



**19<sup>th</sup> January 2016**

**Agenda Item:**

**REPORT OF CORPORATE DIRECTOR – PLACE**

**NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/15/02039/CMM**

**PROPOSAL: THE EXCAVATION OF TWO STOCK PONDS, CONSTRUCTION OF A CENTRAL BANK IN BRIDGE LAKE THROUGH IMPORTATION OF INERT MATERIALS AND ASSOCIATED BANK IMPROVEMENT WORKS ON CHESTNUT LAKE TO IMPROVE THE HABITAT AND PROMOTE SPORT DEVELOPMENT IN THE COMMUNITY AND RURAL AREA**

**LOCATION: MUSKHAM LAKES, GREAT NORTH ROAD, SOUTH MUSKHAM, NEWARK**

**APPLICANT: NOTTINGHAM PISCATORIAL SOCIETY**

**Purpose of Report**

1. To consider a planning application for land engineering works, involving the importation of inert materials at South Muskham Fishing Lakes in order to improve the habitat and address erosion issues around the lakes. The key issues relate to the acceptability of inert waste disposal in a green field location and impacts resulting from the haulage and construction operation. The recommendation is to approve planning permission subject to the appended planning conditions.

**The Site and Surroundings**

2. The fishing lakes are located beside the A616 Great North Road between Newark and South Muskham and are a legacy from historical sand and gravel extraction. The area is characterised by extensive lakes and washlands alongside the River Trent corridor and by the landmark British Sugar factory complex on the outskirts of Newark. The general location is depicted on plan 1.
3. Covering an area of over 40 hectares there are four principal lakes, which are named by the Piscatorial Society as; Rainbow Lake; Kingfisher Lake; Bridge Lake; and Chestnut Lake. Previously these were a single large lake which was subdivided by the Piscatorial Society in a project undertaken in 2002/2003 with planning permission granted by Newark and Sherwood District Council. The arrangement of the lakes is shown on plan 2.
4. These lakes are bounded by the A616 Great North Road to the west, the East Coast Main Line to the east, the River Trent (northern branch) to the south, whilst there are arable fields to the north around South Muskham village. The

village is 200m at its closest point, where the Great North Road joins with the A616 at a mini-roundabout. To the south of Mushkam Bridge there are two residential properties beside the River Trent, Bridge House and Bridge Cottage, these being the closest residents to the proposed works. To the south towards Newark the road passes over the Smeatons Arches which are Grade II Listed, past a camping/caravan park (Smeaton Lakes) and the British Sugar factory complex. The A616 then joins with the A46 Newark bypass at the Cattle Market roundabout. A combined footway and cycle path runs alongside the road.

5. The site is accessed off the A616 via two gateways. The principal entrance is at the north-western corner of the site and is a high standard road junction with generous visibility splays in each direction. If approaching from the south, there is a right-turn filter lane into the site. A secondary gateway is located at the half-way point between the main gate and Muskham Bridge. Access for the proposed development will be via the principal main entrance. There is a network of internal trackways around the lakes including an access road from the main gate. A single small building is present at the end of the access road. There are no public rights of way or open public access to the lakes.
6. The lakes form part of the River Trent washlands and are located within Flood Zone 3 and is therefore at a high risk of flooding. The site is not noted for any wildlife value, but there are Local Wildlife Sites in the vicinity on the southern side of the River Trent and also the upstream part of the river. The site is open in character with passing views along the Great North Road. A hedgerow runs alongside this road, but there are few mature trees around the site except for alongside the River and railway. The Society has recently undertaken new areas of tree planting. The tower of St Wilfred's church (Grade I listed), in South Muskham village, can be seen in the distance to the north.

## **Proposed Development**

7. The Piscatorial Society is seeking permission to undertake engineering works in or around two of the lakes as well as creating two new small stock ponds. The main aspect of the proposal is the creation of a central embankment or spit within Bridge Lake. Improvements to the bankside around neighbouring Chestnut Lake are also proposed. These would both require the importation and deposit of clean inert materials such as soils, clays and rubble, principally to form the central bank. Materials excavated as part of the creation of the stock ponds can be reused within the project.
8. In summary the proposed works are:
  - Formation of a central embankment within 'Bridge Lake'. This would extend out from the western bank side closest to the road into the centre of the lake and would act as a wind break to protect the lake bank sides from erosion. It would be around 250m in length and at its end would broaden out into spurs. (See plan 2) The water depth is approximately 2m and the bank would rise a further 2m out and above the water-line. The formation would require 39,000m<sup>3</sup> of materials.
  - Bank levelling/improvement works around 'Chestnut Lake'. The re-grading of the banksides would permit safer access for anglers and also assist in the establishment of marginal planting and address erosion issues.

- Excavation of two 20m by 20m by 1.5m deep stock ponds, situated along the northern side of the site by 'Kingfisher Lake'.
9. The works are proposed in response to erosion issues and poor habitat conditions in general around the lakes due to the prevailing wind and wave action against the bank sides. This is preventing marginal plants from properly establishing and which in turn provide shelter and feed sources for fish. Coupled with ongoing predation from cormorants this is resulting in a general decline in the sustainability of the fishery. The formation of the central embankment would assist in breaking up the wave action in Bridge Lake and would enable the establishment of marginal planting such as reeds which would enhance the overall fishery habitat.
  10. The creation of the two stock ponds will assist the Society in breeding a supply of small fry which can be protected by netting from predation from cormorants until they are large enough to be transferred to the main lakes. This would help replace the declining fish numbers in the lakes and sustain the overall fishery. Together, these works have been drawn up with advice from the Environment Agency and other fishery management experts.
  11. A total volume of 34,000m<sup>3</sup> of inert materials is required to be imported to achieve the works. A further 5,000m<sup>3</sup> can be generated from the excavation of the two stock ponds and from excavating a shallower profile around Chestnut Lake. The Society estimates that 34,000m<sup>3</sup> would equate to 57,800 tonnes based on soils.
  12. Operations would be undertaken on weekdays only, between 7am and 6pm. Materials would be brought in by 20 tonne capacity HGVs using the main gateway. (See plan 2) The Society have calculated that based on working for 8 hours a day on weekdays, this would require 40 deliveries per day (80 two-way movements) and would take 14.5 weeks to complete. The material has yet to be sourced, but could be expected to be supplied by local contractors employed in the construction/demolition and waste sectors and from projects or sites generating surplus soils or demolition materials.
  13. As per previous projects at this site, material would be spread or deposited by excavators, dump trucks and bulldozers without needing to drain or dewater the lake. The embankment will need to be battered and capped with soils before final landscaping.

## **Consultations**

14. **Newark and Sherwood District Council – No objection.**

*Spatial Planning Policy 3 of the Newark and Sherwood Core Strategy advises that the District Council will support local services and facilities in rural areas, the rural economy will be supported by encouraging amongst other things tourism and rural diversification.*

*Spatial Policy 8 seeks to encourage enhanced leisure and community facilities. Policy DM 8 of the Allocations and Development Management DPD reflects SP8 in that it states that community and recreational uses requiring land in the countryside will be supported on sites in close proximity to settlements.*

*The proposed development would assist this leisure facility to operate more efficiently and sustain its long term use. The proposals are, in principle, unlikely to have a significant or detrimental impact on the landscape and its setting in the countryside.*

**15. South Muskham - Little Carlton Parish Council - No objection**

*Raises no objection subject to controls being in place with regards to waste/earth movements, such as avoiding the peak Sugar Beet season; queuing not allowed on the road and the provision of wheel wash facilities before lorries exit from the site.*

**16. NCC (Highways) - No objection**

*It is estimated that 34,000 cubic metres of fill material will need to be transported to the site using 20t lorries. This equates to about 80 trips per day over a 14.5 week construction period (40 arrivals/40 departures).*

*The access to the site offers a right turn facility and good visibility.*

*Given the short period of activity and the routeing of lorries on an 'A' class road network, it is considered that no objection be raised to this application, subject to a condition preventing associated HGVs from using Kelham Lane, Trent Lane and/or Ollerton Road as a route through to the A617 at Kelham.*

**17. Environment Agency – No objection**

*Providing the bank does not lead to a raising of ground levels then the Agency would have no objection to this proposal from a planning perspective.*

*The deposition of material in the lake may require a permit or exemption.*

**18. Nottinghamshire Wildlife Trust – No objection**

*NWT recommend attaching a condition requiring the production and implementation of a Construction Environmental Management Plan (CEMP), which should incorporate the advice and recommendations of the submitted protected species survey and include detailed information on mitigation/ site safeguards, timing of works etc.*

**19. NCC (Nature Conservation) – No objection**

*The proposed works to construct a central bank in Bridge Lake and to excavate two 20x20m stock ponds next to Kingfisher Lake appear unlikely to cause any significant ecological impact. In addition, the proposals also involve the excavation of material from around the shoreline of Chestnut Lake. Aerial photos indicate that marginal vegetation has established in places around the shoreline and it will be necessary for this to be protected during any excavation works.*

*Present elsewhere on the site is Himalayan balsam and New Zealand pygmy-weed; it is an offence to cause the spread of both of these invasive non-native species, which could occur under the proposals. In order to minimise potential ecological impacts, a number of mitigation measures should be secured through a planning condition.*

*It is assumed that bank areas will be seeded once in place, but it is unclear if any marginal or tree/shrub planting is proposed. It is therefore requested that a condition is used to require the submission of a landscaping scheme, detailing species mixes, establishment methods and maintenance regime. All species should be native and appropriate to the local area.*

*In addition, it is queried whether there is an opportunity to construct two or three wildlife ponds to the north and east of Kingfisher Lake, whilst machinery is present on site excavating the new stock ponds. These ponds would be a simple way of increasing the biodiversity value of the site; consideration of this would be welcomed.*

20. **NCC (Reclamation) - No objection**

*The importation of inert materials will be controlled by Environment Agency waste management licencing / exemption. Through this process the potential for importation of non-inert materials should be restricted and controlled. The imported materials should be from known sources and have a chemical provenance that proves the material to be inert and suitable for the water quality. Measures should be put in place to prevent the transfer of invasive species such as New Zealand Pygmy Weed.*

21. **NCC (Flood Risk Management Team) - No objection**

22. **NCC (Noise Engineer) – No objection**

*The nearest residential premises to the proposed development are two properties (Bridge House and Bridge Cottage) to the south of Bridge Lake and the properties to the southern edge of South Muskham to the north of the development site. There is also a caravan/camping site to the south of the site. The primary existing noise sources in the area are the A616 to the west and the East Coast Mainline and A1 to the east of the site. In addition the British Sugar Beet factory lies to the south of the site.*

*It is acknowledged that the proposals may lead to some audible noise at the nearest properties, (Bridge House and Bridge Cottage) particularly during the construction of the embankment in Bridge Lake. The proposed embankment is located approximately 300m north of Bridge Cottage which will have direct line of sight over the development area where it is proposed to import approximately 58,000t of inert materials taking approximately 14 weeks.*

*Given the temporary nature of the works it would be appropriate to apply the noise standards in BS5228-1:2009. This is the generally accepted industry best practice for controlling noise and vibration from works on construction sites and contains methods for estimating construction noise levels as well as recognised methods of mitigating excessive noise levels. It is recommended that the combined noise level including construction activities should not exceed the pre-construction ambient noise level by more than 5dB subject to the minimum cut off level of 65dB LAeq,1hr.*

*The applicant anticipates that there will be approximately 40no. deliveries per day (in total 80no. vehicle movements) of HGVs during the period that inert material is being transported to the site. The access road to the site is the A616*

*which already has high traffic flows. Therefore it is not anticipated that the increase in traffic flows due to the construction of the new embankment will lead to any notable change in traffic noise levels at nearby receptors.*

*Conditions to apply the above noise standards and controls on hours of working and plant silencers are recommended.*

23. **NCC (Planning Policy)** – *No response has been received and any comments will be orally reported.*

## **Publicity**

24. The application has been publicised by means of three site notices, a press notice placed in the Newark Advertiser and two neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement Review.

One letter of objection has been received raising the following points:

- (a) The proposal would increase the flood risk in the local area due to the volume of materials being imported.
  - (b) Visual impact [not defined].
  - (c) Traffic. Although the work would be carried out after the sugar beet campaign this would then be at the busiest time for traffic. Traffic is consistently backed up to the A46 at that time of year and the added trains across the level crossing [at Newark Castle Station] increases this. The road is also used as a diversion route for when the A1 is closed causing tailbacks.
25. The local Member, Councillor Mrs Sue Saddington, has been notified of the application. Councillor Saddington comments that the A616 is a busy road and subject to regular queuing into Newark. It would be beneficial if the sugar beet campaign could be avoided.
26. The issues raised are considered in the Observations Section of this report.

## **Observations**

27. This proposal seeks to undertake improvement works to the established fishing lakes at South Muskham. The Piscatorial Society have identified engineering solutions to address issues of bank-side erosion and to help the establishment of marginal vegetation to enhance the ability of the lakes to support their fish populations. The proposal would also provide small ponds in which to rear small fry so that they would be protected from cormorant predation. These works would be enabled by the importation of inert waste materials and would be the latest of several improvement projects over recent years at this site. The most significant of these previous projects was the subdivision of the former gravel pit lake into the four main fishing lakes which exist today. This was undertaken in 2002/2003 and involved importation of inert wastes, however it appears that there was insufficient capping materials in terms of soils and clays which has since been eroded and led to some bare banks. Various other small works

have since been undertaken to aid the development of the site including drainage works and new ponds. The present proposal follows on from these other works and can be viewed as part of the Society's efforts to manage and enhance the site environment and the sustainability of the fishery itself.

#### Principle of disposal in greenfield location

28. The application falls to the County Council to determine due to the use and deposition of the inert waste materials. As such relevant planning policy is contained within the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1 - the Waste Core Strategy (WCS); saved policies within the adopted Nottinghamshire and Nottingham Waste Local Plan (WLP) as well as relevant policies within the Newark and Sherwood Core Strategy and the accompanying Allocations and Development Management Policies DPD.
29. WCS Policy WCS5 (Disposal sites for hazardous, non-hazardous and inert waste) contains two hierarchical approaches to the general location and type of site for disposal. It states that where inert landfill capacity is found to be necessary priority will be given to sites around the Nottingham or Mansfield/Ashfield areas, but outside of these areas proposals may be supported if there is no reasonable, closer alternative. In addition preference will be given to the expansion of existing disposal sites, followed by the restoration/re-working of colliery tips or former mineral workings or manmade voids and derelict land where this would have associated environmental benefits. The final and least desirable option would be disposal on greenfield sites. In such cases there will only be considered acceptable where there are no other more sustainable alternatives. Policy WCS7 (General Site Criteria) meanwhile would support disposal operations in countryside locations which are not covered by any environmental designations and subject to there being no unacceptable environmental impacts.
30. In assessing the proposal against these core policies it is firstly evident that the site is not situated within the main shortfall area around Nottingham and Mansfield/Ashfield, however as the proposal is very much site specific and directly in relation to the management and enhancement of the fishery environment, the same potential benefits would not be achieved elsewhere and assessment falls to the site specific criteria. As mentioned this gives preference to extending existing disposal locations, followed by certain acceptable reclamation scenarios and lastly greenfield locations. The fishing lakes, although historically restored from former gravel workings, are now to be considered as a 'greenfield' location and which is set within the open countryside. Although this would therefore be a least preferable location, the proposal could be acceptable as it is not covered by any environmental designations and if there are no more sustainable alternatives.
31. Again the issues and proposed remedies are specific to this site and directly relevant to the management of the fishery. Any sustainable alternatives would therefore also have to be on this site and achieve the same beneficial outcomes. Firstly in terms of alternative measures, the Society states that they have in the past taken measures to promote marginal vegetation and therefore help stabilise the bank sides, including through the installation of coir rolls, which are pre-planted marginal plants, around the lakes edges, however these have themselves been unseated by the effects of strong winds and waves preventing them from being successfully established. Specialist fishery advice, including

from the Environment Agency has therefore informed the Piscatorial Society's decision to create a central bund within Bridge Lake which is the most exposed and affected of the two larger lakes.

32. In terms of the sustainable use of resources, the application sets out that any material excavated in connection with the creation of the two new stock ponds as well as from bank grading works would be redistributed for use in the proposed bank within Bridge Lake. This would partially offset the need to import materials, however this still leaves the majority to be brought in. Given that the larger part of the wider site is formed by the fishing lakes and the need to maintain embankments alongside the river and railway, it is difficult to see the volumes needed being feasibly available within the site and the only option therefore would be to source material from off-site.
33. It is therefore considered that there are no sustainable alternatives other than the importation of the inert materials required to undertake the identified improvement works. The Piscatorial Society has the support of various environmental stakeholders in these plans and it is clear that they are advanced directly in response to certain sub-optimal conditions present on this fishery and to enhance the fishery environment for its membership. Upon such assessment the proposals are therefore considered to comply with Policy WCS5 and WCS7.
34. Saved WLP Policy W3.21 is considered relevant as it concerns impacts on water features such as lakes. It states that development proposal which would *destroy or degrade* the amenity, setting or conservation value of wetlands and lakes will not be permitted unless the need for the development outweighs their value. In such cases planning conditions will be imposed to reduce impacts. Against this it should be noted that the development works would complement and enhance the wetland environment, rather than destroy or degrade it. This policy remains relevant however when it comes to requiring conditions to protect any notable species which may be encountered during the course of the works, as will be discussed later.
35. The Newark and Sherwood Core Strategy places the site within the open countryside and through Spatial Policy 3 seeks to protect this and promote enhancement in terms of biodiversity and landscape. Rural tourism and diversification and proposals which will increase biodiversity or provide landscape enhancements will be supported. Proposals need to be of appropriate location, scale, character and not lead to unacceptable impact to local character or amenity or have undue impacts on local infrastructure and these matters will be considered below. Associated Policy DM8 states that community and recreational uses requiring land in the countryside will be supported on sites in close proximity to settlements. Spatial Policy 8 would also support enhanced leisure and community facilities. The proposed works would serve to enhance what is a well-established fishery and assist in its future sustainability.
36. Policy DM5 seeks to secure development which is accessible, prevents unacceptable impacts to local amenity, or to landscape character, or to ecology and natural features. Proposals also need to be acceptable in terms of flood risk.
37. The works would allow for the establishment of marginal vegetation which may have some ecological benefit, whilst the bank would not result in any adverse



landscape impact as will be explored. Flood risk has been considered and as detailed below the proposal would be acceptable. The plans would therefore accord with these district level policies.

38. Whilst in principle the proposed development is considered acceptable, in accordance with WCS Policy WCS13 and a number of policies in the WLP this is dependent on the assessment that there would be no unacceptable environment impacts, including to the quality of life of nearby residents and including cumulative impacts. Such impacts which require assessment are considered below.

#### Traffic and Access

39. The proposed works would require the importation of around 34,000m<sup>3</sup> or 57,000 tonnes of inert materials by HGV over 14-15 weeks. Although the source of material cannot be determined at this time, haulage distances generally influence the contract price and so such material could be expected to come from local construction projects within Nottinghamshire or Lincolnshire. The site also has direct access onto the classified road network (A616/ Great North Road) which in turn is well connected to the A46 and A617 at the Cattle Market roundabout to the south and to the A1 at North Muskham to the north.
40. The application provides an estimated calculation for the number of HGV movements required to import the required materials. This is based on the applicant originally envisaging working an 8 hour day on Mondays to Fridays and would equate to 40 HGV deliveries per day or 5 in per hour and 5 out per hour. However the applicant has since confirmed, and the WPA agrees, that a working day of 7am to 6pm is acceptable and this would result in a reduction in the number of HGV deliveries per hour to four. The applicant has also discussed the timing of the works and proposes to start once the busiest part of the sugar beet campaign at the nearby British Sugar factory is over.
41. WLP Policy W3.14 states that planning permission will not be granted for a 'waste management facility' where the generated vehicle movements cannot be satisfactorily accommodated on the highway network or would cause unacceptable disturbance to local communities. Policy W3.15 states that in granting such permission, conditions requiring driver routing instructions may be required.
42. WCS Policy WCS11 (Sustainable Transport) states that waste management proposals should seek to maximise alternatives to road transport and seek to make best use of the existing transport network as well as minimising distances travelled. Policy WCS13 also seeks to protect the quality of life of nearby occupiers and the environment in general and can include impacts from transport.
43. Paragraph 33 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts are considered 'severe'.
44. Firstly in assessing the access into and out of the site, as noted by the highways officer there is a good standard of access where the site access road junctions with the A616. This is a double, metalled gateway with wide visibility splays looking north and south and in addition there is a right turn ghost lane facility

into the site for vehicles approaching from the south (Newark). Whilst there is a cycle path along the footway crossing the site entrance, this is well marked out and clearly requires cyclists to give way at this point. There is a second access gate to the south along the Great North Road which would not be suitable to serve the proposed haulage operation. Haulage vehicles would therefore be required to use the main access gate. On completion of the works both access points would remain in use for anglers.

45. With regards to impact on the functioning of the highway, both the temporary nature of the proposed operation and the presence of the A- classified road is highly material. Again this is noted by the highways officer in raising no objection to the proposal.
46. The local objection received cites concern over the increase in traffic and the timing of the works. It also cites problems when traffic is diverted along the A616 when the A1 is closed or affected and concerns about queuing traffic in general.
47. The Parish Council comments on the issue of the possibility of HGVs queuing before entering the site and the need for a wheel wash.
48. Whilst queuing traffic up to the Cattle Market roundabout is not uncommon at peak periods, the additional HGV traffic would occur for the short term and would be a small part of the overall (all vehicle types) levels of traffic which this road handles. A wheel wash facility would be required near to the site entrance, however there is sufficient room to accommodate such a facility beside the internal access road so to allow HGVs to clear the highway. This should satisfy the Parish Council's comments and a condition is recommended to this effect.
49. The Highways Authority collate traffic figures for this part of the A616 and traffic levels do vary during the year and have markedly increased in recent years following the dualling of the A46. When comparing total traffic (all types) verses heavy goods traffic (articulated class 5 HGVs) there is a distinct difference to be noted. The overall picture has been a steady and marked increase in the overall numbers of vehicles using the A616 month by month, possibly due to the route offering alternative access to the A1 at North Muskham. Fridays are noted to be the busiest day. HGV traffic on the other hand is significantly higher in the winter months- in some cases double the recorded numbers when compared to mid-summer and a large part of this seasonal traffic is likely to be connected to the nearby British Sugar factory and its seasonal sugar beet campaign, as evidenced by a statistically significant jump in HGV traffic from August to September when the annual campaign begins, before returning to 'normal' levels from April. This is illustrated in the figure below.

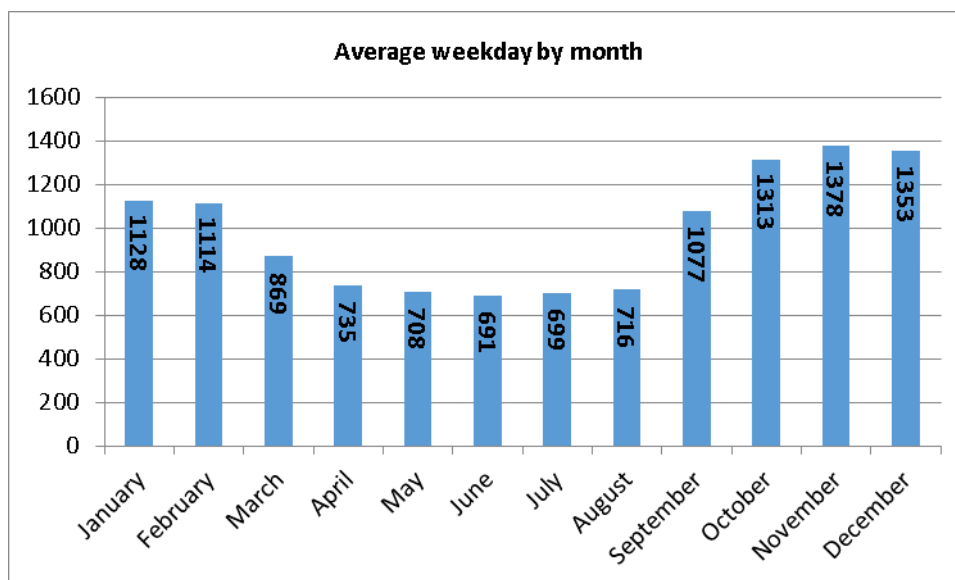


Fig 1- Class 5 HGV count- A616 Newark, 2014

50. Whilst the Highways Officer or County Noise Engineer do not raise objections, high levels of HGV traffic can have a perceived negative impact on rural communities and the addition of a further haulage campaign in undertaking the works, were it to coincide with the sugar beet campaign, could lead to amenity concerns for local residents at South Muskham. The approach therefore from the applicant to time the haulage operation in the window from March to August, thereby avoiding the peak of the sugar beet campaign is therefore welcomed. Given that no contractor has yet been appointed, final timescales are somewhat uncertain and given the above analysis it is recommended that a planning condition defines the acceptable window for the haulage operation i.e between March to August. Again this would satisfy the comments of the Parish Council and the aims of WLP Policy W3.14.
51. The Highways Officer requires that associated HGVs be prevented from using the Trent Lane/Kelham Lane through to Kelham village and the A617 which joins the mini-roundabout at South Muskham. It is noted however that this route is subject to a 7.5t weight restriction which would prevent its use by HGVs associated with this proposed development. As such an explicit planning restriction is not considered necessary, however notwithstanding this a condition requiring instructions to be given to drivers to avoid this route is recommended, when a contractor has been appointed and the source of the materials becomes known. With the exception of the aforementioned lane there is good access to the A1 and A46 as offering possible routing options.
52. The proposal would by necessity require the use of HGV road haulage. Whilst Policy WCS11 seeks alternatives where possible, despite the River Trent being situated adjacent to the lakes, the use of the river as a means of transport is considered impracticable and unfeasible for what is a short term operation. There is no wharfage facility and barges would not be able to moor against the bankside due to the shallow waters edge. Conversely the site has very good road access onto the classified road network and the road network would be needed for sourcing the material in the first instance. Based on other cases of this kind it can be expected that the proposed haulage operation would be expected to be run at a fair campaign rate between the source(s) of the material and Muskham Lakes and in that respect it would make best use of the transport

network in accordance with Policy WCS11. It would also be in the haulier's interest to minimise distances travelled in undertaking this operation, whilst respecting local road restrictions.

53. Subject to the recommended condition restricting the haulage campaign to the middle months of the calendar year, thereby avoiding the peak sugar beet campaign, the use of the classified road network for the proposed haulage operation is not considered to raise any adverse amenity issues to local residents, given the prevailing volumes of traffic and the purposes of such a network to serve the County and beyond. In accordance with WLP Policy W3.14 and WCS Policy WCS13 it is considered that there is adequate accommodation on the classified road network to serve the proposed haulage operation, without leading to unacceptable detriment or disturbance to local communities.

#### Dust/Mud

54. In accordance with WLP Policy W3.10 and W3.11, conditions are recommended to control possible dust and mud arising from the haulage and lake engineering works. The main issue is likely to be possible mud being carried off-site by the HGVs. A wheel wash facility, the exact details of which can be agreed under a condition, will therefore be required near to the site entrance/exit to prevent such an occurrence. Dust is considered a lesser issue, given the remoteness of the site from sensitive receptors and the expanse of the site. However if there are dry conditions, then the access road and gateway should be kept clean and if necessary dampened with water to minimise dust. The timely completion of final landscaping should also assist in minimising dust.

#### Ecological Impact and landscaping

55. The site is maintained as a fishery which together with the lack of vegetation limits its ecological value. Consequently it is not noted or designated for wildlife in any way, although there are Local Wildlife Sites in the local area alongside the River Trent- the nearest being to the south of the River Trent to the rear of Smeatons Lakes - as shown on plan 1.
56. An ecological survey for protected or notable species has been supplied with the application. Some common amphibians were noted and the site has potential for common reptiles in areas of grassland as well as there being potential for nesting birds, however no notable, scarce or protected species were found. Invasive New Zealand pygmyweed was recorded within Bridge Lake.
57. The Nottinghamshire Wildlife Trust and the County Council Ecologist support the suggested mitigation recommendations and these form the basis of recommended planning conditions.
58. The County Ecologist has provided advice about possible frog pools and native tree planting, however these do not form part of the proposals. Areas of new tree planting have recently been planted.
59. The County Ecologist requests that details of a landscape scheme should be required by condition and this is likely to concern planting or seeding along the

lake margins and bank tops to both improve the aquatic environment and improve the visual aspects of the lakes.

60. A condition is recommended to require any suitable existing vegetation present around Chestnut Lake to be retained during the bank side improvement works.
61. Subject to these conditions and details the proposal is therefore considered to accord with WCS Policy WCS13 and WLP Policy W3.21 with respect to ecology.

#### Flood Risk

62. The site is located within the Trent washlands and is considered likely to form part of the functional floodplain (Flood Zone 3b) at a high risk of fluvial flooding.
63. The aims of the NPPF and its accompanying technical guidance is to steer development to areas at lesser risk of flooding in the first instance and if development has to take place in flood risk areas to ensure that the risk of flooding is not increased elsewhere whilst being satisfied that there are overall sustainability benefits. In this case the works are specific to the site and the proposed enhancement works and measures would not be achieved elsewhere.
64. Whilst there would be a net importation of material into the site, primarily to construct the embankment in Bridge Lake, this would not result in a loss of flood plain storage capacity or be an impediment to flood water flows. This is because the fishing lakes themselves do not offer any additional flood water storage capacity within the floodplain. They are man-made features within the landscape and are permanently maintained with water, although there is always a certain level of seasonal fluctuation in levels.
65. The top of the new embankment would be at a lower height to the surrounding topography and lower than the river bank i.e. it would be within the void originally created through sand and gravel quarrying. This would mean that in times of flood, the Trent would overtop the river bank, flood the fishing lakes and submerge the embankment (and others). Once the flood levels have stabilised, the embankment would not impede flood water flows across the flooded area.
66. The current and end-use of the site for angling is considered to be a 'water compatible' land use categorisation when reference is made to the NPPF and its technical guidance on flood risk. Such uses would be considered appropriate in this location. Whilst land engineering works or inert waste disposal does not easily fall into a definitive category, given that a) proposed works are inherently part of the proposed enhancement measures to improve the angling environment; b) materials would be clean and inert; and c) that the works would not increase the risk of flooding to other areas or result in a net impact to the functioning and capacity of the wider floodplain, the works themselves can also be considered to be 'water compatible' in this case.
67. No objection has been raised by the Environment Agency or the County Council's Flood Risk Management Team on the basis that the new embankment would not exceed the height of the surrounding land levels. In accordance with WLP Policy W3.13 a condition is recommended to cap the height of the embankment to protect the flood plain.

## Noise

68. The site is relatively remote from residential properties- the nearest being to the south of Muskham Bridge and to the north within South Muskham village. Although a rural setting there are many existing sources of environmental noise, particularly from traffic along the A616, the A1 and trains using the East Coast Main Line to the east. The British Sugar factory is also a local source of noise.
69. The temporary construction and importation works have potential to generate additional noise from the use of on-site mobile plant and machinery to move and shape the required material. There are three areas of proposed works within the lakes complex as well as areas for access. Out of these the construction of the proposed embankment within Bridge Lake has the most potential to generate audible noise impact to the two properties south of Muskham Bridge. Bridge House faces onto and hence is influenced by traffic along the A616 Great North Road. Bridge Cottage meanwhile is more set back and partially overlooks the river and lakes beyond and does benefit from mature trees in its setting. The County Noise Engineer notes that the proposed new embankment in Bridge Lake would be approximately 300m north of Bridge Cottage.
70. The Noise Engineer notes the temporary nature of the works and considers it would be appropriate to apply maximum noise limits pursuant to BS5228-1:2009 (Code of practice for noise and vibration control on construction and open sites) to the proposed works. This would ensure that noise from the activities does not exceed the ambient noise levels by more than 5dB but subject to a minimum trigger for assessment of 65dB when measured at the nearest property, which thereby makes an allowance for such construction works.
71. The Noise Engineer considers that with respect to the additional HGV traffic, this would not lead to any notable increase to traffic noise levels at nearby properties given the existing volumes of traffic using the A616.
72. In accordance with WLP Policy W3.9 it is considered appropriate to provide conditions to apply the above noise controls and set hours of operation. It is considered that appropriate hours would be between 7am to 6pm and these are acceptable to the Society. It should be noted that this would give the Society a slightly larger timeframe per day in which to undertake the works than the 8 hours which were indicatively proposed. However this may have the benefit of further spacing HGV movements and would also be in line with previous permissions at this site.

## Amenity

73. The site is remote from residential properties, the nearest being at the southern end of South Muskham village and also to the south of Muskham Bridge. Limited adverse impact on local amenity is possible during the course of undertaking the proposed works in terms of additional plant noise and visual impact until the areas are fully restored and landscaped. As addressed above, working hours would be during daytime hours and no works would take place at weekends when the site is popular with anglers. A condition is recommended to ensure associated HGVs are timed to avoid the winter months, when the A616 is busiest for heavy traffic. Planning conditions would provide safeguards to local amenity, with respect to noise and would enable mitigation measures to be

secured if noise becomes a particular issue. Standard controls on minimising mud and dust can also be required by condition.

74. Given the short-term nature of the works and potential impacts, the rural context of the site and the above findings it is considered that the proposed development complies with Policy WCS13 in protecting the quality of life for local residents.

#### Contamination

75. The Piscatorial Society would wish to ensure the required materials are inert, free from pollution and suitable for the particular aquatic environment. The Society would seek to ensure this through requiring appropriate chemical testing of the sourced materials. This would be governed by the Environment Agency with either a permit or exemption if the material qualifies for such. Some of the material is likely to be clays and soils to provide the enhanced lake margins and top cover, however the construction of the embankment may require fill material such as crushed rubble or concrete for example. An informative note is recommended to advise the Society.

#### Landscape and Visual Impact

76. The site lies within the Trent Washlands Landscape Character Area and the relevant policy zone acknowledges the area's highly modified landscape and indistinct feel as a result of historical gravel extraction to which this application site is typical. The site is dominated by its expansive lakes and sparse vegetation. In the surrounding area, there are large open arable fields as can be seen towards Kelham to the west, along with low lying stretches of pasture alongside the River Trent. The river corridor and several Local Wildlife Sites provide a moderate ecological network. The British Sugar factory is a detracting feature in this landscape, but is nonetheless a local landmark. Overall the landscape condition is classed as moderate and of low sensitivity. The policy action is to create and reinforce the landscape character, through for example, strengthening the ecological diversity of watercourses through native planting or natural regeneration.
77. Newark and Sherwood Policy DM5 and Core Policy 13 requires assessment against the relevant landscape character assessment so that proposals address and contribute to the landscape aims for the area. WLP Policy W3.4 supports the enhancement of landscape features to contribute to the 'reclamation' of sites. WCS Policy WCS13 seeks to maximise opportunities for landscape and environmental /habitat enhancements.
78. The proposals are considered to accord with the relevant policies and landscape aims, given that this is already an engineered water landscape. The proposed works would have a minimal impact on this landscape and would retain the four main fishing lakes, and the openness of the site in general. The proposed bund in Bridge Lake would be seen in what is already an engineered water landscape but it would be part of the plan to enhance the marginal vegetation and environment around this lake. Similarly the bank side works around the Chestnut Lake would assist in promoting marginal plants and vegetation. The creation of the two small stock ponds would not be visually prominent in their proposed location. Subject to details on planting and landscaping proposals,

the proposed works would together enhance the landscape character and visual amenity at these lakes, by softening the bare, eroded lake banksides and establishing more natural marginal planting such as reed.

### Heritage

79. There are distant views of the Grade I listed St Wilfred's Church across the site, such views and its setting would be preserved as a result of the proposals. The County Council's Built Heritage Officer concurs. Any associated traffic passing over the Smeaton's Arches do so as part of the classified road network without site-specific limits. There are therefore no heritage impacts arising.

### Other Issues

80. The objector has queried the level of community benefit which could result from the planned site enhancements and the fact that the gated access is limited to members of the Piscatorial Society. The fact that the site may have controlled access does not diminish its standing as a community/recreational facility. There are many examples of community facilities which are subject to membership or to subscription. There are no public rights of way or access into or across the site. Notwithstanding this situation it is understood that the Parish Council is in dialogue with the Society to allow some controlled public access in the future.

### **Other Options Considered**

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

### **Statutory and Policy Implications**

82. 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.

#### Crime and Disorder Implications

The site is secured by fencing and lockable gates. The appointed contractor would be expected to take reasonable measures to protect any plant and equipment whilst stored on site.

#### Human Rights Implications

83. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to construction



impacts. The proposals have the potential to introduce impacts such as noise and construction activity upon residents. However, these potential short-term impacts need to be balanced against the wider benefits the proposals would provide to the lakeside environment and to the future viability for angling. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

#### Implications for Sustainability and the Environment

84. The waste materials would be put to a beneficial and sustainable use, enabling enhancement to the lakeside environment for the benefit of bio-diversity and its use as a fishery. No significant ecological constraints have been identified which may be affected by the proposed works. The works would not increase flood risk.
85. There are no financial, human resource, children safeguarding, or equalities implications arising. There are no implications for users of County Council services.

## Conclusion and summary

86. In principle the proposed works and the required importation of inert materials are acceptable in order to assist with the enhancement of this established fishery and to address problems with poor aquatic habitat and bankside erosion. There is a site-specific and sustainable justification for importation of inert materials to what is a green field location in the open countryside, when this is usually the least preferable option in accordance with Policy WCS5. The works would not degrade or destroy water features, rather they would enhance the habitat and appearance of the fishing lakes in accordance with Policy W3.21. The works are considered appropriate in accordance with District Policy SP3 with respect to impacts on the rural setting.
87. The site benefits from good access directly onto the A616 Great North Road. HGV traffic required for the proposed works can be accommodated on the network without leading to unacceptable amenity impact in accordance with Policy W3.14 and WCS13, but notwithstanding this the Piscatorial Society has agreed to avoid the peak sugar beet campaign period when there are significantly more HGVs using the road and this is also subject to a recommended planning condition.
88. The works would have an acceptable impact in terms of landscape and visual impact. The site is a restored sand and gravel quarry which is an engineered water landscape. The character of the site would be maintained and the appearance of the lakes should improve with the establishment of marginal vegetation. This accords with Policy WCS13 and District Policies CP13 and DM5 in this respect.
89. The site is not noted for any particular ecological value, given its angling use. Surveys have informed precautionary mitigation measures and conditions as recommended by the County Ecologist in accordance with Policy WCS13 and W3.21.
90. The site is at high risk of river flooding, however the Environment Agency is content that the works would not increase flood risk elsewhere and the works are considered water compatible and appropriate to the location.
91. The temporary nature of works is not considered to raise any significant adverse impacts to local amenity, particularly given the rural situation and the presence of a busy A-road. This is however subject to the haulage campaign avoiding the sugar beet campaign. Hours of operation would be acceptable and conditions are recommended to control possible mud, dust or noise during construction and importation works, including the provision of a wheel wash facility.
92. No objections have been received from consultees including the Parish Council. A single local objection is noted and addressed in the report.
93. The proposed works are consequently considered to accord with the relevant planning policies and in accordance with Policy WCS1 the presumption in favour of sustainable development applies and accordingly it is recommended that planning permission be granted.

## **Statement of Positive and Proactive Engagement**

94. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

95. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

**TIM GREGORY**

**Corporate Director – Place**

## **Constitutional Comments**

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

SLB 06/01/2016

## **Comments of the Service Director - Finance (SES 06/01/16)**

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

## **Background Papers Available for Inspection**

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

## **Electoral Division and Member Affected**

Farndon and Muskham - Councillor Mrs Sue Saddington

Report Author/Case Officer

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