considered permitted development, thereby potentially reducing the number of permitted development enquiries we receive. Where the answer to this question is left blank, thereby requiring officers to research the matter themselves, we propose a charge of £76 to cover the cost of officer's time.

Free category

18. We will also update our website to provide a more concise, organised and clear section for free guidance. Whilst this information is already on our website, ensuring it is all available in one place marked up as 'Free Advice and Tools' will increase accessibility and create a streamlined and more user-friendly service where applicants can find the answers to their enquiry much more quickly. The page will include links to our minerals and waste local plans, allowing applicants to consider their proposals against relevant local plan policy, and also a link to our validation webpage so that applicants can further understand what matters need to be covered in their applications.

Reasons for the changes

19. The current pre-application charging schedule has now been in place for three years and it is therefore considered timely to review whether the existing fee levels are still appropriate and reflect the amount of time officers spend on providing pre-application advice. Furthermore, advice has been taken from Finance colleagues who have deemed the Consumer Prices Index including owner occupiers' housing costs (CPIH) as the most appropriate measure to use to increase our fees based on the rate of inflation.
20. The proposed new fee levels more truly reflect the cost of providing this service. It is worth highlighting that the provision of pre-application advice does not simply mean having a meeting with an applicant. A typical example of the pre-application advice would include meeting with the applicant/agent, either in the office, virtually

or on site, a search of planning history of the site, a consultation with internal teams or external bodies (where deemed appropriate), and a formal written response highlighting the relevant planning policies and details of any likely planning constraints, such as ecological designation or flood risk potential. The objective is to produce comprehensive pre-application advice to enable any subsequent planning application to be fit for purpose and progress through the planning application stage with minimum delay. In some circumstances advice may be given confirming that a proposal is likely to be contrary to planning policies or that the site has such significant constraints that planning permission is unlikely to be granted. This can help avoid a considerable amount of costly and abortive work.

21. Over the last four years, since the last review, the amount of income generated from the pre-application advice service is as follows:

Year	Pre-application fee income
2021 - 2022	£7,096
2022 - 2023	£9,705
2023 - 2024	£3,025
So far in 2024 - 2025	£10,150

22. Income from the pre-application advice service is low in comparison with the income received from the nationally set planning application fees. However, a considerable amount of officer time goes into providing pre-application advice and the fees received do help to support the Development Management Team. Evidence shows that time spent at the pre-application stage does reduce the work and time once the planning application is submitted and is therefore considered to be worthwhile. This is reflected by the County Council's continued high performance in determining applications within statutory Government timescales or agreed time extensions. The proposed increase in pre-application fee levels are intended to more closely reflect the current value based on increased inflation rates, as well as the work involved to achieve a more realistic level of fee income without being a disincentive to applicants using the service. As part of this review of fee income, officers have looked at the pre-application fees charged by other county planning authorities and can confirm that the fee levels being proposed are broadly comparable.
23. Details on how the pre-application service operates is currently set out on the County Council's website which would be updated to reflect the proposed changes.

Discretionary pre-application and pre-submission advice services for Biodiversity Net Gain (BNG)

24. The County Council's Conservation Team is also proposing a discretionary, paid-for service to applicants seeking pre-application advice where BNG will apply, however this service will be introduced separately.

Statutory and Policy Implications

25. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below.

Implications for Service Users

26. The proposed revised scheme with charging rates at a more realistic level will enable to provision of a continued professional pre-application advice service available to applicants and agents. It is anticipated that this will assist in the formulation of comprehensive and fit for purpose planning applications that progress through the planning application process with fewer potential delays.

Human Rights Implications

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

Equality Impact Assessment

28. An Equality Impact Assessment has been undertaken and approved which concludes that the proposal would impact on all sectors of the community equally with no disproportionate impact on people with protected characteristics. One exception to this is the positive impact arising from the fact that there continues to be no fee for providing pre-application advice on proposals for works to buildings which benefit disabled people, such as providing means of access.

RECOMMENDATION

29. It is RECOMMENDED that Members approve the revised fee schedule, for the pre-application advice service, subject to any further processes required by the Council's Constitution, as set out in this report to come into effect on 1st January 2025.

30. It is RECOMMENDED that Members give officers delegated powers to uplift the fees annually in subsequent years in accordance with any procedures set out in the Council's Constitution line with Consumer Prices Index including owner occupiers' housing costs (CPIH).

Derek Higton

Executive Director for Place

Constitutional Comments [JL 04/12/2024]

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference set out in the Constitution of Nottinghamshire County Council

Finance Comments [PAA29 03/12/2024]

As set out in paragraph 5, the Local Government Act 2003 stipulates that fees charged for the provision of a discretionary activity such as pre-planning application advice should not exceed the cost of providing the service. Income received from fees for the provision of pre-planning application advice from 2020/21 to 2023/24 and in 2024/25 (to 31 October 2024) is shown in paragraph 21. The proposed increase in pre-planning application advice fees from those last agreed in July 2021 is intended to reflect increases in costs over this period and ensure that the fees cover the cost of providing pre-planning application advice.

Background Papers Available for Inspection

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

Electoral Divisions and Members Affected

All

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



REPORT OF THE EXECUTIVE DIRECTOR- PLACE DEVELOPMENT MANAGEMENT PROGRESS REPORT

Purpose of the Report

1. To report on the planning applications received by the Development Management Team between 11th October – 22nd November 2024, to confirm the decisions made on planning applications since the last report to members on 5th November 2024, to report on the County Council's current performance, and to detail the applications likely to come before the Committee in the coming months.

Information

2. **Appendix A** highlights the applications received and those determined since the last report to members on 5th November 2024. **Appendix B** reports on the County Council's performance against statutory targets for the speed and quality of decisions. **Appendix C** sets out the Committee's work programme for forthcoming meetings and members are asked to give consideration to the need for any site visits that would be beneficial on any application scheduled to be reported to Committee in the near future.

Other Options Considered

3. To not produce a progress report and work programme for the Committee: this option is discounted as the progress report and work programme are important in keeping members fully informed on Planning matters, particularly where a site visit for an upcoming application may be beneficial in advance of the Committee meeting where it will be considered.

Reasons for Recommendations

4. To keep members informed of Planning activity and to assist the Committee in carrying out its responsibilities and preparation its future work effectively.

Statutory and Policy Implications

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

Appropriate consultation has been undertaken and advice sought on these issues, as required.

RECOMMENDATIONS

6. That the Committee reviews the Development Management Progress Report and considers whether any further actions are required, including the arrangement of any site visits.

Derek Higton
Executive Director- Place

For any enquiries about this report, please contact:

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Constitutional Comments (JL, 04/12/2024)

7. The Planning and Rights of Way Committee is the appropriate body to consider the contents of this report.

Financial Comments (PAA29 05/12/2024)

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

Background Papers and Published Documents

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

- None.

Electoral Divisions and Members Affected

- All.

Planning Applications Received and Determined

From 11th October 2024 – 22nd November 2024

Division	Member	Received	Determined
BASSETLAW			
Misterton	Cllr Tracey Taylor	The installation of fencing around a new ASHP compound at Walkeringham Primary School. VALIDATED: 11/11/2024	
Misterton	Cllr Tracey Taylor		Variation of condition 2 of planning permission 1/18/00219/CDM for extension of time to allow for temporary stockpiling of recycled inert waste as part of existing material recycling facility, at Daneshill Landfill Site. REFUSED: 14/11/2024
Misterton	Cllr Tracey Taylor		Variation of condition 3 of planning permission 1/18/00218/CDM for extension of time to allow for importation, storage and stockpiling of inert construction and demolition waste as part of existing material recycling facility, at Daneshill Landfill Site. REFUSED: 14/11/2024

Division	Member	Received	Determined
Misterton	Cllr Tracey Taylor		Variation of condition 3 of planning permission 1/18/00218/CDM for extension of time to allow for importation, storage and stockpiling of inert construction and demolition waste as part of existing material recycling facility, at Daneshill Landfill Site. REFUSED: 14/11/2024
MANSFIELD			
Mansfield South	Cllr Andre Camilleri/Cllr Stephen Garner	Change of use from a residential dwelling to a small (2 - bed) home for children in the care of the local authority, at 9 Lichfield Lane, Mansfield. VALIDATED:04/11/2024	
NEWARK & SHERWOOD			
Muskham and Farnsfield	Cllr Bruce Laughton	Variation of conditions 1, 2, 3, 15, 21, 22, 25 and 26 of planning permission 3/22/01787/CMA to allow an update to the working plans, the retention and use of the plant site, haul road, access and silt lagoons, and an extension of time in which to complete the remaining phases, in connection with a further extension at Ness Farm, Cromwell Quarry. VALIDATED: 12/11/2024	

Division	Member	Received	Determined
Muskham and Farnsfield	Cllr Bruce Laughton	Variation of conditions 1, 2, 5, 12 and 48 of planning permission 3/22/01788/CMA to allow continued use of the haul road and amended restoration and working schemes in connection with a further extension at Ness Farm, Cromwell Quarry. VALIDATED: 12/11/2024	
Muskham and Farnsfield	Cllr Bruce Laughton	Variation of conditions 3, 4, 17 and 47 of planning permission 3/22/01790/CMA to allow an amended restoration scheme and an extension of time in which to complete working, in connection with a further extension at Ness Farm, and an extension of time in which to submit archaeological details at Cromwell Quarry. VALIDATED: 12/11/2024	
Muskham and Farnsfield	Cllr Bruce Laughton	Proposed southern extension to the quarry (phases 11c and 11d) for the extraction of approximately 575,000 tonnes of sand and gravel with restoration to nature conservation, at Ness Farm and Cromwell Quarry. VALIDATION: in progress.	

Division	Member	Received	Determined
Muskham and Farnsfield	Cllr Bruce Laughton	<p>Vary conditions 1 and 16 of planning permission 3/22/01583/CMA in order to seek approval for a revised restoration and aftercare plan and an extension of six months to complete the restoration, at Whip Ridding Farm Wellsite.</p> <p>VALIDATED: 04/11/2024</p>	
Balderton	Cllr Johnno Lee	<p>Erection of a single storey extension to Chuter Ede Primary School to create a 2FE Primary School. Including associated external works, associated services, security fencing (3.0m and 2.4m high perimeter/ internal fencing), bin store, car parking (including lighting columns 4m high) and cycle parking facilities. Solar panels to School building roof. Associated landscaping and sun canopies – at Chuter Ede Primary School.</p> <p>VALIDATED: 24/10/2024</p>	
Southwell	Cllr Roger Jackson		<p>Retention of Weighbridge at Coneygre Farm.</p> <p>GRANTED: 11/10/2024</p>

Division	Member	Received	Determined
ASHFIELD			
Kirby South	Cllr Rachel Madden	Install additional mesh fencing at an increased height of 2.4m at two corners of the perimeter adjacent to Derby Road, at Annesley Primary and Nursery School. VALIDATED: 18/10/2024	
BROXTOWE – NONE			
GEDLING – NONE			
RUSHCLIFFE – NONE			

Statutory Targets

Local Planning Authorities are monitored by the Department for Levelling Up, Housing and Communities (DLUHC) on their performance in terms of the speed and quality of decision-making.

Planning Authorities which under-perform against any of these criteria may be deemed as poorly performing and risk 'designation' by the Secretary of State which then allows applicants the option to directly apply to the Planning Inspectorate (on behalf of the Secretary of State) rather than the Local Planning Authority.

Performance figures for Quarter 3 – 1st October 2024 – 31st December 2024 – will be reported at the next committee.

Schedule of future planning applications to be reported to Planning and Rights of Way Committee

(Please note: The committee dates identified are for guidance only. A final decision regarding the committee date is not made until shortly before the agenda is published).

Target Committee	Planning App No.	Location	Development	Current Progress
28 th January 2025	7/2024/0756NCC	Enva, Road No 4, Colwick, Nottinghamshire, NG4 2JT	Extension to Materials Recycling Building and minor changes to external site layout including relocation of HGV parking area and new storage bays	A Flood Risk Assessment addendum has been submitted and is under consideration in conjunction with the Environment Agency
28 th January 2025	3/22/00059/CMM	Land south of Church Street, Southwell, Nottinghamshire, NG25 0HG	Flood alleviation works including construction of an earth bund, flow control structure, and related ground works, landscape planting, boundary works including fencing, and ancillary operations.	Further information has now been received under Regulation 25 of the EIA Regulations and is currently subject to a further period of consultation and publicity.
28 th January 2025	2/2024/0643/NCC	9 Lichfield Lane, Mansfield, Nottingham, NG18 4RA	Change of use from a residential dwelling to a small (2 - bed) home for children in the care of the local authority.	Concerns from local residents have been raised relating to impacts on residential amenity (noise and disturbance), changes to the character/ appearance of the area and potential highway safety issues.
28 th January 2025	8/24/00162/CMA	Bunny Materials Recycling Facility, Loughborough Road, Bunny, NG11 6QN	Vary conditions 9, 15, 20, 31 and 32 of permission 8/20/01279/CMA to allow an increase in annual tonnage of materials and the number of HGV movements (Conditions 31 and 32), amended operating hours and plant (Condition 9), an updated Dust Management Plan (Condition 20) and revised noise restrictions to cover the updated operating hours (Condition 15). Page 73 of 76	Objections have been raised regarding the proposed throughput, associated traffic and noise impacts. Rushcliffe BC have also objected on the grounds of traffic amenity impacts. This is under further consideration in light of the Borough Council's response.

11 th March	8/24/00984/CMA	Land North of Ratcliffe-on-Soar Power Station, Barton Lane, Ratcliffe-on-Soar, Nr NG11 0AU	Proposed quarry for the prior extraction of gypsum with ancillary development and on-site processing, site access off Barton Lane, and restoration of the site	Further information requested under Regulation 25 of the EIA Regulations has been received and is currently subject to a further period of consultation and publicity. This encompasses more information related to air quality, ecology, landscape, highways, geo-environmental matters and impact on public footpaths.
11 th March	4/V/2022/0643	Parts Emporium Ltd, Sidings Road, Kirkby in Ashfield, Nottinghamshire, NG17 7JZ	Part retrospective change of use of land and buildings for the acceptance, storage and treatment of end-of-life vehicles including ancillary storage of salvaged parts	Continues to be concerns regarding noise impact but a revision to the site layout along with a further Noise Impact Assessment has now been provided and requires consideration and further consultation.

Planning Applications currently being processed by the County Council which are not currently targeted to a specific meeting of the Planning and Rights of Way Committee.

Planning Application: 8/24/00388/CMA
Location: Land off Green Street, Mill Hill and Land at Barton in Fabis off Chestnut Lane
Proposal: Extraction, processing, sale and distribution of sand and gravel, and subsequent restoration together with the necessary highway and access improvements
Current Progress: Further information requested under Regulation 25 of the EIA Regulations has been received and will be subject to a further period of consultation and publicity.

Planning Application: 1/24/00646/CDM
Location: Former Nottinghamshire Recycling Site, Shireoaks Road, Worksop, S80 3HA
Proposal: Development of a Plastic Chemical Recycling Facility and Energy Recovery Facility with Integrated Materials Recovery Area, along with Associated Development Including Car Parking, Boundary Treatment and Fencing, Hard and Soft Landscaping and Ecological Enhancement
Current Progress: The application has received a high level of public interest and these responses along with those from statutory consultees have been reviewed. A request for additional information has been issued under Regulation 25 of the EIA Regulations. This encompasses a request for more information related to noise, ecology, geo-environmental matters, surface water drainage, origins of waste and green gas emissions.

Planning Application: ES/4690
Location: Ness Farm and Cromwell Quarry, the Great North Road, Cromwell, Nottinghamshire NG23 6JE
Proposal: Proposed southern extension to the quarry (phases 11c and 11d) for the extraction of approximately 575,000 tonnes of sand and gravel with restoration to nature conservation
Current Progress: The application has just been received and is subject to consultation and advertisement. As the application is accompanied by an Environmental Impact Assessment it will need to be brought to Committee in due course.

Planning Application: V/4693
Location: Cromwell Quarry, Great North Road, Cromwell, Nottinghamshire, NG23 6JE
Proposal: Variation of conditions 1, 2, 3, 15, 21, 22, 25 and 26 of planning permission 3/22/01787/CMA to allow an update to the working plans, the retention and use of the plant site, haul road, access and silt lagoons, and an extension of time in which to complete the remaining phases, in connection with a further extension at Ness Farm
Current Progress: The application has just been received and is subject to consultation and advertisement. One of 3 interrelated applications with application ES/4690.

Planning Application: V/4694
Location: Cromwell Quarry, Great North Road, Cromwell, Nottinghamshire, NG23 6JE
Proposal: Variation of conditions 1, 2, 5, 12 and 48 of planning permission 3/22/01788/CMA to allow continued use of the haul road and amended restoration and working schemes in connection with a further extension at Ness Farm
Current Progress: The application has just been received and is subject to consultation and advertisement. One of 3 interrelated applications with application ES/4690.

Planning Application: V/4695
Location: Cromwell Quarry, Great North Road, Cromwell, Nottinghamshire, NG23 6JE
Proposal: Variation of conditions 3, 4, 17 and 47 of planning permission 3/22/01790/CMA to allow an amended restoration scheme and an extension of time in which to complete working, in connection with a further extension at Ness Farm, and an extension of time in which to submit archaeological details
Current Progress: The application has just been received and is subject to consultation and advertisement. One of 3 interrelated applications with application ES/4690.

