



27 July 2021

Agenda Item: 8

REPORT OF CORPORATE DIRECTOR – PLACE

ASHFIELD DISTRICT REF. NO.: 4/V/2020/0560

PROPOSAL: IMPROVEMENTS TO LEEN VALLEY GOLF CLUB INCLUDING RE-GRADING AND RE-PROFILING THE EXISTING PRACTICE GROUND OUTFIELD AND PART OF THE 16TH HOLE INCLUDING A FLOOD ATTENUATION BASIN AND THE CREATION OF AN IRRIGATION STORAGE POND; AN ADVENTURE GOLF PUTTING AREA AND A SUMMER TOBOGGAN RUN USING IMPORTED WASTE SOILS; WITH ASSOCIATED ECOLOGICAL IMPROVEMENTS AND PLANTING

LOCATION: LEEN VALLEY GOLF CLUB, WIGWAM LANE, HUCKNALL, NG15 7TA

APPLICANT: ANDY KERR

Purpose of Report

1. To consider a planning application to utilise 119,721 cubic metres (approximately 191,554 tonnes) of imported inert soils to re-profile and re-landscape land relating to the existing golf course (the practice range outfield and the 16th tee) at Leen Valley Golf Club, Wigwam Lane, Hucknall, as well as providing additional recreational facilities comprising an adventure golf putting facility and a toboggan run.
2. The key issues relate to the application's compliance with both waste management and Green Belt policy, residential amenity impacts, and the magnitude of the environmental impacts associated with the construction phase particularly in relation to lorry movements, noise, ecology and landscape.
3. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1 of the report.

The Site and Surroundings

4. The application site comprises 6.3 hectares of land that forms part of the Leen Valley Golf Club; most of this land is already part of the operational golf course. The golf club lies approximately 8.5 kilometres to the north-west of Nottingham city centre, 1 kilometre to the south-east of Hucknall town centre and 1.5 kilometres to the north-west of Bestwood Village respectively (see Plan 1).

5. Leen Valley Golf Club is located on the eastern side of Wigwam Lane, which abuts its western boundary. The golf course occupies a total area of approximately 50 hectares of land on the eastern urban-rural fringe of Hucknall, situated within the Nottingham-Derby Green Belt. It is adjacent to the River Leen which runs along the eastern boundary of the golf course land. To the south-west lies an industrial estate on the opposite (south-western) side of Wigwam Lane, beyond which lies a number of residential properties within Brickyard. To the east of the golf course is a more rural setting which follows the characteristics of the River Leen Corridor comprising a gently rolling agricultural landscape. Bestwood Country Park lies 0.6 kilometres to the south-east of the site.
6. The nearest residential property to the site lies approximately 185 metres to the south-west in Porchester Close (when measured from the nearest location of the main proposed works at the northern edge of the practice range outfield), albeit separated by Wigwam Lane, and two-storey residential development within Oakenhall Avenue situated directly to the north-west, approximately 275 metres from the same location. Allotments and amenity grassland abut the north-western boundary of the golf club, providing a degree of separation between the northern part of the golf complex and the two-storey residential development.
7. The wider golf club incorporates an 18-hole course and practice range, a club house (of brick-built construction), covered driving bays, and a 137 space car park. The existing building and car park are situated within the north-western corner of the wider site with the application site abutting the built development. Access to the car park is directly off Wigwam Lane, together with pedestrian access.
8. The wider site is predominantly a high maintenance golf course and practice range comprising amenity grassland with pockets of scrub and improved grassland. Also present are small areas of woodland block planting, with a mix of mature and semi-mature trees. There is mature vegetation to the western boundary along Wigwam Lane, and a row of mature poplar trees extend along the south-eastern boundary.
9. The application site itself comprises a 250 metre long practice outfield, the immediate surrounds to the practice ground and the 16th green. It also includes an area of steeply banked terrain, which rises to the east of the car park, and is characterised by extensive semi-mature tree planting. The area is characterised by poor drainage, and frequent waterlogged conditions. It also includes a banked area just beyond the eastern side of the car park that currently comprises meadow grass and semi-mature tree planting.
10. Set within the south-western part of the golf course, the proposal site is relatively elongated, irregularly shaped and extends in a broadly linear north-west to south-east direction, with the south-western site boundary running relatively parallel to Wigwam Lane. It is bounded by the remaining areas of the Leen Valley Golf Club, except for the south-western boundary which abuts

Wigwam Lane and is characterised by mature vegetation which separates it from the adjacent highway.

11. It is located within the catchment of Baker Lane Brook, a tributary of the River Leen. There are two open water courses in close proximity to the site, Baker Lane Brook and Wigwam Lane Ditch. Baker Lane Brook enters Leen Valley Golf Course at the south-western boundary of the site and flows east, before joining the River Leen some 400 metres away. Wigwam Lane Ditch is an open ditch running parallel to Wigwam Lane along the western site boundary before joining Baker Lane Brook as it enters the golf course.
12. There are several Local Wildlife Sites (LWS) within the vicinity which are noted for their botanical interest, comprising Papplewick Ponds LWS approximately 0.6 kilometres to the north-east, River Leen Pastures, Bestwood LWS approximately 0.65 kilometres to the east, and Mill Lakes, Bestwood LWS 0.95 kilometres to the south-east. The River Leen, which is situated 0.65 kilometres from the proposal site at its closest point, flows through these Local Wildlife Sites and is also a LWS, notable for its population of native white-clawed crayfish.
13. There are no Public Rights of Way within the site. The nearest public footpath is 480 metres to the south in Bestwood Country Park and there are further recreational footpaths through the park.

Background

14. An effective design solution has been sought by the applicant, and identified by Weller Designs, to address various safety, operational, functionality and management issues associated with Leen Valley Golf Club, which it is stated have arisen over time and are linked to the present topography and grading profile of the site; and to its drainage characteristics.
15. The topography of the proposal site reflects the restoration of the former colliery tip with backfill having created a stepped landscape sloping towards Baker Lane Brook.
16. In terms of the current topography, the site itself is slightly higher in elevation compared to its immediate surroundings. It is noted that the proposal site and its immediate vicinity ranges in elevation from a ridge line height of 90 metres AOD in the north-east falling to 55 metres AOD in the south-west, at the point where Baker Lane Brook enters the golf course.
17. Bunds are present between the operational golf course land and Wigwam Lane to the west, creating a large depression at the southern end of the driving range. A second topographic depression exists at the eastern boundary of the site where the ground slopes down to a low of approximately 2 metres below the surrounding ground levels. A third topographic depression exists between the driving range and the 16th green to the south of the practice outfield.

18. Surface water drainage was installed when the golf course was first constructed. The existing drainage comprises multiple open drains and concrete pipes which in turn has created a site with multiple small catchments and in the case of the southern area of the site, all surface water drains to Baker Lane Brook. The current drainage system does not prevent waterlogging across the proposal site nor does it facilitate irrigation in the summer months.
19. The proposed scheme of works pursuant to the current application seeks to redress the current deficiencies identified across the application site.

Planning history

20. Whilst the area of land to which this proposal relates is now a golf course, it has previously been subject to a number of developments dealt with by the County Council, in its capacity as the Waste Planning Authority (WPA).
21. Historically, spoil from the Hucknall No. 2 colliery, which was located directly south of Wigwam Lane, was imported into the site from 1955 and continued into the 1980s. The County Council granted planning permission (Plg. Ref. S/5/993) in 1959 for the use of the land as a site for temporary coal stocking. Further planning consents were granted by the County Council in 1968 (Plg. Ref. S/5/2438) and 1983 (Plg. Ref. 4/44/82/0334), for an extension to an existing dirt tip; and an extension of an existing mine refuse disposal site, respectively.
22. Since the end of its use as a colliery tip and disposal site, the site has been developed into a golf course including a substantial clubhouse building, car park and practice range, completed under a number of planning permissions granted by Ashfield District Council. It is understood that the initial works to create the golf course included the importation of large amounts of inert material to remodel a former slag heap, with the golf club later expanding to include a clubhouse and practice range. The golf course opened in 1994 when the first 18 holes were set out, with the practice range outfield being granted planning permission in 2003.

Proposed Development

23. Planning permission is sought for the regrading of the southern part of the golf course using imported Environment Agency approved waste soils to improve the appearance, drainage, and functionality of the practice range outfield, and the remodelling of the 16th green, as well as creating new facilities comprising an adventure golf putting area and a toboggan run. A total of 119,721 cubic metres (approximately 191,554 tonnes) of inert soils are required to complete the works and materials would be imported into the site over a period of approximately 16 months, utilising waste soils from construction projects within Nottinghamshire.
24. The principle elements of the works comprise:

- Regrading to a 4% gradient across the outfield of the driving range together with the provision of a subsurface drainage system; to improve safety, drainage, grounds maintenance, aesthetic appearance and playability across this area;
 - Earthworks and remodelling of the 16th hole and practice range with target greens; to improve drainage and playability;
 - Drainage improvement works involving the creation of a water storage lagoon and a proposed attenuation basin connecting to Wigwam Lane ditch and Baker Lane Brook to the south of the site;
 - Landscaping involving the planting of native trees, shrubs, wildflower zones, marginal pond and wetland planting;
 - Provision of an 18 hole adventure golf putting course within artificial grass and themed landscape;
 - The provision of a summer toboggan run with associated regrading and use of artificial grass for 'donutting' and grass for caterpillar tracked toboggans;
 - An emergency access road.
25. The location of the various elements of the scheme are identified on Plan 2 and cross-sections showing the proposed changes in levels can be found on Plan 3.
26. The main elements are now considered in more detail.

Remodelling the practice range outfield

27. The main element of the works seeks to re-grade the practice range to create a more suitable landform capable of supporting a higher quality practice range with target greens.
28. A poorly graded topography has given rise to a deep, hollowed out profile, meaning that the centre of the practice range is characterised by a poorly built 'gully pot' or depression which the applicant states is impractical for play. Surface slopes across the practice range are invariably steep with low levels of topsoil and poor-quality turf. The applicant states that the fall of the land restricts visibility when the golf ball is in play and causes players to hit the ball towards the public highway (Wigwam Lane), creating a potential safety hazard. Also, the drainage problems result in water and mud collecting in the centre of the range in the winter, making it difficult to manage. As a result, the practice range has become increasingly under-used by club members.
29. To address these problems, the proposals seek to re-grade the practice range to raise the ground level and in doing so remove the 'depression'. The proposed re-grading would change the fall of the range from southerly to

northerly, so that it slopes from a high point in the southern part of the range down towards the covered bays and the clubhouse to the north. The location of the existing southern earth bund parallel to Wigwam Lane would be moved east as the driving range is rotated. The overall effect would be to re-orientate the range eastwards away from the public highway, and to create a more uniform shallower gradient across the driving range.

30. The proposed works would involve backfilling the 'depression' using up to a maximum 12 metre depth of imported waste soils to raise the ground levels sufficiently to realign the outfield. It is anticipated that this element of the works would result in a net importation of approximately 87,000 cubic metres of inert soils to complete the improvement works, with the greatest increase in ground level being 12 metres (at the centre of the 'depression'). Overall, this would create a gently undulating uniform visible outfield with an improved depth of topsoil. The ground level rise across much of the site would be significantly less than 12 metres.
31. The practice range would be re-engineered to create a series of realistic green complexes designed to replicate similar features located on the course. It is proposed to create low-level undulations around the green targets, to serve as both drainage channels and to frame the proposed green complexes. Containment mounding would be constructed to the outfield perimeter, part of which would separate the practice area from the 18th hole to the east.
32. In order to manage the drainage of the practice range, it is proposed to use a combination of ground shaping (positive falls) and sub-surface piped drainage networks.
33. The proposals seek to install a network of sub-surface drainage pipes across the outfield. The combined earthworks would involve using imported waste soils to create slope angles with a minimum 4% gradient (positive falls) across the practice range to allow water to move efficiently under gravity and to prevent the sub-surface drainage pipework from silting up.
34. The proposed re-profiling of the practice range would effectively manage surface and sub-surface flows by redistributing excess water away from 'in play zones', to the perimeter of the outfield to either soak away naturally or be directed to a purpose-built water storage lagoon, to the south-east, and an open drain at the base of the regraded slope towards its northern edge, from where surface water run-off would be slowly released into Wigwam Lane ditch via a pipe.

Improvements to the 16th Hole

35. It is proposed to incorporate more limited improvement works to the poor-quality 16th hole situated in the south-western part of the application site. The proposed works seek to re-grade hole 16 with the aim of raising ground levels whilst maintaining the existing slope towards Baker Lane Brook to the south and an attenuation basin which is proposed as part of these works.

36. This element of the works seeks to construct a new green and incorporate an attenuation basin into the fairway, providing an enhanced design for this part of the golf course and more aesthetic interest for players. The proposed attenuation basin seeks to reduce a localised flooding risk associated with the 16th hole and would be situated to the south of the remodelled 16th green complex.
37. The proposals seek to re-grade land between the existing driving range and hole 16 to raise the ground level in this area, resulting in the removal of a further depression in this part of the site and creating a slope south towards hole 16.
38. Proposed drainage infrastructure in this part of the site would involve constructing a weir and overflow pipe to the attenuation basin.

Proposed water storage pond and rainwater harvesting scheme

39. The proposals would involve developing additional drainage infrastructure, the key elements of which would comprise an attenuation basin, water storage lagoon, two new open drains and an ACO drain to ensure the existing runoff rate is not increased. The surface water drainage scheme would be managed and maintained by the site operators.
40. As part of the works, it is proposed to expand an existing depression towards the eastern boundary of the proposal site and create a water storage lagoon through the installation of a flow restrictor on a 300mm concrete pipe.
41. An attenuation basin would also be constructed to the south of the 16th hole. The attenuation basin would be connected to Wigwam Lane ditch via a weir and overflow pipe with the outlet pipe to Baker Lane Brook. The design of these water features would be finalised at the detailed design stage, however it is anticipated that neither waterbodies would store more than 2,000 cubic metres of water each.
42. In terms of 'pond' construction, it is proposed to use a combination of cutting into the existing ground level, and earth bunding, to enable a proportion of water storage above existing ground levels, and both would be lined with an artificial liner. In terms of water storage, the proposed attenuation basin/storage lagoon would provide a high head of pressure for a greater period of time, over the irrigation months. This means that a system of smaller pumps and pipes can be used in the drainage infrastructure, in terms of transferring water to the irrigation system.
43. The golf club is currently dependent on water abstracted from the underground aquifers. To redress this imbalance, the proposals seek to construct water storage/irrigation facilities of sufficient scale to capture the potential volume of surface-water runoff from the outfield and 16th green. It is anticipated that this volume of water would be sufficient to irrigate the greens and tees throughout the year; and in the event of a drought situation this volume of water would

preserve the greens. The proposed rainwater harvesting scheme would make the golf club self-sufficient in irrigation water supply.

44. The applicant states that safety shelves would be constructed around the perimeter of the waterbodies, and appropriate warning signage and life saving equipment would be installed.
45. Shrub planting and grassland/wildflower seeding would be carried out on completion of the lagoon/attenuation basin waterbodies to provide increased habitat diversity and to help assimilate the features into the surrounding landscape. This would comprise approximately 6,259 square metres of woodland planting, 7,279 square metres of wildflower meadow mix and 546 square metres of wetland area; and would be carried out in the earliest planting season following completion of the re-engineering works.
46. Overall, the proposed water storage pond would deliver a sustainable solution to meet the irrigation needs of the golf course through a system of water capture, storage and recycling.

Ancillary recreational facilities

47. It is proposed to carry out re-grading works on land to the east of the clubhouse to provide an adventure golf course with the existing slope direction (east to west) being maintained.
48. The proposed feature would essentially comprise a practice putting green of 18 individual synthetic grass holes and intermittent low-level landscaping and information boards depicting the area's mining heritage. A state-of-the-art artificial playing surface would be incorporated into the design to ensure high quality all year-round playing conditions.
49. The proposals would include the installation of a toboggan run which would utilise the existing topography in the north of the site. It is proposed to create a summer toboggan run on a natural slope located adjacent to the clubhouse and car park. The proposal would be 120 metres in length, following a zig-zagged route, as the run descends downhill to a dismount area, at the bottom of the slope. The run would comprise a flat narrow artificial liner, which the toboggans would descend down. A pathway would be constructed adjacent to the run to provide access up the slope to the start of the toboggan run. The new facility would be constructed at ground level.

Construction works

50. The proposals would involve constructing an access track from Wigwam Lane to the site for the duration of the construction works, approximately 300 metres south-east of the existing access into the golf club. It is proposed to retain the access, to a width of 6 metres, following completion of the construction works, in order to provide an emergency access point.

51. The temporary haul route and compound would be constructed by initially stripping the topsoil and placement of a geotextile membrane. The surface would then be topped with hardcore material to a minimum depth of 500mm.
52. Temporary haul routes would be installed within the proposal site to enable access to various areas of the application site, with these being completed on a needs basis.
53. Protective measures would be put in place in terms of temporary fencing around existing vegetation and woodlands to afford protection from construction works. Whilst there are no public rights of way within the application area, where the haulage route comes closer to pedestrian areas within the golf course, a system of traffic calming measures would be put in place and warning signs erected for both the lorry operatives and members of the public using the golf course.
54. Plant and machinery used in the construction works would comprise two bulldozers, a 360-excavator, a tractor, two dump trucks, and a screener which would be used on a temporary basis for possible topsoil screening towards the final phase of the development.
55. The importation of the material and its deposit, whilst a fundamental part of the development, is for a limited period only. Once delivered to the site, the soil would then be engineered, involving the grading of the material to form the golf features and to create the final contours on the land and then re-landscaped.
56. In terms of ground preparations, and prior to any subsoil importation and grading works taking place, those areas that would be subject to a change in level would be stripped of topsoil which would be stored at appropriate locations around the perimeter of the application site, for re-spreading during the restoration phase. All stripped topsoil would be stockpiled to a maximum height of 5 metres. Imported waste soils would be brought to the construction areas using tipper lorries, dump trucks and bulldozers. With regards to subsoil grading, bulldozers and excavators would be used to shape the features in accordance with the grading plan. Trenching machines would be used to create routes for pipe-work for drainage with drainage lines being installed using slotted pipes, sunk to an average depth of 650mm, backfilled with gravel drainage medium, before finally being topped with sand and soil.
57. Upon completion of soil importation, and regrading and reprofiling works, a final phase of topsoil spreading and cultivation would restore all areas where a change in levels has occurred (with the exception of those areas where wildflower spreading is to occur, and the areas of the adventure golf, the toboggan area and the basin of the water bodies). Seeding and planting works would take place in the first available planting season, with seeding taking place either in the autumn or spring months, and the planting of trees, shrubs and aquatic species in the autumn/winter months following the completion of grading works.
58. The proposed works require the importation of approximately 119,721 cubic metre of inert waste soils to the site, using HGVs carrying an average load of 8

cubic metres per delivery. This would equate to 15,063 loads or HGV trips (30,126 HGV movements) to complete the works, based on a conversion rate of 13 cubic metres (8 cubic metres compacted) per 20 tonne HGV.

59. The proposed development would result in a maximum of 10 additional vehicle trips (20 movements) during the AM and PM peak hours. At this rate of importation, it is anticipated that this would generate 63 HGV trips (126 movements) per day. In addition to the HGV movements, a maximum of 5 staff would be required during the construction phase. It is anticipated that these construction workers would arrive outside the highway peak hours.
60. Whilst the traffic impact assessment is based on a 12 month construction period, it is anticipated that waste soils would more realistically be imported over a 12-16 month period, given that the levels of waste importation into the site would be highly dependent on the rate at which suitable materials can be sourced.
61. As identified on the HGV routeing plan (Plan 4) the proposed lorry route to the site would be from the south Nottingham Road, via Portland Road and Station Road, with direct access for construction traffic from Wigwam Lane.
62. The applicant proposes to restrict operating hours for the soil importation and construction works to the hours of 07:00 hours to 17:00 hours Mondays through to Fridays, with occasional deliveries on Saturday mornings limited to between the hours of 07:30 hours to 13:00 hours. No Sunday, Public or Bank Holiday working is proposed.

Consultations

63. **Ashfield District Council (ADC)** *No objection.*
64. *It is noted that the proposal requires significant amounts of imported soils, and consideration should be given to the amount and frequency of vehicle movements associated with the construction works, which would be required to access the site off Wigwam Lane, via Station Street or the residential road off Papplewick Lane, and its subsequent impact upon the capacity of the highway network and the amenity of local residents.*
65. *Consideration should be given to the quality of the imported soil and it is expected that these would be free from contamination.*
66. **The Environment Agency (EA)** *No objection.*
67. *There are no concerns from a planning perspective, and for the purposes of the environmental permitting regulations, the applicant has applied to the EA for 'a deposit for recovery scheme' for the site, using imported waste soils to re-contour certain parts of the golf course.*

68. *It is directed that only clean, uncontaminated surface water should be discharged to ground or controlled waters; and that any discharge to ground should not be into any area that is impacted by contamination.*
69. **Highways England** *No objection.*
70. *The proposal would have no material impact on the Strategic Road Network (SRN).*
71. **NCC (Highways) Ashfield** *No objection subject to planning conditions placing controls over the proposed access in the interests of highway safety, including controls over the provision of visibility splays, and to ensure that after the construction phase the access is only used for emergencies and not for use by the public.*
72. *It is noted that based on the number of expected visitors to the site should each facility be operating at maximum capacity, using the existing 137 parking spaces available, it is indicated that the total maximum car parking demand is 119 spaces. Therefore, the existing car park can satisfactorily accommodate the expected demand for this proposal.*
73. *The transportation of material to the site is estimated to generate 126 daily HGV movements over a 12 month period. Wigwam Lane already serves a number of industrial units and has an Annual Average Daily HGV Flow (2018) of approximately 500 vehicles. Therefore, the number of HGVs expected during the construction phase is not considered to be significant.*
74. *The vehicle routing from Nottingham Road-Portland Road-Station Road-Wigwam Lane is acceptable due to the low number of vehicles expected.*
75. **NCC (Nature Conservation)** *No objection subject to planning conditions placing controls over wetland planting mixes, aftercare, and controls over Himalayan balsam; controls over vegetation clearance during the bird nesting season (from March to August inclusive); and finally, the securing of the general mitigation measures outlined in the supporting ecological appraisal, and the protected species 'reasonable avoidance' measures.*
76. *It is noted that the application is supported by an appropriate Preliminary Ecological Appraisal (PEA). No Great Crested Newts or other reptiles were recorded on site; and no protected species would be affected. The site provides habitat for nesting birds, and vegetation clearance should be avoided in the bird nesting season.*
77. *It is noted that no trees requiring removal have the potential to support roosting bats, and that lighting would be controlled to minimise impacts on foraging and commuting bats. The Construction Environment Management Plan (CEMP) confirms no artificial lighting would be used to illuminate the works area.*
78. *The wetland planting mixes shown on the supporting landscaping plan should be amended to remove hornbeam, beech and Parsley Water-dropwort, which are not locally native or rare to the county. Regarding ongoing maintenance, it*

is advised that the proposed wildflower areas be subject to an annual hay cut, and arisings removed annually from mid-August. All of these amendments should be secured by conditions. Finally, controls should be placed over Himalayan balsam to avoid colonisation of the two new water bodies.

79. **NCC (Planning Policy)** *No objection.*
80. *It is acknowledged that there are benefits to the proposed scheme for the golf course and that the EA have not raised any issue with the amount of waste to be imported. It will be for the case officer to determine whether the information given regarding alternative proposals is sufficient to demonstrate there are no sustainable alternatives as per Policy WCS5 of the Nottinghamshire and Nottingham Waste Core Strategy (WCS) (Adopted December 2013).*
81. *Attention is drawn to the letter to the Chief Planning Officers from the Department of Communities and Local Government in 2009 regarding large landscaping development using waste, particularly on golf courses. As the scheme involves importing over 100,000 tonnes of waste soils, this is a relevant consideration.*
82. *It is also noted that the EA have issued a permit for the proposed development, concluding the scheme to be a deposit for recovery waste operation.*
83. *As outlined in the National Planning Policy for Waste (NPPW) (October 2014) recovery is 'waste which can serve a useful purpose by replacing other materials that would otherwise have been used'. As outlined by the applicant themselves, the proposed scheme would use waste instead of natural resources. The scheme therefore is classified as other recovery within the waste hierarchy. However, even as a recovery site, the scheme is still to deposit waste and so the applicant will need to demonstrate that the waste intended to be used cannot be economically recycled as per Policy WCS3.*
84. *The WCS and Nottinghamshire and Nottingham Waste Local Plan (WLP) (Adopted January 2002) do not directly reference the use of waste to undertake the described works. Considering the glossary terms and policies within the WCS, as the scheme does not propose to fill a man-made void, the proposed scheme has been considered against local waste policy as a land raising, disposal scheme. Therefore, Policy WCS5 and WCS7 would not be supportive of this application, deeming it inappropriate as it is within the Green Belt. However, there are exceptions whereby certain developments would not be deemed inappropriate, provided that the proposal preserves the Green Belt's openness and does not conflict with the purposes of including land within it. Paragraph 146 of the National Planning Policy Framework (NPPF) (2019) lists these types of development, including engineering operations.*
85. *With the EA determining the proposal to be a disposal for recovery waste operation, if the scheme is deemed therefore to be an engineering operation by the case officer, with the main principle of the work to be undertaken to improve the golf course and not to dispose of waste, then the scheme under national policy would be considered not to be inappropriate. This though would be*

providing the case officer was satisfied that the proposed scheme does not affect the purpose of the Green Belt nor its openness.

86. *Finally, the applicant should bear in mind that the proposal they are putting forward constitutes a waste development, even if it is not their primary aim to dispose of waste but to improve the golf course. Whilst the applicant states that because the scheme is not generating waste itself to be disposed of, the scheme is in line with NPPW as it reduces off-site disposal, it is pointed out that the scheme itself would be an off-site disposal of waste material, with the applicant outlining that inert material could potentially be imported into the site from nearby development schemes, though the exact source of material is stated to remain unknown.*
87. *Finally, as per policy WCS13, the proposal will need to demonstrate that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby and that this would not result in an unacceptable cumulative impact. Such considerations are outlined within the saved policies in Chapter 3 of the Waste Local Plan (2002). Of particular relevance is the amount of vehicle movements the proposal would generate and the impact of this on local amenity. For these impacts, the relevant teams within the Council and relevant external bodies should be deferred to.*
88. **Via (Countryside Access)** *No objection.*
89. *It is confirmed that there would be no public rights of way affected by the proposal.*
90. **Via (Landscape)** *No objection subject to appropriate mitigation secured by planning conditions. A Landscape and Visual Appraisal (LVA) has been provided as requested and on balance there is agreement with the findings.*
91. **Impacts on landscape character** – *the site lies within the ML18 River Leen Corridor landscape policy zone. Adjacent policy zones within the study area are visible from higher ground within the site, to the south and east within the Sherwood area (SH02 Killarney Park Wooded Farmlands and SH41 Bestwood Wooded Farmlands).*
92. *Regarding the loss of existing planting and the change in landform, in terms of the impact on the existing local landscape character of the area, it is considered that the impact would be low to medium adverse during the works and low beneficial following restoration and planting works. The longer term impacts are assessed as low due to the retention of the road access from Wigwam Lane and inclusion of additional facilities, for example, the toboggan run within the existing vegetation.*
93. **Visual impacts** – *Nine viewpoints were assessed for sensitive receptors. The impacts were shown in the applicant's photograph montages and overall there is agreement with what they depict. There are no significant effects caused by the development. It is considered that the change in visual impact will be greatest to visual receptors to the western end of Oakenhall Avenue (Viewpoint 1) who*

overlook the allotments and golf course. Here the impact will be minor adverse during the construction period, but there will be no significant effect upon completion of the works. The most intrusive change in the landscape will be tracking vehicles across a changing landscape during the 16 months of soil importation.

94. **Mitigation** – mitigation should follow recommendations set out within the Greater Nottingham Landscape Character Assessment. For the Leen Valley the appropriate landscape actions are to conserve and enhance characteristic belts of linear woodland; and to enhance woodland planting around the urban edges to enhance an increasing rural character to the area.
95. It is recommended that the following information should form planning conditions should planning permission be granted:
- Retained vegetation should be protected according to BS 5837:2012, and a detailed landscape proposals plan should be provided for replacement planting, incorporating retained trees and hedges into the design.
 - A hard and soft landscape proposals plan for the new attractions should be submitted together with detailed planting proposals; any proposed planting should be native species suitable for the Magnesian Limestone Ridge character area (excluding ash).
 - Proposals for establishment maintenance of the site should be provided by the applicant with a sustainable financial mechanism for securing ongoing management post development.
 - Ecological mitigation such as bat boxes and bird boxes should be included.
96. **Via (Noise Engineer)** No objection subject to noise mitigation planning conditions.
97. Due to the Covid 19 lockdown, the current baseline sound level surveys are not representative, so for reference purposes the noise consultant has used a previous noise survey undertaken at relevant locations in October 2014 during the AM peak (between 07:45 hrs and 09:45 hrs). This is representative of the closest noise sensitive receptors (NSR's) in Porchester Close, Netherfield Cottage and Oakenhall Avenue.
98. It is noted that the distances between NSRs locations and the site boundary, to represent the point of the worst-case scenarios, and the screening attenuation corrections used between the sources and the receivers seems to be well assumed and justified.
99. There is satisfaction that the noise assessments have considered a range of typical noisy activities and their respective predicted noise levels to represent the 'worst-case' scenarios. The sound level data from the types of machinery

that would be used for the proposed construction works has been taken from Annex C of BS 5228-1. The typical noise level sources associated with the HGV movements were also presented and described. A penalty of 2dB was applied due to the tonal aspects of the HGV reversing alarm systems.

100. *It is noted that the increase of HGV traffic flows at Wigwam Lane during the peak hour is likely to bring about an increase of noise levels of approximately 0.5dB. This increase would fall into the category of a negligible adverse effect under the criteria provided by BS 5228-1:2009+A1:2014, Design Manual for Roads and Bridges (DMRB).*
101. *Whilst the results obtained at the two nearest sensitive receptors from the BS4142 assessment indicate the potential for an adverse impact, this would represent a worst-case scenario, with all plant operating at the closest point to the receptor, which is unlikely to happen for anything other than a very short period, if at all. In actuality, the only time period for which there is an adverse impact can be reduced to those periods when the construction plant is reversing.*
102. *Overall, the proposed development is acceptable subject to controls over noise levels including any penalties as per the guidance in BS4142:2014; controls over white noise reversing alarms for plant and vehicles under the operator's control; limitations on the operational plant for each phase of works including no phases occurring concurrently; and finally controls over operational hours.*
103. **Via (Reclamation)** *No objection subject to the implementation of the materials management and surface water monitoring procedures as outlined in the application.*
104. *It is noted that the site would operate an environmental management system that would have procedures in place for the management of spillages and a robust importation protocol. This would ensure incoming materials are suitable for use and the removal of non-conforming materials.*
105. *Material import would be undertaken in strict accordance with the terms of an Environmental Permit granted and regulated by the EA, and this would set out the types of material acceptable on site, volumes to be imported and all necessary environmental controls.*
106. *The site has been designed to have an attenuation pond which would outflow downgradient. Monitoring of this pond is to be undertaken on completion of the works and the quality of the Baker Lane Brook established prior to works commencing. Data would be reviewed quarterly to ensure there are no significant changes to background concentrations and that the proposed monitoring regime remains appropriate.*
107. *The applicant has provided a robust package of environmental assessments which suggest any impact to human health and/or the wider environment from the proposal would be minimal/low risk.*

108. **Cadent Gas Limited Company, National Grid Company, Severn Trent Water Limited and Western Power Distribution**, have made no response. Any comments received will be reported orally to Committee.

Publicity

109. The application has been publicised as a departure application by means of site notices, and a press notice. Eighteen neighbour notification letters have been sent to the nearest occupiers at Netherfield Cottage, Brickyard, Oakenhall Avenue and Porchester Close, Hucknall, in accordance with the County Council's adopted Statement of Community Involvement. No representations have been received in relation to the planning application.
110. Councillor John Wilmott has been notified of the application and Councillor Ben Bradley was notified of the application when it was first submitted before the recent County Council elections.
111. The issues raised are considered in the Observations Section of this report.

Observations

Need for the development

112. The applicant's supporting statement states that the most important element to a good practice golf facility is the quality of the range outfield, which is considered integral to the business success of the golf facility. The current practice outfield falls far short of a high-class efficient range. Its frequently waterlogged condition results in long periods of closure which not only affects the members but limits an important source of income for the teaching staff and the business alike. There is a desire by the applicant to create an exceptional target outfield.
113. By carrying out this scheme of improvement works, the golf club seeks to provide year-round, high quality practice facilities and diversify its sporting and recreational facilities in an attempt to remain relevant to its members and also to generate additional income streams, to support the club's viability. The aim is to retain existing club members and attract prospective members, increasing overall membership numbers as well as attracting the increasing number of independent golfers and leisure golfers, in what the applicant states is a highly competitive and evolving market.
114. Paragraph 80 of the NPPF places a requirement on the planning system to create the conditions in which businesses can 'invest, expand and adapt'. It states that significant weight should be placed on the need to support economic growth and productivity. In this context, the economic and business arguments put forward by the applicant in support of the planning application are a material consideration in support of the proposals. However, this does need to be balanced against the other material considerations relating to amenity and environmental impacts, and compliance with waste management and Green Belt policies set out in this report.

Compliance with planning policy

115. In determining the planning application, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise.
116. For the purposes of this application, the Development Plan consists of the Nottinghamshire and Nottingham Waste Core Strategy 2013 (WCS); the saved environmental protection policies of the Nottingham and Nottinghamshire Waste Local Plan 2002 (WLP) and the Ashfield Local Plan Review (ALPR) (Adopted November 2002). It is noted that there is no Neighbourhood Plan for Hucknall.
117. The relevant national policy considerations material for this proposal are those contained within the Waste Management Plan for England (January 2021), the National Planning Policy Framework (NPPF) (February 2019), the updated Planning Practice Guidance (PPG) and the National Planning Policy for Waste (NPPW) (October 2014).

Green Belt considerations

118. The Green Belt to the east of Wigwam Lane, is identified on the Proposals Map of the Ashfield Local Plan Review (ALPR) (Adopted November 2002). Therefore, of relevance to the proposed development is the ALPR's saved Policy EV1 which states that planning permission will not be granted for inappropriate development in the Green Belt, except in very special circumstances. It identifies that appropriate development within the Green Belt can include engineering operations, which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Also of relevance is national Green Belt policy, set out in the NPPF (February 2019).
119. Since the development seeks to utilise waste soils to re-engineer the golf course, consideration needs to be given to the policies of the WCS and WLP regarding development in the Green Belt, as local policies are designed to control waste operations and ensure they are suitable and appropriate, including in terms of their location. It is, however, acknowledged that within these core local waste policies there is no direct reference to the use of waste to undertake the proposed development. Therefore, having considered the policies within the WCS and WLP, given that the scheme does not propose to fill a man-made void in line with WLP W3.17, the proposed development falls to be considered against local waste policy as a land raising, disposal scheme in terms of WCS Policies WCS5 and WCS7.
120. Whilst WLP Policy W3.17 remains as the saved Green Belt policy, it only permits waste disposal in the Green Belt where it represents the best option for reclaiming mineral workings or other derelict voids to an after-use appropriate to the Green Belt. Therefore, in terms of the proposed development, the WLP policy would not be supportive of these proposals.

121. Policy WCS7: General Site Criteria would not be supportive of this application and deem it inappropriate. As such, the proposed development would conflict with this policy given its location in the Green Belt.
122. In terms of Policy WCS5 of the WCS, disposal sites would be considered inappropriate development, and 'very special circumstances' would need to be demonstrated in line with national guidance. Paragraph 7.44 reaffirms this and provides that whilst schemes that restore former mineral workings in the Green Belt may be acceptable, land raise schemes would not be viewed as acceptable within the Green Belt due to the visual impact on the otherwise open character of the landscape. As this scheme would not be filling a man-made void or enabling restoration, in terms of the WCS it would be considered as a land raising scheme and there is no policy support for waste disposal which results in land raising. Therefore, both Policies WCS5 and WCS7 of the WCS would not be supportive of this application, deeming it inappropriate development as it is within the Green Belt.
123. In terms of national policy, the NPPF at paragraph 143, defines inappropriate development as development which is harmful to the Green Belt and as such, should not be approved except in 'very special circumstances'. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, both in terms of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations (paragraph 144). However, it is noted that there are exceptions whereby certain developments would not be deemed inappropriate, provided that the proposal preserves the Green Belt's openness and does not conflict with the purposes of including land within it. Paragraph 146 of the NPPF (2019) lists these types of development and includes engineering operations.
124. On balance, the primary principle or objective of the proposed works, is to improve the golf course rather than to dispose of waste. As such, the proposed scheme is deemed to be an engineering operation. It is noted that the imported waste soils would be used to remodel an established golf course, by regrading and reprofiling parts of the course, with the purpose of enhancing the existing sports facilities including resolving drainage issues and establishing a self-sustaining water irrigation system. Therefore, as an engineering operation, the proposed scheme, under national policy, could potentially be considered as appropriate development in the Green Belt, subject to the proposed development not affecting the purpose of the Green Belt nor its openness. These matters are now considered below:
125. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and to achieve this aim development within the Green Belt is strictly controlled. It identifies that the Green Belt serves five purposes which are: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land (paragraphs 133 and 134).

126. It is noted that the proposed development would not prejudice any of these objectives. The proposed changes to the golf course would remain within the existing planning unit and would not result in any unrestricted sprawl, nor any merging of neighbouring towns, or any encroachment into the countryside. The proposed remodelling of the golf course would mainly replicate the existing open, 'natural' golf course features, with the site remaining essentially rural and open in character. There are no designated and non-designated heritage assets within the surrounding area, and finally, the continued operation of the golf course, which is supported by this proposal, would help to ensure the continued recreational use of land associated with a former coal tipping site.
127. In terms of assessing the potential impact of development on the openness of the Green Belt, the PPG outlines that a number of material considerations identified by the courts should be taken into account including the spatial and visual aspects of openness; the duration of the development and its remediability, taking into account any provisions to return land to its original state or an equivalent (or improved) state of openness; and the degree of activity likely to be generated, such as traffic generation (Paragraph: 001 Reference ID: 64-001-20190722, revision date: 22 07 2019).
128. The term openness in the Green Belt is not defined within the NPPF, but it has been established through planning case law that there are likely to be visual as well as spatial effects on the openness of the Green Belt associated with development in the Green Belt and that inherent in the policy is the need for a judgement to be made as to whether these effects are likely to be harmful or benign. In terms of applying Green Belt exception policies in the NPPF, the concept of 'openness' and what is meant by the term 'preserve' in this context has been established. As stated, openness of the Green Belt has a spatial as well as a visual dimension but it does not mean that the openness of the Green Belt land has to be left entirely unchanged, only that the effects on openness from a development proposal must not be 'harmful', in order to 'preserve' the Green Belt's openness.
129. Case law has established that when considering harm to the Green Belt, the visual dimension should be assessed through the 'prism of openness' rather than in terms of landscape considerations. In this respect, it has been established that certain aspects should be considered, particularly whether any long-distance views would be affected or cut-off; and consideration given to the visual amenity enjoyed by current users of the Green Belt, including any public right of way running through the Green Belt area.
130. Case law has also established that the visual effect of development can, in itself, reduce the harm that development would cause to the openness of the Green Belt. In this respect, the perceived effect upon openness could be less than might be expected because, for example, 'the development would have a limited effect upon people's perception of openness from beyond the boundary of the site'. Whilst this decision may seem obvious, it leaves open the possibility that even though a site may be developed completely, provided the visibility from outside the site is limited, it may be acceptable as having no or a limited impact on the openness of the Green Belt.

131. The above judgements establish the context for assessing the impact of the proposed development on the openness of the Green Belt.
132. In terms of the visual impacts of the proposals the application is supported by a Landscape and Visual Impact Assessment (LVIA) with site photographs showing the existing and proposed (following development) Zone of Visual Influence (ZVI). The levels of sensitivity and magnitude of change from each viewpoint is set out in the LVIA.
133. The proposed works would alter the landform and for the first 10-15 years open up views within the golf course until planting matures. It is acknowledged that in terms of the spatial effects, whilst the development would not include any buildings or prominent structures, part of the practice outfield would be substantially raised, with changes in ground level of up to 12 metres towards its south-western boundary. Whilst the resulting landform would be significantly higher than the existing landform, the fact that it starts from such a low base level, in terms of backfilling the hollowed out depression within the central part of the outfield, would simply realign the outfield to create a more uniform, gently undulating topography, which slopes towards the northern end of the outfield, adjacent to the club house. As the land raising would occur in a depression already situated within the site, it is considered that the realigned landform would not appear prominent or incongruous within the landscape setting nor would it unduly obstruct or filter views across the landscape. The additional mounding would only be located in areas of need, with no overall 'blanket' raising of ground levels.
134. Although parts of the re-contoured site would have elevated ground levels, it is considered that these changes would blend into the varied topography of the golf course, with none of the works extending above any ridgeline or high ground level within the immediate vicinity.
135. It is acknowledged that the proposed modifications to the landform and the additional ancillary works would alter and bring about change to the land in this part of the Green Belt, and that any change by its very nature has the potential to introduce aspects that could potentially harm the perceived open character of the Green Belt. The proposed works have the potential to impact on visual receptors both within the site (users of the golf course) and those external to the site (primarily the users of Wigwam Lane).
136. To understand the impact, nine indicative viewpoints were assessed, all of which were sensitive receptors to the site including the nearest residential streets or localities with views towards the golf club; from Wigwam Lane looking into the site at its point of access on Wigwam Lane and from within the golf club car park where there are open views towards the practice outfield (where the main backfilling and reprofiling works are proposed) and the clearest long-distance views across the site. The impacts have been clearly shown in the applicant's photograph montages. The County Council's Landscape Architect is in agreement with what they depict and is satisfied that there are no significant effects caused by the proposed development. It is considered that the change in visual impact would be greatest to visual receptors to the western end of

Oakenhall Avenue who overlook the allotments and golf course from upper storey windows. Here the impact would be minor adverse during the construction period (from the rear 1st floor). Notwithstanding this, the photomontages depict the completion of the final landform and a period (unspecified time) following planting, and again on completion of the development, there would be no significant effect nor change in terms of long-distance views of the golf course including for those residents in Oakenhall Avenue. There is agreement that overall there would be a minor beneficial effect, as the landscaping matures.

137. There would be limited views of the proposed toboggan run through the main entrance but this element of the scheme would be set against the backdrop of the existing banked terrain and mature tree planting, the majority of which would be retained to ensure that this element is visually integrated into the setting. It is noted that the secondary access would be visible to those using Wigwam Lane, but these would be transitory views from passing vehicles.
138. There are no public rights of way within the vicinity of the golf course with views either towards or across the golf course. Those public rights of way situated in Bestwood Country Park to the south of the golf course are too distant to have views either towards, into or across the golf course. Views are not readily available or evident from any distant paths or public open spaces.
139. The proposed reprofiling of the practice outfield and surrounding golf course land, and the proposed landscaping scheme would have both spatial and visual effects in that the form of the land would appear different than that existing and whilst the replacement trees and shrubs are growing there would be an absence of mature trees within this part of the golf course. However, it is not considered that views across the golf course from either private or public areas would be harmfully affected or unduly obstructed or filtered by the proposed reprofiling of the land and the proposed landscaping. It is noted that current open views across the practice outfield and the wider golf course beyond are already partially obscured and filtered by established trees from the nearest sensitive viewpoint within the carpark area of the golf club.
140. In line with the PPG, it is considered that the reprofiling of the outfield has the potential to provide an equivalent or indeed improved state of openness to the Green Belt land within the golf club site. The proposed earthworks would not necessarily reduce the openness of the site. In this respect, whilst the works are likely to shorten the views across the site when viewed from the golf club car park, it is considered that there may be better, longer and more expansive views across the surrounding landscape from the tops of the newly profiled mounds. As such, it is considered that the re-modelled golf course has the potential to beneficially enhance the open views across the Green Belt for users of the golf course and on balance to remediate any impact or change, however limited, on the openness of the Green Belt. As such, it is considered that there would be no overall harm to the openness of the Green Belt.
141. Visual harm and/or perception of visual harm is a material consideration and it has been demonstrated through the supporting visual images from the nearest

residential receptors that there would be no significant effect upon local residents' actual views or perception of openness from beyond the boundary of the site upon completion of the development. Any attendant visual impacts would mainly be confined to more distant visual receptors, and any distant views would be viewed against the established setting of the wider golf course. Views towards the site from any public vantage points would be substantially mitigated by the extent of existing vegetation around the site, the topography of the land, and the distance from the operational golf course. Overall, it is considered that there would be no significant change to the character of the area when viewed from the surrounding area with the remodelled landform having much the same massing, scale, and 'texture' as the existing golf course. It is considered that for the majority of visual receptors outside the site, both the magnitude of change and their sensitivity to it, would be relatively minor to imperceptible.

142. Whilst there would be temporary movement of vehicles bringing in the imported material and a limited number of construction workers, activity associated with the construction phase (importation of inert waste/earthworks) would be limited in duration and a temporary impact. It is noted that the County Council's Landscape Architect has identified that vehicle movements across a changing landform, during the 16 months of importation of fill material, would be the most intrusive change in the landscape. The degree of activity likely to be generated, such as traffic generation, as outlined by the PPG, would be short-term, and would be wholly mitigated on completion of the works and in the absence of any substantial built development.
143. It is considered that the regraded and reprofiled landform and the associated ancillary works are unlikely to introduce any harmful impact, whether spatial or visual, on the openness of the Green Belt. Whilst there would be some short term negative impacts during the operational phase of the development and the proposed development would indeed makes changes to the existing landform and landscaping and would affect openness to a degree, on balance, having given detailed consideration to these matters, and having taken into account the balance of evidence presented in the supporting LVIA and the County Council Landscape Architect's comments, it seems reasonable to conclude that the development upon completion would have a neutral/benign impact in terms of harm to the openness of the Green Belt.
144. As such, it is concluded that the remodelling of previously developed land and the ancillary recreational facilities would not give rise to a greater impact on the openness of the Green Belt and collectively the proposals, in terms of spatial and visual effects, would not cause harm to the openness of the Green Belt and would preserve its essential characteristic of openness in accordance with national Green Belt policy set out in the NPPF and saved Policy EV1 of the ALPR (adopted November 2002). On this basis, it is concluded that the proposals are not inappropriate development in the Green Belt for the purposes of national Green Belt policy.
145. Referring back to Policy WCS7 of the WCS, there is an underlying premise that all land-raising developments or schemes would have visual impacts that would adversely affect the open character of the landscape making such

developments inappropriate in a Green Belt setting. This conclusion is reached without any reference to specific consideration of the actual effects of a development, which arguably would be expected to vary on a case-by-case basis. In this particular case, it has been demonstrated that the visual impact of the development is neutral/slightly beneficial and that there are no adverse effects on the open character of the Green Belt in this location.

146. There is therefore evident policy tension between the approach set out within both the WCS and WLP in relation to land-raising operations in the Green Belt and that set out in the NPPF regarding engineering operations. When local policies in the development plan and national policy pull in different directions, a judgement needs to be made regarding which policy takes primacy within the planning assessment. In terms of reaching a balanced judgement, it is important to give consideration to other material considerations, and in this respect, it is considered that a substantial amount of weight can be reasonably given to the main objective of the development, which is to facilitate the re-engineering of a golf course and that within this context, the input of waste soils is considered ancillary to achieving this objective. On the basis that the re-engineering of the golf course is the primary aim of the development rather than a disposal land raising scheme and in recognition that for the purposes of this application, there is no differentiation in terms of disposal for recovery of waste in the local waste management policies, it is concluded that on balance it is not unreasonable to give primacy to national Green Belt policy.
147. In terms of implementation of national and local policy, paragraph 213 of the NPPF states that due weight should be given to Development Plan policies, according to their degree of consistency with the 2019 Framework, and the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. In line with this direction, it is considered reasonable and balanced to give greater weight to national Green Belt policy in terms of the planning decision where there is a divergence in policy. In this instance, policy support for the development to proceed as appropriate development within the Green Belt has been demonstrated within the NPPF.
148. It is concluded that the Green Belt policies incorporated in the NPPF provides the most relevant policy by which to assess the merits of the development and on this basis, it is concluded that the development is appropriate in the context of Green Belt policy. The proposed development is compliant with the NPPF and saved Policy EV1 of the ALPR (November 2002).

Government guidance relating to large-scale landscaping development using waste

149. The Department of Communities and Local Government (DCLG) issued guidance regarding large-scale landscaping development using waste in a letter to Chief Planning Officers in 2009. It advised that particular scrutiny should be given to schemes (particularly golf courses) involving the importation of more than 100,000 tonnes of waste, to ensure that material is genuinely needed for

the development and is recovered rather than being disposed of, thereby bypassing initiatives to recycle and reuse waste material.

150. In this case, the proposed development is of a sufficient scale to warrant further scrutiny, given that it would involve utilising some 119,721 cubic metres of soils (circa 191,554 tonnes). There is a requirement to ensure that as part of these proposals the waste is being used beneficially through recovery rather than simply being disposed of.
151. In accordance with DCLG advice, the County Council has sought further information from the applicant regarding what other options had been explored to deliver the scheme of works, to demonstrate that this level of waste is actually necessary to achieve the proposed development; that excessive quantities of waste are not proposed to be imported into the site; and also to demonstrate that other options had been explored.
152. A number of alternative options had been considered by the applicant prior to submitting the planning application that is the subject of this report. A do-nothing scenario has been dismissed given that there is the need to improve the golf club facilities and enhance the viability of the club. Options to improve the operational golf course utilising on site soils and a cut-to-fill scheme were not considered viable due to limited on site materials and the level of disturbance this option would create meaning closure for the club during the construction period and the associated business impact. The scheme of works could be completed using natural clean soils, but would use a naturally occurring resource, which is discounted as a least sustainable option.
153. The applicant has put forward the proposed scheme on the basis that it provides benefits to the golf club whilst minimising disruption. The proposals would ensure that a proportionate amount of waste soils would be beneficially used within the development. It is recognised in the DCLG advisory letter that in some instances, such activities would be considered as recovery operations.

Compliance with waste management policy

154. As the proposal is to improve the Leen Valley Golf Club through the importation of waste soils, a number of policies within the WCS, the WLP and national waste management policies are considered relevant.
155. The re-engineering of the golf course seeks to utilise a significant amount of waste material and it is the importation of these waste soils into the site that needs to be considered against the waste management policy context set out within the NPPW and the WCS. This seeks to ensure that waste is managed sustainably by moving it up the 'waste hierarchy', in terms of prevention, preparing for reuse, recycling, other recovery, and finally disposal. The permanent deposit of waste soils on land, which is critical to the proposed engineering works, would be at different levels in the waste hierarchy depending on whether it is classed as a recovery or disposal activity.

156. Where the process of soil import and deposition is actually positioned within the waste hierarchy is based on whether or not the waste material is being used beneficially as a 'suitable replacement' for non-waste materials. This legal test is applied by the EA as part of its decision-making process at the permitting stage, on a case-by-case basis. If it can be demonstrated that waste material is being utilised as a suitable replacement for the use of non-waste material then such works are capable of being classed as a recovery scheme.
157. The applicant states that the EA's guidance note entitled 'Defining Waste Recovery: Permanent Deposit of Waste on Land' has informed the proposed development. This identifies that the landscaping of a golf course can be considered a recovery operation where a number of specific criteria are met. These include:
- Demonstrating that the soils would provide genuine benefit;
 - Provision of evidence to demonstrate that excessive soils are not being used to achieve the intended landform;
 - Materials already on the site cannot be used;
 - Detailed drawings are presented to show how the soils would be used on site;
 - The soil types are suitable for use, and
 - The soils would provide lasting benefit.
158. As stated, waste recovery, as applied by the EA, is when the main aim is replacing a non-waste material that would have been used in the operation with a waste material that performs the same function. The applicant states that the use of inert, third-party waste material to complete this proposal is capable of being considered a recovery operation and not a disposal activity because there is a clear need to improve the practice driving range and associated facilities from a practical, financial and social aspect; the waste soils would be used to improve and re-engineer a beneficial landform; the use of waste soils would preserve natural soils that would otherwise have to be used for this purpose; the same design outcome would be achieved regardless of whether non-waste or waste were to be used; soils are not available on site which could be used and the works would provide a lasting benefit; the minimum volume is being imported; and engineering and environmental quality standards would be applied.
159. In this particular case, a decision has been made by the EA to class the proposed development as a recovery activity for the purposes of the permitting stage. Any re-profiling and re-grading works to the golf course, would be required to take place in accordance with an EA approved Waste Recovery Plan. This seeks to place controls over the types of wastes deemed suitable for completing the works.

160. It is acknowledged that there are benefits to the proposed scheme for the golf course and that the EA has not raised any issue regarding the amount of waste proposed to be imported into the site. It is also noted that the EA has issued a permit for the proposed scheme and has concluded that the scheme is a deposit for recovery waste operation. As outlined in the NPPW (2014) recovery is 'waste which can serve a useful purpose by replacing other materials that would otherwise have been used'. It is acknowledged that the proposed scheme would use waste soils instead of natural resources. Therefore, the scheme is classified as other recovery within the waste hierarchy. However, even as a recovery site, the scheme is still to deposit waste and as such, there is a requirement on the part of the applicant to demonstrate that the waste intended to be used cannot be economically recycled as required under WCS Policy WCS3.
161. As outlined in the WCS at paragraph 7.10, the WCS aims for 70% of all waste to be recycled or composted by 2025, reducing the amount of waste to be disposed of to 10% (paragraph 7.14). The WCS presumption therefore is to support facilities that are higher up the waste hierarchy, with WCS Policy WCS3: 'Future waste management provision' outlining that proposals will be assessed as follows:
- a) priority will be given to the development of new or extended waste recycling, composting and anaerobic digestion facilities;
 - b) new or extended energy recovery facilities will be permitted only where it can be shown that this would divert waste that would otherwise need to be disposed of and the heat and/or power generated can be used locally or fed into the national grid;
 - c) new or extended disposal capacity will be permitted only where it can be shown that this is necessary to manage residual waste that cannot economically be recycled or recovered.
162. Even as a recovery site, the proposed development would still fall to be determined under criterion (c) and so would need to demonstrate that the materials being imported into the site cannot be economically recycled or recovered. Supporting information that accompanies the application describes the waste as soil that would not include litter or putrescible or biodegradable matter and would be in accordance with the EA approved materials protocol. It does not though detail where the waste material would be sourced nor evidence that the waste to be used within the proposed scheme cannot be recycled or recovered and so handled higher up the waste hierarchy.
163. In this respect, in terms of applying the test set out under criterion (c), the applicant has not been able to demonstrate unequivocally that the only waste material that would be imported into the site would be residual inert waste that cannot economically be recycled or recovered.
164. It is noted that due to the difficulty in timings and the scale of the scheme, source material is yet to be confirmed. It is stated that suitable material near to

the golf course would be recovered and used without treatment from as close to the site as possible, within a radius of approximately 20 miles. Local construction and engineering projects are expected to result in suitable inert waste material being made available, and the applicant references this as material that could be re-used (without treatment) at the golf club rather than being disposed of at landfill or potentially recycled, at a higher point in the waste hierarchy.

165. There would undoubtedly be, in the mix of waste materials imported into the site, residual inert waste that by its very nature cannot be economically recycled or recovered and is compliant with WCS Policy WCS3. However, it is acknowledged that this is unlikely to make up all the imported waste, and indeed the applicant states that there would be material in any mix of waste that could potentially be recycled for use in other construction projects.
166. Whilst it is recognised that there are controls in place under the environmental permit's protocol to ensure that materials used are suitable for this type of recovery operation, there is tension between what is permissible under this protocol and the requirements of criterion (c) of WCS Policy WCS3, which stipulates that import material shall be restricted to residual waste only, which cannot be economically recycled or recovered. There is therefore some divergence or conflict with this policy. The proposal is capable of fully acceding with this policy if a planning condition were to be imposed restricting waste soil imports to reflect this policy. However, notwithstanding this, it would appear reasonable to consider whether there are any material considerations to justify an exception to this policy given the wider merits of the proposal.
167. The development, which is capable of being classed as recovery, would drive waste higher up the waste hierarchy than a purely disposal activity, in accordance with local and national waste management policy, and the operations would facilitate both a process of recovering the soils and bringing them to a beneficial use. The proposals would ensure that natural soil resources are not sourced for the re-profiling and re-grading works, and the use of a mix of materials, all of which would be in compliance with the EA's protocol of acceptable waste materials for a recovery operation, would ensure that the scheme is completed in a timely manner using appropriate waste material. Within the mix of import waste material, it is anticipated that there would be an element of waste that is compliant with WCS Policy WCS3, and that the proposed scheme would provide some capacity for managing residual waste that cannot economically be recycled or recovered. Therefore, on balance, it is considered that there are material considerations to justify an exception to this policy, given the wider sustainability merits of the proposals.
168. WCS Policies WCS5 (Disposal Sites for Non-Hazardous and Inert Waste) and WCS7 (General Site Criteria) identify the locations where preference will be given to the development of new inert waste disposal facilities. WCS Policy WCS7 has been considered in the Green Belt considerations section of the report, and it has been established that the policy does not support 'land-raise' activities involving waste material within the Green Belt.

169. WCS Policy WCS5 acknowledges that where there is a need to provide additional waste disposal capacity for inert waste, the policy is supportive of disposal schemes on greenfield sites only as a last resort in the sequential listing, being the least favoured location for disposal.
170. The policies do not differentiate between recovery and disposal operations, based on an assumption that any inert waste, which cannot be recycled, is disposed of within a disposal facility. There is no identification in the plan that some of these disposal sites may be classed as recovery operations, and therefore no differentiation between the two processes, or recognition that they are ranked differently in the Waste Hierarchy, but these policies are nevertheless relevant to this planning application.
171. It is recognised that some waste material cannot be recycled or recovered and therefore residual waste would need to be disposed of. Assuming a 70% recycling rate and 10% of waste to be disposed, the WCS calculates additional capacity required to meet future waste arisings, which includes 3.2 million cubic metres of void space for inert disposal as detailed in Table 6. It is noted that a number of inert waste disposal facilities have come on stream since the WCS was adopted, which assist in reducing the capacity shortfall. Notwithstanding this, with a shortfall in capacity around the main urban area of Nottingham and Mansfield/Ashfield, WCS Policy WCS5: Disposal sites for hazardous, non-hazardous and inert waste gives priority to sites within this urban area.
172. As such, the proposal site is geographically well located within Nottingham to provide a facility in close proximity to the shortfall area. The golf course re-engineering works at Leen Valley Golf Course could potentially provide 0.12 million cubic metres of inert waste disposal or deposit capacity and therefore could potentially make a small but positive contribution in terms of addressing this shortfall.
173. Whilst this proposed development would fall within the preferred area and contribute to the additional capacity identified, as outlined in paragraph 7.28 additional inert capacity would be expected to be met by extensions and existing and future mineral voids and so the preference for disposal sites as detailed in WCS Policy WCS5 are:
- a) extensions to existing sites;
 - b) the restoration and/or re-working of old colliery tips and the reclamation of minerals workings, other man-made voids and derelict land;
 - c) disposal on greenfield sites where there are no other more sustainable alternatives.
174. Whilst the golf course is on a previous colliery tip, the site has been fully restored and so in terms of WCS Policy WCS5 the site would be considered a greenfield site, thus falling into the last preference in terms of the sequential listing criteria above and so would need to demonstrate that other alternatives have been considered. The applicant has identified why the improvements are needed for the operation, safety and maintenance of the golf course.

Consideration has been given to alternative schemes, using less imported waste material, and an assessment made of whether these could achieve the desired improvements.

175. A well-draining practice range outfield is considered vital and slopes of between 3% to 5% gradient are essential for rapid drainage to the south, (to the lagoon and attenuation basin). The range is 250 metres long, so even a 1% slope would only result in a 2.5metre lift at its furthest end, which is not a sufficient enough fall for a winter facility or a high-class efficient range. The grading design not only seeks to create a uniform, visible outfield with good topsoil and drainage infrastructure but also seeks to create a water harvesting scheme whereby any surface-water on the outfield would be collected and pumped to a newly created irrigation lagoon. As the outfield range would have the minimal percentage incline (4%) required for efficient drainage, accordingly a reduced amount of waste material would be involved in delivering the proposed scheme. The applicant has confirmed that the minimal volume of waste material has been used in terms of achieving a balanced design, and the necessary outcomes.
176. It is acknowledged that the design outcomes could be achieved using non-waste materials and it would be feasible to do so. The use of non-waste material has been considered, and whilst this would achieve the same design outcome, it is not considered a prudent use of valuable natural resources when there is the potential to re-use existing resources in the form of inert waste soils to achieve the same design outcome. The proposed waste recovery operation therefore seeks to replace a non-waste material with a waste material that performs the same function.
177. Alternative schemes have been considered, involving using material that is already on site. However, because the golf course is confined and holes are located close together, there is not enough space to carry out the large 'cut and fill' exercise that would be required, without disrupting the day-to-day operation of the 18-hole golf course, given that the works would necessitate a significant level of woodland clearance, the creation of significant haul routes across the course and the storage of substantial amounts of topsoil material. Given these constraints, identified disturbances, and wider negative landscape impacts, as well as the amount of available material not being of sufficient quantity to achieve the final design proposal, using material that is already on site is not considered either a practical or viable option.
178. There is therefore no realistic option of undertaking a 'cut and fill' operation to re-engineer the topography of the site using on-site material, and any works to re-contour the site would require backfill materials to be imported. There is insufficient on-site material to build up the necessary contours to construct the final necessary landform.
179. The use of imported waste would allow the practice outfield and the 16th green area to be re-engineered to provide the drainage falls that are required to achieve the self-sustaining water harvesting scheme which is a primary objective of this scheme. It would also achieve an efficient drainage system

across this part of the golf course. These improvement works are necessary if a high-quality practice outfield and surrounding greens, are to be delivered.

180. It is noted that the site is not proposed as a waste disposal site but that the waste material is an integral and necessary part of the engineering operations, with the primary purpose being the backfilling operations for which the material is required. The applicant states that the proposals accord with good golfing design and safety practices and represents the minimum requirements to achieve the design and safety measures of the design brief.
181. In terms of assessing the proposed development, it is recognised that the WCS does not differentiate between disposal and recovery operations. In this context, if the proposals were to be assessed strictly as a disposal activity, Leen Valley Golf Club is appropriately located in a relatively sustainable location, in close proximity to Nottingham, within the main shortfall area identified by WCS Policy WCS5. However, as a greenfield site, it is the least favoured option, under the policy's sequential criteria listing. Notwithstanding this, it is considered that the applicant has put forward a reasoned case in terms of demonstrating that the amount of waste proposed to be used is proportionate and the minimum amount required to achieve the objectives of the improvement works. It has been further demonstrated that there is no other viable alternative other than the least sustainable option, which is to use natural clean soil resources. Therefore, on balance, it is considered that the applicant has demonstrated there is a justified need for the waste material at this particular site, to beneficially improve the golf course facilities, and to enhance the golf club's viability in what is understood to be a highly competitive market. These are benefits that would not be derived if an alternative site were to be developed. On this basis, it is determined that there are no sustainable alternatives, in the context of this development and WCS Policy WCS5 and that as such, the proposal is in accordance with this policy.
182. In terms of the location of the proposal site, it is considered appropriate development in the Green Belt in accordance with the NPPF as an engineering operation, which has been assessed as preserving the openness of the Green Belt and the purposes of including land within it. As such, there is no requirement to demonstrate 'very special circumstances' under Green Belt policy. In terms of the location of the development site, it is therefore considered appropriate in the context of Policy WCS5 of the WCS.
183. The proposal could potentially contribute to the sustainable management of inert waste enhancing the movement of waste soils up the waste hierarchy, as a recovery operation. Therefore, it is considered that there are wider sustainability benefits that could potentially support the proposal. WCS Policy WCS1 incorporates a presumption in favour of sustainable development. The management of waste within a recovery facility would be more sustainable than that within a disposal facility. As a recovery activity, the operations would facilitate a process of recovering the soils and bringing them to a beneficial use in accordance with this policy, promoting resource efficiency and preserving natural material resources. There is compliance with WCS Policy WCS1.

184. In conclusion, in terms of assessing the proposed development, in the context of waste management policy there is considered support for the improvement works to Leen Valley Golf Course. On balance, the applicant's supporting evidence points to this development being a deposit for recovery waste scheme, and it is accepted that the primary objective is to improve the golf facilities rather than to dispose of waste. It is therefore preferable, as a recovery operation, in terms of the waste hierarchy. It is acknowledged that although a recovery operation, the scheme is still to deposit waste soils, and that the facility could potentially contribute in terms of addressing the shortfall in disposal capacity, as identified in the WCS. The proposed development would provide an element of waste management capacity in proximity to the main waste generating areas of Nottingham, and as such, would potentially contribute towards the objectives of WCS Policy WCS11, in terms of reducing the distance waste is transported.

Assessment of environmental and amenity considerations

185. WCS Policy WCS13 supports waste management development only where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby and where this would not result in an unacceptable cumulative impact. In this respect, of particular relevance is the amount of vehicle movements the proposal would generate and the impact of this on local amenity. These effects are considered below.

Traffic considerations

186. WLP Saved Policy W3.14 indicates that planning permission will not be granted for activities associated with waste management facilities/activities where the vehicle movements likely to be generated cannot be satisfactorily accommodated on the highway network or where such movements would cause unacceptable disturbance to local communities. This is the key policy against which to assess the traffic impact of the development.
187. Paragraph 109 of the NPPF states that development proposals should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe. Paragraph 102 of the NPPF seeks to ensure that the potential impacts of the development on the transport networks are addressed. Also of relevance is WCS Policy WCS11 (Sustainable Transport) which aims to make the best use of the existing transport network and minimise the distances travelled in undertaking waste management.
188. A supporting transport statement has been submitted in support of the proposed development. This has given consideration to the anticipated traffic flows associated with the proposals and the capacity of the local highway network to accommodate the resulting traffic. Whilst it is anticipated that the improvement works could take up to 16 months to complete (depending on the availability of

waste soils), the transport statement has assessed traffic impacts over the anticipated minimum construction period of 12 months.

189. The transport statement identifies that waste soils would be delivered to the site in 8 wheel tipper lorries, which can typically carry approximately 8 cubic metres of soils per delivery. Given this rate of input, 15,063 lorry loads of soil would be required to complete the works. Over a 12 month delivery period this would equate to 63 deliveries a day, with a maximum of 10 HGV trips (20 two-way movements) during the morning and evening peak hours.
190. Transport movements would only take place during the proposed operational hours. HGV traffic would import waste soils into the site during normal working hours, which for the purposes of this development would be controlled to between the hours of 07:00 hours to 17:00 hours Mondays to Fridays, with no weekend, Public or Bank Holiday deliveries permitted. Controls would be imposed through a planning condition to limit the delivery hours to between 07:00 to 17:00 hours Mondays to Fridays.
191. The proposed HGV route to the site would be from the south via Nottingham Road, Portland Road and Station Road, with direct access for construction traffic from Wigwam Lane. It is considered that an appropriate and adequate vehicle routeing scheme has been put in place to minimise the impact of HGV traffic on local communities and the nearest sensitive residential receptors to the site, along and within the vicinity of Wigwam Lane. The proposed route would ensure that delivery vehicles would not travel through Hucknall town centre. The County Highways Authority has not raised any concerns regarding the lorry routing.
192. WLP Saved Policy W3.15 states that WPAs may impose lorry routing restrictions upon waste development. It is considered that in this instance, in order to ensure that the prescribed lorry route put forward by the applicant is followed, planning conditions would be imposed requiring a traffic management plan to be submitted to the County Council which would outline the agreed lorry route and set out a procedural mechanism for implementing it. Planning conditions would also require clear directional signage at the access point onto Wigwam Lane. As such, subject to planning conditions, the proposed development would accord with WLP Saved Policy W3.15.
193. Wigwam Lane already serves a number of industrial units, situated on its western side directly opposite the golf club, and has an Annual Average Daily HGV Flow (2018) off approximately 500 vehicles. Given this baseline traffic flow data, the County Council's Highway Authority considers that the number of HGVs expected during the construction phase would not be significant, in terms of impact on Wigwam Lane. It is considered that the local highway network, including Wigwam Lane, has sufficient capacity to accommodate the predicted levels of traffic, and the vehicle routing is acceptable to the Highway Authority. The addition of a further 63 vehicles per day does not represent a significant intensification in traffic volumes and would not interfere with the flow of vehicles. It is, however, considered appropriate to impose a planning condition to ensure controls over the upper limit of lorry movements.

194. The levels of traffic that would be added to existing flows as a result of the proposed development would have no significant impact in terms of road safety; and the junctions along the lorry route would continue to operate within their design capacity. It is therefore considered that the proposed lorry movements associated with the construction operations would not materially impact on the safety of the local highway network, including Wigwam Lane given the less than significant level of lorry movements associated with these proposed operations when considered against the traffic baseline levels.
195. Supplementary information in the form of a Highway Technical Note has been submitted by the applicant, which provides details relating to the parking provision for both the existing and proposed golf/recreational uses at the golf club. This gives an indication as to expected visitor numbers to the site should each facility be operating at maximum capacity, using the existing 137 parking spaces available. The summary indicates that the total maximum car parking demand would be 119 spaces, and that therefore, the existing car park can accommodate the expected demand for this proposal. The County Council's Highway Authority is satisfied that there continues to be sufficient on-site parking provision.
196. The County Council's Highway Authority is satisfied the access arrangements to serve the development meet with the necessary standards for safe visibility. The development is capable of complying in the interests of highway safety, subject to maintaining appropriate visibility splays at the entrance to the emergency access off Wigwam Lane for the life of the development; and controls to ensure the temporary access shall be retained for emergency access only and not for general use by the public. Planning conditions would seek to place controls over both the visibility splays to ensure they are safety compliant and controls over the secondary access off Wigwam Lane to ensure it complies with its functional role initially as a temporary haul route for delivery lorries and then over the longer term for emergency access only.
197. A Construction Environmental Management Plan (CEMP) has been submitted in support of this development. It is noted that the CEMP has provided a comprehensive construction management plan for the proposed works, with the construction method statement placing controls over contractors' parking, loading, unloading and storage of plant and materials and provision of wheel wash facilities to prevent material such as mud from contaminating the public highway network. Planning conditions would be put in place to secure and implement these measures for the duration of the construction phase. As such, the proposals would comply with WLP Policy W3.11, which seeks to prevent mud and other detritus entering the public highway.
198. In terms of providing provision for the deposition of waste soils within close proximity to the shortfall area in Nottingham, the proposals would potentially ensure shorter journey times for local waste operators, thereby delivering a reduction in waste miles and associated carbon emissions. In terms of the proximity principle, the proposal therefore accords with WCS Policy WCS11 (Sustainable Transport) in terms of making better use of the existing transport

network and minimising the distances travelled in the managing of local waste material.

199. Overall, the proposed development would not have a material impact on either the surrounding local road network, or the closest strategic routes. Subject to the imposition of planning conditions, it is concluded that the highway network is capable of satisfactorily and safely accommodating the vehicle movements associated with this development including peaks in vehicle movements; and that the vehicle movements would not cause an unacceptable impact on the environment and/or disturbance to local residential amenity. Overall, it is concluded that there are no identified cumulative traffic effects associated with the proposals, particularly when consideration is given to the number of additional HGV's that would use Wigwam Lane, as a result of this development. There would be a less than significant effect on this part of the lorry route.
200. The development therefore complies with WLP saved Policies W3.14 and W3.15, the NPPF paragraph 109 and the objectives of Policy WCS13 of the WCS.

Noise

201. Saved Policy W3.9 of the WLP seeks to ensure that waste developments do not cause unacceptable adverse noise impacts by ensuring the protection of sensitive receptors and the use of planning conditions where necessary to control noise emissions. The policy advises restrictions over aspects such as operating hours; sound proofing plant and machinery, alternative reversing alarms, and setting maximum noise levels to help minimise noise impacts.
202. The re-engineering and backfilling operations associated with the scheme of improvement works to the golf course would introduce plant and machinery (including excavators, bulldozers and haulage vehicles) into a sports/recreational facility, all of which would generate noise emissions to varying degrees.
203. An assessment has been undertaken to consider the magnitude of noise emissions to the nearest sensitive residential receptors from both off-site lorry movements associated with waste soil imports into the site and the on-site operations associated with backfilling operations and associated ancillary engineering and construction works. The noise assessment references the guidelines from the Joint Guidance provided by the Institute of Acoustics and the Association of Noise Consultants for use during the Covid-19 pandemic to assess noise levels at the closest noise-sensitive receptors (NSRs).
204. It is noted that the noise assessment has been undertaken following the methodologies proposed by the BS:4142:2014 + A1:2019, BS: 5228-1:2009+A1:2014, the Calculation of Road Traffic Noise (CRTN) and the Design Manual for Roads and Bridges (DMRB). Whilst the assessment methodology prescribed by BS 4142 would typically be used to assess impacts from long-term or permanent operations rather than installations of a temporary nature, it

has been used in response to a specific request from the EA to use this methodology since the works involve the use of recovered waste materials. BS 5228-1 is the standard more typically used to assess noise arising from construction activities and its methodology has therefore been used to predict noise levels arising from the proposed works at the nearest sensitive receptors. The BS 4142 methodology has then been applied to assess the likely impact arising from those predicted noise levels arrived at under the BS 5228-1's methodology.

205. As the proposals would also result in an increase in HGV traffic on the surrounding roads, impact resulting from noise levels associated with increased road traffic has been assessed using the guidance given in the CRTN and DMRB. The CRTN is the standard method applied to assessing road traffic noise based on traffic flow, percentage of heavy vehicles, traffic speed, the gradient of the road and the road surface. The DMRB assesses the effects of highway noise and vibration from construction operations, based on the magnitude of impact arising from change in road noise levels, for what would be short-term changes in the case of these proposals.
206. Due to the Covid 19 lockdown and the circumstances surrounding it, the general significant decrease in traffic and associated traffic noise means that any current baseline sound level surveys would not be representative of 'typical' daily activities. To overcome this constraint, and to establish baseline background noise levels for the proposed development, a previous noise survey undertaken in October 2014 (between the hours of 07:45 and 09:45 hours) has been used, with this being considered more representative in terms of the nearest NSRs. In this respect, background sound level ranges of 47 to 51 dBA were recorded over the 2 hour stretch for three near locations to the site, identified as receptors 1, 2 and 3 (see tables set out below in this section).
207. It is noted that the County Council's Consultant Noise Engineer is satisfied that both the distances between the nearest sensitive receptors and the site boundary accurately represent the 'worst-case' scenarios, and that the screening attenuation corrections used between the sources and the receivers are both justified and well assumed. A screening attenuation value of 5 dB has been applied to receptors 1 and 3 and a screening attenuation value of 10 dB applied to receptor 2. The noise assessments are also confirmed as satisfactory, having considered a range of typical 'noisy' activities and their respective predicted noise levels, to represent the 'worst-case' scenarios.
208. It is noted that the sound level data from the types of machinery proposed to be used during the improvement works has been taken from Annex C of BS 5228-1. These comprise a tracked excavator; a dumper (Benford 9000), a 24 tonne bulldozer, and finally, a tractor (towing equipment).
209. The typical noise level sources associated with the HGV movements have also been satisfactorily presented and described, including applying a 2dB penalty due to the tonal aspects of the HGV reversing alarm systems, as have the construction phases which have been assessed individually, and are described below:

- Phase 1 – import material and raising earth level – bulldozer;
 - Phase 2 – replacing topsoil – excavator and dumper;
 - Phase 3 – shape the ground surface – bulldozer;
 - Phase 4 – cultivation and seeding – tractor.
210. BS5228-1 is the generally accepted industry best practice for controlling noise and vibration from works on construction sites and as stated contains a methodology for estimating construction noise levels as well as recognised methods for mitigating excessive noise levels. Annex E of the standard considers the 'significance of effects' of construction noise and identifies that noise generated by construction activities is 'significant' if the total noise (pre-construction ambient plus construction noise) exceeds the pre-construction ambient noise by more than 5 dB(A), up to a maximum level of 65dB LAeq,1hr during the daytime period.
211. Indicative results of the noise survey are set out in the tables below. To provide a worst-case assessment, this was based on noise sources operating at the closest point within the site to each of the three receptors.
212. Noise modelling has been undertaken for each of the four phases of working based on the methodologies set out earlier. Predicted noise levels from construction plant activities at each receptor location during each phase of the proposed work have been assessed and quantified. The results of the noise assessment for Phase 1 and Phase 3 are set out in the table below, given that the noise levels at the noise sensitive receptors would be highest during these particular phases of the construction works.

Assessment location and phase of the operations	Predicted noise level, dB LAeq,1hr	Distance to receptor (m)	Screening correction, dB
Phase 1 – import material and raising earth level			
Receptor 1 (2, Porchester Close)	49	185	-10
Receptor 2 (Netherfield Cottage)	47	250	-10
Receptor 3 (38, Oakenhall Avenue)	46	275	-10
Phase 3 – shape the ground surface			
Receptor 1 (2, Porchester Close)	49	185	-10
Receptor 2 (Netherfield Cottage)	47	250	-10
Receptor 3 (38, Oakenhall Avenue)	46	275	-10

213. The cumulative noise level at the identified receptors from both HGV movements and construction activities is presented below. These figures have used the worst-case plant noise levels taken from Phases 1 and 3.

Assessment location	Address	Distance to receptor (m)	Predicted noise level, dB LAeq,1hr
Cumulative impact (HGV movements and construction activities)			
Receptor 1	2, Porchester Close	185	49
Receptor 2	Netherfield Cottage	250	47
Receptor 3	38, Oakenhall Avenue	275	46

214. The calculations have been based upon the worst-case scenario, where the peak hour of HGV activities and the likely worst-case scenario in terms of construction plant activity have been assessed cumulatively. The data identifies the worst-case scenario, where the proposed site workings would be undertaken at the closest point to the identified property. Actual noise levels are therefore considered likely to be lower for much of the improvement works.
215. It is noted that the predicted levels are all less than the 65dB LAeq,1hr level set out within BS5228-1. Notwithstanding the above noise data, construction activities would be likely to be audible for those periods of time when works are closest to the receptors, but not to any significant level. Based on the predicted worst-case cumulative noise levels at the nearest receptors, it is considered likely that the plant and HGV noise levels could exceed the background noise level in some locations by up to 2 dB. However, in terms of the context of this, in actuality, the only point at which the rating level would exceed the existing background noise level is when the correction of 2 dB is applied for a tonal reversing alarm. This indicates that the actual time period for which there would be an adverse impact would be limited to those periods when the construction plant is reversing.
216. BS5228-1 indicates that adverse impacts from construction noise sources are only likely to occur when the ambient level during construction exceeds the pre-construction ambient noise level at the receptor by more than 5 dB, and as stated, the ambient noise level during construction exceeds 65 dB(A). It is noted that for the duration of the proposed works, neither of these conditions would be met at any point.
217. With regards to the increase of HGV traffic flows at Wigwam Lane during the peak hour, it is noted that this is likely to bring about an increase of noise levels of approximately 0.5dB. This increase would fall into the category of a negligible adverse effect for both the short and long term, under the criteria provided by DMRB.

218. The County Council's Consultant Noise Engineer is satisfied that the proposed development is acceptable subject to controls over noise levels. Planning conditions would seek to ensure that noise levels attributable to the site operations do not exceed the noise levels stated in the cumulative table above; that there are controls over white noise reversing alarms, for plant and vehicles under the operator's control; limits on the operational plant for each phase of works as outlined above together with no two phases occurring concurrently; and finally, that operational hours are restricted to 07:00-17:00 hours Mondays to Fridays with no operations occurring on Saturdays, Sundays, and Bank and Public Holidays. This final matter slightly amends the proposed hours of operation sought planning permission, which proposed some deliveries of restoration material on Saturday mornings. Such deliveries would not be permitted.
219. It is concluded that residential amenity in respect of noise would not be adversely affected by the proposals, subject to planning conditions. Any impact would be less than significant and for a temporary period of 12 to 16 months and restricted to between the hours of 07:00 hours to 17:00 hours Mondays to Fridays. As such, the proposed development would accord with WLP saved Policy W3.9 and the NPPF.

Ecological impact

220. Paragraph 175 of the NPPF supports developments which incorporate biodiversity improvements, especially where this can secure measurable net gains for biodiversity. Paragraph 170 states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
221. The development is supported by a Preliminary Ecological Appraisal. It is identified that the site is dominated by amenity grassland under regular management as part of the golf course, with smaller areas of semi-improved grassland, scrub and young plantation trees. It is noted that the proposed development would not directly affect any Local Wildlife Sites. The ecological survey indicates that this is a site of inherently low ecological value and is species-poor.
222. The habitats present, whilst not of significant ecological value in their own right, are nevertheless suitable to support a number of protected species.
223. It is noted that whilst the mosaic of rough grassland and scrub (with apparently suitable basking areas) does appear suitable for more common species of reptile, such as Common Lizard, there is nothing to indicate that there are reptiles within the search area, with none having been recorded. No protected or notable species have been recorded within the site nor would any be affected by these proposals. Notwithstanding this, precautionary measures have been recommended in the supporting information and supported by the County Council's Nature Conservation Officer; and would be secured under planning controls. In this context, a pre-commencement habitat survey for protected

species and other precautionary measures would provide mitigation for potential species-specific impacts. Planning conditions would ensure that any protected species has been appropriately accounted for, prior to the start of works.

224. The re-development works would have no significant ecological impacts. The site provides habitat for nesting birds, which is capable of being suitably mitigated by avoidance of vegetation clearance during the bird nesting season. This would be secured by way of a planning condition. None of the trees that require removal have the potential to support roosting bats, nor would any artificial lighting be used to illuminate the works area.
225. It is noted that the remodelling of the golf course area would provide bodies of water with regards to the proposed attenuation basin and storage lagoon. Both of these features would have the potential to support biodiversity.
226. As part of these proposals, a landscaping scheme has been designed to provide habitat and develop ecological interest within the site, including species rich grassland with woodland and shrub planting, using locally sourced, native species. The low-nutrient soils across the golf course would ensure the development of species-rich grassland sward.
227. The landscaping would also include extensive areas edging the outfield planted up with a wildflower meadow mix, and wetland areas. Once established this has the potential to contribute significantly in terms of introducing ecological interest into the proposal site. Planning conditions would seek to ensure that the ecological benefits are maximised by ensuring that appropriate wildflower seed mixes are sown and that the wetland planting mixes comprise locally native species. Other planning conditions would secure controls over specimen tree species; a methodology for the establishment and ongoing management of the soft landscaping; and suitable shrub planting for bird nesting habitat and foraging habitat for other faunal species. Finally, planning controls would be placed over Himalayan balsam to mitigate any potential impact to the proposed water bodies. Subject to planning conditions, the planting scheme would introduce ecological benefit to the site in accordance with WCS Policy WCS13, which encourages waste development to maximise enhancements to the local environment through landscape schemes; and in accordance with the NPPF and NPPW.

Landscape and visual impact

228. WLP saved Policies W3.3 and W3.4 seek to minimise the visual impact of waste developments. Chapter 15 of the NPPF seeks to conserve and enhance the natural environment.
229. The planning application is supported by a Landscape and Visual Impact Assessment (LVIA) which defines the baseline landscape character and visual context of the site and the wider study area. It has sought to quantify the anticipated effects of the proposed development on both the landscape character and in terms of visual amenity.

230. The site is identified as lying within the ML018 River Leen Corridor landscape policy, with adjacent policy zones to the south and east within the Sherwood area (identified as SH02 Killarney Park Wooded Farmlands and SH41 Bestwood Wooded Farmlands).
231. The River Leen Corridor is characterised by relatively low-lying farmland with a flat to gently undulating landform, with woodland, hedgerows and scrubby vegetation which often filters views to the urban edges. The woodland is characteristically linear, with closely managed linear woodland a feature of the golf course.
232. Impacts from the development on the landscape character areas are assessed as being low to medium adverse at the construction stage for the River Leen Corridor policy zone and low adverse to negligible for the two landscape policy zones within Sherwood. Fifteen years on from planting, subject to maintenance operations and management of the site during the establishment period, there would be an overall low beneficial effect for these three landscape policy areas. The County Council's Landscape Architect considers that the longer-term impacts are low beneficial rather than medium beneficial as assessed in the LVIA because the access road is proposed to be retained and also because of the inclusion of additional recreational facilities in the scheme of works.
233. In terms of the visual impact on the landscape, this would involve some relatively limited tree removal and vegetation clearance including along a stretch of the western boundary to Wigwam Lane to facilitate the construction of the access road. This would open up views into the site from a short section of the public highway. However, it is anticipated that these views would be intermittent and fleeting from vehicles passing by. There is no residential development opposite the entrance, with development limited to industrial/business units on the western side of Wigwam Lane.
234. Landscape impacts would be limited to more localised disturbance of what is mainly amenity grassland.
235. Some temporary visual impacts would occur as a result of initial earthworks, with the stripping of amenity grassland and topsoils, and the placement of soils into storage mounds. These works would be undertaken on a phased basis to minimise the amount of affected land at any one time. Following completion of the regrading/reprofiling of the land, the site would be re-seeded and returned to amenity grassland. The scheme would involve wider landscaping, including woodland and shrub planting, a wildflower meadow mix and wetland planting to give visual interest across the site for users of the golf course.
236. Although parts of the re-contoured site would have elevated ground levels, these changes would be visually integrated into the varied topography of the golf course, with none extending above any ridgeline or high ground levels within the area. Once the site is re-seeded and landscaped the visual impact from the changes to the ground level would be negligible, albeit that the additional landscaping over the longer term would have some beneficial visual

effects. The additional landscaping would enhance the visual appearance of the site. WLP Policies W3.3 and W3.4 are therefore satisfied.

237. In terms of the visual impact of the adventure golf facility and the toboggan run, these features would include soft and hard landscaping in the form of trees, grasses and shrubs; and a number of low-level boulder features/rock features and pathways. The toboggan run would be located to the immediate east of the existing car park and as such, there would be direct views towards it from the main entrance to the golf club from Wigwam Lane. However, a photomontage of this viewpoint demonstrates that the visual impact would be less than significant and that landscaping which is proposed as part of these proposals would integrate the toboggan run into the existing setting. In terms of the visual envelope from Wigwam Lane, the toboggan run would be barely visible so well is it visually integrated into its setting. The County Council's Landscape Architect has confirmed that the landscape impacts from Wigwam Lane would be marginal. The temporary/emergency access would be similarly viewed from Wigwam Lane, and again landscaping would to some degree mitigate visual impact when viewed from Wigwam Lane.
238. The golf course is extremely well screened from the surrounding area by mature tree planting towards the peripheral areas and the perimeter of the site, with blocks of trees and distinctive linear woodland planting, which is in character with the area. These landscape features would remain largely unaffected by these improvement works.
239. It has been demonstrated through the LVIA that the proposed improvement works would not impact on the character and distinctiveness of the Leen Valley Corridor once the proposed landscaping scheme has been established and matured. The proposed landscaping scheme proposes to use planting which is appropriate to the character of the area, using native species only. As such, it is anticipated that the planting scheme when established would become more cohesive and better integrated with the surrounding landscape.
240. It is acknowledged that the principle of a golf course use has been established and that the remodelling works would be similar in character to the works previously approved at the site when originally restored to a golf course. Whilst there are topographical changes, the existing landscape character of the site, which is generally one of rolling contours, with its associated mounds, greens, tees, and grass banks, would be maintained and would not be significantly altered by the proposed improvement works. It would remain essentially rural in character and characteristic of its surroundings.
241. In line with the recommendations made by the County Council's Landscape Architect, planning conditions would seek to ensure that an appropriate mitigation scheme is submitted which is in line with the landscape characteristics of the area (River Leen Corridor). Essentially this means reflecting the appropriate landscape actions for the Leen Valley Corridor set out within the Greater Nottingham Landscape Character Assessment, which aim to conserve and enhance belts of linear woodland which are characteristic of the area; and enhance woodland planting around the urban fringe to enhance an

increasingly rural character to the area. The landscaping scheme would seek to reflect the local native provenance of tree and shrub species. Any scheme would need to be informed by the visual and landscape character as well as giving consideration to local biodiversity objectives.

242. The County Council's Landscape Architect has recommended that the applicant provides a sustainable financial mechanism for securing ongoing management post development. However, having given this matter consideration, officers have concluded that such a mechanism would not be appropriate or proportionate and that the aftercare and establishment maintenance of the landscaping scheme is more than adequately provided for under standard planning conditions, which would cover the establishment and aftercare period. In the spirit of paragraph 205 criteria (e) of the NPPF, albeit that this proposal is not a minerals development, it is considered that 'exceptional circumstances' have not been demonstrated to justify a financial mechanism of this order.
243. Subject to a suitable landscaping scheme with appropriate planting and establishment/maintenance proposals, it is considered that the proposed improvement works would not have a significant impact on the wider landscape character of the area. Once the planting becomes established, over the longer term, there would be some beneficial enhancements to the landscape character of the area. On balance, the proposed development would be compliant with the objectives of section 15 of the NPPF and with WLP saved Policies W3.3 and W3.4.
244. With regards to the visual impact of the development this has largely been considered in the Green Belt policy section of the report.
245. The most prevalent views of the proposed remodelled golf course would be from within the golf course complex itself. There are no views into the site from public vantage points such as public footpaths, bridleways or open public space.
246. Based on the LVIA's nine selected viewpoints, all of which were described as sensitive receptors, the County Council's Landscape Architect is satisfied that there are no significant effects caused by the development.
247. It is considered that once the trees, shrubs and wildflower area proposed around the practice outfield and the 16th tee have matured, the proposals would conserve the landscape quality and character of the area. As such, the development is in compliance with WLP saved Policies W3.3 and W3.4.

Air Quality/Dust

248. Waste operations including associated HGV movements have the potential to cause a dust nuisance to any sensitive receptors to the site. Saved WLP Policy W3.10 identifies that dust emissions from waste activities are capable of being managed and reduced by implementing appropriate dust mitigation practices. Saved WLP Policy W3.11 seeks to ensure that mud and other debris does not contaminate the public highway.

249. A Dust and Emission Management Plan (DEMP) has been submitted in support of the proposed development. Leen Valley Golf Club is not located in an Air Quality Management Area. Notwithstanding this, an assessment of the potential dust impact from the proposals has been undertaken to identify any risks associated with the development, and to quantify the potential for change in levels of dust deposits/emissions to sensitive receptors within 1,000 metres of the site.
250. It is recognised that waste operations/activities have the potential to cause a residual dust nuisance to any identified sensitive receptors to the site. It is also recognised that local microclimatic conditions can give rise to localised, albeit usually limited dust emissions.
251. Dust has the potential to be emitted from the stripping of topsoil, the wheels of plant and vehicles operating on site, stockpiles of topsoil, HGVs as they deliver waste material, stockpiles of material, during the placement of material and prior to the establishment of vegetation. Particles may be tracked from site on to the southern part of Wigwam Lane, and emissions from vehicles, HGVs, plant and machinery would be expected.
252. The receptors within 1,000 metres of Leen Valley Golf Club may be impacted by dust and other emissions such as nitrogen dioxide from mobile plant and vehicles.
253. With regards to atmospheric dust, the acceptable air quality threshold for human health impact is $40\mu\text{g}/\text{m}^3$. In terms of the assessment, it has been identified that whilst there may be potential for a minor increase in atmospheric dust for the surrounding area, any environmental dust concentrations are anticipated to be well below the air quality threshold. It is also anticipated that air quality impacts resulting from vehicle emissions associated with the importing of waste soils and on-site plant emissions would be less than significant. Attention is drawn to the fact that there are other dust, particulate and emissions sources within 1,000metres of the golf club, such as demolition contractors, recycling centres, concrete suppliers, car dealers, to name but a few. The proposed activities are temporary and as such time-limited, and it is also stated that the mobile plant and equipment proposed to be used would have the lowest possible emissions ratings; plant is regularly maintained and the contractor has a policy of switching off engines when stationary to reduce emissions. In terms of the assessment, there is nothing to indicate that the overall effects on atmospheric dust and air quality resulting from the delivery traffic, on-site plant and equipment and associated activities would be anything other than less than significant.
254. Nuisance from fugitive dust emissions released to the atmosphere is therefore not anticipated and the pollution control authorities (Environmental Health and the EA) have not raised any concerns relating to environmental impacts such as dust and air quality that could potentially affect public health.
255. Notwithstanding the absence of any significant air quality impacts, the DEMP identifies mitigation measures to ensure any potential dust emissions are minimised. This would follow waste industry best practice, which seeks to

prevent, avoid and reduce residual dust emissions. The measures set out in the DEMP include the sheeting of material on lorries, wheel wash facilities to ensure vehicles can have wheels free from excessive mud or debris before leaving the site, speed limits will apply along the haul routes, low drop heights, and low drop speeds to reduce the likelihood of airborne particles being dispersed in the wind.

256. The temporary haul routes would be constructed with hardcore material, installed to a minimum depth of 300mm, with a width of 4 metres, and would be maintained and graded to reduce any build-up of mud and debris and the potential for dust generation.
257. Other measures would include controls over topsoil storage heights and using a water bowser to dampen haul routes and other exposed surfaces during dry periods. There would be no treatment or crushing of waste material on site and minimal sorting, which would be manual rather than by screening plant, and no double handling. Works would stop during extremely dry, windy and dusty weather or when winds are extremely strong from the prevailing west/south-west.
258. Subject to securing the dust controls identified in the DEMP, by way of a planning condition, it is concluded that the proposed development is capable of being undertaken without significant impacts to residual dust emissions or air quality. On this basis, it is not anticipated that there would be any associated residential amenity impacts with regards to dust. As such, the proposals accord with WLP saved Policies W3.10 and W3.11.

Ground and Surface Water/Flood Risk

259. WLP Saved Policies W3.5 and W3.6 seek to ensure that waste developments do not cause an unacceptable adverse impact in terms of the water environment. The policies seek to avoid pollution of ground and surface water through implementing engineered solutions including the use of appropriate drainage systems and control over waste types.
260. The applicant has submitted a Hydrological Risk Assessment (HRA) in support of these proposals, with the assessment having identified the risks of contamination for groundwater and surface water receptors associated with the site.
261. The surface water regime is considered to be the more sensitive receptor for the purposes of this assessment, with it having been established that under normal operating conditions and waste acceptance procedures, there would be no impact on the groundwater in the aquifer. However, overall the risks are considered to be low, and if all waste acceptance procedures are adhered to, there is a low likelihood that backfill material could generate leachate at concentrations above the freshwater environmental quality standards.
262. The site has been designed to have an attenuation pond which would outflow downgradient at greenfield rates. Monitoring of this pond is to be undertaken on

completion of the works and the quality of the Baker Lane Brook established prior to works commencing given the history of the site and the presence of colliery spoil. Data would be reviewed quarterly to ensure there are no significant changes to background concentrations and that the proposed monitoring regime remains appropriate. It is noted that the recommended monitoring regime is outlined in the supporting HRA, and a planning condition would be imposed to ensure that this scheme of monitoring is followed through and implemented fully.

263. The implementation of the surface water monitoring procedures as outlined in the application would serve to mitigate any potential impacts, in terms of polluting local surface water. As such, the proposed development would be fully in accordance with WLP saved Policy W3.5.
264. The likelihood of seepages from the proposed backfill material, in terms of migrating into the surface water regime has been assessed and the scheme is considered to be acceptable. It is noted that the strict importation controls would place limits on waste types imported into the site, and analysis and leachability testing would place controls over the surface water regime. A 'rogue load' assessment has demonstrated that there is resilience in the system and that even if a quantity of non-inert material were to unknowingly be accepted, it would have a low likelihood of causing unacceptable impacts on the surface water regime.
265. It is acknowledged that there is a low likelihood of adverse impact on the hydrological setting of the site.
266. Paragraph 163 of the NPPF states that when determining any planning application local planning authorities should ensure that flood risk is not increased elsewhere.
267. In accordance with paragraph 163, the proposed development is also supported by a site-specific flood risk and drainage assessment (FRA), which identifies that the site is situated entirely within Flood Zone 1. Flood Zone 1 represents a low probability of fluvial or ground water flooding occurring, which is consistent with the elevated topography across the site. Neither the Baker Lane Brook nor the River Leen pose a risk of flooding to the site.
268. With regards to the risk of surface water flooding, with the exception of some isolated areas of high risk, the site is identified as being at very low risk. Those areas of high risk correspond to the topographical depressions identified within the site, where localised waterlogging can and does occur following heavy rainfalls. Other than that, no significant overland surface water flows have been identified across the site, and there are no historical records of surface water flooding at the site.
269. To comply with the requirements set out in the FRA, surface water from the proposed redevelopment must be maintained at its existing rates or returned back to the greenfield runoff rate for the site. It is noted that the attenuation

storage provided in the two water storage areas and open ditches with check dams would ensure this requirement is met.

270. All existing drainage above and below ground would be retained, with all drainage ultimately discharging to Baker Lane Brook. Additional open drains and water storage areas would be installed to ensure that there is no increase in flood risk to or from the site. Compensatory measures would ensure that sufficient controls over waterflow are built into the system including creating a water storage lagoon and an attenuation basin. It is noted that the proposed water storage lagoon would attenuate water below ground level and therefore would not pose a flood risk to the site.
271. As stated, the existing surface water drainage system discharges to Baker Lane Brook, and the FRA confirms that the proposed changes to the drainage scheme which form part of the re-grading works would maintain this method, and the existing rate of flow.
272. During the site set-up, importation and construction process, and topsoil reinstatement/cultivation, temporary attenuation drainage measures would be put in place to facilitate the adequate collection of surface water run-off, and to ensure that excess silt from the works does not enter any watercourses or affect Wigwam Lane. This would involve surface water being intercepted using temporary bunds, drains and ditches to channel excess water to either temporary attenuation/holding lagoons or once constructed, the proposed surface water drainage scheme. The temporary drainage infrastructure would be maintained throughout the duration of the construction works. All temporary interceptors and settlement areas would be provided with cut-off valves to control flow, including enabling discharges to be stopped in the event of spillages.
273. The FRA demonstrates that the proposed redevelopment works would not increase flood risk to or from the site subject to implementing the compensatory mitigation drainage measures, which form an integral part of this scheme. No adverse effect to the surrounding area is anticipated as a result of the redevelopment works.
274. The development is therefore considered to be compliant with WLP saved Policies W3.5 and W3.6 since the design of the site satisfactorily safeguards against water pollution, including during the construction phase; and in accordance with the objectives of Policy WCS13 of the WCS and paragraph 163 of the NPPF by not increasing onsite flood risk or increasing it elsewhere.

Contamination

275. The proposed development would utilise waste soils originating as inert construction waste potentially from multiple sources. It is anticipated that the material would come from local construction and engineering projects. In each case, the waste must be classified as non-hazardous and the potential for any contamination risk managed.

276. It is noted that the site would operate an environmental management system, and in support of the proposed development, the applicant has submitted a Construction Environmental Management Plan (CEMP) as part of this process. This seeks to ensure that for the duration of the improvement works, there is a robust importation protocol in place together with procedures for the management of any on-site spillages during the reprofiling works. In addition to the importation protocol, visual conformance checks would be made on incoming materials. This would enable a rapid response to the removal of non-conforming materials. The importation protocol would ensure that any incoming waste materials are suitable for use and also that any non-conforming materials are removed in line with the protocol and are not used on site.
277. Material import would be undertaken in strict accordance with the terms of an Environmental Permit granted and regulated by the EA, and this would set out the types of material acceptable on site, volumes to be imported and all necessary environmental controls. This seeks to ensure that all imported waste material falls within an acceptable category that does not give rise to contamination of ground or surface-water drainage.
278. The CEMP outlines the soil importation procedure (which accords with the EA's environmental permit). To determine a waste's acceptability for use at the site, the protocol would be applied to ensure that the waste's properties are fully assessed and to check that the importers of the material are suitably licensed. A list of permitted wastes is set out in the environmental permit and this is reflected in the CEMP. The plan puts in place a series of controls to ensure that any waste material imports are suitable for use. Any non-compliant material will be reloaded onto the tipper and returned to its original source.
279. Whilst it would not be appropriate to duplicate the controls imposed by the environmental permit, it is considered reasonable to attach a planning condition requiring the site to operate in accordance with the CEMP.
280. It is noted that the County Council's Reclamation Officer is satisfied that the applicant has provided a robust package of environmental measures that indicate that any impact to human health and/or the wider environment from the proposal would be minimal/low risk.
281. It is concluded that any potential contamination risks posed by the imported waste material are capable of being appropriately controlled subject to a planning condition ensuring the development is carried out in accordance with the CEMP. As such, the proposal is compliant with WCS Policy WCS13.

Other Issues

282. Substantive environmental controls covering the regrading and reprofiling works at Leen Valley Golf Course would be dealt with under a bespoke environmental permit authorised by the EA and enforced by them. It is confirmed that the EA has issued a permit for a deposit for recovery waste operation for the carrying out of these works.

Other Options Considered

283. 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.
284. With regards to the proposed improvement works, the applicant undertook a feasibility study, as part of the planning application process, giving consideration to various options, including the 'do nothing' scenario; using only on-site soils to carry out the improvements; a cut and fill operation; and finally, the use of natural clean soils to achieve the same design. The proposal scheme was adopted on the basis that it beneficially uses waste soils to achieve the development, causes the least disruption to the golf club and supports the economic viability of the golf club.

Statutory and Policy Implications

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

Crime and Disorder Implications

286. The development would be located within an established golf club benefiting from perimeter security fencing and gates, security lighting and CCTV coverage to the club house and carpark. Furthermore, existing mature vegetation offers a degree of protection to the golf course, effectively screening the site from Wigwam Lane. For the duration of the works, the contractor's site compound would be fenced off with Heras security fencing.

Data Protection and Information Governance

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

Human Rights Implications

288. 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. The proposals have the potential to introduce impacts such as noise and traffic impacts upon the

residential amenity of the nearest residential occupiers. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as supporting the economic viability of a local sport and recreational facility in Hucknall and facilitating the beneficial use of waste soils in accordance with the waste hierarchy. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Public Sector Equality Duty Implications

289. The report and its consideration of the planning application has been undertaken in compliance with the Public Sector Equality duty. Potential direct, indirect and cumulative impacts from the proposal have been considered equally to all nearby receptors and resulting from this there are no identified impacts to persons with a protected characteristic.

Implications for Sustainability and the Environment

290. These have been considered in the Observations section of the report.
291. There are no financial, human resource, or children/adults at risk safeguarding implications. There are no implications for County Council service users.

Statement of Positive and Proactive Engagement

292. 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

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

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments (SG 19/07/2021)

This decision falls within the Terms of Reference of the Planning and the Rights of Way Committee to whom responsibility for the exercise of the Authority's functions relating to planning applications.

Financial Comments (SES 13/07/2021)

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

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Hucknall North

Cllr John Wilmott

Report Author/Case Officer

Deborah Wragg

0115 9932575

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

F/4148

W002111.doc