

Planning and Licensing Committee

Thursday, 23 May 2013 at 14:00

County Hall, County Hall, West Bridgford, Nottingham NG2 7QP

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No. NOTES:-

1-2

(1) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

(2) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules.

Members or Officers requiring clarification on whether to make a declaration of interest are invited to contact Dave Forster (Tel. 0115 9773552) or a colleague in Democratic Services prior to the meeting.

(3) Members are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information may be recycled.

minutes

Meeting PLANNING AND LICENSING COMMITTEE

Date Wednesday 17 April 2013 (commencing at 2.00 pm)

membership

Persons absent are marked with 'A'

COUNCILLORS

Chris Barnfather (Chair)

A Sybil Fielding (Vice-Chair)

Jim Creamer

John M Hemsall

A Stan Heptinstall MBE

A Rev Tom Irvine

Bruce Laughton

A Rachel Madden

Sue Saddington

Mel Shepherd MBE

Keith Walker

OFFICERS IN ATTENDANCE

Nathalie Birkett - Solicitor

David Forster – Democratic Services Officer

Jerry Smith – Team Manager, Development Management

Sally Gill – Group Manager Planning

David Marsh - Major Projects Senior Practitioner

MINUTES OF LAST MEETING

The minutes of the meeting held on 26 March 2013, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman subject to Councillor Laughton's apologies being noted.

APOLOGIES FOR ABSENCE

Apologies for absence were received from

Councillor Stan Heptinstall – on other County Council Business

Councillor Rev Tom Irvine - Illness

Councillor Rachel Madden - on other County Council Business

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

None

DECLARATIONS OF LOBBYING OF MEMBERS

None

CHANGE IN ORDER OF BUSINESS

With the permission of the Committee the Chairman changed the order of business to take item 6 as the first business item.

ERECTION OF A 2 CLASSROOM STAND ALONE BUILDING AND RETENTION OF THE ADJACENT FENCED BALL COURT HARD PLAY AREA CARNARVON PRIMARY SCHOOL BINGHAM

Mr Smith introduced the report and took members through the report. He also circulated pictures of the area subject to the planning application and the surrounding area at the meeting for members' information.

In response to a question Mr Smith responded as follows

- The creation of a Liaison Group involving Local Residents, the School and Local Councillor could be looked into as an option.
- He also informed members with regard to parking outside school the authority had recently approved a report enabling enforcement of the no parking on the zig zag lines outside schools

On a motion by the Chairman, seconded by Councillor Shepherd it was:-

RESOLVED 2013/013

1. That planning permission be granted for the above development for the purposes of regulation 3 of the Town and Country Planning Regulations 1992 subject to the conditions set out in Appendix 2 attached to the report.
2. That an additional informative setting up a local liaison group is added to the recommendation set out in Appendix 2

NEW STAND ALONE SINGLE STOREY 4 CLASSROOM EXTENSION TO THE SOUTH OF THE EXISTING SCHOOL - COVERED WALKWAY NEW PEDESTRIAN ENTRANCE MULTI USE GAMES AREA AND ASSOCIATED DRAINAGE LANDSCAPING AND EXTERNAL WORKS ST PETER'S PRIMARY AND NURSERY SCHOOL MANSFIELD

Mr Smith introduced the report and took members through the report. He also circulated pictures of the area subject to the planning application and the surrounding area at the meeting for members' information. He also reminded members that Appendix 2 sent out with the papers had been reissued because of an amendment in the numbering of the conditions.

He informed members that since the report was published the Regional Spatial Strategy had been revoked and therefore no weight should be applied to those policy references included for completeness set out in paragraphs 75 and 89 in the report. Reference was also made to the response from Sport England with regard to the retained outdoor play area and the fact it is deemed adequate.

He also informed members that an objection had been received on Monday 15 April 2013 objecting to the consideration of the report on the grounds of Crime and Disorder issues not being fully considered. The letter highlighted the planning issues that were material to the determination of the planning application, stating there had been no regard paid to the crime and disorder or legal duty placed on the County Council under section 17 of the Crime and Disorder Act 1998 the requirement of which was read to members by Mr Smith.

The objector raised issues as follows:-

- The design and location will bring with it an increase in burglary/other offences at the premises which will affect the current building and new build.
- Parking issues will raise the probability of confrontation through vehicles nuisance and highway obstruction, thus more complaints to the police. Vehicle nuisance is one of the categories used to measure anti social behaviour levels.
- Insufficient parking in the area will lead to parents parking in areas which do not have natural surveillance. The Bellamy Road Estate sees a higher than normal crime rate and this will lead to a higher risk of crime with more vehicles being in the vicinity.
- The potential neglect by the Design Team/Planning Officer in failing to discharge the Councils duty under the Crime and Disorder Act 1998, fall below the standards expected of a public office.
- In order to resolve these concerns the objector asks for the following actions to take place:-

(1) The application be withdrawn from this Committee Meeting and be deferred until such time as the County Council have given due regard to the effect of the proposal on crime and disorder. There should be a clear audit trail available to show that due regard has been given.

(2) Nottinghamshire County Council provide a full written explanation as to why it has failed to discharge its duty under s.17 Crime and Disorder Act 1998 in relation to this application.

(3) A written explanation of what training and / or qualifications the officers have that have provided them with the "expertise" to state that there are no crime and disorder considerations.

In response to the above Mr Smith informed members the planning issues raised had been forward to the Police Force Architectural Liaison Officer who had responded to an earlier request, but his reply had not been received stating 'having viewed the

documents and examined the crime and disorder stats for this area, I have no concerns or further comments to make.'

In addition the following comments dated 15 April 2013 from the Police Architectural Liaison Officer had been received in response to planning issues raised in the complaint:

The Police Architectural Liaison Officer's comments made in January 2013, took into consideration the existing school site, the overall security of the site, the extent of any reported crime and disorder and the proposals of the application.

The proposals indicated increased classrooms, new pedestrian access, covered walkway and a Multi Use Games Area, the classrooms being proposed within modular buildings, and all contained within the existing site. The existing site already benefits from the security measures currently in place, including a Heras security fence and the new proposals will also benefit from these measures.

The school suffers from very little reported crime and disorder and the new development, within the existing site, should not change this.

The Police Architectural Liaison Officer notes from the documents that increased vehicular traffic may have an effect on the local residents, and can understand this concern as similar issues surround most schools at drop off and pick up time. However, in the past 12 month period, the Police Architectural Liaison officer is aware of only 2 reported incidents to the Police where nearby residents have been blocked in their drives by indiscriminate parking.

With the low levels of reported crime and disorder in the local vicinity of the school site the Police would have no concerns regarding the proposed planning application.

Mr Smith stated whilst the complainant stated that it was inappropriate and insufficient to rely solely on the police to advise regarding crime and disorder considerations, Members should note that Section 118 of the report sought to deal with Crime and Disorder Implications of a planning application rather than to address any wider obligation on the part of the Authority under Section 17 of the Crime and Disorder Act 1998. Whilst there may be other matters related to the duty of the Authority that would require a formal response to the complaint, following advice from Legal Services the crime and disorder implications of the development had been suitably considered and did not prevent the determination of the planning application.

Members considered the report and the following issues were raised during those discussions and Mr Smith responded as follows:-

- The creation of a Liaison Group involving Local Residents, the School and Local Councillor could be looked into as an option.
- The need for a Section 77 approval lies outside the consideration of the merits of the planning application but would be a requirement for the applicant to secure.

On a motion by the Chairman, seconded by the Councillor Shepherd it was:-

RESOLVED 2013/013

1. That planning permission be granted for the above development for the purposes of regulation 3 of the Town and Country Planning Regulations 1992 subject to the conditions set out in the amended Appendix 2 circulated prior to the meeting and
2. That an additional informative setting up a local liaison group is added to the recommendation set out in the amended Appendix 2

The meeting closed at 2.50 pm.

CHAIRMAN

M_26 March 13



23 May 2013

Agenda Item: 7

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

RUSHCLIFFE DISTRICT REF. NO.: 8/12/00856/CMA

PROPOSAL: APPEAL AGAINST NON-DETERMINATION - RESUBMISSION OF APPLICATION FOR THE CONSTRUCTION OF A LEISURE MARINA COMPRISING MARINA BASIN WITH 553 LEISURE MOORINGS AND ANCILLARY BUILDINGS, ASSOCIATED VEHICLE PARKING, LANDSCAPING AND INFRASTRUCTURE AND THE INCIDENTAL EXCAVATION AND REMOVAL OF MINERALS.

LOCATION: RED HILL MARINA, RATCLIFFE-ON-SOAR

**APPLICANT / : RED HILL MARINE LTD
APPELLANT**

Purpose of Report

1. An appeal has been received by the County Council as the Minerals Planning Authority (MPA) relating to an application for the extraction of minerals and construction of a marina at Red Hill Marina, Ratcliffe-on-Soar. The appeal is on the grounds of non-determination of the application.
2. The purpose of the report is to inform Committee of the appeal and to seek its endorsement to support the view of Officers that, had the application been brought before Committee prior to the appeal being lodged, it would have been refused planning permission on the grounds of insufficient information.

The Site and Surroundings

3. Red Hill Marina lies within the Green Belt adjacent to the River Soar at Ratcliffe-on-Soar. A detailed description of the appeal site and surroundings is set out within the Appeal Statement which is attached as Appendix A. Plan 1 shows the proposed site location.

Proposed Development

4. The planning application, which is accompanied by an Environmental Statement, seeks permission for the construction of a leisure marina comprising marina

basin with 553 moorings, ancillary buildings, parking for 244 cars and the excavation of some 860,000 tonnes of material. A detailed description of the proposed development is contained within the Appeal Statement (see Appendix A). Plan 2 sets out the layout of the proposed development.

Consultations

5. A summary of the consultation responses and representations made by members of the public and businesses is set out in the Appeal Statement (see Appendix A).

Publicity

6. A summary of the publicity undertaken is set out in the Appeal Statement (see Appendix A).

Observations

7. A resubmitted planning application for the creation of a marina through minerals extraction was received by the MPA in April 2012. A number of issues had to be resolved preventing the application from being validated until 14th May 2012. The application remains undetermined.
8. Throughout the application processing period there have been significant objections from a wide range of bodies including, although not limited to, Rushcliffe Borough Council, Natural England, English Heritage, the Environment Agency and East Midlands Airport. Many of the consultees considered the level of information insufficient, inadequate, missing or out of date. The full summary of consultation responses is contained within Appendix A.
9. The responses received from consultees have been passed on to the applicant to ensure that they were aware of the additional information which needed to be submitted and to give them the opportunity to prepare and submit any necessary reports or assessments. The only consultation response that the applicant responded to was from Rushcliffe Borough Council which objected to the development on the grounds that it is inappropriate development in the Green Belt.
10. Policy M3.1 of the Nottinghamshire Minerals Local Plan (Information in Support of Planning Applications) states that planning permission will not be granted unless sufficient information is provided to enable a balanced assessment of all relevant factors. The policy goes on to list the type of information that would be considered necessary, where relevant. The application is not in accordance with this policy.
11. On the 28th January 2013 the Government announced the initial preferred route for the High Speed 2 (HS2) rail line from the West Midlands to Leeds. It showed the preferred route running centrally through the application site. A route map of the relevant section is attached within the Appeal Statement at Appendix A.

12. The applicant submitted an appeal to the Planning Inspectorate (PINS) on 14th March 2013 for non-determination of the application. The appeal method is currently written representation, which involves the submission of written statements setting out the relevant position of each party involved in the appeal for consideration by an independent Planning Inspector. Should the Planning Inspector deem it necessary the appeal could escalate to a Hearing or Public Inquiry at a later date.
13. In defending the appeal the MPA has prepared an Appeal Statement, which was submitted to PINS on 9th May 2013 in line with their strict timetable. The Appeal Statement is attached as Appendix A. The MPA has the opportunity to submit a final statement by 30th May 2013, commenting on any further information submitted by the Appellant.
14. The Appeal Statement provides a comprehensive description of the site location, the proposed development and the issues that have been raised during the consultation process to date. It goes on to explain that the reason a determination had not been reached was because of outstanding information, including the need for additional ecological survey work which, being seasonally dependent, could not commence until Spring 2013. The MPA's intended course of action was to request a single submission of the outstanding information under Regulation 22 of the Environmental Impacts Assessment Regulations. Notwithstanding this, the individual responses received were forwarded to the applicant providing the opportunity to consider its response.
15. The MPA was reluctant to refuse the application because of insufficient information, instead seeking to give the applicant generous opportunity to consider its response to the necessary information so that a full and proper decision could be made based on the relative merits of the development, accordance with policy, consultation responses and representations and any other material considerations. This approach is in line with the requirement to work positively and proactively with applicants, as set out in the National Planning Policy Framework (NPPF).
16. The Appeal Statement concludes that had the application been taken to Planning and Licensing Committee for determination prior to the appeal being lodged, the report would have recommended that the application be refused on the grounds of insufficient information.
17. This report is therefore seeking the retrospective endorsement of the recommendation for refusal, the outcome of which will be reported to PINS in the final comments to be submitted by the 30th May 2013 deadline.
18. PINS also require the submission of a list of any conditions or limitations that the MPA would wish to see imposed, should the Inspector be minded to allow the appeal. Notwithstanding the view that there is insufficient information to determine the application favourably, a list of suggested conditions/topic areas has been compiled and is set out within the Appeal Statement (see Appendix A).

Other Options Considered

19. The report relates to an appeal against the non-determination of a planning application. The only realistic option available to the County Council is to defend the appeal.

Statutory and Policy Implications

20. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

21. In certain circumstances a costs award can be made in appeal cases. A costs award, where justified, is an order which can be enforced in the Courts. It requires one party to pay the costs of another party, in full or part, which have been incurred during the process for reaching the Inspector's or Secretary of State's decision on the appeal.
22. Either of the main parties, the appellant or the MPA, can apply for costs if they consider the other party has behaved 'unreasonably'. Any interested third parties in an appeal can also apply for costs if, for example, a hearing or inquiry is cancelled, as a result of 'unreasonable' behaviour by the appellant or the MPA. In the event of an award of costs being issued against the County Council, members are advised that such costs would be met by a contingency fund held centrally to cover such circumstances.
23. An award of costs is always at the Inspector's or Secretary of State's discretion. But he/she would normally make an award if:
 - (i) one of the parties has applied for costs at the appropriate stage *and*
 - (ii) a party has behaved 'unreasonably'; *and*
 - (iii) this 'unreasonable' behaviour has caused the applicant for costs to incur or waste expense unnecessarily.

Human Rights Implications

24. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Implications for Sustainability and the Environment

25. This report relates to the retrospective endorsement of a recommendation. No planning determination is being made. There are no implications for sustainability and the environment, although the recommendation that planning permission would have been refused on the grounds of insufficient information reflects the fact that further detailed information is required before any decision to support the proposals can be assessed in terms of sustainability and environmental impact.

Conclusions

26. There have been a wide range of objections to the planning application from consultees, with a number of objections relating to insufficient, inadequate, missing or out of date information. The County Council is of the view that there was insufficient information to make a determination on the application other than a refusal. This is in accordance with Policy M3.1 (Information in Support of Planning Applications) of the Nottinghamshire Minerals Local Plan.
27. The County Council intended to make a single formal request for the outstanding information although the applicant has had ample opportunity to provide the information, having been made fully aware of consultee responses. However, an appeal for non-determination has been submitted. As such, it is recommended that the Planning Inspectorate is informed that the County Council seeks dismissal of the appeal on the grounds of insufficient information and had the application been determined prior to the appeal being lodged it would have been refused.

RECOMMENDATIONS

28. It is RECOMMENDED that Committee endorse the position that planning permission would have been refused on the grounds of insufficient information contrary to Policy M3.1 of the Nottinghamshire Minerals Local Plan had a decision been made prior to the appeal being lodged.
29. It is FURTHER RECOMMENDED that the Minerals Planning Authority informs the Planning Inspectorate that Committee supports the dismissal of the appeal.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

“Committee have power to decide the Recommendation” [SHB.14.05.13]

Comments of the Service Director - Finance

“Financial implications are set out in the report.” [SEM 15.05.13]

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Soar Valley – Councillor Andrew Brown

Report Author / Case Officer

Oliver Meek

0115 9696516

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

APPENDIX A - APPEAL STATEMENT

**NOTTINGHAMSHIRE COUNTY COUNCIL APPEAL
STATEMENT**

Appeal against non-determination - Resubmission of application for the construction of a leisure marina comprising a marina basin with 553 leisure moorings and ancillary buildings, associated vehicle parking, landscaping and infrastructure and the incidental excavation and removal of minerals on land at Red Hill Marina, Ratcliffe-on-Soar, Nottinghamshire, NG11 0EB

APPEAL REF: APP/L3055/A/13/2194755

MAY 2013

The Appeal Site and Surroundings

1. The appeal site is located within the Nottinghamshire borough of Rushcliffe, approximately 10km south-east of Nottingham centre. Long Eaton is approximately 1.8km to the north and 450m south of the site is the village of Ratcliffe-on-Soar. The site is rural in nature and within a wider setting characterised by open agricultural land.
2. The site is 20.14 hectares in size and comprises three fields separated by hedgerows with hedgerow trees. It includes a small existing marina on its western side and a small pond to the south. Trees sporadically line the western edge of the appeal site next to the River Soar and a track also runs along part of the western and northern boundary of the site. In terms of topography the site is relatively flat and within the Trent Valley Washlands.
3. The site is bordered by the River Soar which meanders around the western and southern sides of the site forming the site boundary. The River Soar joins the River Trent 870m to the north. Beyond the River Soar to the west and south, the land is predominately open agricultural fields. The river curves around the northern edge of the site and, as it flows northwards, there are existing river moorings for boats. There is also a congregation of buildings associated with Red Hill Farm and the existing Red Hill Marina operations.
4. Immediately to the east of the site is agricultural land, beyond which sits the East Midlands Parkway (EMP) railway station and a park and ride facility serving rail passengers. At its nearest point, the EMP car park is approximately 100m east of the appeal site. EMP serves the Midland Main Line (MML), which runs in a north/south direction. The access road of the appeal site crosses the rail line, although in terms of the proposed marina basin the MML is approximately 185m to the east at its nearest point. Beyond the MML is the Ratcliffe-on-Soar power station, a coal fired power station operated by E.ON. The power station is the most dominant feature in the wider landscape with eight cooling towers, and a chimney which reaches almost 200m in height.
5. With regard to land designations, the site is located within the Nottingham-Derby Green Belt. The whole site is within Flood Risk Zone 3. The Lockington Marshes Site of Special Scientific Interest (SSSI) is approximately 100m from the development to the north-east on the opposite side of the river. The length of the River Soar bordering the site is designated as a Site of Importance for Nature Conservation (SINC), described as a slow moving river with notable plant communities. Approximately 230m to the north of the appeal site is the Roman site on Red Hill, which is a Scheduled Ancient Monument (SAM). Also to the north is a packhorse bridge at Red Hill Lock which is Grade II Listed.
6. Access to the site and the existing marina is off the A453 to the south, which runs in a south-west to north east direction. The A453 continues to the A52 (the

Nottingham Ring Road) to the north-east and Junction 24 of the M1 to the south-west.

7. With regard to the nearest sensitive receptors there are a number of residential properties located on the existing marina access road that runs northwards from the A453, including Middle Gate Cottage, Mason's Barn and The Bungalow. Middle Gate Cottage is approximately 150m east of the application site, and Mason's Barn and The Bungalow are circa 50m to the east. To the north of the site Red Hill Farm is located approximately 60m from the application site. There is also North Bridge Cottage, adjacent to the access road roundabout off the A453. Notwithstanding the proximity of these properties it is reported in the Environmental Statement (ES) that Middle Gate Cottage, Mason's Barn and The Bungalow are derelict and owned by Network Rail (purchased as part of the EMP Compulsory Purchase Order); North Bridge Cottage is unoccupied and also owned by Network Rail; and Red Hill Farm is occupied by the appellant.
8. Particularly noteworthy is the recently announced initial preferred route for the High Speed 2 (HS2) rail line from the West Midlands to Leeds. The preferred route was announced on 28th January 2013 and runs centrally through the appeal site. A route map of the relevant section is attached as Appendix A.

Proposed Development

Background

9. A planning application for the construction of a marina basin and associated buildings and moorings together with relevant infrastructure, incorporating the excavation, processing and removal of minerals and top soil was submitted in December 2009 by Red Hill Marine Ltd. The application underwent discussions relating to who the appropriate authority would be to determine the application, and subsequent requests for necessary further information, and was not valid until May 2011.
10. The proposal sought planning permission for the extraction of a total of 860,000 tonnes of material (500,000 tonnes of which would be sand and gravel). The marina element of the scheme comprised a 632 berth marina for leisure moorings with a water area of 121,800m², a facilities block, workshop and boat repair building, toilet and shower block and car parking. This application was withdrawn in December 2011, following the consultation response from Rushcliffe Borough Council, which objected to the proposed development due to it being unjustified and inappropriate development in the Green Belt, without very special circumstances to justify the development.

Proposed Development

11. The application to which this appeal relates is a resubmission of the abovementioned application for the creation of a marina through minerals

extraction, albeit with reduced moorings (553). The proposed quantity of material to be extracted has not been altered from that detailed in the original application. The applicant voluntarily submitted an Environmental Statement (ES).

12. The appeal relates to two elements of development; the extraction of minerals and the development of a marina. These elements are described in turn.
13. The development involves the extraction of soil, clay, sand and gravel. The sand and gravel is proposed to be taken off site for processing and the clay and soil would be retained for use in the construction of the marina basin. The ES states that there would be a total of 860,000 tonnes of material excavated, broken down into the following quantities:
 - Soils and upper clay 188,000m³ (340,000 tonnes);
 - Sand and gravel 296,000m³ (500,000 tonnes);
 - Basal clay 10,800m³ (20,000 tonnes).
14. It is proposed that some of the clay extracted may be removed off site to be used in local engineering projects, the volumes of which are estimated to be 20,000 – 30,000m³ over the life of the extraction phase. The excavation stage of the development would take 3-4 years, depending on market conditions. The ES states that this would result in extraction rates of 150,000-200,000 tonnes per annum, although 860,000 tonnes of material over a 3-4 year period would actually translate to 215,000 - 287,000 tonnes per annum.
15. It is proposed that the marina basin would be engineered to have a level 'floor' that allows a minimum water depth of 1.4m, based on a minimum water level of 27.6m Above Ordnance Datum (AOD). The appellant states that over excavation into the basal clay would be required to achieve these levels, and the basal clay and upper clays and soils would be used during the engineering works to stabilise the banks of the marina between 1:3 and 1:5 on dry slopes and 1:2 on wet slopes. Recovered clays from extraction would be used to create islands and spits within the marina.
16. An eight phase approach (A to H) is proposed for the extraction process. Extraction would begin relatively centrally within the site, then moving northwards towards the Red Hill Farm (Phases A and B). Extraction would then move in a southerly direction (Phases C, E and F) with the exception of Phase D which is to the west. Phase G would be extracted in an easterly direction. Phase H is the footprint for the marina buildings and car park and would be extracted in parallel with Phase C.
17. When the proposed excavation starts in Phase A the soils and overburden would be placed on adjacent land. This storage would be temporary and this material would be replaced into the void to create marina features as the minerals are removed. This temporary storage would last for approximately 6 months before the material is placed in the Lagoon for construction purposes. The opening up of the excavation is predicted to last for 3-5 months, depending upon weather conditions. In this period a basal drainage system would be created to collect and channel

groundwater entering the void. The initial quantity of clay would be used to 'batter' the mineral face which would reduce the inflow of groundwater. As soils and clay are removed from the subsequent phases they would be placed within the void to create the islands and spits in a progressive manner allowing the marina to be built as the excavation proceeds southwards.

18. The ES highlights that the phases are indicative and the boundaries are flexible, but the purpose is to demonstrate generally how excavation would progress.
19. It is proposed to excavate the site and recreate the spits and islands with the excavated clays in order to avoid sterilisation of the mineral resources below the islands, spits and central platform. The appellant has identified the fill capacity as follows:
 - Base reprofiling – 85,500m³;
 - Central platform – 36,000m³;
 - Islands/spits – 50,500m³;
 - Banks and reeds 39,880m³.
20. The above material totals 211,880m³. The ES reports that there is a greater capacity than there is material arising (23,880m³) which means that the basal reprofiling would result in the water depth being marginally deeper than 1.4m.
21. The proposal is for dry excavation which would require dewatering to take place. This would require a pump to be working on a 24 hour, seven day per week basis, to dewater the extraction area.
22. Excavation would be undertaken by hydraulic excavators which would then load dump trucks or lorries. Overlying materials would be removed separately over short concentrated periods, with the transport being done by articulated dump trucks, and then placed into the void and engineered to the proposed profiles by a bulldozer. The short periods of soil and clay removal would expose minerals which would then be extracted on a more consistent day-to-day basis. The sand and gravel would then be taken off site for processing.
23. The minerals would be taken off site by lorry. Based on an extraction rate of 200,000 tonnes per annum and a 250 day working year, there would be an extraction rate of 800 tonnes per day. Using lorries with a capacity of 20 tonnes, this would result in 40 HGVs trips (80 movements) per day.
24. Normal working hours would be 07:00 – 18:00 Monday to Friday and 07:00 – 13:00 on Saturday, with no working on Sundays and Bank Holidays. However, as mentioned above a dewatering pump would be working on a 24/7 basis.
25. Following extraction, construction of the marina would begin. This would include development of roads and parking areas, as well as the construction of floating moorings and installation of lock gates. Water would then be allowed to fill the void until the water level is at the same height as the river. The ES states that this phase

would take approximately 12 months and when the pontoons are in place the existing moorings on the river would be removed. Work would then commence on the construction of the facilities building.

26. The proposed marina would have a total water area of 87,600m². The marina would be tear-drop in shape, narrow to the north and wide in the south. The water body would measure approximately 620m in length (north-south) and between 30m (northern end) and 420m, (towards the south) in width. Within the marina there would be a number of spits extending into the water body and a total of six small islands.
27. Boats would be moored on linked floating timber pontoons that would be held in place by driven piles. Pontoons are distributed around the marina with some running parallel to the marina banks and others protruding out into the water, with some reaching out to the islands. This would provide for a total of 553 berths, a reduction of 79 (or 12.5%) from 632 proposed in the original application. It is noted that the scheme does not propose to include any residential moorings within the marina.
28. Access for boats would be from the River Soar approximately half way along the western side of the marina, 50m north of the existing small marina basin. The marina entrance would have flood control gates which have a similar arrangement to a standard lock gate. These gates would normally be open, but in the event of high water levels they could be closed to hold water from flowing back into the river to allow a controlled release.
29. Vehicular and pedestrian access to the pontoons would be provided by a new road that would run adjacent to the marina banks, curving around the whole of the marina basin. Parking for vehicles would be available at numerous points on the access road surrounding the basin. There would also be a main car park on the eastern side of the marina adjacent to the main buildings. In total it is proposed to provide parking for 244 vehicles for the marina and 131 for the facilities building, boat house and toilets. The access track would be surfaced with crushed stone to allow permeability and low level lighting would be provided by bollard lights and ground inset uplighters. The ES states that there would also be disabled access and secure cycle parking facilities.
30. Total building floor space proposed amounts to 1,524m². The following structures are proposed around the site:
 - Main facilities block (997m²);
 - Boat house (450m²);
 - Secondary south facilities building (77m²);
 - Service compound and bin store;
 - Recycling points around the site.

31. The main facilities block would be located on the eastern side of the marina, adjacent to the waters edge. The building is of a two storey hipped roof construction with dormer windows in the roof pitch on the second floor. The ground floor would have a glazed frontage and the roof would be clad in grey simulated slate. In addition to the two floors there would be an observation control room tower protruding centrally from the facilities block roof. The control tower would have a pyramid hipped roof in grey simulated slate. The building would be surrounded by raised decking. This building would provide management and business offices, chandlery, toilets, showers, laundry, café, staff accommodation and an observation control room. The ES states that the building would measure 48m by 14m and 15m in height. The building would be raised on piles with a floor level of 31.3m AOD, above the 100 year flood level of 30.61m AOD.
32. The boat house would be located on the eastern side of the marina, also adjacent to the waters edge, but to the north of the main facilities block. The building would be of a single storey pitched roof gable ended construction. There would be a combination of fair brick facing (flood resistant) walls to the lower level and natural timber cladding at upper levels, with grey profile steel roof covering with roof windows. The boat house would provide facilities for boat building and shed repair, toilets and showers. There would also be a slipway adjacent to the southern side of the boat house, and to the north there would be two service bays with fuel and pump out facilities. The building would measure 30m by 15m and 9.3m in height. The toilets and raised access would be set at the 100 year flood level, although the floor level of the workshop area (29.4m AOD) would be below it.
33. The secondary facilities building would be located adjacent to the marina edge in the south of the site. The building would be of a single storey hipped roof design, with lower level fair facing bricks and upper level natural timber cladding. The roof would be constructed of grey profile steel roof, with roof lights. The building would contain toilets and an equipment store and would measure 11m by 7m and 7.4m in height. The building would be set on piles with a floor level above the 100 year flood event level.
34. There would be a service compound and bin store locate between the main facilities building and the boat house, adjacent to the west side of the car park.
35. A 'habitat creation area' is proposed in the south-western corner of the site. This area would retain existing mature trees located along the river edge and provide an area for wildflower and wetland planting. Also, grassland would be retained between the marina and the river. Trees would be planted in and around the car parking areas and along the banks of the marina, and trees and shrubs would be planted on the islands.
36. Species rich grassland would be planted in-between car parks, paths and roads within the marina development and the banks of the non-operational areas of the marina would be sown with a species rich grassland mix.

37. A species diverse hedgerow would be planted along the eastern boundary of the new marina and the hedgerow would be double planted to create a wide hedgerow. It is proposed that a field margin would be maintained to the east of the new hedgerow boundary of the site and would be managed to maintain a longer sward during spring and summer months.
38. The floating pontoons would enable marginal habitat to establish between the pontoon and the banks, which would be allowed to colonise naturally. Banks subject to wave action from the boats would be pre-planted with coir rolls at the base of the banks and protected with wire mesh to prevent ducks and other water birds from damaging emerging vegetation. Marginal species would also be planted/sown in area to colonise the remaining banks. The corners of the marina would be created as shallows and be planted with reeds and marginal grasses.
39. The proposed marina would be accessed off the northern side of the A453, via an existing road that provides shared access to Red Hill Marina and East Midlands Parkway. After leaving the A453 vehicles would approach a roundabout and turn left taking the first exit, heading in a westerly direction and passing over the rail line. Vehicles would then approach a second roundabout where the first exit leads to the existing Red Hill Marina and the second to East Midlands Parkway. The road off the second roundabout runs for approximately 650m before reaching the Red Hill Farm buildings, and is also a recorded Public Right of Way (Ratcliffe-on-Soar Footpath No. 7). This road would form part of the south-east boundary of the marina and the access track that curves around the perimeter of the marina. An existing access track would form the northern boundary of the site and also connect to the existing Red Hill Marina access road. The existing Red Hill Marina access off the A453 is included within the application red-line.
40. The proposal would create 14 full time jobs, and the marina would be staffed by at least one staff member 24 hours a day, seven days a week.

Consultation

Consultees

41. **Rushcliffe Borough Council** – The marina would represent unjustified and inappropriate development in the Green Belt, having a significant impact on the openness of the Green Belt by virtue of the engineering operations, associated urbanising effect, size and appearance of the site, dominance of access roads, car parking areas and parked cars, buildings, increased activity and unjustified proliferation of an existing operation. There are not very special circumstances that outweigh the harm caused. The development is contrary to the provisions of the National Planning Policy Framework (NPPF) and Policies EN14 (Protecting the Green Belt) and EN19 (Impact on the Green Belt and Open Countryside) of the Rushcliffe Non-Statutory Replacement Local Plan. An **objection** is raised by Rushcliffe Borough Council.

42. **North West Leicestershire District Council** – No objection.
43. **Kegworth Parish Council** – No objection, although concern is raised in relation to traffic movements. It is requested that vehicular traffic, particularly HGVs, do not pass through Ratcliffe-on-Trent and Kegworth. Financial contributions for road improvements are also sought.
44. **NCC Planning Policy Team** – From a minerals perspective the development is a departure from the Nottinghamshire Minerals Local Plan (MLP). The development could be viewed as a windfall in terms of sand and gravel extraction, although one which would have limited impact (an additional 9 weeks supply) upon Nottinghamshire’s sand and gravel landbank. If the development is otherwise environmentally acceptable and Rushcliffe Borough Council support the proposal, it would be reasonable to grant permission.
45. In terms of the marina element of the proposal it is recognised that tourism development of this type requires such a location. However, there are concerns as to how the marina would be accessed other than by private car, and the potential negative impact of the buildings associated with the marina on the surrounding area and openness of the Green Belt. Overall an **objection** is raised due to the potential impact on the surrounding area and the openness of the Green Belt.
46. **Environment Agency** – Information to address the concerns of the groundwater team has not been provided, particularly in relation to dewatering. The Environment Agency **object** because the applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. Notwithstanding the objection, a list of necessary conditions has been provided should planning permission be granted.
47. **Trent Valley Internal Drainage Board** – The proposed development is outside of the Board’s district.
48. **Canal and River Trust (formerly British Waterways)** – There is no objection to the proposal subject to a number of conditions. It is considered that there are sufficient water resources available to meet the additional demands in relation to the scheme, although this assessment is on the basis that the existing river moorings move into the new marina.
49. **Severn Trent Water** – No objection.
50. **Natural England** – The proposal is in close proximity to Lockington Marshes Site of Special Scientific Interest (SSSI) and the application, as submitted, may damage or destroy the features of interest for which the SSSI has been notified. Natural England (NE) **object** on this basis.
51. The survey report provided by the applicant indicates that there is suitable habitat for Great Crested Newts (GCN) and roosting bats. Insufficient information has been provided and NE also **objects** on this basis.

52. **NCC Ecology** – Natural England’s view should be sought on the proposal’s impact on Lockington Marshes SSSI, which at its closes point is 50m from the development.
53. Not all parts of the site were accessible for the Phase 1 habitat survey, and there is no reference to badgers. A number of species surveys were undertaken in relation to the original application (amphibians, reptiles, bats, water vole, otter and wintering and breeding birds) most of which dated from 2008 (2007 in the case of amphibians). These surveys are considered out of date.
54. It is noted that there would be a loss of SINC in order to provide access from the river to the marina. However, this loss would likely be offset by the removal of boats currently moored along the river bank, although some intervention would be required for a positive impact.
55. Details on proposed habitats are scarce. Prior to determination details of phasing of mitigation, compensation and enhancement measures should be provided. Thought should also be given to the long term management of the scheme given that the marina is effectively mineral restoration, possibly through a Section 106 Agreement.
56. It appears that parts of the Bird Management Plan (in relation to bird strikes at East Midlands Airport) are missing. The document needs to be submitted in its entirety.
57. The above matters need to be addressed before the application can be determined, as such, the NCC Ecology comments are considered to be an **objection**.
58. **Nottinghamshire Wildlife Trust** – There are significant concerns with the completeness of surveys undertaken, that some are out of date and the accuracy of the impact assessment. These concerns relate to the Phase 1, overwintering and breeding bird surveys. There are also concerns about the lack of survey/assessment for otters (recorded within 50m of the site), badgers, water voles, bats and the impact of the development on spined loach.
59. There are concerns about the restoration/creation of the marina and fact there would be a substantial loss of Biodiversity Action Plan (BAP) habitat. It is also considered there is insufficient detail in the habitat creation proposed.
60. Overall it is considered that the development is not compliant with the NPPF and there is not comprehensive up to date ecological information, the impact assessment and the mitigation measures are inadequate. Nottinghamshire Wildlife Trust **objects** to the development.
61. **NCC Landscape** – There is insufficient information on the mineral extraction activities and heights and location of top soil, sub soil and overburden mounds. The direct impacts of the landscape should be quantified, arising from both the mineral extraction works and the construction of the marina. There has been no visual impact assessment of the proposed lighting arising from the development. The visual impact to key residential properties should be set out if they are not covered

by one of the identified view points. The submission of photomontages and detailed landscaping are requested.

62. **English Heritage** – A copy of the field evaluation report by Birmingham Archaeology was requested in relation to the original planning application. The evaluation report has not been submitted with this application and in its absence English Heritage have a **holding objection**. The field evaluation is a requirement in line with Paragraph 128 of the NPPF.
63. **NCC Archaeology** – The ES is lacking archaeological reports which form the background to the overview of the cultural heritage issues contained in the Cultural Heritage and Archaeological Statement. A number of the conclusions of the report are not agreed with. Overall the site has a high potential to contain undiscovered archaeological remains, potentially of high significance. Due to the high likelihood of the site containing undiscovered archaeology of more than local significance there is no option but to **object**.
64. **NCC Heritage** – No built heritage assets are directly affected although there are several within the vicinity. Ratcliffe-on-Soar has a number of listed buildings, including a Grade I listed church, although there would be little impact due to separation by the A453. To the north of the proposal is the Redhill Lock and Overbridge, although the impact on this is considered neutral.
65. To the east and north there are non-designated heritage assets. There would be a minor impact from the loss of pastoral agricultural land which forms a contextual setting to the significance of the non-designated heritage assets. These should be assessed in line with Paragraph 135 of the NPPF.
66. **NCC Noise** – No objection subject to a number of conditions.
67. **NCC Rights of Way** – No objection in principle, although Footpath No.7 would be affected and further details are sought on gradients and how the footway would link into the existing track/footpath to ensure it meets standards.
68. **The Ramblers' Association** – It is requested that if any length of Soar Lane is affected, that it is also given a pavement with a kerb. If Soar Lane is affected and no pavement is in place before works commence it is requested that these comments are considered as an objection.
69. **NCC Highways** – Vehicular access for sand and gravel extraction would share the East Midlands Parkway access, although details of how the marina would be accessed have not been provided. The East Midlands Parkway access road and bridge are owned by Network Rail; the applicant would need their consent. It appears that there would be access onto Soar Lane which would impact on the Authority's road network. NCC Highways **objects** until a number of issues have been resolved relating to: HGV routeing; access arrangements; road design; Integrated Transport Contributions through a Section 106 Agreement; visibility; tracking analysis; parking; and a travel plan. In addition, consideration should be

given to the transport of gravel by river in order to reduce traffic on the A453, which is heavily trafficked.

70. **Highways Agency** – No objection.
71. **Leicestershire County Council (Highways)** – The proposed marina would have little impact upon Leicestershire roads, although it is requested that should permission be granted the Authority has sight of any routeing agreement.
72. Notwithstanding the above, it is highlighted that the site has issues with sustainability being away from any settlements and the need to travel to the site by car.
73. **Network Rail** – There is no objection to the principle of the development, although concerns are raised in relation to the development having an impact on the safe operation of the railway/integrity of the railway infrastructure. Conditions are recommended should planning permission be granted.
74. **Western Power Distribution** – No objection.
75. **NATS** – No objection.
76. **East Midlands Airport** – The site is less than 5km from the aerodrome, significantly within the 13km bird hazard safeguarding zone. The information submitted with the application is insufficient and it is considered that the proposal would have a negative impact on air safety. East Midlands Airport (EMA) **objects** to the development as currently presented. Should permission be granted without a resolution from EMA the application should be referred to the Civil Aviation Authority.
77. **High Speed Two (HS2) Limited** – The site is currently shown as falling on land that, at this stage, is an initial preferred route of Phase Two of High Speed 2. As a result the site may in the future be required by High Speed 2 Ltd to construct and/or operate the railway. Consultation on the Phase Two route will begin in 2013, following which the Secretary of State will make an announcement of the preferred route in 2014. As a result the preferred route may be subject to some change as a result of detailed consultation. In determining the planning application the Inspector should have regard to the announcement of the Government's initial preference for Phase Two and the Government's commitment in January 2012 to delivering Phase Two as material considerations.

Public and Business Comments

78. There have been a total of 48 comments from individuals and businesses in relation to the proposed development, 28 of which were made directly to NCC and 20 were made to Rushcliffe Borough Council, which then passed the comments on. The comments were made through a combination of letters and e-mails.

79. There have been 5 representations objecting to the development, 36 supporting the development and 7 making comments. Below is a summary of the reasons for support that have been raised in the representations received:

- (a) The development would enhance the wider area and the existing marina, providing new and additional leisure facilities. This is important as there is a need for investment, organisation and improved facilities at Red Hill Marina;
- (b) The development would not interfere with any residential or industrial site. There would be little noise or traffic impact upon the village of Ratcliffe-on-Soar, and the A453 duelling will also help with this;
- (c) The site is an ideal location for a new marina, with easy access by road, rail and air. It will also provide a stopping point for people using the A453;
- (d) It would provide a destination for people to explore and access the local history and heritage;
- (e) The marina would increase tourism, providing revenue and an economic boost for the surrounding area. In addition, it would increase jobs and industry helping to reduce unemployment;
- (f) The development would help with flood control;
- (g) The value of the Green Belt in this location is reduced by the Power Station, rail line and East Midlands Parkway. These developments have set a precedent and harm to the Green Belt should not be a reason for refusal;
- (h) The development would result in a reduction of moorings on the River Soar, this would make navigation easier and also improve the rural aspect of the river from certain locations;
- (i) The development would enhance the site as an environmental resource, creating a still water refuge for fish stock and bird populations. There would also be tree planting and wetland areas improving the landscape and benefiting the area visually;
- (j) There is a shortage of existing storage land for boat restoration;
- (k) There is a shortage of live aboard facilities for canal boats, and boat habitation is becoming more popular with the economic downturn. The location would also allow residents to commute.

80. Below is a summary of the objections, issues and concerns that have been raised in the representations received:

- (a) The development would have a cumulative, unnatural urbanising effect. Comparisons have been drawn to the scale of a new village and it has been

referred to as urban sprawl. The development would have a negative impact on the openness of the Green Belt, particularly the car park, buildings, access road(s) and several hundred cars. The development is contrary to Rushcliffe Local Plan Policies on the Green Belt, specifically Policies EN14 and EN19;

- (b) The benefits are not justified and do not outweigh the departure from the policies. The tourism and recreation that the development would create does not outweigh the harm to openness and visual amenity. There are not very special circumstances for the proposal;
- (c) The figures relating to need for leisure moorings are inaccurate, particularly in the 'need and alternative site analysis', and other local marinas are reporting that moorings are difficult to fill;
- (d) The assumption that 'on-line' berths would relocate to the marina is an inaccurate assumption to make;
- (e) The development is not in accordance with the County Plan (Minerals Local Plan). It has been highlighted that the minerals extraction aspect of the application has been played down and there is uncertainty as to whether that is the real objective of the application. There is worry that the marina would not be completed;
- (f) There is no proof of need for the sand and gravel extraction or the marina for residents. In addition, there is little connection between the marina business and users, and it would do little to enhance Ratcliffe-on-Soar community life;
- (g) The local area is a site of very significant archaeological importance, with potential archaeology lost if the area is excavated. It is considered that the cultural heritage and archaeological statement is inadequate and that during excavations archaeology would be lost as it would not be possible to sift and record all finds;
- (h) The site has no provision for main sewage or gas;
- (i) The development could result in an increase in traffic through Ratcliffe-on-Soar, particularly on the narrow Soar Lane which has no pedestrian pavements. It is noted that through traffic has been reduced due to an access road now being gated, but it is highlighted that this could be opened. There is also concern that the weight of construction vehicles on this road could cause a collapse as a retaining wall has severely eroded. It has also been highlighted that the introduction of these gates has on occasion prevented ambulances accessing the Red Hill Marina site, and they had to be re-routed, causing delays;

- (j) Ratcliffe-on-Soar and Red Hill have the same post code which is awkward for postal deliveries and satellite navigation. The proposed development would make the situation worse;
 - (k) There is run-off from local highways discharging into local brooks causing pollution and maintenance issues.
81. Below is a summary list of the comments and suggestions that have been raised in the representations received:
- (a) Stretches of the River Soar, particularly withy beds, should be cleaned up as a condition of planning permission being granted. In addition, Mason's Barn should be demolished as it is used as a dumping ground and is an eyesore;
 - (b) Should permission be granted all archaeological findings should be published;
 - (c) If approval is given, there should be measures put in place to ensure the development is not left as a quarry. This could include securing a bond or sequestration of profits to be held in escrow.

Publicity

82. The planning application subject to this appeal was received by Nottinghamshire County Council on 19th April 2012. Following submission, there were a number of issues that had to be resolved before the application could be validated, including how the fee was calculated; amendments to documents to remove references to protected species; tree survey clarification; submission of a red-line plan; how the development takes the A453 duelling into account; itemisation of changes from the previous application; details of costs for Environmental Statement, Non-Technical Summary and Application CD should a request be made; the supply of hard copies of the application and ES; and the submission of completed minerals application form. The application was validated on 14th May 2012. Site notices and consultation letters (including statutory consultees and neighbour notification letters) were posted on the 18th May 2012. The press notice was published in the Nottingham Evening Post on the 23rd May 2012.
83. In addition to the requested information and clarification outlined above, site sections of the completed marina and an isopach plan of mineral and overlying material across the site were also requested. This request was made before the application was validated. However, it was agreed to proceed with the application prior to the submission of these details, and at the time of the plans being provided the submission of new environmental information would be advertised accordingly.
84. The requested sections and isopach plans to accompany the Environmental Statement were advertised in accordance with Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Site

notices and consultation letters (including statutory consultees and neighbour notification letters) were posted on the 10th July 2012. The press notice was published in the Nottingham Evening Post on the 13th July 2012.

Observations

85. The appeal has been made on the grounds of non-determination. The application has not been determined because the County Council considers there is insufficient information to make a full and balanced determination on the merits of the proposal.
86. Throughout the planning application process a wide range of statutory and non-statutory bodies and internal technical specialists have been consulted on the proposed development. Many of those consulted have objected to the proposal until such a time that further information is provided. This information has been requested by the consultees to allow them to fully assess and comment on the proposed development in relation to their respective area of expertise. Many consultees seeking further information have objected to the proposal until the information requested is provided, at which point they will provide a full response on whether they consider the application acceptable, including the Environment Agency, Natural England, NCC Ecology, Nottinghamshire Wildlife Trust, English Heritage, NCC Archaeology, NCC Highways, and East Midlands Airport. The above consultation section of this Appeal Statement provides a summary of the responses, and the full responses have been provided with the Appeal Questionnaire.
87. The receipt of consultation responses was largely concentrated in the months May to August 2012 following the validation of the planning application and the submission and consultation on the sections and isopach plans. However, some responses from key consultees pertinent to the determination of the planning application were received later, including the Environment Agency (October 2012) and as highlighted in Paragraph 1.7 of the Appellant's statement, Rushcliffe Borough Council took the application to their planning committee in January 2013 and their objection was received on 5th February 2013. In addition, comments from NCC Archaeology and Landscape have been received following submission of the appeal. Furthermore, whilst objecting on the grounds of insufficient information, the Environment Agency has recommended a number of conditions in the event that the appeal is allowed and the development is granted planning permission.
88. Consultation responses received prior to the appeal were passed on to the applicant. As such, the applicant was clearly aware of the numerous holding objections which needed to be addressed through the submission of further information. Indeed, one example is highlighted within the appellant's own statement at Paragraph 1.6, recognising the need for an updated Great Crested Newt (GCN) survey, as requested in the consultation response from Natural England, although such a survey is seasonally dependant and could not be

undertaken until Spring 2013. No GCN survey has been submitted to NCC and the Authority is unaware as to whether one has been undertaken.

89. It is interesting to note that the appellant recognises and accepts Natural England's requirement for a GCN survey in their appeal statement, but fails to address, or even mention, the request for further information from Natural England to demonstrate that there would be no adverse effects on the Lockington Marshes SSSI as a result of the development - a request that was made in the same letter as that requesting updated GCN surveys. This is a single example and the objections based on insufficient information are set out above.
90. The appellant has been made fully aware of the need for additional information. In spite of this, the only consultation response that has drawn a response from the appellant is the objection from Rushcliffe Borough Council. This prompted a letter from the applicant seeking to address the reasons for refusal in Rushcliffe Borough Council's objection, which related to Green Belt matters.
91. The need for additional information was highlighted by consultees as early as May 2012 (East Midlands Airport), and the need for seasonally dependent GCN surveys identified in Natural England's letter was dated 27th June 2012. As soon as NCC was aware that additional information was required the intention was to make a formal request for the necessary information under Regulation 22 of the EIA Regulations, when all of the necessary consultees responses had been received. As highlighted above, some of the comments from consultees on the application have only recently been received.
92. NCC took the view that a single consolidated Regulation 22 request covering all the requests for additional information would be the most practical approach enabling the applicant to address the relevant information in a single Regulation 22 response. This approach was also deemed to be advantageous for consultees and the public, because each formal request for additional information would trigger the need for new site notices, a press notice and letters of notification to consultees and neighbours and those that had commented on the application, which could easily have led to confusion and information fatigue. Furthermore, it was established, and accepted by the appellant early on in the application process, that an updated GCN survey was required and that this could not be undertaken until Spring 2013. Therefore, NCC did not consider that a consolidated Regulation 22 request approach would unduly delay the application. The fact that NCC had forwarded consultation responses nevertheless afforded the opportunity for the appellant to prepare responses. NCC will clearly now not be making a Regulation 22 request given the applicant's decision to proceed to appeal for non-determination.
93. In light of the above, the only reasonable determination that NCC could have made is one of refusal for insufficient information. The Authority was reluctant to refuse this application for insufficient information, instead seeking to give the applicant generous opportunity to provide the necessary information so that a full and proper decision could be made based on the development's relative merits, accordance

with policy and any other material considerations. This approach is in line with the requirement to work positively and proactively with applicants, as set out in the NPPF.

94. The planning application was validated on 14th May 2012 and, as an application supported by EIA, the target determination date was 3rd September 2012. As set out in paragraph 1.5 of the '*Procedural Guidance Planning Appeals and Called in Planning Applications*' appeals for non-determination can be submitted up to six months after the expiry of the period the local planning authority had for dealing with an application. In this case the six month period expired on 3rd March 2013. It is of note that the appellant submitted their appeal on 14th March 2013. The Authority recognises that the Secretary of State has a degree of discretion to extend the six month period, and there is no desire from the Authority to obstruct the appellant and the appeal process. However, it is considered important to highlight that in a non-determination appeal, the appellant has not operated in line with the stipulated deadline.
95. As highlighted in Section 4.0 of the appeal statement, the appellant intends to include a Section 106 Agreement. The appellant states "*The predominant Heads of Terms for the proposed agreement will be based on advertising all jobs locally and restricting the number of overnight stays within the marina basin*". This statement suggests that an executed and certified copy of a Section 106 Agreement has not been submitted to the Planning Inspectorate. It is noted that the Planning Inspectorate Good Practice Advice Note 16 states that in written representation cases, if an appellant wants to be certain that a planning obligation will be taken into account by the Inspector in reaching a final decision, an executed and certified copy should be submitted to the Planning Inspectorate's Case Officer no later than 9 weeks from the start date (16th May 2013).
96. The appellant states in Paragraph 1.7 of the appeal statement that the Rushcliffe Borough Council considered that the level of ecological information was sufficient, and was an area of the application that needed no further consideration. It is then suggested, in Paragraph 1.8, that Rushcliffe's response should be considered a priority judgment on this matter, and that the ecological information submitted must be sufficient. This is incorrect, as Rushcliffe in their consultation response have simply considered Green Belt issues. This view is further enhanced when the Rushcliffe Committee Report is taken into account, which at Paragraph 37, highlights Nottinghamshire County Council as the Authority responsible in relation to European protected species and in Paragraph 38 that the County Council must be satisfied that there are no appropriate alternative sites and that suitable mitigation can cater for impacts on the species at the site or that are likely to be affected off site. Furthermore this view from the appellant makes no acknowledgement of the objections raised by Natural England, NCC Ecology and Nottinghamshire Wildlife Trust. Finally, it is questioned how the appellant can take the view that ecological information is satisfactory when earlier in their statement it is recognised that updated GCN Surveys are necessary.

Conclusions

97. In summary, there was insufficient information for any determination other than refusal. Full information from the applicant was being sought in order to enable a full and measured decision based on the accordance of the development with the development plan and taking consultation responses, representations and any material considerations into account.
98. The appellant raises the issue that no decision date deadline was confirmed during the application process. However, the appellant was, at a very early stage, aware of the need for further information, including the need for a seasonally dependant updated GCN survey which could not be undertaken until Spring 2013. In light of this, the timescales within which a determination could be made rested largely with the appellant and their approach to the submission of necessary additional environmental information.
99. The County Council's Development Management Team do not have delegated powers to inform the Planning Inspector as to what the Authority's decision on the application would have been had a decision been made prior to the appeal being lodged.
100. In order to notify the Inspector of what the Authority's decision on the application would have been, a report will have to be taken to the Planning and Licensing Committee for Members to decide.
101. The next Planning and Licensing Committee is on 23rd May 2013, which is after the date by which this statement must be submitted to the Planning Inspectorate. However, it is noted there is the opportunity to submit final comments by the 30th May.
102. In light of the above, a report will be taken to the Planning and Licensing Committee on 23rd May 2013. The report will inform Members that had the application been presented to Committee before the appeal was lodged and, based on the existing level of information, the application would have been recommended for refusal due to insufficient information. Therefore NCC seeks the dismissal of the appeal. The report will seek a resolution from Committee Members to support this recommendation. The outcome of the Committee Meeting will be reported in the final comments made to the Planning Inspectorate and submitted before the 30th May 2013.
103. In light of the view that there is insufficient information, it is considered that a full and proper assessment of the application cannot be made. However, should the Planning Inspectorate make a request under Regulation 22 for additional information, and subsequently receive the requested information, the Authority respectfully requests the opportunity to comment.
104. The appeal notification letter from the Planning Inspectorate, dated 28th March 2013, highlights that the Authority's appeal statement should include a list of any

conditions or limitations that the Authority would agree to if the appeal were to be allowed. Given that it is the County Council's view that there is a significant deficit of information, coming to a view on necessary conditions is a difficult task. Nevertheless, a list of recommended conditions, and topics to be covered by condition, is attached as Appendix B.

105. It is of note that some of the conditions/topics request the submission and approval of information that has been identified as outstanding by consultees, information that would normally be submitted and considered prior to a decision being made. This approach has been taken because some of the information is considered so important that even if a determination is made in its absence, the information is necessary to guide construction and working methods, for example in relation to protected species. Where this is the case it has been highlighted as part of the condition. It should also be noted that where condition(s) have been recommended by a specific party this has also been highlighted.

APPENDIX A – HIGH SPEED 2 PREFERED ROUTE

RECOMMENDED PLANNING CONDITIONS AND CONDITION TOPICS

Commencement and Duration of the Development

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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.

Extent of Planning Permission and Approved Details and Plans

3. The development hereby permitted shall only be carried out in accordance with the following documents, unless amendments are made pursuant to other Conditions:

a) ...

NCC recommends that a condition is attached to identify the relevant plans and documents that the planning permission relates to.

Reason: To define the extent of the planning permission and for the avoidance of doubt.

Phasing

4. Before the extraction of any material an updated phasing plan shall be submitted to, and approved in writing by, the MPA. The phasing plan shall be based on the Environmental Statement Illustrative Construction Plan (Figure 1.2) and shall include timescales for each phase and show the sequential order of extraction for the life of the development.

Reason: To secure the proper working and restoration of the site within an acceptable timescale and in accordance with Policy M4.2 of the Nottinghamshire Minerals Local Plan.

5. A topographical survey of the site shall be submitted to the MPA by 31 December each year, following the commencement of the planning permission as notified

under Condition 2 above, until the cessation of mineral extraction. The topographical survey shall identify all complete and incomplete areas.

Reason: To secure the proper working and restoration of the site within an acceptable timescale and in accordance with Policy M4.5 of the Nottinghamshire Minerals Local Plan.

Dust

6. Notwithstanding the production of a Construction Environmental Management Plan (CEMP), measures shall be taken to minimise the generation of dust from operations at the site. These shall include, but not necessarily be limited to, any or all of the following steps as appropriate:

- a) The use of water bowsers to dampen haul roads, material stockpiles, and other operational areas of the site;
- b) Internal roadways, storage areas and hard surfaces shall be regularly swept to keep them free of mud and debris likely to give rise to dust;
- c) The regular re-grading of internal haul roads;
- d) Bulk loads arriving at or leaving the site shall be carried in enclosed or sheeted containers;
- e) The fitting of all mobile plant with exhaust systems which cannot be emitted in a downward direction;
- f) Soil storage mounds which are not to be used within 3 months shall be graded and seeded;
- g) The minimisation of exposed surfaces on soil mounds, both the working area and the area being restored;
- h) Upon the request of the MPA, the temporary suspension of material movement or placement in periods of excessively dry or windy weather conditions.

Reason: In the interests of the amenity of nearby occupiers and to accord with Policy M3.7 of the Nottinghamshire Minerals Local Plan.

7. Dust monitoring shall be carried out on-site in accordance with a dust monitoring scheme which shall have been submitted to and approved in writing by the MPA within one month of the date of commencement of the development. The dust monitoring scheme shall include:

- a) Details of the method of dust monitoring;
- b) The location of the dust monitoring points;

- c) The frequency of the dust monitoring inspections;
- d) The method of analysis;
- e) The logging of dust monitoring results;
- f) The submission of dust monitoring results to the MPA; and
- g) Procedures for implementing corrective actions.

Reason: In the interests of the amenity of nearby occupiers and to accord with Policy M3.7 of the Nottinghamshire Minerals Local Plan.

Flood Risk and Surface Water Drainage

8. The storage of excavated materials shall be limited to the areas described on Drawing 0523/CP/1 (Appendix A of the Flood Risk Assessment) as Bund 3 and Bund 4. – **Condition recommended by the Environment Agency. It should be noted that NCC do not appear to have a record of the Drawing referenced in the suggested condition. In this case, it is suggested that a similar condition is used requiring the submission of excavated material storage details.**

Reason: To prevent the obstruction of flood flows and an associated increase in flood risk to local communities.

9. The finished floor level of the office illustrated on Drawing 0523/CP/1 (Appendix A of the Flood Risk Assessment) shall be set above the 1 in 100 year flood level unless otherwise agreed in writing by the MPA. - **Condition recommended by the Environment Agency. As highlighted above, NCC does not appear to have a record of the Drawing referenced in the Condition. It is suggested that a similar condition is used to require the submission of finished floor levels.**

Reason: To protect property against the risks associated with flooding.

10. There shall be no removal of material within 8 metres of the toe of the flood bank unless otherwise agreed in writing by the MPA. Measures to protect the form of the flood bank shall be incorporated at the intersection with the internal road. - **As recommended by the Environment Agency.**

Reason: To protect the functioning floodplain, thereby reducing an increase in flood risk.

11. Unless otherwise agreed by the MPA, mineral extraction shall be limited to those areas marked A through to G on Drawing 0523/CP/1 (Appendix A of the Flood Risk Assessment). - **Condition recommended by the Environment Agency. As highlighted above, NCC does not appear to have a record of the Drawing referenced in the Condition. It is suggested that a similar condition is used to require the submission of an extraction plan.**

Reason: To prevent the inappropriate extraction of material in close proximity to the River Soar, which might otherwise lead to river bank failure with an associated increase in flood risk and damage to habitat.

12. Upon completion of the earthworks and prior to occupancy of the marina basin, a ground level survey shall be submitted to the MPA. The survey shall confirm that the earthworks have been undertaken in accordance with Appendix D (“Flood Storage Volume Calculations”) of the Flood Risk Assessment submitted in Volume 2 Chapter 7 of the Environmental Statement. - **As recommended by the Environment Agency. Also Network Rail recommends that the proposal should not reduce the existing capacity of the flood plain. It should be noted that the Flood Risk Assessment is Chapter 4 of the Environmental Statement, not Volume 2 of Chapter 7.**

Reason: To prevent a loss of floodplain storage and an associated increase in flood risk. – (NB The flood calculations referred in this condition were supported in pre-application discussions by a drawing to illustrate the proposed ground levels. The Environment Agency cannot see this drawing in the Environmental Statement. The EA recommend that this drawing be requested from the applicant and written into the aforementioned planning condition as a reference drawing for proposed ground levels).

13. A safe route of access and egress shall be afforded to all moorings and the Central Services Building in accordance with paragraphs 7.2 and 7.3 of the Flood Risk Assessment. The pontoons shall be of a rise-and-fall type and shall enable the pedestrian walkways to rise to an elevation at or above the 1 in 100 year (climate change) flood level. - **As recommended by the Environment Agency.**

Reason: To reduce the risks of flooding to users of the site.

14. Details of the proposed works to the existing flood bank around the perimeter of the marina shall be submitted to and approved in writing by the MPA prior to commencement of development. Unless otherwise agreed in writing by the MPA, the perimeter access track shall be set at the general existing top of bank elevation and shall be of a construction which prevents the ingress of water through the flood bank. - **As recommended by the Environment Agency.**

Reason: To maintain the function and stability of the flood defence bank to reduce the risk of flooding.

15. The finished floor level of the central services building shall be set at least 600mm above the 1 in 100 year flood level, or at least 300mm above the 1 in 100 year flood level with a scheme for flood resilience which shall be agreed in writing by the MPA. - **As recommended by the Environment Agency.**

Reason: To reduce the risk of flooding and provide a refuge for users of the site in the event of a flood.

16. The boathouse shall be designed as a floodable structure, incorporating openings in at least two sides of a length no less than 20% of each side and extending from

ground level to the 1 in 100 year (climate change) flood level. - **Condition recommended by the Environment Agency. NCC notes that there would have to be amendments to the details of the boathouse to comply with this condition.**

Reason: To prevent a reduction of the storage capacity of the floodplain.

17. Occupancy of the marina shall not exceed 60 residential boats until such time as all moorings and associated facilities on the bank of the River Soar have been removed, and the river bank reinstated to a natural form. - **Condition recommended by the Environment Agency. Removal of all river moorings is an essential part of the scheme, without which the Environment Agency would likely object to the development. The limit of 60 represents the number of existing river moorings, to prevent any temporary lack of mooring for established residents.**

NCC note that this condition would be at odds with the statement at Paragraph 5.11 of the application Supporting Statement which states that the application does not propose to include any residential moorings.

Reason: To prevent an unacceptable increase in flood risk. –

18. Details of the river entrance to the marina shall be submitted to and approved in writing by the MPA prior to commencement of the development. The entrance shall be afforded sufficient erosion protection and unless otherwise agreed in writing by the MPA, gates shall be installed at the entrance to a specification agreed in writing by the MPA. - **As recommended by the Environment Agency.**

Reason: To provide sufficient stability to exposed areas of river bank in the vicinity of the marina entrance to preserve the effective functioning of the floodplain.

19. Prior to occupation of the marina a flood management plan shall be submitted to and approved in writing by the MPA. The plan shall detail measures to ensure the safety of users of the site during flood conditions. - **As recommended by the Environment Agency.**

Reason: To protect users of the site against risks associated with flooding.

Surface and Groundwater Pollution Control

20. The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during the mineral extraction and construction works has been submitted to, and approved in writing by, the MPA. The scheme shall be implemented as approved.

Reason: To prevent pollution of the water environment in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.

Noise

21. Mineral extraction and associated activities shall occur only between 07:00 to 18:00 hours Mondays to Fridays and 07:00 – 13:00 hours on Saturdays. There shall be no working on Sundays, Public or Bank Holidays. - **As recommended by the NCC Noise Team.**

Reason: To prevent undue noise impact in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

22. The development hereby approved shall not involve any percussive piling. - **As recommended by the NCC Noise Team.**

Reason: To prevent undue noise impact in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

23. Only silenced dewatering pumps shall be employed on the site. If pumps are to be used within 100m of any property, details of noise mitigation to be employed to be submitted to, and approved in writing by, the MPA. - **As recommended by the NCC Noise Team.**

Reason: To prevent undue noise impact in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

24. Noise from operation of the refuelling and pump out station shall not exceed 45 dBL_{aeq}, 1hour at any surrounding residential property. - **As recommended by the NCC Noise Team.**

Reason: To prevent undue noise impact in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

25. Noise from construction and mineral extraction activities shall not exceed 55 dBL_{aeq}, 1 hour at any surrounding noise sensitive receptor. - **As recommended by the NCC Noise Team.**

Reason: To prevent undue noise impact in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

26. Should Mason's Barn or the Bungalow become occupied during the mineral extraction phase of the development, the earth bund proposed towards the eastern site boundary (Bund 1 indicated on DK Sykes Plan 0523/CP/1) shall be extended northwards alongside the access track by 100m. - **Condition recommended by the NCC Noise Team. As highlighted earlier there is no record of the Plan referenced in this Condition. It is suggested that a similar condition requesting details relating to noise mitigation methods is used.**

Reason: To prevent undue noise impact in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

27. During the minerals excavation phase of the development hereby permitted, there shall be no more than 80 HGV movements (40 in and 40 out) per day. - **As recommended by the NCC Noise Team.**

Reason: To prevent undue noise impact in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

Ecology

28. Before any development commences an impact assessment on the nearby Lockington Marsh Site of Special Scientific Interest (SSSI) shall be submitted to, and approved in writing by, the MPA. The assessment shall include recommendations to minimise the impact on the SSSI. The development shall thereafter be undertaken in accordance with the approved recommendations. – **To address the outstanding information in relation to the nearby Lockington Marsh SSSI, as highlighted in the response from Natural England.**

Reason: To protect Lockington Marsh SSSI in the interests of nature conservation.

29. Before any development commences up to date species specific ecology surveys relating to protected species, amphibians, reptiles, bats, water vole, otter, wintering and breeding birds shall be submitted to the MPA for approval in writing with recommendations for any necessary protection measures. Development shall thereafter only progress in accordance with recommendations contained within the approved reports. – **To ensure that up to date ecological information is submitted to establish whether there are protected species on/near the site and to inform construction and working methods to help minimise impacts. The need for this information was highlighted in consultation responses from Natural England, NCC Ecology and Nottinghamshire Wildlife Trust and in NCC's view needs to be assessed prior to determination.**

Reason: To prevent unacceptable impacts on protected species.

30. Before any development commences a Construction Environment Management Plan (CEMP) shall be submitted to, and approved in writing by, the MPA. – **As recommended by NCC Ecology.**

Reason: To minimise the impact that construction has on the environment.

31. Before the marina is brought into use a detailed landscaping scheme shall be submitted to, and approved in writing by, the MPA. The development shall thereafter be carried out in accordance with the approved scheme. – **NCC Ecology recommend that the detailed landscaping scheme incorporates the compensatory and enhancement measures outlined in Section 5.7 of the ecology chapter of the Environmental Statement which was submitted with the 2011 application and should include species mixes, details of the genetic origin of stock, establishment methods, the methodology for the creation of features such as ponds, and the details of artificial features such as bat and bird boxes. NCC Landscape has also identified the need for a detailed landscaping plan.**

Reason: To safeguard and establish wildlife and habitat in accordance with Policy M3.17 of the Nottinghamshire Minerals Local Plan.

32. Before the marina is brought into use a habitat restoration plan for the length of the River Soar where the moorings are to be removed shall be submitted to, and

approved in writing by, the MPA. The development shall thereafter be carried out in accordance with the approved scheme. - **As recommended by NCC Ecology.**

Reason: To provide suitable compensatory habitat.

33. Before the marina is brought into use a landscaping and habitat management plan shall be submitted to, and approved in writing by, the MPA. The plan shall include monitoring and reporting procedures. The site shall be managed in accordance with the approved plan. - **As recommended by NCC Ecology and NCC Landscape.**

Reason: To ensure the ongoing management and aftercare of the restored site in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan.

34. Before any buildings are constructed details of bird and bat boxes to be affixed to, or incorporated within the fabric of the marina buildings, shall be submitted to, and approved in writing by, the MPA. The bat and bird boxes shall thereafter be installed as approved. - **As recommended by NCC Ecology.**

Reason: To provide suitable habitat for birds and bats.

35. Before any built development commences a detailed light plan shall be submitted to, and approved in writing by, the MPA. The lighting plan shall ensure the use of low level lighting through the marina and the retention of a dark zone along the riparian areas. The lighting plan shall thereafter be installed and operated in accordance with the approved plan. - **As recommended by NCC Ecology.**

Reason: To minimise light impact on species habitat.

36. Any site clearance operations that involve the destruction or removal of vegetation including any felling, clearing or removal of trees, shrubs or hedgerows on site, shall not be undertaken during the months of March to August inclusive unless otherwise first agreed in writing by the MPA.

Reason: To avoid disturbance to breeding birds.

Landscaping

37. Before any development commences detail of the location, extent and height of top soil, sub soil and overburden mounds shall be submitted to, and approved in writing by, the MPA. The development shall thereafter be undertaken in accordance with the approved details. – **The need for this information has been identified in the consultation response from NCC Landscape.**

Reason: To ensure control over stockpile locations and heights and minimise visual impact on the openness of the Green Belt in accordance with Policy EN14 and EN19 of the Rushcliffe Non-Statutory Replacement Local Plan.

Archaeology

38. Before development commences a field evaluation shall be submitted to, and approved in writing by, the MPA. – **English Heritage highlight that the Environmental Statement includes a Chapter on cultural heritage and archaeology, although the evidence on which the recommendations in the chapter are made is absent. In the absence of this information English Heritage object to the proposal.**

Reason: In line with the requirements of the NPPF, paragraph 128.

39. Before development commences a Written Scheme of Investigation (WSI) shall be submitted to, and approved in writing by, the MPA. The WSI shall include a methodology; programme; health and safety risk assessment; and reporting and archive proposals including named specialists. The WSI shall also incorporate the recommendations and mitigation measures outlined in Section 8.0 of Chapter 4.0 'Cultural Heritage and Archaeological Statement' of the Environmental Statement.

Reason: To ensure suitable identification and recording of heritage assets with archaeological interest, in accordance with the NPPF.

Traffic and Transportation

40. Before the marina aspect of the development commences details of how the south east access road physically connects to the farm track shall be submitted to, and approved in writing by, the MPA. The development shall thereafter be undertaken in accordance with the approved details. - **Suggested by NCC Highways as necessary information.**

Reason: To ensure suitable access and manoeuvrability for vehicles around the site.

41. Before the marina aspect of the development commences details of widening of the existing farm track shall be submitted to, and approved in writing, by the MPA. The development shall thereafter be undertaken in accordance with the approved details. - **Suggested by NCC Highways as necessary information.**

Reason: To ensure that the access is wide enough for vehicles to pass each other.

42. Access to Soar Lane shall be permanently gated to vehicular traffic. The gate shall remain unlocked to allow pedestrians, cyclists, horse riders and emergency vehicles to pass through. - **Suggested by NCC Highways as a necessary restriction.**

Reason: To minimise traffic impact upon Ratcliffe-on-Soar whilst maintaining access for emergency vehicles and other non-vehicular users.

43. Before the marina element of the development begins, details of the internal access roads shall be submitted to, and approved in writing by, the MPA. Internal roads should be sufficiently wide to allow vehicles to pass each other and there should be

turning facilities at the end of each road. The development shall be carried out in accordance with the approved details. - **Suggested by NCC Highways as necessary information.**

Reason: To ensure suitable access and manoeuvrability for vehicles around the site.

44. All parking shall be designed in accordance with the Nottinghamshire County Council Highways Design Guide – the 6 Cs Design Guide. - **Suggested by NCC Highways as a necessary restriction.**

Reason: To ensure that suitable parking is provided.

45. Before the marina element of the development begins details of the visibility and manoeuvrability shall be provided of the point at which the existing farm track splits with one fork leading to the access roundabout and the other towards Soar Lane. - **Suggested by NCC Highways as there is an obscure bend and a significant difference in levels between the two roads which could cause vehicular conflict.**

Reason: In the interests of vehicular safety.

46. Before the marina development is brought into use a Travel Plan shall be submitted to, and approved in writing by, the MPA. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes. The Travel Plan shall also include arrangements for monitoring of progress of the proposals. The measures identified within the approved Travel Plan shall be implemented in accordance with the timetable set out in the plan. - **Suggested by NCC Highways as necessary.**

Reason: To promote sustainable travel.

Pedestrian Access and Rights of Way

47. Before the marina element of the development commences, details of the footpath along the existing farm track (Footpath No. 7) shall be submitted to and approved in writing by the MPA. The details shall include how the footpath links into the existing access track and the gradient at both ends. The development shall thereafter be undertaken in accordance with the approved details. – **as recommended by NCC Countryside Access.**

Reason: In the interest of pedestrian safety and to ensure that appropriate standards are met.

48. Before commencement of development details of signs warning farm track users shall be submitted to, and approved in writing by, the MPA. Details shall include location, size, height and text on the signs. The signs shall be implemented as approved and thereafter retained for the life of the mineral extraction.

Reason: In the interest of pedestrian safety.

Rail Line Protection

49. All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times both during and after the development. – **As recommended by Network Rail.**

Reason: To ensure the safe operation of the railway and integrity of railway infrastructure.

50. The access bridge over the railway shall not be used for vehicles in excess of 40 tonnes GLW (Gross Laden Weight). – **As recommended by Network Rail.**

Reason: To ensure the safe operation of the railway and integrity of railway infrastructure.

51. The applicant must give prior notice to Network Rail and the Train Operating Company of any proposed abnormal load movements. Where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant and/or developer will incur full liability. – **As recommended by Network Rail.**

Reason: To maintain access to the railway in case of emergency and prevent damage and/or delays to the rail network.

52. There must be no reduction in the effectiveness of any drain or watercourse belonging to Network Rail. Furthermore, there must be no interference to any existing drainage rights that Network Rail enjoys. – **As recommended by Network Rail.**

Reason: To ensure the safe operation of the railway and integrity of railway infrastructure or land.

53. Without the prior approval of Network Rail, the works shall not generate an increase in the existing flow rates into any culvert that passes beneath the railway. – **As recommended by Network Rail.**

Reason: To ensure the safe operation of the railway and integrity of railway infrastructure or land.

54. Storm or surface water must not be discharged onto or towards Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off affecting the railway. – **As recommended by Network Rail.**

Reason: To ensure the safe operation of the railway and integrity of railway infrastructure or land.

55. Cranes and jibbed machines, used in connection with the works, must be so positioned that the jib or any suspended load does not swing over railway

infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres. – **As recommended by Network Rail.**

Reason: To maintain the safety of railway operations.

56. All crane, machinery and constructional plant must be so positioned and used to prevent the accidental entry onto railway property of such plant, or loads attached thereto, in the event of failure. – **As recommended by Network Rail.**

Reason: To maintain the safety of railway operations

57. The development is to provide and maintain a suitable trespass-proof fence adjacent to the existing railway boundary. – **As recommended by Network Rail.**

Reason: To prevent public access to railway property.

58. Trees planted close to the railway should be located at a distance in excess of their mature height from railway property. – **As recommended by Network Rail.**

Reason: In the interests of railway safety.

Airport Safeguarding

59. Before any development commences an updated Bird Management Plan shall be submitted to, and approved in writing by, the MPA. The approved Bird Management Plan shall be implemented for the life of the development. – **East Midlands Airport considers the existing bird management plan unacceptable and that the development would have a negative impact on air safety. NCC Ecology also highlight that part of the management plan is missing and that this is necessary to fully assess the impact of the plan on birds.**

Reason: To safeguard the operation of East Midlands Airport.

Soil Placement

60. The MPA shall be notified in writing at least 5 working days before each of the following, where applicable:
- a) Overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out;
 - b) When subsoil has been prepared ready for topsoil replacement to allow an inspection of the area before further restoration of this part is carried out; and
 - c) On completion of topsoil placement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operations.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

61. Soils and overburden shall only be placed when they and the ground on which they are to be placed are in a dry and friable condition and no movements, re-spreading, levelling, ripping or loosening of overburden or soils shall occur.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

62. Plant and vehicles shall not cross any area of placed and loosened ground or replaced soils except where essential and unavoidable for purposes of carrying out soil placement, ripping and stone picking or beneficially treating such areas. Only low ground pressure machines shall work on prepared ground.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

63. Prior to the placement of soils and any overburden, the final profile of the site shall be ripped using overlapping parallel passes:

- a) To provide loosening to a minimum depth of 450mm with tine spacing no wider than 0.6m; and
- b) Any rock, boulder or larger stone greater than 100mm in any dimension shall be removed from the loosened surface before further soil is laid. Materials that are removed shall be disposed of off-site or buried at a depth of not less than 2 metres below the final contours.

Decompaction shall be carried out in accordance with the MAFF Good Practice Guide for Handling Soils Sheet 19: Soil Decompaction by Bulldozer Drawn Tines.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

64. Only low ground pressure machinery shall work on re-laid soils to place and level soils.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

Aftercare

65. Following restoration the site shall undergo aftercare management for a 5 year period.

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan.

66. 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 5 year aftercare period shall run from the agreed date.

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan.

67. Within six months of the date of commencement of the development hereby permitted, as notified under Condition 2 above, an aftercare scheme and strategy including long-term design objectives, management responsibilities and maintenance schedules shall be submitted to the MPA for its approval in writing. The strategy shall include an Ecological Management Plan and shall cover, but not be restricted to, the following details:

- a) Cultivations;
- b) Weed control;
- c) Sowing of seed mixtures;
- d) Soil analysis;
- e) Keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the WPA between 31 March and 31 May each year;
- f) Drainage amendments;
- g) Sub-soiling and under-drainage proposals;
- h) Management practices such as cutting vegetation;
- i) Tree protection;
- j) Remedial treatments;
- k) Irrigation; and
- l) Fencing

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan.

68. Whilst the site is in aftercare, site management meetings shall be held with the MPA each year to assess and review the detailed annual programmes of aftercare operations referred in Condition 68(e) above, having regard to the conditions of the land; progress in its rehabilitation and necessary maintenance.

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan.

Alternative Restoration

69. Should for any reason minerals extraction cease for a period in excess of 3 months, then, within 3 months of the receipt of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted to the MPA for its approval in writing. Such a scheme shall include details of the final contours, provision of soiling, sowing of grass, planting of trees and shrubs, drainage and fencing. The scheme shall also provide details of the aftercare proposals and Ecological Management Plan in a similar manner to Condition 68 above. The revised restoration proposals shall be implemented within 12 months of their approval by the MPA and thereafter managed for a period of 5 years in accordance with the approved aftercare details.

Reason: To secure the proper restoration of the site within an acceptable timescale.

INFORMATIVES

1. Dewatering operations must not compromise railway operations or damage railway infrastructure. Prior to the commencement of any dewatering operations Network Rail requires the installation of piezometers to monitor the effect of the operations on water pressures in ground adjacent to or on railway property. All costs for such work must be met by the developer. – **As recommended by Network Rail.**

Reason: To ensure the safety of the railway is not compromised.

2. Where alterations to existing ground levels are proposed within 10 metres of the boundary of railway land (including the raising of the farm track and construction of storage mounds) detailed plans of the development, including cross sections, should be forwarded to Network Rail for assessment and comment before development commences. – **As recommended by Network Rail.**

Reason: To ensure that railway operations and infrastructure will not be affected adversely during and following the development.

3. The development should ensure that the lighting scheme at the site does not present a dazzle hazard to train crew, and al that any coloured lighting does not conflict with the railway signalling system. The lighting scheme for the site must be submitted to Network Rail for prior approval. – **As recommended by Network Rail.**

Reason: To ensure that the safety of the railway signalling system is not compromised.

4. It would be preferable for deciduous trees and pines not to be planted close to the operational railway. – **As recommended by Network Rail.**

Reason: Shedding of foliage can present operational difficulties.

5. Network Rail shall be notified of any significant alterations to the characteristics of the work or site, for example changes in the depth of working, limited of extraction and transport arrangements. – **As recommended by Network Rail.**

Reason: For safety, Network Rail needs to be aware of all development adjacent to its property.




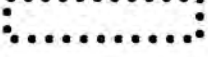

SECTION 106

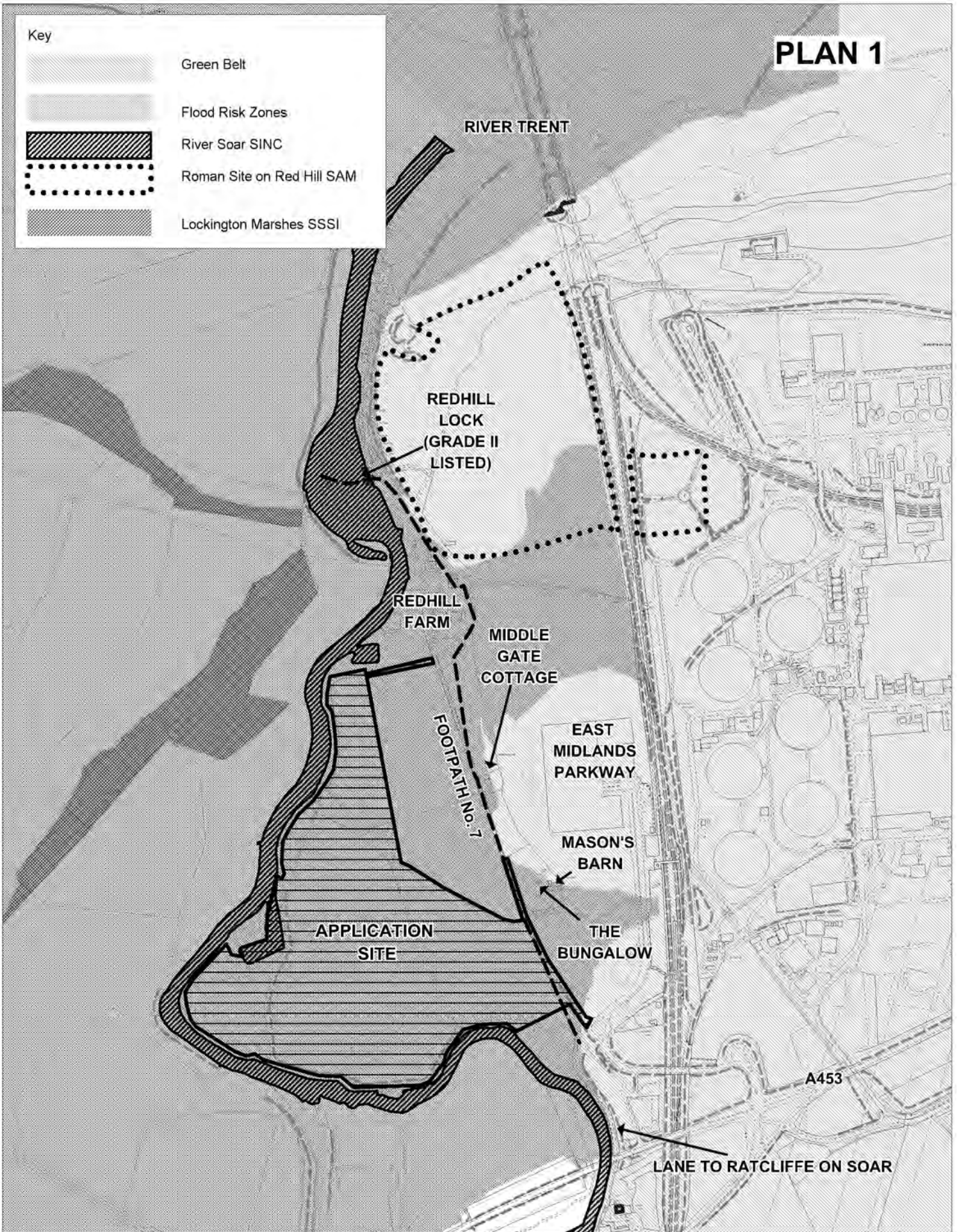
In addition to the list of suggested conditions, and topics to be covered by condition, as outlined above, there are a number of issues that would more appropriately be addressed by a Section 106 Agreement. These topics are briefly listed below:

1. Integrated Transport Contribution which should be based on trip generation rather than an area basis, as suggested by NCC Highways. Kegworth Parish Council has also requested financial contribution towards any mitigation that will make roads safer and improve the road junctions at Kegworth.
2. A lorry routing agreement to ensure that HGVs do not have an unacceptable impact upon Ratcliffe-on-Soar, or any other sensitive roads in the vicinity.
3. The proposal includes the removal of existing on-river moorings, which would then be accommodated within the proposed marina. The removal of these moorings would need to be secured by a Section 106 Agreement and is recommended by the Environment Agency and the Canal and Rivers Trust (formerly British Waterways).
4. Given that the proposal is for mineral extraction with restoration to a marina it is suggested by NCC Ecology that long term ecological management of the site would be appropriate and that this could possibly be secured through a Section 106 Agreement. If this were to be agreed there would need to be amendments to the conditions that relate to aftercare.

PLAN 1

Key

-  Green Belt
-  Flood Risk Zones
-  River Soar SINC
-  Roman Site on Red Hill SAM
-  Lockington Marshes SSSI



Resubmission of application for the construction of a leisure marina comprising marina basin with 553 leisure moorings and ancillary buildings, associated vehicle parking, landscaping and infrastructure and the incidental excavation and removal of minerals.
 Red Hill Marina, Ratcliffe-on-Soar, Notts.
 Planning Application No. 8/12/00856/CMA

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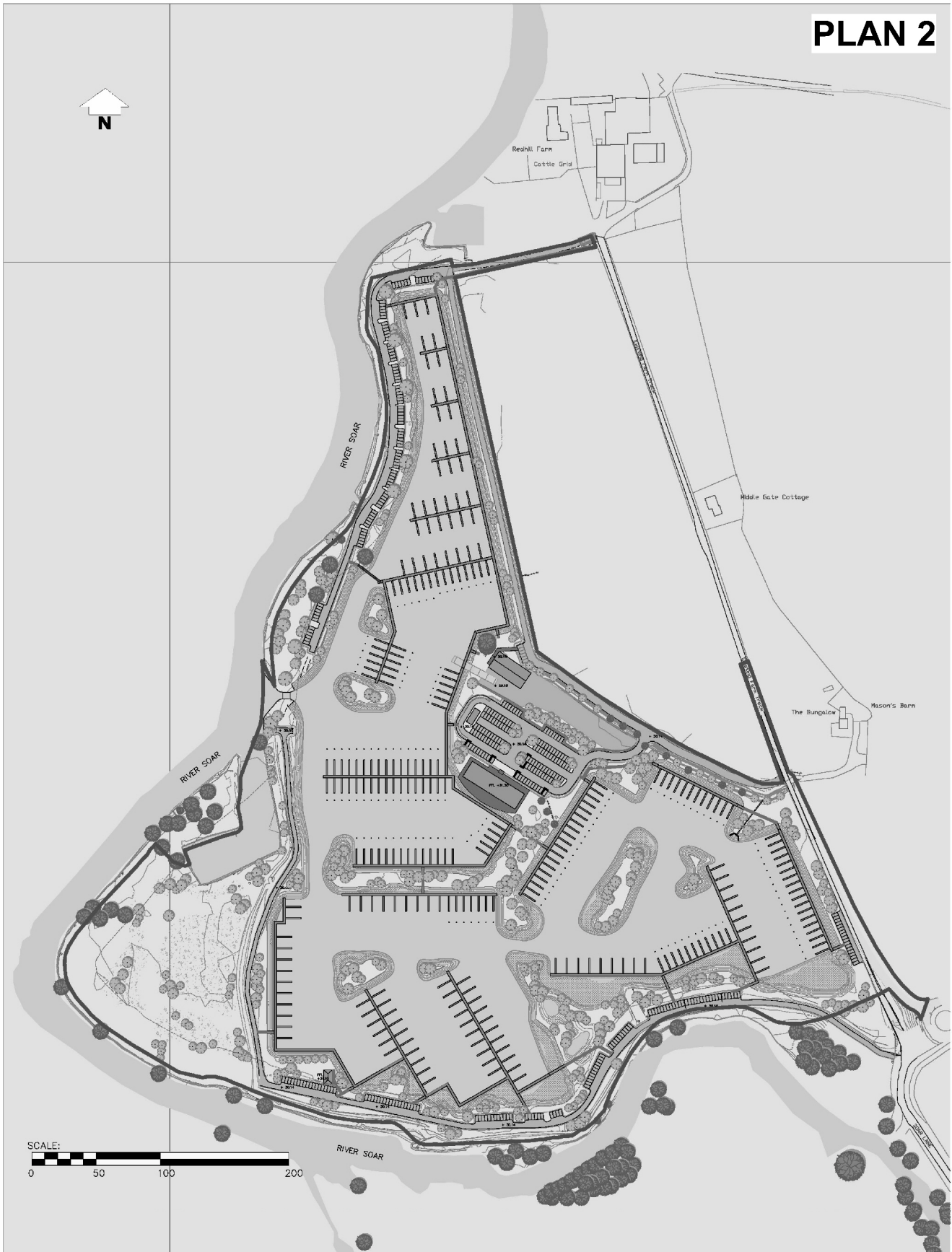


Scale 1:15,000
 Produced by: JW
 Date: MAY 2013



Trent Bridge House, Fox Road
 Nottinghamshire West Bridgford, Nottingham, NG2 6BJ
 County Council Tel: 0115 982 3823

PLAN 2



SCALE:
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REDHILL MARINA PROPOSALS
Site Plan - March 2012
1:1250 at A1



LAND & WATER
Services

Resubmission of application for the construction of a leisure marina comprising marina basin with 553 leisure moorings and ancillary buildings, associated vehicle parking, landscaping and infrastructure and the incidental excavation and removal of minerals.
Red Hill Marina, Ratcliffe-on-Soar, Notts.
Planning Application No. 8/12/00856/CMA

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Not to Scale
Produced by: JW
Date: MAY 2013



Trent Bridge House, Fox Road
Nottinghamshire West Bridgford, Nottingham, NG2 6BJ
County Council Tel: 0115 982 3823



23 May 2013

Agenda Item: 8

**REPORT OF CORPORATE DIRECTOR FOR POLICY, PLANNING AND
CORPORATE SERVICES**

REQUEST FOR SITE INSPECTIONS BY PLANNING AND LICENSING COMMITTEE

Purpose of Report

1. To seek approval, in line with the Code of Best Practice, for Committee to attend formal inspections at three sites subject to current planning applications prior to them being reported for determination by Committee later this year.

The Sites

2. It is anticipated that reports will be shortly be presented to Committee in respect of the following key planning applications currently before the County Council:

A) Combined Heat and Power Plant at R. Plevin & Sons Ltd, Crookford Hill, Elkesley, Retford

3. This application seeks planning permission for the construction and operation of a biomass fuelled combined heat and power plant at the above site. A plan showing the location of the application site is attached at Appendix 1 for information.

4. The application has generated significant local opposition including the formation of an action group. Committee has previously agreed that the application merits the special presentation procedures, as set out within the Code of Best Practice, whereby qualifying parties wishing to speak for or against the proposals can enjoy extended public speaking rights above the standard Committee public speaking arrangements. Full details of the procedures for special presentations are set out in Part B of Appendix E of the Code of Best Practice.

5. Given the exceptionally high level of public interest in this application it is considered prudent for Committee to attend a site inspection to witness at first hand the application site, its surroundings and gain an appreciation of any potential impacts the proposals may give rise to.

B) Opencast coal extraction at the 'Shortwood' Site, Land off Cossall Road between the villages of Cossall and Trowell

6. This application seeks planning permission for the extraction of coal and fireclay by opencasting and restoration of the site. The application is submitted by UK Coal Ltd and, similarly, has generated significant public interest. A location plan is attached at Appendix 2.
7. In order for Members to fully appreciate how a modern opencast coal site operates, and indeed the standard of subsequent restoration, the applicant has offered Committee the opportunity to also inspect an existing opencast coal site currently being operated by them. The nearest such site is at Lodge House, near Smalley, Derbyshire. It is recommended that Committee take up this opportunity prior to moving on to inspect the proposed opencast coal 'Shortwood' site.

C) Hucknall Town Centre Improvement Scheme

8. This application, submitted by the County Council, seeks planning permission for an improvement scheme to Hucknall town centre which includes the development of an inner relief road. Although not included as part of the planning application, the proposed environmental improvements to the town centre would facilitate the pedestrianisation of the High Street with the new inner relief road accommodating diverted traffic. A location plan of the scheme is attached at Appendix 3.
9. Again, given the significance of this scheme, which involves the demolition and alteration of some existing buildings, road realignment and other highway improvement works, it is suggested that Committee should also inspect the site and its surroundings prior to receiving a report.

Future steps

10. Should Committee be agreeable to attend these site inspections it is normal practice to arrange them in the run-up to the targeted Committee meeting. Members will note from the Committee Work Programme attached elsewhere on this agenda that it is anticipated to report the Plevins and Shortwood applications to the July Committee meeting whilst the Hucknall Town Centre Improvement Scheme could potentially be ready to report to the June Committee meeting, although this is not guaranteed at this stage.
11. It is anticipated that the inspections would need to be spread over two separate dates given both the extent of the application site areas and their geographical spread. Accordingly it is suggested that one day covers the Lodge House and Shortwood sites whilst a separate date is allocated for the Hucknall and Plevins sites.
12. Should Committee be minded to attend these inspections, it is proposed to liaise with Chairman and Vice-Chairman with a view to circulating suggested dates. Fuller details of the proposals and the details of any necessary Personal Protective Equipment (PPE) (such as safety boots and high visibility jackets etc) will be circulated nearer the time and where necessary such PPE can be loaned to Members. It is also anticipated that arrangements be put in place to minimise the need for travel by separate vehicles where possible and such matters can be determined once attendees have confirmed. Finally, the opportunity is taken to

remind Members of the format and conduct expected during such inspections as set out in Appendix G of the Code of Best Practice.

Other Options Considered

13. The alternative course of action would be for Committee to not inspect such sites and instead rely on the information set out within the respective planning submissions, the committee reports and the accompanying PowerPoint presentations. However, given the scale and significance of these particular schemes and the level of public interest they have generated, it is recommended that Members observe the site locations at first hand to assist in their subsequent decision making.

Statutory and Policy Implications

14. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATIONS

15. It is RECOMMENDED that Committee agree to attend formal inspections of the sites at:
 - a) Lodge House Opencast Coal Site, Nr Smalley, Derbys;
 - b) Shortwood Opencast Coal Site, Nr Trowell
 - c) Hucknall Town Centre Improvement Scheme; and
 - d) Plevins, Crookford Hill, Elkesleyon dates to be arranged prior to these applications being reported to Committee for determination.

JAYNE FRANCIS-WARD

Corporate Director for Policy, Planning and Corporate Services

Constitutional Comments

"Committee have power to decide the Recommendation" [SHB.13.05.13].

Comments of the Service Director - Finance

“There are no specific financial implications arising directly from this report” [SEM 13.05.13].

Background Papers Available for Inspection

None.

Electoral Division(s) and Member(s) Affected

Tuxford	Councillor John Ogle
Kimberley & Trowell	Councillor Ken Rigby
Nuthall	Councillor Philip Owen
Hucknall	Councillor Alice Grice
	Councillor John Wilkinson
	Councillor John Wilmott

Report Author/Case Officer

Jerry Smith

0115 9696509

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

PPCS.JS/PAB – COMMITTEE REPORT FOLDER REFERENCE
10 May 2013 – Date Report Completed by WP Operators

EP5370

23 May 2013**Agenda Item:9****REPORT OF CORPORATE DIRECTOR FOR POLICY, PLANNING AND
CORPORATE SERVICES****DEVELOPMENT MANAGEMENT PROGRESS REPORT****Purpose of Report**

1. To report on planning applications received in Policy, Planning and Corporate Services between 9 February 2013 and 30 April 2013 and to confirm the decisions made on planning applications since the last report to Members on 26 February 2013. The report also covers end-of-year performance.

Background

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B highlights applications outstanding for over 17 weeks. Appendix C is a table of County Council performance nationally, for the year ending March 2013. Appendix D sets out matters for Committee to note.

County Matter planning applications

3. 'County Matter' applications relate to proposals for Minerals or Waste development. In the 12 months up to 31 March 2013, a total of 42 County Matters were received. This compares with 84 received in the period 2011/12. 49 were outstanding as at 1 April 2012. This gave a total of 91 to be processed in 2012/13, compared to 121 in 2011/12.
4. As at 1 April 2013, 24 applications were on hand. A total of 64 County Matter applications were determined throughout the year, compared with 59 in the previous year. Table 1 (over leaf) shows the performance over the year, indicating the time taken to determine applications. In addition to the 64 applications determined, three were withdrawn by the applicants. Of the 64 decisions, 63 were approved planning permission and one refused, (land adjacent to Shenton Lodge, Derby Road, Kirkby in Ashfield for the processing, screening/crushing and disposal of inert waste material at land to the east of the A611 and its restoration to ecological and recreational). For the purpose of Table 1, applications accompanied by Environmental Statements are not included. Four such planning applications have been determined during this period, namely the restoration of the Former Bentinck Tip Site; restoration by

importation of material at Welbeck Colliery, Meden Vale; an extension to Thoresby Colliery spoil tip; and for a new silica sand quarry at Two Oaks Farm, Kirkby in Ashfield.

Table 1 Annual Performance

No. of County Matter applications determined	Within 8 wks*		Within 13 wks*		Within 17 wks*		Over 17 wks		Total	
	no	%	no	%	no	%	no	%	no	%
April 2008 to March 2009	8	16	24	48	35	70	15	30	50	100
April 2009 to March 2010	8	16	24	47	34	67	17	33	51	100
April 2010 to March 2011	12	17	29	40	41	57	31	43	72	100
April 2011 to March 2012	14	24	42	71	46	78	13	22	59	100
April 2012 to March 2013	13	22	26	43	33	55	27	45	60	100

- The figures are cumulative

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Total number of County Matter applications determined under delegated powers: 51
 Total number of County Matter applications determined by Committee: 09
 Total number of County Matter applications withdrawn: 03
 Total number of County Matter EIA applications determined by Committee 04

Total 67

- The percentage of planning applications determined within 13 weeks has fallen from 71% 2011/2012 to 43% for 2012/2013. The performance figure for 2012/2013 has been impacted following the voluntary redundancy of a Principal Planning Officer within the team (0.6 FTE) in late 2011 and the departure of a Planning Officer in December 2012.
- Officers have continued to deal with other types of applications during the year, these include Non-Material Amendments (7) and the discharging of conditions known as schemes (76). Officers also carry out 'screening opinions' on all planning applications to assess whether they trigger the need for Environmental Impact Assessment (EIA). In cases where EIA is required, Officers also carry out 'scoping opinions' liaising with statutory bodies and

other consultees to obtain their views on what environmental topics the EIA should contain (15). This is the first year these types have been recorded. Consultations are also received from other statutory bodies, for example the Environment Agency, who consult the team on waste management licences and environmental permits. Similarly, the district/borough councils consult with us on planning applications which may affect mineral or waste sites, for example a wind turbine on a sewage treatment works.

County Council Development

7. The County Council determines applications for its own development under the procedures laid down in the Town and Country Planning General Regulations 1992 (usually Regulation 3). In the 12 months up to 31 March 2013, a total of 72 County Council development applications had been received. This compares with 90 in the same period last year.
8. 24 were outstanding as at 1 April 2012 giving a total of 96 to be processed during last year – compared to 105 in 2011/2012. As at 1 April 2013, 12 applications were on hand.
9. During 2012/2013 a total of 72 County Council applications were determined. 71 were granted planning permission and 1 refused (to use Rufford Orangerie, Rufford Country Park as a wedding venue). A further 12 applications were withdrawn by the applicants. This is marginally less than in 2011/2012 when 75 applications were determined. Table 2 gives a breakdown of annual performance.

Table 2 Annual Performance

No. of County Council Developments applications determined	Within 8 wks*		Within 13 wks*		Within 17 wks*		Over 17 wks		<u>Total</u>	
	no	%	no	%	no	%	no	%	no	%
April 2008 to March 2009	35	39	59	66	75	84	14	16	89	100
April 2009 to March 2010	56	56	71	71	79	79	21	21	100	100
April 2010 to March 2011	30	39	52	68	59	77	18	23	77	100
April 2011 to March 2012	40	53	61	81	68	90	7	10	75	100
April 2012 to March 2013	27	37	49	68	58	81	14	19	72	100

- The figures are cumulative

Total number of County Council Development applications determined under delegated powers:	64
Total number of County Council Development applications determined by Committee:	08
Total number of County Council Development applications withdrawn:	12
Total	84

10. Officers have dealt with other types of County Council’s own applications during the year. These include Non-Material Amendments (3); the discharge of conditions from applications that have been granted planning permission (58); permitted development proposals (14); and dealing with enquiries seeking pre-application advice.

Outstanding applications

11. The Department has historically set itself a target of 65% of County Council Development applications to be determined within 13 weeks. In the year just ended, 68% of such applications were determined within that timescale. By far the majority of these applications are dealt with under delegated powers.
12. At the start of this new financial year, a total of 24 County Matter applications and 12 County Council development applications were outstanding. A list of those applications outstanding for longer than 17 weeks is attached as Appendix B.

National performance

13. The Department for Communities and Local Government produces statistical information on planning applications received and determined by County Planning Authorities. The latest available tables include performance for the year ending December 2012 and are attached as Appendix C.
14. In that period, Nottinghamshire received 51 County Matter applications (i.e. Minerals and Waste), the ninth equal highest in the country and determined 69 the highest in the country.
15. In terms of County Council developments (Regulation 3 permissions), Nottinghamshire determined 45 applications, the nineteenth highest number nationally. Decisions issued by the County Council under the Review of Old Minerals Permissions numbered three for that period, the second highest nationally.

Monitoring and Enforcement

16. The determination of planning applications goes hand in hand with the monitoring and enforcement of development. A separate end of year report on Monitoring and Enforcement can be found elsewhere on the agenda.

Appeals

17. The County Council has not been involved in any planning appeals over the 2012/2013 period. However, attention is drawn to Appendix D regarding two forthcoming appeals lodged post the end of April 2013.

Ombudsman investigations

18. No complaints have been referred to the Local Government Ombudsman in the reporting period.

Development Plan progress

19. Progress continues to be made in the preparation of new planning policy documents that will replace those saved policies within the currently adopted Nottinghamshire and Nottingham Waste Local Plan and the Nottinghamshire Minerals Local Plan that are becoming increasingly out of date and which have been replaced by changes to the planning system. The County Council's priority is being given to the preparation of two 'core strategies', one covering waste management and the other minerals, which will provide the main policy guidance for determining applications for minerals and waste developments. They will also form the basis for preparing more detailed policy documents such as the allocation of specific sites and therefore will become key documents in the work of this Committee.
20. The Waste Core Strategy, which is being prepared jointly with Nottingham City Council, sets out the overall approach to future waste management over the next 20 years. Following approval of a draft Waste Core Strategy by both Councils back in January 2012 and further period for formal representations, the Waste Core Strategy was submitted in January 2013 to the Secretary of State for independent examination by a Planning Inspector. That examination commenced on 8 May 2013 during which all valid representations will be considered and the Inspector's report is expected in June 2013. If the Waste Core Strategy is found to be sound, both Councils would look to adopt the document including any recommendations made by the Inspector in July 2013. Once the Core Strategy is in place, it would be accompanied by a set of development management policies and a site specific document.
21. The new Minerals Local Plan seeks to set out an overall approach to future minerals provision within the County up to 2030. The first stage of the consultation on 'Issues and Options' closed at the end of March 2012. Having

reviewed the significant volume of consultation responses received, the Planning Policy Team are working on preparing a 'preferred approach' document which is proposed to be published for public consultation in September 2013. The timetable envisages the plan being submitted to the Secretary of State in August 2014 with an examination being held in December of that year. If found sound, that plan would be adopted in March 2015.

Other Issues

22. On the national level the start of the 2012/2013 financial year coincided with the introduction of the National Planning Policy Framework (NPPF) which, as Members will know, introduced a presumption in favour of sustainable development. At the time of its introduction the NPPF received significant media coverage in terms of slimming down a significant amount of previous planning policy guidance into a single document together with a separate technical guide covering flooding and minerals issues, topics of key note to the work of this Committee. Separate policy guidance to cover waste issues is still awaited.
23. The Committee will be aware that on a regional level the Regional Spatial Strategy for the East Midlands was revoked on 12 April 2013.
24. Members will also be aware that the Growth and Infrastructure Bill received Royal Assent on 25 April 2013. The Act sets out a range of measures aimed at kick starting economic growth and reducing the barriers to investment and job creation. Several strands are of key note from a planning perspective. The Act continues the theme of speeding up the development process with a simpler planning system designed to support sustainable growth. Provisions include reducing the volume of paperwork required to accompany planning applications and removing over-lapping development consent regimes that necessitate multiple additional permissions from different government agencies. New permitted development rights allow homeowners, subject to neighbour consultation, to carry out rear extensions of up to eight metres without the need for planning permission. For a period of three years, developers are afforded the opportunity to renegotiate the affordable housing provisions set out in Section 106 agreements which have been made schemes economically unviable.
25. As reported to Committee back in December 2012, the Act also provides for planning applications to be determined by the Planning Inspectorate where a council has consistently failed to meet timescales for determining planning submissions.
26. Whilst the strong protection for registered town and village greens remains intact, new provisions would prevent the registering of such greens in response to the submission of a particular planning application.

27. Flexibility is also offered to mineral planning authorities who now have scope in relation to the periodic review of mineral planning permissions rather than being tied to the previous review regime of 15 years. The Planning Policy Team are considering the options in the light of this new scope. The provisions of the Act take effect on various dates.
28. Members may recall that some initial work was undertaken by the Development Management Team with a view to considering the introduction of charging for pre-application advice. Such work was however shelved pending the outcome of the Government's proposals to introduce locally set planning fees to replace the nationally set fee schedule which is periodically reviewed. In response to this the County Council participated in a benchmarking exercise with other authorities organised by CIPFA and the Planning Advisory Service. The Government has since opted to instead increase the nationally set planning fees which took effect from November 2012. However, given the continued need to realise savings, the prospect of charging for pre-application advice is being re-examined and it is anticipated that this topic will be the subject of future reports to Committee.
29. Improvements continue to be made to the back office planning database system where cost-effective. Of particular note are improvements, currently in the developmental stage, to further expand the range of planning consultations which can be undertaken electronically thereby delivering savings in terms of paper and time spent copying documents. The Planning web pages have also been refreshed as appropriate to reflect changes to the Planning System.

Statutory and Policy Implications

30. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Equal Opportunities Implications

31. Development Management activity takes into account equal opportunity issues.

Crime and Disorder Implications

32. Development Management activity takes into account issues relating to crime and disorder.

RECOMMENDATIONS

33. It is RECOMMENDED that the report and accompanying appendices be noted.

JAYNE FRANCIS-WARD

Corporate Director for Policy, Planning and Corporate Services

Constitutional Comments

"The report is for noting only. There are no immediate legal issues arising. Planning and Licensing Committee is empowered to receive and consider the report. [HD – 01/05/2013]

Comments of the Service Director - Finance

The contents of this report are duly noted – there are no direct financial implications. [DJK – 01/05/2013]

Background Papers Available for Inspection

None

Electoral Division(s) and Member(s) Affected

All

For any enquiries about this report please contact:

Report Author / Case Officer
Ruth Kinsey
0115 9696513

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

15/05/2013

Planning Applications Received and Determined
From 09 February 2013 to 30 April 2013

Division	Member	Received	Determined
BASSETLAW			
Misterton	Cllr Liz Yates		Erection of 1.8m high green Heras Pallas fence & gate along boundary with The Chapel & Top Street and construct path. Misson Primary School, Dame Lane, Misson. Granted 15/02/2013
Blyth & Harworth	Cllr Sheila Place	Development and use of land for two angling lakes, with access and landscaping with associated excavation and exportation of mineral and surplus soils during construction. Lodge Farm, Scrooby Top. Received 25/02/2013	
Worksop East	Cllr Glynn Gilfoyle		Two classroom extensions, cloak room extension and staffroom extension, Sir Edmund Hillary Primary and Nursery School, Kingsway, Kilton, Worksop. Granted 01/03/2013

Division	Member	Received	Determined
Retford East	Cllr Pam Skelding		Construction of 2 new classrooms, connecting link, external play space, perimeter fence (1m and 2.4m high), footpath and associated ground works. Relocation of bin store. Ordsall Primary School, Ordsall Road, Retford. Granted 08/03/2013
Blyth & Harworth	Cllr Sheila Place	Variation of condition 16 of planning permission to continue the infilling of the quarry. Styrrup Quarry, Main Street, Styrrup. Received 15/03/2013	
Blyth & Harworth	Cllr Sheila Place	The importation of alkaline/lime rich material to spread on the exposed colliery discard and provide a long term solution to reducing the acidity levels of the surface water run-off from the tip. Harworth Colliery Spoil Tip, Blyth Road, Harworth. Received 15/03/2013	
Worksop North	Cllr Sybil Fielding	To enclose internal courtyard with glazed roof lantern to form internal sensory room, teaching space St John's C of E School, Raymoth Lane, Worksop. Received 10/04/2013	
Tuxford	Cllr John Ogle		Disposal of pulverised fuel ash (PFA) by means of land raising on South Lagoons and maintaining PFA disposal operations in the South Coal Stocks Ash Lagoon. Cottam Power Station, Outgang Lane, Cottam. Granted 17/04/2013 (Committee)

Division	Member	Received	Determined
Tuxford	Cllr John Ogle		Variation of conditions 6, 7, 20, 29, 31, 36, 37 and 38 of planning permission 1/12/06/00002 to amend end dates for restoration and disposal of Pulverised Fuel Ash (PFA). Cottam Power Station, Outgang Lane, Cottam. Granted 17/04/2013 (Committee)
Misterton	Cllr Liz Yates	Vary condition 2 of planning permission 1/31/11/00009 to allow for the use of the mobile classroom for purposes associated with the primary school, The pre-school and The Wrap Around Care during term time and school holidays. Mattersey Primary School, Thorpe Road, Mattersey. Received 23/04/2013	
MANSFIELD			
South Mansfield	Cllr Stephen Garner Cllr Andy Sissons		Erection of additional stand alone two classroom building and single classroom extension. Extension of car park, erection of security fencing including gates, and additional play area. Re-siting of main pedestrian entrance to school, change of entrance door to Key Stage 1 (KS1) building. King Edward Primary School, St Andrews Street, Mansfield. Granted 18/02/2013

Division	Member	Received	Determined
South Mansfield	Cllr Stephen Garner Cllr Andy Sissons		Two new single storey modular classroom extensions to the existing foundation unit and KS2 block with associated drainage and external works. Sutton Road Primary School, Moor Lane, Mansfield. Granted 26/02/2013
East Mansfield	Cllr Alan Bell Cllr Colleen Harwood		Variation of condition 18 of planning permission 2/2009/0441/ST extension of the operating hours, Mansfield Materials Recycling Facility, Warren Way, Forest Town, Mansfield. Granted 27/03/2013
East Mansfield	Cllr Alan Bell Cllr Colleen Harwood		New stand alone single storey 4 classroom extension to the south of the existing school, covered walkway, new pedestrian entrance, Multi-Use Games Area (MUGA) and associated drainage, landscaping and external works. St Peter's C of E Primary and Nursery School, Bellamy Road, Mansfield. Granted 22/04/2013 (Committee)
NEWARK & SHERWOOD			

Division	Member	Received	Determined
Newark West	Cllr Tony Roberts		A change of use from Tourist Information Office and exhibition space, including associated alterations, to the former Gilstrap Library to enable the property to be operated as Newark Registry Office. Tourist Information Centre, The Gilstrap Centre, Castle Gate, Newark. Granted 28/02/2013 (Committee)
Rufford	Cllr John Peck		Proposed two-storey building to provide a Children's Respite Home to the rear and within the current site of Edwinstowe Hall (The Big House), together with associated landscape works, new vehicular access, demolition of an existing CLASP building within the grounds, and reinstatement of the conservatory to Edwinstowe House where the existing CLASP building adjoins the conservatory. The Big House, Church Street, Edwinstowe. Granted 01/03/2013
Collingham	Cllr Maureen Dobson		Install 266m of 2.4m high twin weld mesh security fencing to perimeter of the school field. Fencing to have green powder coated finish and will match existing security fencing on site. Bishop Alexander Primary & Nursery School, Wolsey Road, Newark. Withdrawn 01/03/2013

Division	Member	Received	Determined
Ollerton	Cllr S Smedley		To vary conditions 23, 33 and 41 of planning permission 3/99/0007 to amend the restoration scheme to allow the retention of existing soil storage mounds and revised layout of hedges and a drainage ditch. Kirton Brickworks, Station Road, Kirton. Granted 05/04/2013
Ollerton	Cllr S Smedley		To vary conditions 28, 43 and 45 of planning permission 3/06/00022/CM to permit an extension of time to complete restoration work with revised restoration details on land south of a railway line adjacent to the site and to revise the screening proposals for a railway crossing overline bridge. Kirton Brickworks, Station Road, Kirton. Granted 05/04/2013
Rufford	Cllr John Peck	Retrospective application for permission to install a 20m x 20m sand carpet base with concrete apron temporary seasonal erection of a marquee on this base from April to October each year, until 2015. Rufford Abbey County Park, Rufford. Received 11/04/2013	

Division	Member	Received	Determined
Blidworth	Cllr Yvonne Woodhead	To extract, stock, blend using imported coal fines and remove up to 350,000 cubic metres of coal from the former spoil tip lagoons at the Rufford Colliery spoil tip, Eakring Road, Rainworth. Received 11/04/2013	
Farndon & Muskham	Cllr Mrs Sue Saddington	To vary condition 14 and 39 of planning permission 3/12/00587/CMA- grassing of overburden storage mound and top soil bund maintenance. Discharge conditions 10, 17 and 36, soils and overburden phasing. Bantycok Quarry, Staple Lane, Balderton. Received 29/04/2013	
Farnsfield & Lowdham	Cllr Roger Jackson	<i>* this application appears in Appendix B, as it was still live at the year end</i>	Variation of conditions 17(b), 18,22 and 24 of planning permission 3/11/00212/CMA for an extension of time to complete works on site. Hoveringham Quarry, Thurgarton Lane, Hoveringham. Granted 30/04/2013
ASHFIELD			
Sutton-in-Ashfield East	Cllr Steve Carroll		Erection of stand alone 4 classroom building and single classroom extension to existing school. Remodelling of the existing car park and removal of existing temporary classrooms. Croft Primary School, Station Road, Sutton in Ashfield. Granted 19/02/2013

Division	Member	Received	Determined
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot		Erection of stand alone single storey classroom, associated ground and landscape works. Leen Mills Primary School, Leen Mills Lane, Hucknall. Granted 26/02/2013 (Committee)
Sutton-in-Ashfield East	Cllr Steve Carroll		The extraction and processing of silica sand, including the provision of a new site access road, landscaping and screening bunds. Sand and soil processing plants and other associated infrastructure. Restoration to agriculture and nature conservation. Quarry offices, quarry processing plant, sand drying, sand bagging plant and quarry lagoons. Land at Two Oaks Farm, Derby Road, Mansfield. Granted 07/03/2013 (Committee)

Division	Member	Received	Determined
Kirkby-in-Ashfield South	Cllr Rachel Madden		The restoration of the former Bentinck Tip site using site derived and imported restoration materials to create a range of outdoor recreational facilities including an equestrian centre, football pitches, golf course, driving range, camping grounds, fishing pond, and adventure play area, including landscaping, planting, ecological enhancements and the installation and operation of two wind turbines to provide the facilities with renewable energy. Former Bentinck Tip Site, Park Lane, Kirkby in Ashfield. Granted 11/03/2013 (Committee)
Kirkby-in-Ashfield South	Cllr Rachel Madden	Resubmission of planning application reference 4/V/2012/0127 -Proposed disposal of inert waste material on land adjacent to Shenton Lodge and its restoration to ecological and recreational use. Land adjacent Shenton Lodge, Derby Road, Kirkby in Ashfield. Received 13/03/2013	

Division	Member	Received	Determined
Sutton-in-Ashfield North	Cllr Jason Zadrozny		New nursery, refurbishment and extension to existing nursery to form 2 classrooms, extension of nursery play area, staff room extension, installation of 2.4m security fencing and gate at school entrance, underground storm attenuation and car park extension. Dalestorth Primary and Nursery School, Hill Crescent, Sutton-in-Ashfield. Granted 22/03/2013
Sutton-in-Ashfield Central	Cllr David Kirkham	<i>* this application appears in Appendix B, as it was still live at the year end.</i>	Retrospective application for the erection of a portacabin and variation of conditions 7 and 12 of planning permission 4//2007/0211, to increase number of vehicle movements to 100 a day, and to enable vehicle movements between the hours of 6:00 and 18:00 Monday to Friday, and 6:00 to 12:00 Saturdays. Mitchells of Mansfield, Brierley Park Industrial Estate, Stanton Hill. Withdrawn 16/04/2013,

Division	Member	Received	Determined
Sutton-in-Ashfield Central	Cllr David Kirkham	Internal reconfiguration and construction of a new single-storey extension to house relocated Boys WC, to allow additional internal space for offices. Roof adjustments at the entrance lobby from a defective pitched polycarbonate roof, to a new flat roof with new covering to match existing. Forest Glade Primary School, Mansfield Road, Sutton-In-Ashfield Received 25/04/2013	
BROXTOWE			
Beeston North	Cllr Steve Carr	Construction of a new lobbied entrance and alterations to the building façade, Beeston Youth Centre, West End, Beeston. Received 05/03/2013	
Bramcote & Stapleford	Cllr Stan Heptinstall MBE Cllr Jacky Williams	Planning application to regularise overfilling and to seek consent to import approximately 3000m3 of restoration material to complete the restoration of two sports pitches. Bramcote Landfill Site (Closed), Coventry Lane, Bramcote. Received 06/03/2013	
Beeston South & Attenborough	Cllr Kate Foale	New entrance lobby and canopy, John Clifford Primary School, Nether Street, Beeston. Received 11/03/2013	

Division	Member	Received	Determined
Beauvale	Cllr John Handley		Retention of utilities yard, including the siting of portacabin offices, vehicle parking, materials storage and auxiliary inert waste material processing for a temporary period of five years. Gin Close Way, Kimberley. Granted 27/03/2013 (Committee) Granted 27/03/2013
Bramcote & Stapleford	Cllr Stan Heptinstall MBE Cllr Jacky Williams		Create new main entrance, accessible ramp and replace all windows and doors to the Library, Stapleford Library, Church Street, Stapleford. Granted 27/03/2013
GEDLING			
Arnold South	Cllr Roy Allen Cllr Muriel Weisz		Two classroom extension, Ernehale Infants School, Derwent Crescent, Gedling Road, Arnold. Granted 11/02/2013
Arnold North	Cllr Pauline Allen Cllr Michael Payne		Construction of 2 new classrooms, connecting link, external play space, perimeter fence (1m high) to play space, footpath and associated groundworks. Arnold Mill Primary School, Cross Street, Arnold. Granted 19/02/2013
Arnold South	Cllr Roy Allen Cllr Muriel Weisz	To form small courtyard extension to provide the school with an extended library, flat roof single storey construction. Westdale Infants School, Digby Avenue, Westdale Lane, Mapperley. Received 22/02/2013	Granted 08/04/2013

Division	Member	Received	Determined
Carlton East	Cllr Nicki Brookes Cllr John Clarke		New steel framed clad building and GRP kiosk , Stoke Bardolph STW, Stoke Lane, Stoke Bardolph. Granted 27/02/2013
Calverton	Cllr Boyd Elliott		To retain existing caretakers store, Colonel Frank Seely School, Flatts Lane, Calverton. Withdrawn 06/03/2013
Calverton	Cllr Boyd Elliott		To retain two existing metal cabins used for the teaching of BTec courses, Colonel Frank Seely School, Flatts Lane, Calverton. Granted 12/03/2013
Carlton East	Cllr Nicki Brookes Cllr John Clarke	Regularisation of site operations incorporating operational development and minor material development against Planning Permission 7/2011/1341 incorporating: Retention of external office portacabin and portaloo to replace previous facilities within building (condition 3); Reconfiguration of storage bunds (condition 3); Retention of car parking area marked out with timber or concrete (Condition 6); Retention of hard-core maintained road instead of previously approved tarmac road. Unit B Private Road No 5, Colwick Industrial Estate, Colwick. Received 18/03/2013	
RUSHCLIFFE			

Division	Member	Received	Determined
Cotgrave	Cllr Richard Butler	Change of use of land to a metal recycling facility, Coach Gap Lane, Langar cum Barnstone. Received 14/02/2013	
Ruddington	Cllr Reg Adair		Retrospective application for the erection of bays for the storage and processing of incinerator bottom ash (IBA) and change of use of land to extend the transfer of the commercial and industrial waste area to accommodate the new bays. Johnsons Aggregates, Loughborough Road, Bunny. Granted 01/03/2013 (Committee)
Bingham	Cllr Martin Suthers OBE	Alterations to the existing car park facility. New playground areas and new gate. Carnarvon Primary School, Nursery Road, Bingham. Received 05/03/2013	
Soar Valley	Cllr Andrew Brown		Existing school to be extended with a new 2 class building and play areas to replace those lost to the new building. New sports storage container. 2 additional car parking spaces. Brookside Primary School, School Green, East Leake. Withdrawn 26/03/2013
West Bridgford Central & South	Cllr Steve Calvert Cllr Liz Plant		Retention of existing temporary classroom known as building 2, Edwalton Primary School, Wellin Lane, Edwalton. Granted 26/03/2013

Division	Member	Received	Determined
West Bridgford Central & South	Cllr Steve Calvert Cllr Liz Plant		To retain existing temporary classroom known as building 4, Edwalton Primary School, Wellin Lane, Edwalton. Granted 26/03/2013
Radcliffe-on-Trent	Cllr Mrs Kay Cutts		Construction of a single storey classroom extension and refurbishment works in the existing school. St Peters C of E Primary School, Kneeton Road, East Bridgford. Granted 05/04/2013
Cotgrave Radcliffe-on-Trent	Cllr Richard Butler Cllr Mrs Kay Cutts		Construction of multi-user route along former mineral railway line with access ramps at Holme Lane, A52 and Stragelthorpe Road crossings. Demolition of overbridge at Holme Lane. The former mineral railway line which links Cotgrave Country Park and Holme Pierrepont. Granted 09/04/2013
Cotgrave	Cllr Richard Butler	Formation of a parking area for 12 cars within the existing grounds of the school, accessed from an existing junction to Barnstone Road. Langar Church of England Primary School, Barnstone Road, Langar. Received 16/04/2013	
Bingham	Cllr Martin Suthers OBE	The construction of a new classroom within the school grounds to the rear of the existing buildings. The new building will provide teaching space, toilets and a store room. Orston Primary School, Church Lane, Orston. Received 17/04/2013	

Division	Member	Received	Determined
Bingham	Cllr Martin Suthers OBE		The erection of a 2 classroom stand alone building and the retention of the adjacent fenced ball court hard play area. Carnarvon Primary School, Nursery Road, Bingham. Granted 18/04/2013 (Committee)

Applications outstanding over 17 weeks at 31 March 2013

Division	Member	Description	Weeks Out Standing	Comments
BASSETLAW				
Blyth & Harworth	Cllr Sheila Place	Vary condition to allow coal stocking site to be restored in compliance with planning permission, Harworth Colliery, Scrooby Road, Bircotes	296	<i>Delegated report to be finalised pending discussions with UK Coal Ltd</i>
Blyth & Harworth	Cllr Sheila Place	Variation of condition to vary the period for the submission of an alternative restoration scheme, No2 Spoil Heap, Harworth Colliery, Scrooby Road, Bircotes	296	<i>Delegated report to be finalised pending discussions with UK Coal Ltd</i>
Tuxford	Cllr John Ogle	Construction and operation of a biomass fuelled combined heat and power plant. R Plevin & Sons Limited, Crookford Hill. Elkesley, Retford	142	<i>Further information submitted under Regulation 22 recently received and a further round of consultations will be necessary</i>
Tuxford	Cllr John Ogle	Disposal of pulverised fuel ash (PFA) by means of land raising on South Lagoons and maintaining PFA disposal operations in the South Coal Stocks Ash Lagoon. Cottam Power Station, Outgang Lane, Cottam	67	<i>Resolved to grant permission at 18 September Committee Meeting pending the signing of S106 Legal Agreement</i>

Division	Member	Description	Weeks Out Standing	Comments
Tuxford	Cllr John Ogle	Variation of conditions 6, 7, 20, 29, 31, 36, 37 and 38 of planning permission 1/12/06/00002 to amend end dates for restoration and disposal of Pulverised Fuel Ash (PFA). Cottam Power Station, Outgang Lane, Cottam	64	<i>Resolved to grant permission at 18 September Committee Meeting pending the signing of S106 Legal Agreement</i>
Worksop East	Cllr Glynn Gilfoyle	Construction of Multi-Use Games Area within school campus for use by the school and community. (The children's play area shown on plans is part of a separate project not sought planning permission as part of this planning application). St Augustine's Junior School, Longfellow Drive, Worksop	39	<i>Negotiations ongoing to resolve objections received concerning noise.</i>
MANSFIELD None	-			
NEWARK				

Division	Member	Description	Weeks Out Standing	Comments
Newark West	Cllr Tony Roberts	Regularisation of use of additional land in connection with scrapyards, Briggs Metals Limited, Great North Road, Newark	114	<i>Agent has been chased to provide flood risk assessment to overcome Environment Agency's objection</i>
Farnsfield & Lowdham	Cllr Roger Jackson	Variation of conditions 17(b), 18, 22 and 24 of planning permission 3/11/00212/CMA for an extension of time to complete works on site, Hoveringham Quarry, Thurgarton Lane, Hoveringham	74	<i>Revised restoration plan has been submitted, and is out to consultation.</i>
Ollerton	Cllr S Smedley	To vary conditions 23, 33 and 41 of planning permission 3/99/0007 to amend the restoration scheme to allow the retention of existing soil storage mounds and revised layout of hedges and a drainage ditch. Kirton Brickworks, Station Road, Kirton	20	<i>Delegated reports being prepared</i>

Division	Member	Description	Weeks Out Standing	Comments
Ollerton	Cllr S Smedley	To vary conditions 28, 43 and 45 of planning permission 3/06/00022/CM to permit an extension of time to complete restoration work with revised restoration details on land south of a railway line adjacent to the site and to revise the screening proposals for a railway crossing overline bridge. Kirton Brickworks, Station Road, Kirton	20	<i>Delegated report being prepared</i>

Division	Member	Description	Weeks Out Standing	Comments
ASHFIELD				
Sutton-in-Ashfield Central	Cllr David Kirkham	Retrospective application for the erection of a portacabin and variation of conditions 7 and 12 of planning permission 4/2007/0211, to increase number of vehicle movements to 180 a day, Mitchells of Mansfield, Brierley Park Industrial Estate, Stanton Hill.	247	<i>Noise monitoring work has been received and re-consultation has been carried out. Awaiting for response from Ashfield District Council.</i>
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Planning application for the continued use of an Aggregates Recycling Facility at Wigwam Lane for the treatment of waste to produce soil, soil substitutes and aggregates. Total Reclaims Demolition Ltd ,Wigwam Lane, Bakerbrook Industrial Estate, Hucknall	32	<i>Chasing up NCC Highways comments on lorry routeing details, delegated report being prepared</i>

Division	Member	Description	Weeks Out Standing	Comments
BROXTOWE				
Beeston South & Attenborough	Cllr Kate Foale	Variation of condition 3 of planning ref 5/06/01039/CCR to amend the alignment of the weir, associated bridge structure and reduce distance of the diversion to footpath No 69, Land southwest of Attenborough Nature Reserve, Barton Lane, Attenborough	210	<i>Report written but conditions to be finalised</i>
Kimberley & Trowell	Cllr Ken Rigby	Extraction of coal and fireclay by surface mining methods with restoration to agriculture, woodland, nature conservation and public amenity. Land off Cossall Road between the villages of Cossall and Trowell, referred to as the Shortwood Site	48	<i>Request for further information sent to applicant</i>
GEDLING- None				
RUSHCLIFFE				

Division	Member	Description	Weeks Out Standing	Comments
Soar Valley	Cllr Andrew Brown	Extension to existing quarry involving the extraction of sand and gravel with restoration of site to agriculture and wetland conservation. East Leake Quarry, Rempstone Road, East Leake	114	<i>Presented to 26/03/2013 committee and resolved to grant permission upon signing S106 Legal Agreement</i>
Cotgrave	Cllr Richard Butler	Proposed change of use to depollution and dismantling operation including the construction of a depolluting building, parts storage container and site control offices. Land off Harby Road. North Trading Centre, Langar	97	<i>Awaiting further information from the applicant</i>

Division	Member	Description	Weeks Out Standing	Comments
Soar Valley	Cllr Andrew Brown	Resubmission of application for the construction of a leisure marina comprising marina basin with 553 leisure moorings and ancillary buildings, associated vehicle parking, landscaping and infrastructure and the incidental excavation and removal of minerals. Red Hill Marina, Ratcliffe on Soar	45	<i>Further information under Reg 22 to be submitted and re-consultation will be necessary – Appeal for Non Determination has been received</i>
Cotgrave	Cllr Richard Butler	To vary condition 3 of planning permission 8/09/02117/CTY to retain 3 cavity vents and to cover the installation of 3 air condition units. Cotgrave Candleby Lane School, Candleby Lane, Cotgrave	45	<i>Response concerning noise issues received from Rushcliffe Borough Council and delegated report being prepared</i>
Cotgrave Radcliffe-on-Trent	Cllr Richard Butler Cllr Mrs Kay Cutts	<i>Construction of multi-user route along former mineral railway line with access ramps at Holme Lane, A52 and Straggelthorpe Road crossings. Demolition of overbridge at Holme Lane. The former mineral railway line which links Cotgrave Country Park and Holme Pierrepont</i>	20	<i>Delegated report being prepared</i>

**Table P144: 'County matter' planning authorities – Planning applications received, decided and granted and Regulation 3 and 4 consents by authority
Year ending December 2012**

Planning Authority	Applications			Decisions ¹						Consents Granted		Decisions on applications defined by Article 21 ³	Decisions issued under ROMPS
	Received	Decided	Granted	Within 8 weeks		Within 13 weeks		Within 17 weeks		Reg 3	Reg 4		
England	1,558	1,395	1,313	210	16	758	59	901	70	1,551	11	1,294	31
County Council	1,161	1,064	1,010	142	14	576	58	689	69	1,544	11	1,191	17
Buckinghamshire	20	32	25	-	-	11	50	16	73	31	-	118	-
Cambridgeshire	49	43	43	11	27	25	61	35	85	41	-	100	1
Cumbria	51	42	40	12	29	22	54	28	68	35	-	45	-
Derbyshire	50	47	45	4	9	17	39	23	52	101	-	193	-
Devon	12	3	2	-	-	1	33	2	67	3	-	5	-
Dorset	92	60	60	2	3	24	41	28	48	56	-	15	-
East Sussex	28	26	25	4	16	18	72	20	80	49	-	14	-
Essex	59	56	49	2	4	39	76	41	80	54	-	69	-
Gloucestershire	27	23	23	-	-	12	55	13	59	21	-	54	1
Hampshire	66	64	60	10	16	36	58	41	66	73	-	36	-
Hertfordshire	21	16	12	1	7	3	20	8	53	48	-	-	-
Kent	50	49	49	8	18	19	42	24	53	133	-	46	-
Lancashire	70	63	63	8	14	41	69	48	81	91	-	21	3
Leicestershire	53	48	45	20	43	35	74	41	87	100	-	67	1
Lincolnshire	64	56	52	4	8	27	51	36	68	65	-	56	3
Norfolk	66	61	59	7	12	35	59	37	63	59	-	-	-
North Yorkshire	27	19	19	3	17	12	67	12	67	80	-	28	-
Northamptonshire	31	30	30	-	-	21	84	23	92	37	-	55	-
Nottinghamshire	51	69	68	12	18	35	54	44	68	45	-	63	3
Oxfordshire	26	24	23	1	5	15	71	16	76	50	-	23	-
Somerset	45	46	44	3	7	29	64	35	78	68	-	62	-
Staffordshire ex Stoke UA	11	8	8	1	14	5	71	5	71	-	11	11	-

Suffolk	34	39	39	20	51	27	69	30	77	110	-	40	-
Surrey	67	56	48	-	-	27	54	33	66	69	-	21	1
Warwickshire	35	34	32	7	22	22	69	23	72	37	-	33	-
West Sussex	25	24	23	2	10	12	57	15	71	54	-	-	-
Worcestershire	31	26	24	-	-	6	26	12	52	34	-	16	4

Matters of Interest for Committee

APPENDIX D

Planning Appeals

Members are advised that appeals have recently been lodged in respect of two planning applications submitted to the County Council.

Firstly, as highlighted elsewhere on this agenda, an appeal has been lodged against the non-determination of an application for the extraction of sand and gravel and formation of a marina at Red Hill Marina, Ratcliffe-on-Soar. As noted in the report referred to above the application has not been determined due to further outstanding information being awaited including additional ecological survey work which is seasonally dependent.

Secondly, an appeal has been lodged against the County Council's decision to refuse planning permission for the receipt, processing and disposal of inert waste at Land adjacent to Shenton Lodge, Derby Road, Kirkby-in-Ashfield. This application was reported to Committee on 18 September 2012 (Agenda Item 8).

Members will be appraised of progress in respect of both appeals.



23 May 2013

Agenda Item:10

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

**ANNUAL REPORT ON PLANNING MONITORING AND ENFORCEMENT
WORK – 1 APRIL 2012 TO 31 MARCH 2013**

Purpose of Report

1. To update Members on the monitoring and enforcement work carried out during the financial year 2012/13 and to provide updates regarding notices served.

Enforcement and Monitoring Work 1 April 2012 – 31 March 2013

2. Details of the enforcement and monitoring work for the report period are set out in Appendix 1 and details of notices served in Appendix 2. The number of inspections carried out during the report period (previous years figures in brackets) was **490 (667)**, of which **459 (560)** related to County Matter development and **31 (107)** were related to County Council Development sites. Of the County Matter development monitoring visits **167 (148)** were undertaken to mineral and waste sites and charged under the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2006. The fees generated from these inspections was £49,765, this compares with figures of £48,118 for 2011/12 and £47,328 for 2010/11. It should be noted that the nationally set fee for site inspections has been increased from £288 to £331 per inspection for active sites. The drop in the overall number of inspections reflects the loss in capacity arising from the current secondment of one member of the monitoring team.
3. In the last year a total of **67** complaints were received alleging breaches of planning control. **98%** (66) of these were acknowledged within 3 working days, in line with the local performance indicator of 95%. **97%** (65) of these complaints were the subject of a site inspection within 3 days (where necessary), in line with the local indicator of 90% and **85%** (57) of complainants were notified of progress relating to their complaints within 15 working days. Of the **67** complaints received during the report period **55** related to County Matter development and **12** related to the County Council's own development. A breakdown of the distribution of complaints by District is set out in Appendix 1.

Notices Served During Report Period 1 April 2012 – 31 March 2013

4. Details of the various statutory notices served during the report period are set out in the appendices. In summary **one** enforcement notice, **nine** breach of condition notices and **eight** Planning Contravention Notices were served during the report period. Details of the enforcement notice and breach of condition notices are detailed below and a resume of all notices is contained in Appendix 2.

Enforcement Notice

Former Rufford Landfill Site, Rufford Colliery Tipping Complex, Rainworth

5. The former Rufford Tip site was leased by the County Council from the Coal Authority and operated under a sub-lease by Mansfield Skip Limited. The importation of waste ceased at the end of 1994 and Mansfield Skip Ltd went into liquidation shortly afterwards. Various options to re-open the tip were subsequently explored. However, after a period of time and in the absence of progress an alternative restoration scheme was requested from the County Council in light of its interest in the land. After much discussion an alternative restoration scheme was submitted in 2002 and this was approved in March 2003.
6. The implementation of the alternative scheme was delayed again whilst alternative development proposals for the Rufford Colliery site generally were explored. In 2012 this land was sold on to UK Coal Mining Limited, who also owned all the surrounding land. As no progress had been made, and to ensure that the time-limited capability to enforce the restoration of the land was not lost an enforcement notice was served in February 2013 requiring the approved alternative scheme to be implemented within two years.
7. This notice has now taken effect. Further discussions have been entered into with the new landowner and their intention is to carry out these restoration works in conjunction with the restoration of the adjoining colliery tip site. A planning application has recently been submitted to revise the restoration of the former colliery tip site and this will, if granted, be run in parallel with the works required to comply with the enforcement notice. An update on progress made to comply with the steps of this notice will be reported to Members in subsequent update reports.

Breach of Condition Notices

Land at Plot 15, Wigwam Lane, Hucknall

8. Central Waste Limited operate a waste transfer site at Plot 15, Wigwam Lane, Hucknall under three planning permissions, two relating to the use of parcels of land for waste transfer and a third allowing the installation of a picking station. All three permissions have conditions attached, including ones restricting the permitted hours of operation, these having been imposed to protect the amenity of residents in the locality.

9. Complaints were received alleging that the site was operating outside the permitted hours. These matters were investigated. Some evidence was collected which appeared to support the allegations that the site had been operating outside the permitted hours. As a consequence these matters were brought to the attention of the operator both on site and in correspondence and warnings given that the development should be carried out within the permitted hours or enforcement action may be commenced. As a result steps were introduced to address this issue and matters appeared to be resolved.
10. However, subsequently further complaints were received alleging that the use of the site outside the permitted hours had resumed, particularly on a Saturday afternoon. Further investigations confirmed these allegations to be correct and that the site was operating well beyond its permitted hours. In light of the previous warnings not being heeded, it was considered expedient to serve breach of condition notices requiring the permitted hours to be complied with. Three breach of condition notices were served, one relating to each permission pertaining to the site, requiring the approved hours to be complied with.
11. The notices have taken effect. The operations have been reviewed out of hours and the hours now appear to be being complied with. Equally, no further complaints alleging out of hours operations at the site have been received. It is hoped that the above course of action has successfully addressed this issue and that further action will not be necessary.

Dorket Head Landfill Site, Dorket Head, Arnold

12. The Dorket Head Landfill site operates under two planning permissions for the extraction of clay and restoration of the site by landfilling. The permissions are subject to a suite of planning conditions which include controls on the soil handling procedures. These conditions are attached to the permission to ensure that the soil resources at the site are protected and maintained to enable the satisfactory restoration of the land on completion of the development.
13. The wet summer of 2012 resulted in ground conditions being unsuitable for soil handling for a significant period of the summer. At the time of a routine inspection of the site in the autumn of 2012 soils were being moved when surface water was ponding on them and their plastic limit had been reached. In light of the poor ground conditions at this time and the potential damage to the soils, it was considered expedient to serve breach of condition notices to require the soils to be moved in accordance with the approved soil handling scheme. The works were being carried out on behalf of the landfill operator, but it was considered expedient to serve the notices on all parties with an interest in the land.
14. The notices have taken effect. Officers have been advised that this area has and will continue to be assessed during the site's aftercare period to ensure any adverse effects on the soils arising from this episode are remedied. It is hoped that the service of the notices will ensure that future soil handling operations are undertaken in accordance with the approved details.

UPDATE ON PREVIOUS ENFORCEMENT NOTICES, APPEALS AND CHALLENGES

15. Various enforcement notices which were served prior to the current period remain active and the following outlines the current status of these notices.

Land at Twitch Farm, Hollowdyke Lane, Balderton

16. Appeals were lodged against the Council's refusal to grant two Certificate of Lawfulness of Existing Use or Development applications at the site and also against the two enforcement notices served to remove the unauthorised development.
17. The enforcement notice appeals and the appeals against the refusal of the two Certificate of Lawfulness of Existing Use or Development applications were heard at a linked inquiry which commenced on 6 January 2009. At the inquiry revisions to the wording of the Certificate of Lawfulness applications and the enforcement notices were agreed between the Council and the appellant to more accurately reflect the development taking place at the site.
18. The appellant confirmed within the inquiry that the frame building on the site was the building in its substantially completed form. In light of this clarification and the evidence to support the presence of this building on the land for a period in excess of 4 years the Council conceded that the building, in its present form, was now immune from enforcement action and that a lawful Development Certificate could be granted for its retention in the terms sought.
19. The remaining elements of the Lawful Development Certificate appeals centred on whether the land had been used as a vehicle dismantling yard for a period in excess of 10 years and had gained immunity. Various witness and documentary evidence was presented by the appellant and documentary evidence on behalf of the Council.
20. The Inspector's decision was issued on 10 March 2009 upholding the enforcement notices and only granting the Lawful Development Certificate for the frame of the building erected on site.
21. The appellant lodged appeals under Sections 288 and 289 of the Town and Country Planning Act 1990 in the High Court against the Inspector's decisions. The application was made on various grounds. The case was heard at the High Court for two days in November 2010. The Judge dismissed these appeals and the enforcement notices, as modified by the Inspector's decision notice, subsequently took effect.
22. The requirements of the enforcement notice were met within the compliance period. This matter was being pursued with the company owning the land but they went into administration in 2011. The land was subsequently bought from the liquidators by another company, Jojo Properties in June 2012. Since this

date contact has been made with the new owner who have given a commitment to comply with the requirements of the enforcement notice. Progress has begun to clear the land which will hopefully enable this matter to be brought to conclusion. Members will be updated of progress regarding this matter in future reports.

Land at the former Bentinck Colliery, Park Lane, Bentinck, Kirkby in Ashfield

23. A report was presented to Committee in January 2011 where support was given for the withdrawal of the enforcement notices served at the Bentinck site. The notices had been served to secure the restoration of the partially completed spoil tip left following the premature closure of Bentinck Colliery. This decision was triggered from a change in circumstance at the site following the service of the enforcement notices and the subsequent appeals against these notices when Natural England designated much of the site as a Site of Special Scientific Interest (SSSI) due to its grassland and amphibian assemblage. It was considered that this change necessitated a fundamental review of the requirements of the enforcement notices.
24. The notices were subsequently withdrawn. Since this decision the owners of the Tip site have applied for and been granted planning permission for the importation of soils to restore a small section of the Tip, these works have been completed. In addition a planning application was submitted which sought to complete the restoration of the site via the import of inert materials and soils and reinstate the Tip to a mixed use of nature conservation, golf course and driving range, football pitches, camp site, small industrial units and a play area. This application was approved by Committee and subsequently planning permission was issued on 11 March 2013 following the completion of a Section 106 agreement. To date no further steps have been taken to implement this permission.
25. Separately discussions have also been ongoing with the landowners of the adjoining Bentinck Void site to secure a suitable restoration scheme for the void which is compatible with and complements the site's designation as a SSSI. Geotechnical survey information has been collated regarding the slips on the slopes of the void and some discussions have taken place between Natural England and the landowner regarding the scope of works needed to make safe the slips but protect the ecology. An alternative restoration proposal for this part of the site has recently been submitted and will be consulted on shortly. Members will be updated of progress regarding this matter in future reports.

Land at Sunnyside, Barnby Road, Balderton, Newark

26. The steps specified in the enforcement notice relating to the unauthorised use of land for waste transfer operations at Sunnyside, Barnby Road, Balderton (upheld on appeal) were not complied with within the specified timescales and an offence committed. Evidence was collected relating to these offences and the matter came to trial at Nottingham County Court on 9 January 2008. The defendant

was found guilty on 10 counts and fined £2500 and ordered to pay £7000 of the Council's costs.

27. After being found guilty the defendant continued to operate the site and sought planning permission for the development alleged in the notice. A planning application was submitted in February 2008 to the County Council for waste related activities on the rear portion of the land and an application for a skip hire business on the front part of the site to Newark and Sherwood District Council. Both applications were subsequently returned as invalid.
28. In light of the continuing activity on the site and the absence of any application the Council sought an Injunction to require the operator to comply with the terms of the enforcement notice. The Injunction was granted on 6 June 2008 in the terms requested. The terms of the Injunction were subsequently challenged by the defendant and at a further Court hearing on 4 July 2008 the defendant gave a commitment to stop further waste importation, to remove from the land the waste materials; to restrict operations to the movement of empty skips on the front part of the site, to pursue expeditiously his applications and to remove any development not granted planning permission once the applications were finally determined.
29. The application for a skip hire business lodged with Newark and Sherwood District Council was refused planning permission and a subsequent appeal was dismissed. The planning application submitted to the County Council for the waste related development on the rear of the site was refused on 5 March 2009.
30. In light of the undertaking to the Court the applicant had to decide whether to pursue an appeal against the Council's refusal of his application or not. The applicant delayed in making a decision expeditiously as required by his undertaking to the Court. However, when pressed and threatened with further proceedings in Court he confirmed he was not going to appeal and would carry out the remaining works specified in the enforcement notice. The remaining works needed to comply with the enforcement notice were completed in July 2009.
31. It recently came to light that the waste development may have recommenced. An inspection of the land was recently carried out with a warrant which confirmed that the waste development had started again. The matter is currently under discussion with Legal Services to determine how best to proceed. Progress on these developments will be reported to Members in subsequent reports.

Statutory and Policy Implications

32. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATIONS

33. It is RECOMMENDED that the report and accompanying appendices be noted.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

This report is for noting only so no constitutional comments are required.

[SHB.10.05.13]

Comments of the Service Director - Finance

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

[SEM 15.05.13]

Background Papers Available for Inspection

None

Electoral Division(s) and Member(s) Affected

All

Report Author / Case Officer

Tim Turner

0115 9696506

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

9 May 2013

ENFORCEMENT AND MONITORING

SUMMARY OF STATUTORY NOTICES SERVED AND ENVIRONMENTAL COMPLAINTS RECEIVED 01/04/12 - 31/03/13

<u>Statutory Notices</u>		<u>Environmental Complaints</u> <u>received within the report period</u>	
Planning Contravention Notices served in report period	8	Bassetlaw	7
Breach of Condition Notices served in report period	9	Mansfield	3
Enforcement Notices served in report period	1	Newark and Sherwood	13
Stop Notices served in report period	0	Ashfield	17
Temporary Stop Notices served in report period	0	Broxtowe	2
		Gedling	14
		Rushcliffe	11
		Total:	67

ENFORCEMENT NOTICES SERVED 01/04/12 – 31/03/13

Site	Summary of Alleged Breach	Date of Issue	Summary of Steps
Land at the former Rufford Landfill site, Rufford Colliery Tipping Complex, South of Eakring Road, Rainworth	Non-compliance with conditions requiring the implementation of an alternative restoration scheme for the site following the premature closure of the site.	11 February 2013	The notice requires the site to be restored in accordance with the approved alternative restoration scheme by February 2015.

BREACH OF CONDITION NOTICES SERVED 01/04/12 – 31/03/13

Site	Summary of Alleged Breach	Date of Issue	Summary of Steps
Plot 15b, Wigwam Lane, Hucknall	Three separate breach of condition notices were served on the site operator requiring compliance with conditions attached to three separate planning permission in terms of the permitted hours of operation	26 April 2012	The notices require the site to be operated within the approved hours only.
Dorket Head Landfill Site, Dorket Head, Arnold	Six separate breach of condition notices were served on the operators of the site requiring compliance with conditions	11 December 2012	The site requires soil handling operations to be carried out in accordance with the approved soil handling scheme and details of when soils are in a suitable

attached to two separate planning permissions in terms of soil handling operations

condition to move.

APPENDIX 2

PLANNING CONTRAVENTION NOTICES SERVED 01/04/12 – 31/03/13

Site	Summary of Alleged Breach	Date of Issue	Summary of Steps
Scrap It Limited, 1 Riverside Scrapyard, Maltkiln Lane, Newark	Non-compliance with the permitted hours of operation	10 July 2012	The notice was returned by the recipient. Since this date of service there has been a significant drop off in complaints. The hours are subject to periodic out of hours monitoring but little evidence has been collected to date to substantiate the alleged breaches. Complaints about intermittent breaches continue on an occasional basis. If further monitoring substantiates a problem further enforcement action may be commenced.
Land at Manor Farm, Little Carlton, Newark	Unauthorised material change in the use of the land to a use for waste transfer and skip hire and erection of associated gates and fencing.	14 September 2012	The notice was returned by the recipient. Information provided about the precise nature of the activities resulted in a planning application being lodged with Newark & Sherwood for a builders compound.
Land at Rufford Landfill site, Rufford Colliery, Rainworth	Failure to restore site in accordance with approved restoration scheme	3 December 2012	The notice was returned by the recipient. An enforcement notice has now been served requiring the works to be undertaken (see enforcement notice section for further details).
Land at Rufford Colliery Coal Stocking site, Colliery Lane, Rainworth	Unauthorised use of land for the importation, deposit, storage and processing of coal and coal slurry	13 December 2012	The notice was returned by the recipient. A planning application for the reworking of the Rufford Colliery Tip has been submitted which includes proposals to

Land at Brierley Forest Golf Course, Main Street, Huthwaite, Sutton in Ashfield	Making a material change in the use of the land for the deposit of waste.	11 January 2013	regularise this activity. The notice was returned by the recipient. Works part authorised by Ashfield DC planning permission and now scaled back to meet this.
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APPENDIX 2

PLANNING CONTRAVENTION NOTICES SERVED 01/04/12 – 31/03/13

Site	Summary of Alleged Breach	Date of Issue	Summary of Steps
Land at Rufford Colliery Tipping Complex, Rufford Colliery Lane, Rainworth	Failure to restore the site in accordance with the approved restoration details	31 January 2013	The notice was returned by the recipient. A planning application for the reworking of the Rufford Colliery Tip has been submitted which will provide for an alternative restoration to this site and also facilitate restoration of the adjoining land.
Land at former Bunny Brickworks, Loughborough Road, Bunny	Making a material change in the use of the land to a use for the deposit and storage of waste materials	15 February 2013	The notice was returned by the recipient. A planning application to retain this development for a temporary period is currently under preparation and in the interim the operator has agreed to abide by the conditions imposed on the adjoining MRF.
Land adjacent to The Farthings, Henning Lane, Sutton in Ashfield	The use of land for end of life vehicle storage, dismantling and storage of vehicle parts.	27 February 2013	The notice was returned by the recipient. The operator has given a commitment to remove the vehicles and vehicle parts from the land and return this to an agricultural use by the end of summer 2013.

Appendix 2



23 May 2013

Agenda Item: 11

**REPORT OF CORPORATE DIRECTOR FOR POLICY, PLANNING AND
CORPORATE SERVICES**

ATTENDANCE AT PLANNING SUMMER SCHOOL

Purpose of Report

1. To seek the views of the Committee on the attendance of a Member at this year's Planning Summer School.

Information and Advice

2. Members will be aware that over previous years approval has been given for attendance at the Planning Summer School organised in partnership with the Royal Town Planning Institute (RTPI):
3. This year's Summer School, as highlighted at the last Committee meeting, is to be held at Leeds University and is scheduled to run from Friday 6th September 2013 (from 1pm) to Monday 9th September 2013 (closing after lunch).
4. This year's event, the 80th anniversary, promotes last year's collaborative approach for Elected Members and professional planning practitioners. This year's theme is Planning for Prosperity which encompasses not just growth but how planning must play a role in creating, delivering and maintaining the conditions for economic, social and environmental prosperity. In line with previous events the programme will involve a mix of addresses, seminars, workshops, debates and local study tours.
5. The opening address is to be delivered by Lord Taylor of Goss Moor whilst other speakers include Clive Dutton OBE (London Borough of Newham), Neil Sinden (Council for the Protection of Rural England), Katherine Knox (Joseph Rowntree Foundation) and Peter Burley (Chief Inspector, The Planning Inspectorate). The closing address is to be given by Peter Geraghty, RTPI President. Full details of the programme can be viewed on line at www.planningsummerschool.org
6. Planning Summer School is an opportunity to be informed about best practice across a diverse spectrum of activities as well as offering attendees a rare opportunity to discuss relevant planning issues with their peers from other Planning Authorities up and down the country.

7. Members are asked to consider whether they wish to send a representative to this year's Summer School. If so, it is suggested that consideration also be given to identifying a reserve attendee to ensure that any committed place is not lost as a result of unforeseen events. Those who attend are expected to produce a written report for discussion at a future Committee meeting to ensure that key information is shared with the entire Committee and can be looked upon as part of the on-going initiative on Member training.
8. The standard cost would be £895 plus VAT (as this is a residential course, the sum includes conference fee, en-suite accommodation and meals). However an early bird rate of £840 plus VAT is available for payments made by 30 June 2013. In addition there would be associated travel costs estimated as being approximately £35.00. In line with previous years, costs associated with attending are to be met by the training budget for Members.
9. In accordance with the Constitution, approval of conference attendance is required from Administration Committee. A report will be prepared should Committee wish to send a representative. It is noted that agreement for approval of attendance from Administration Committee in 2011 was on the basis that it excluded Members who had attended the event in the previous two years. It is assumed that any approval by Administration Committee would be subject to the same restriction.

Other Options Considered

10. The alternative would be to opt to not send a representative. Whilst such a course of action would clearly save the costs associated with attending this event, it remains important for Members to keep abreast of issues in the sphere of planning and this event provides a rare opportunity for networking and sharing best practice with peers elsewhere in the country.

Statutory and Policy Implications

11. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATIONS

12. It is RECOMMENDED that Committee consider the attendance of a Member and substitute at this year's Planning Summer School at Leeds University between 6th and 9th September.

JAYNE FRANCIS-WARD

Corporate Director for Policy, Planning and Corporate Services

Constitutional Comments

13. Committee have power to decide this Recommendation. [SHB 09.05.13]

Comments of the Service Director - Finance

14. The financial implications are highlighted in the report; the costs will be met from the Members training budget. [DJK 09.05.13]

Background Papers Available for Inspection

Conference details – www.planningsummerschool.org

Electoral Division(s) and Member(s) Affected

All

Report Author/Case Officer

Jerry Smith

0115 969 6509

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

F/2771

PSP.JS/EP5369/PAB

9 May 2013

23 May 2013

Agenda Item: 12

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

WORK PROGRAMME

Purpose of the Report

1. To consider the Committee's work programme for 2013.

Information and Advice

2. A work programme has been established for Planning and Licensing Committee to help in the scheduling of the committee's business and forward planning. It aims to give indicative timescales as to when applications are likely to come to Committee. It also highlights future applications for which it is not possible to give a likely timescale at this stage.
3. Members will be aware that issues arising during the planning application process can significantly impact upon targeted Committee dates. Hence the work programme work will be updated and reviewed at each pre-agenda meeting and will be submitted to each Committee meeting for information.

Other Options Considered

4. To continue with existing scheduling arrangements but this would prevent all Members of the Committee from being fully informed about projected timescales of future business.

Reason/s for Recommendation/s

5. To keep Members of the Committee informed about future business of the Committee.

Statutory and Policy Implications

6. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

That the committee's work programme be noted.

Jayne Francis-Ward

Corporate Director- Policy, Planning and Corporate Services

For any enquiries about this report please contact: David Forster, Democratic Services Officer

Constitutional Comments (HD)

7. The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

Financial Comments (PS)

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

Background Papers

Relevant case files for the items included in Appendix A.

Electoral Division(s) and Member(s) Affected

All

APPENDIX

Committee Work Programme

<u>Date to Committee</u>	<u>Reference</u>	<u>Location</u>	<u>Brief Description</u>
18 June 2013	4/V/2013/0028	Hucknall Town Centre	Construction of new relief road
18 June 2013			Code of Best Practice for Members of Planning & Licensing Committee Update
18 June 2013			Conservation, Heritage & Ecology Presentation
16 July 2013	1/18/10/00008	R Plevin & Sons Limited, Crookford Hill. Elkesley, Retford	Construction and operation of a biomass fuelled combined heat and power plant
16 July 2013	5/12/00268/CCM	Land off Cossall Road between the villages of Cossall and Trowell, referred to as the Shortwood Site	Extraction of coal and fireclay by surface mining methods with restoration to agriculture, woodland, nature conservation and public amenity.
16 July 2013		Lodge Farm, Scrooby Top	Development and use of land for two angling lakes, with access and landscaping with associated excavation and exportation of mineral and surplus soils during construction
16 July 2013	8/13/00432/CMA	Coach Gap Lane, Langar cum Barnstone,	Change of use of land to a metal recycling facility

September 2013	4/V2012/0570 & 7/2012/1493	Newstead and Annesley Country Park, Newstead Village	Importation of circa. 40,000m ³ of inert material to reduce the depth of fishing lakes, to improve safety requirement for members of the public and including the creation of two islands for nesting birds and the landscaping of areas around the lakes
September 2013		Styrrup Quarry, Main Street, Styrrup	Variation of condition 16 of planning permission 1/66/02/00015 allow more time for the restoration of the sand quarry by importation of recovered inert material to provide engineered fill against the quarry faces and on the quarry floor to provide restoration to open space and bio diverse habitat of acid grassland and lowland heath.

Other Key Applications/Submissions in system but not timetabled to be reported to committee before September 2013:-

Reference	Location	Brief Description
3/11/00202/CMA	Briggs Metals Limited, Great North Road, Newark	Regularisation of use of additional land in connection with scrapyards, erection of buildings for use in connection with scrapyards, erection of additional buildings and plant/machinery including extension to existing offices.
		Scheme submitted by Severn Trent Water Limited for the restoration of the former Gravel Workings at Gunthorpe
5/13/00070/CM	Shilo Park, Shilo Way, Cossall	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings.

