

Meeting: Planning and Rights of Way Committee

Date: Tuesday 6 June 2023 (commencing at 10:30am)

Membership:**County Councillors**

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

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

Substitute Members

Pauline Allen for Paul Henshaw

Officers and colleagues in attendance:

Mike Hankin	-	Planning Applications Senior Practitioner
Jaspreet Lyall	-	Solicitor and Legal Advisor to the Committee
Adrian Mann	-	Democratic Services Officer
David Marsh	-	Major Projects Senior Practitioner
Jonathan Smith	-	Interim Group Manager for Planning

Public speakers in attendance:

Emma Pearman	-	Planning Permission for Ness Farm and Cromwell Quarry, Cromwell (item 7)
Neil Gamble	-	Planning Permission for Gateford Primary School, Gateford (item 8)
Cllr Maria Charlesworth	-	Planning Permission for Gateford Primary School, Gateford (item 8)
Cllr Sybil Fielding	-	Planning Permission for Gateford Primary School, Gateford (item 8)

1. Appointment of the Chairman and Vice Chairman

The Committee noted the appointment by Full Council on 11 May 2023 of Councillor Mike Quigley MBE as Chairman and Councillor Jim Creamer as Vice-Chairman of the Planning and Rights of Way Committee for the 2023/24 municipal year.

2. Membership

The Committee noted that the membership of the Planning and Rights of Way Committee for the 2023/24 municipal year as being Councillors Mike Adams, André Camilleri, Robert Corden, Sybil Fielding, Paul Henshaw, Rachel Madden, Andy Meakin, Nigel Moxon, Philip Owen, Francis Purdue-Horan and Sam Smith.

3. Apologies for Absence

Paul Henshaw	-	other County Council business
Andy Meakin	-	other reasons
Francis Purdue-Horan	-	other reasons

4. Declarations of Interests

No declarations of interests were made.

5. Declarations of Lobbying

Councillor Sybil Fielding declared, in relation to item 8 on the agenda (Planning Permission for Gateford Primary School, Gateford), that the proposed new school was in her Division and that she supported its construction, due to the high need for pupil places expressed by local residents. Councillor Fielding left the room prior to the Committee debating this item.

6. Minutes of the Last Meeting

The minutes of the last meeting held on 18 April 2023, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman.

7. Planning Permission for Ness Farm and Cromwell Quarry, Cromwell

Mike Hankin, Planning Applications Senior Practitioner, introduced applications 3/22/01790/CMA, 3/22/01787/CMA and 3/22/01788/CMA by Cemex UK Operations Limited in relation to Ness Farm and Cromwell Quarry, Cromwell for Planning Permission for a proposed southern extension to the quarry and associated amendments to the method of working plans, working scheme and restoration plan. The following points were raised:

- a) There is a long history of sand and gravel working at Cromwell Quarry. However, most of the minerals authorised for extraction have now been quarried, so a new planning application has been made for an extension immediately to the south of the quarry, with two associated Section 73 applications submitted to modify existing consents to facilitate this. The proposed extension site comprises 13.37

hectares of arable farmland. Around 550,000 tonnes of sand and gravel will be extracted in two phases at a rate of approximately 300,000 tonnes per year, resulting in just under two years of productive capacity. The minerals would be processed within the existing plant site and transported using the routes already agreed. An appropriate flood evacuation scheme is also in place.

- b) The extension site is not allocated for mineral extraction in the current Nottinghamshire Minerals Local Plan, as there is no immediate requirement for additional mineral resources to maintain a steady and adequate supply of sand and gravel production across Nottinghamshire as a whole. However, the mineral supply for the local area is more constrained, and the reserves at Cromwell Quarry are depleting rapidly. The use of the Ness Farm site would extend the operational life of the quarry and achieve a more satisfactory spread of sand and gravel production capacity across the county, while not resulting in an oversupply. The working quarry would continue to provide jobs and foster a competitive local economy, reducing the haulage distance for materials to reach the local market.
- c) The proposed quarry extension would result in the removal of 11.06 hectares of good quality agricultural land. The policy priority is that lower-quality agricultural land should be used for developments wherever possible. Nevertheless, there are no other viable alternative locations for an extension of the quarry that could use lower-grade agricultural land. The proposed Planning Conditions ensure that the high-quality soils will be stripped in compliance with the industry best practice and then used for the restoration of the site to provide ecological habitat – so they would not be returned to agricultural use, resulting in a permanent loss.
- d) The ultimate restoration of the quarry will create a predominantly wetland habitat incorporating open water, reedbed margins, wet woodland, shallow ponds and grassland verges. A full Environmental Impact Assessment has been produced. The restoration will deliver significant ecological benefits, which provide strong policy support for the development in the overall Planning balance.
- e) There will be some temporary negative landscape and visual impacts during the 2-3 year quarrying phase, but these will be reversed as part of the following restoration. The existing arable use of the extension site has a generally low ecological value and the development scheme incorporates appropriate mitigation and compensation to minimise the negative ecological effects. The development would have some minor impacts to the setting of built heritage assets and archaeological features, but these will be mitigated through the installation of heritage interpretation boards and a scheme of archaeological investigation and recording.
- f) Objections to the application have been received from the Cromwell Parish Council and the Nottinghamshire Wildlife Trust. The Parish Council questioned the need for further quarrying and raised concerns that HGVs had ignored the routing controls and driven through Cromwell Village in the past, also alleging that activity associated with the quarry had caused damage to a footpath (Cromwell Footpath 5). These concerns have been investigated, but there is no current evidence that HGVs have been using the wrong routes. Access along the

network of public rights of way will be maintained and the condition of Footpath 5 has been monitored regularly throughout the working life of the quarry, with inspections confirming that operations are not causing damage to or restricting access along it.

- g) The Wildlife Trust also raised concerns about the need for further quarrying, the adequacy of the ecological surveys carried out and the potential for adverse ecological impacts, and made a number of suggestions to develop the site's restoration plans.
- h) Since the publication of the report, a representation has also been received from the Trent Valley Internal Drainage Board, which requested that the applicant liaises with it to arrange for the thinning of the vegetation along the watercourses within the wider quarry complex and to investigate opportunities to create areas of additional off-site wetland habitats in the Cromwell area.

With the permission of the Chairman, Emma Pearman addressed the Committee on the behalf of the applicant. The following points were raised:

- i) Cemex has operated Cromwell Quarry since 2016, which is well-placed to generate a strong level of supply for the local market – where there is a high demand for sand and gravel. The quarry was originally approved for used until 2028, but has been closed temporarily since December 2022, so developing the extension will bring it back into operation and safeguard both local mineral supplies and jobs. Mineral extraction is planned to resume at the same rate as before, with operations to commence before the site becomes sterile.
- j) The comments from the Nottinghamshire Wildlife Trust in response to the application have been taken into account, with improvements made to the ultimate restoration plan to ensure the provision of good future habitats and biodiversity.

The Chairman then opened the application for debate. The following points were discussed:

- k) HGV travel to and from Cromwell Quarry is managed through the Planning Conditions and a Section 106 legal agreement with the developer, and is monitored regularly by officers. The quarry is accessed via a very straightforward route from the nearby main road, so there is no benefit to HGV drivers in travelling through Cromwell Village. The regular monitoring of the site has not revealed HGVs using the wrong routes, and no evidence of this has otherwise been supplied. However, if residents witness quarry traffic using the road through the village, the most effective means of supporting a complaint is to record and report the numberplate of the vehicle – as this is used to log all traffic entering and leaving the quarry.
- l) The Committee considered that it is extremely important to ensure that HGVs use the proper routes and do not travel through Cromwell Village, accidentally or otherwise, and that all suitable prevention steps should be taken – with any appropriate enforcement activity carried out, if required.

Resolved (2023/011):

- 1) To approve the grant of Planning Permission for application 3/22/01790/CMA for a southern extension to Cromwell Quarry onto land at Ness Farm for the extraction of approximately 550,000 tonnes of sand and gravel, with restoration to agriculture and nature conservation, subject to the conditions as set out in Appendix 1 to the report, subject to:
 - i. Condition 10 being modified to reference the completed flood evacuation plan as an approved document; and
 - ii. an additional informative note being added to the decision notice to address the matters raised by the Trent Valley Internal Drainage Board as part of their late representation in response to the application.
- 2) To approve the grant of Planning Permission for application 3/22/01787/CMA to allow an update to the method of working plans and the retention and use of the plant site, access, haul road and silt lagoons at Cromwell Quarry to facilitate the working of a proposed extension at Ness Farm, subject to the conditions as set out in Appendix 2 to the report.
- 3) To approve the grant of Planning Permission for application 3/22/01788/CMA to allow for amendments to the working scheme and restoration plan at Cromwell Quarry to facilitate working of a proposed extension at Ness Farm, subject to the conditions as set out in Appendix 3 to the report.

8. Planning Permission for Gateford Primary School, Gateford

David Marsh, Major Projects Senior Practitioner, introduced application 1/23/00374/CDM by Nottinghamshire County Council in relation to land off Gatekeeper Way, Gateford for Planning Permission for the construction of a new primary school. The following points were raised:

- a) Gateford Park is a new residential estate that is being built following the grant of outline Planning Permission in May 2015 by Bassetlaw District Council. A one-form entry primary school was included in the permission. The 750-house development should generate a demand for around 158 primary school places. In the wider Gateford-Shireoaks Primary Pupil Place Planning Area, 74 new places have recently been provided, but further residential developments are also under construction – so a shortfall of 138 places overall by 2026/27 has been identified.
- b) The current proposal is for a 315-place, 1.5-form entry primary school to be built in two phases (210 places being delivered by Phase 1 and the remaining 105 places by Phase 2), along with a 26-place nursery to be built as part of Phase 1. The designated school site is in a central location within the estate, with Harlequin Drive on its southern boundary and Gatekeeper Way on its eastern side. Areas of public open space are proposed to the north and west, with a tree-lined footway and cycle greenway running along the northern boundary.
- c) The two-phase school building is of a single-storey construction to sit low in the landscape, with either public open space or school playing fields to the north,

west and south. Solar panels will be installed on the roof slopes above the classrooms. A playing field will be provided to the south, with an acoustic fence on the boundary with Harlequin Drive if required.

- d) The 33-space school car park will be accessed from Gatekeeper Way and will include 2 spaces for disability parking and 3 electric vehicle charging points. There are anticipated to be around 33 members of staff at the school once Phase 1 has been completed, and up to 24 are expected to arrive by car. Staff numbers would increase by around 8 following the completion of Phase 2, so up to 32 of the spaces may be required for staff car parking.
- e) Churchill Way, Harlequin Drive and the carriageway on Gatekeeper Way where it is next to the school have been specifically constructed to a width of 6.75 metres to allow for single-sided carriageway parking without obstructing the flow of two-way traffic. A draft School Zone with car parking restrictions, mostly at the road junctions, has been submitted. Some changes to the highway will be required, such as dropped kerbs at the points where the greenway crosses Gatekeeper Way.
- f) Due to the school's central location, it is possible for parents from the estate to travel to it without using a car. It is projected that there would be a maximum of 44 cars journeys to the school from outside of the estate once Phase 1 of the development has reached full occupancy. The completion of Phase 2, bringing the school up to its full 315 places, is likely to attract children from further away who are more likely to be driven to school, resulting in around 133 cars traveling to it. As such, a detailed traffic survey will be done ahead of the Phase 2 works being carried out to review the actual patterns of parking at that time and implement any necessary mitigation measures.
- g) The residents on Gatekeeper Way, Harlequin Drive and Crystal Court have been notified of the application and no representations have been received.

With the permission of the Chairman, Neil Gamble addressed the Committee on the behalf of the applicant. The following points were raised:

- h) The school was granted outline Planning Permission as part of the wider estate development in 2015. Parts of the new estate have been built and new school places are required as part of a growing and substantial need. The new school seeks to maximise the opportunity for renewables, with solar panels on the roof and electric vehicle charging points, and its design takes account of supporting biodiversity and achieving Nottinghamshire County Council's carbon net zero targets.
- i) The construction of the school is being funded from Section 106 developer contributions and the Basic Need fund, and planning is underway to balance the initial and future maintenance costs in a sustainable way.

With the permission of the Chairman, Bassetlaw District Councillor Maria Charlesworth and Nottinghamshire County Councillor Sybil Fielding addressed the Committee in support of the application. The following points were raised:

- j) There is a high need amongst the residents of the new estate for the school to be built and provide local places, which are currently very limited – particularly as there are further new residential developments in the area. It has taken some time for Phase 1 to reach this permission stage, and it is hoped that the planning and delivery of Phase 2 can take place within a shorter period.

The Chairman then opened the application for debate. The following points were discussed:

- k) The Committee raised significant concerns regarding the general parking situation around the school and, in particular, the lack of an on-site pick-up and drop-off facility. Members considered that more parents within the estate would travel to the school by car than forecast – primarily because they would be dropping off children at the school and then travelling on directly to a place of work. Members were also concerned that, due to the increase in staff car parking requirements following the completion of Phase 2, there would be no space in the on-site car park for visitors – who would then need to park in the street. Members were not convinced that the current School Zone proposals were fully adequate for the interests of safety and recommended that stopping and parking restrictions were extended further along Gatekeeper Way.
- l) The Committee recommended that the new school should be provided with sufficient drop off / pick up and parking arrangements from the design stage, so that children can arrive and depart from school safely, whilst limiting the associated disruption experienced by local residents. Members were concerned that, if the traffic management issues were not addressed fully at this initial stage, then problems would arise in the future – with the greater costs of resolving them falling to the County Council due to its responsibility for Highways.
- m) The Committee was advised that the development area assigned to the school was a product of the planning position in 2015, when the outline Planning Permission was issued by the District Council. There is not sufficient space to include an on-site pick-up and drop-off facility for pupils arriving and departing by car and it is not possible to introduce space for this on the adjoining land, as this has been designed as public open space. However, the roads around the site have been built at 6.75 metres wide in anticipation of the school's construction, so that cars can be parked along one side of the road without obstructing the flow of traffic in either direction. The required Traffic Regulation Order for the proposed School Zone is being developed and a full consultation with residents must be carried out as part of this separate statutory process.
- n) As parking around schools is a significant issue, engagement will continue with the Nottinghamshire District and Borough Councils on the Planning needs for the viable delivery of new schools. A 'New School Guidance for Housing Developers' document has also been produced by the County Council, which came into effect at the end of May.

Resolved (2023/012):

- 1) To approve the grant of Planning Permission for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 for the construction of the new Gateford Primary School, subject to the conditions as set out in Appendix 1 to the report.

9. Development Management Progress Report

Jonathan Smith, Interim Group Manager for Planning, presented the regular Development Management Progress Report. The following points were discussed:

- a) The report sets out the planning applications received by the Council between 10 February 2023 and 12 May 2023, the decisions taken on planning applications since 28 February 2023 and the applications likely to come to a future meeting of the Committee. The report now also contains details of the Council's quarterly performance against the statutory targets for the speed and quality of its decisions.

Resolved (2023/013):

- 1) To note the Development Management Progress Report and confirm that no additional actions were required in relation to its contents.

There being no further business, the Chairman closed the meeting at 11:44am.

Chairman: