

Planning and Licensing Committee

Tuesday, 12 November 2013 at 14:00

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

AGENDA

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| 3 | Declarations of Interests by Members and Officers:- (see note below)
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(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Declaration of Lobbying | |
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Notes

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

Customer Services Centre 0300 500 80 80

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

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact David Forster (Tel. 0115 977 3552) or a colleague in Democratic Services prior to the meeting.

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

minutes

Meeting PLANNING AND LICENSING COMMITTEE

Date Monday 30 September 2013 (commencing at 10.00 am)

membership

Persons absent are marked with 'A'

COUNCILLORS

Sybil Fielding (Chairman)
Sue Saddington (Vice-Chairman)

Roy Allan
Andrew Brown
Steve Calvert
Darren Langton
Rachel Madden

Andy Sissons
Keith Walker
Yvonne Woodhead
John Wilmott

OFFICERS IN ATTENDANCE

Nathalie Birkett- Solicitor
David Forster – Democratic Services Officer
Jerry Smith – Team Manager, Development Management
Sally Gill – Group Manager Planning
Mike Hankin – Planning Applications Senior Practitioner
David Marsh – Major Projects Senior Practitioner

MINUTES OF LAST MEETING

The minutes of the meeting held on 16 July 2013, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman subject to Councillor Allan's name being amended.

MEMBERSHIP

The Clerk reported orally that Councillor John Wilmott had been appointed to the Committee in place of Councillor Jim Creamer for this meeting only.

APOLOGIES FOR ABSENCE

There were no apologies for absence

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

Councillor Wilmott declared a private interest in agenda item 7 Erection of 420 Place Primary School off Kenbrook Road, Hucknall as he had made his views public regarding this item.

DECLARATIONS OF LOBBYING OF MEMBERS

It was noted that in respect of item 10 all members had received e-mails, letters and other forms of lobby material from the applicant (R.Plevin and Sons Ltd) and those in opposition to the application including Elkesley Against the Incinerator Campaign Group, Elkesley Parish Council and individual residents of Elkesley Village.

APPROVED PREMISES FOR CIVIL CEREMONIES

RESOLVED 2013/030

That the report be noted and that the Planning and Licensing Committee receive an annual update on approved premises

THE IMPORTATION OF ALKALINE/LIME RICH MATERIAL TO SPREAD ON THE EXPOSED COLLIERY DISCARD HARWORTH COLLIERY SPOIL TIP NO2 BLYTH ROAD HARWORTH

Mr J Smith in introducing the report referred to the Financial Comments which were omitted from the report and informed members that there were no financial implications arising from the report.

On a motion by the Chairman and duly seconded by the Vice-Chairman it was

RESOLVED 2013/031

That planning permission be granted, subject to the conditions as set out in the appendix to the report.

ERECTION OF 420 PLACE PRIMARY SCHOOL LAND OFF KENBROOK ROAD, HUCKNALL

Following Councillor Wilmott's declaration at the start of the meeting he left the room whilst discussion and voting took place on this item.

Mr Smith introduced the report and Mr Marsh responded to questions as follows –

- The School travel plans cannot be in place for the opening of the school because it needs to have been in operation for 3 months but the school would be advised to have a draft travel plan in place before the school is brought into use to provide parents with early advice on sustainable travel.

- The design has been the subject of an independent design review. The Panel came to the conclusion that the design and materials to be used have been sensitively chosen so as not to be overly intrusive for the area.

On a motion by the Chairman, seconded by the Vice-Chairman it was;-

RESOLVED 2013/032

That planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992

Councillor Wilmott returned to the meeting.

DEVELOPMENT MANAGEMENT PROGRESS REPORT

RESOLVED 2013/033

That the report be noted.

WORK PROGRAMME

RESOLVED 2013/034

That the work programme be noted.

CONSTRUCTION AND OPERATION OF A BIOMASS FUELLED COMBINED HEAT AND POWER PLANT R. PLEVIN & SONS LIMITED CROOKFORD HILL ELKESLEY RETFORD

Mr Hankin introduced the report and gave a slide presentation highlighting to members the conditions set out in the appendix attached to the report. He also highlighted the A1 improvements which are proposed in the area and also the Government's Energy White Paper which should be considered in conjunction with applications of this nature.

Following the introductory remarks of Mr Hankin there were two special presentations and number of speakers who were given an opportunity to speak and a summary of those speeches are set out below.

Mrs Brenda Ransford the Chair of the Elkesley Against the Incinerator Campaign Group gave a 10 minute special presentation. During her slide presentation she highlighted the following issues:-

- The site of the application has grown over the years from a smallholding into an eyesore on the landscape not in keeping with the natural beauty of the countryside.
- The dangers of the large heavy goods vehicles travelling along the small country roads.

- The noise, dust and odour from the site currently could become worse and therefore local residents would become prisoners in their own homes.
- Recently an application to increase the height of waste wood from 4 to 10 metres was dismissed by a Planning Inspector who commented that a plant of this scale and character would be unlikely to receive planning permission if assessed against current policies for the area and that he would be against any future developments that might exacerbate the harm of the enterprise as a whole.
- The site is within the prospective Sherwood Forest Special Protection Area which has been designed to protect the Nightjar and Woodlark which have been spotted around the area.
- The effect it could have on the tourism around the area as the Robin Hood Way is one of Nottinghamshire's jewels in the crown of countryside beauty and could be affected significantly.
- The potential dangers of a dust fireball causing untold damage to the site and the surrounding area.

In response to questions Mrs Ransford replied as follows

- People have stopped using the lanes through Crookford because of the traffic congestion
- Aware there has been one accident and the lorry drivers are always courteous and pull over if necessary to avoid traffic conflict.
- Aware of breaches in compliance by Plevins.

Mr Paul Clarke Chartered Surveyor and Mr Jamie Plevin, Managing Director representing R. Plevins and Sons Limited gave a 10 minute special presentation.

Mr Paul Clarke spoke first highlighting the following:-

- The United Nations Intergovernmental Panel on Climate Change highlighted the Climate Changes are unequivocal due to activities of mankind. The Government have said that renewable energy is now one of the most important changes the world is facing and it would be wrong not to do anything.
- This application is for renewable energy through this biomass fuel Combined Heat and Power (CHP) Plant.
- This CHP is not solely burning waste but will be producing energy and therefore the operation of this plant will be self sufficient and also return power produced into the national grid.
- This operation will not produce the Carbon Dioxide levels produced by other fossil fuels and would meet the Councils aims and objectives to reduce greenhouse gasses.
- The National Planning Policy Framework has sustainable development at its core and highlights that local authorities should look at planning new developments which reduce greenhouse gases.
- The County Council positively promotes the use of wood pellets in wood fired biomass boilers and Plevins would continue to produce wood pellets for use in these sites.

- The design has been produced to be as sustainable as possible and through ongoing consultations the design has changed to be as site friendly as possible.
- The site will be governed by an Environmental Permit issued by the Environment Agency and therefore there will be a pollution regime in effect which is in line with PPS10.

Mr J Plevin then spoke and highlighted the following

- There has been a wood recycling plant at this site for over 10 years and Plevins operate a fleet of vehicles bringing wood in and taking products away
- The development is for the installation of a Combined Heat and Power Plant to meet the energy needs of a new wood flaking and drying facility.
- The plant will consume between 20,000 and 24,000 tonnes of waste wood per annum with an electrical output of 1.8 Mega Watts and heat output of 9.3 Mega Watts. This is energy enough to power over 4,500 houses.
- The proposed development has been subjected to a detailed Environmental Impact Assessment which has been consulted on for over 3 years. The outcome of those assessments identify there are no significant adverse environmental or amenity impacts associated with the proposal.
- R Plevins and Sons have pledged to hold a liaison Committee with the local community has been offered as an open door policy is operated by the company.
- There are currently 62 employees and this will increase to 78 and the development will allow a £18 million investment in the site.
- The proposed development is based on the use of renewable energy which is in line with Central Government and Local Government objectives.

In response to questions Mr J Plevin responded as follows

- The company would consider changing routes in and out of the site but cost benefits would need to be considered as well as safety issues with a change.
- The benefits to the approval would be adding renewable energy to the grid equivalent to the energy required to power over 4,500 houses.
- It would also benefit more at night as operations would not continue over night so the energy use would pass directly to the grid.
- There are currently 50 employees who work within 10 miles of the site. The further 16 jobs would be subject to employment laws so could not guarantee they would be given to local residents.
- There is an electrical facility on site but this would need to be upgraded to allow excess energy to be passed into the national grid.
- There is no infrastructure to allow a district heating scheme to be established
- The company would ensure there are no more detrimental effects on the surrounding area and these would be policed by the conditions attached to the application.
- The company have not looked for other sites as this site is already up and running as a wood recycling centre.
- Currently the company can operate 24 hours a day and self-limits its operations.

- The Environment Agency has given the site a permit so they have undertaken tests on any dioxins which arise and they conform to safety levels.
- I am not aware of any accidents involving any of the Plevins' drivers although I am aware of there being near misses.

Following the Special presentations there were a number of public speakers and a summary of those speeches are as follows

Mr Mark Crossley a local resident spoke against the application and highlighted the following

- The unsuitable nature of an industrial plant in the countryside.
- The dangers to the public relating to the narrow country roads.
- Family life is upset through the continuous HGV traffic.
- Bassetlaw District Council is currently taking enforcement action regarding the height of the wood stack contravening the permissible height of 4 metres.

There were no questions

Mr John Moor a local resident spoke against the application and highlighted the following

- There is no safeguard against particle emissions into the atmosphere that are coated in dioxins and toxins undertaken on the emission of dust particles emitted
- For the CHP to be viable it will take enormous amounts of material meaning it will have to travel long distances and creating more traffic on the roads.
- Biomass CHP are not the answer to waste management.

There were no questions

Mrs Sally Eames a local resident spoke against the application and highlighted the following

- There is currently enforcement action against the applicant relating to unauthorised development at the site
- The visual impact will be greater than is thought
- The ecological sensitivity of the surroundings regarding habitats and protected species is hugely understated.
- Highway impacts are greater than is considered and the dangers at the junction of the A1 would be drastically worsened.
- There is no guarantee with current spending cuts nationally that the A1 improvements will be carried out.
- The environmental benefits are questionable as waste has to be brought from greater distances.
- The development in its location does not meet the spatial policies agreed by Bassetlaw District Council.
- Protect the environment now and for future generations.

In response to questions Mrs Eames replied that with regard to the ecology there are unknown effects on the Nightjar and Woodlark with the increased noise and dust.

Councillor Neil Oldbury, Elkesley Parish Council spoke against the application and highlighted the following

- The development will have a substantial impact on the sparsely settled and rural character
- There is a huge negative visual impact on the countryside and negative transport issues which would impact on the local area.
- With regard to renewable energy schemes the National Planning Policy Framework offers advice that developments should be refused if there are irresolvable material considerations and the harmful visual and landscape effects are material considerations.

Following a question Councillor Patricia Douglas (Bassetlaw District Council) read out an extract from Policy DM9 of the Bassetlaw Core Strategy and Development Management Policies DP Document.

Councillor Patricia Douglas, Bassetlaw District Council, spoke against the application and highlighted the following

- The buildings are considered to be inappropriate for the area by their proposed height and massing.
- There is a requirement under Policy DM9 that new proposals enhance the landscape character.
- The District Council considers this development to be detrimental to the local residents and the future tourism for the area.
- The District Council also feel that when the proposal is reviewed against the Councils adopted policies and in the spirit of the NPPF 'duty of cooperation' substantial weight should be given to Bassetlaw District Council policies.

There were no questions

Mr John Mann, Member of Parliament for Bassetlaw spoke against the application and highlighted the following

- There are more suitable locations for this type of operation
- The visual impact on the countryside is something that should be considered
- The traffic impact on local residents is already having an effect on their lives
- National Policy Statement for Renewable Energy Infrastructure (EN3) has not been addressed as there needs to be an assessment of transport and that includes suitable access to a site, a requirement which this site obviously does not meet.

There were no questions

Councillor John Ogle, local member, spoke against the application and highlighted the following

- The area has always been a site of natural beauty and a tourist attraction for families and walkers alike.
- The effect on the village with the HGV traffic is detrimental to village life.
- The visual impact if the application was to be agreed would change the character of the countryside.
- Monitoring of the site needs to be undertaken whether the site is granted planning permission or not.
- The idea of a local liaison committee with residents and R Plevins would be welcomed.
- There is already increased traffic around the area with HGV's and this would bring more around the wider area.
- The improvements proposed for the A1 would alleviate the problem but would not solve it.
- The application site is already at capacity both in volume and area
- If the committee are minded to grant planning permission could the issue of passing bays on the narrow country roads used be looked at and could the permission be delayed until the A1 improvements are complete.
- Consideration should also be given to the County Council's Waste Core Strategy regarding waste disposal sites.
- The harm to the local community far outweighs the benefits to the County.

In response to a question Councillor Ogle replied if the proposed development was to move to an industrial site elsewhere the same Environmental Impact Assessments would need to be carried out to ensure any detrimental impact upon residential amenity could be avoided. He also commented that there would not be the same disruption to the character of the environment by the buildings proposed.

Mr Hankin responded to some of the comments made by the public speakers.

- There has been a significant reduction in the proposed height of the building by up to 7 metres.
- The site does not fall within a conservation area and nor are any listed buildings affected. Impacts upon heritage assets are therefore not relevant to the application.

Following all of the speakers members debated the application.

The following issues were raised by members

- Concerns had been shown regarding a previous appeal on this site by the Planning Inspectors who was not happy with the location of this site
- Although this site is well managed and regulated can the conditions already applied to this site be enforced as it has a 24 hour operating licence?
- Highway issues are a concern.
- Could additional conditions be added to alleviate the traffic that travels through the villages in close proximity to the site?
- There is a need to ensure the biodiversity issues have been properly considered.

- The issues around health regarding weather conditions and the amount of dust particles created through operations at the site need to be considered.
- The impact on tourism along the Robin Hood Way.
- Could a single track be introduced for site traffic only?
- The site should be commended for the work it does on waste recycling.
- Is the site in the right place or could it be moved to a less residential area.
- There is a need for additional diversity of renewable energy.
- The visual impact has to be considered but will it adversely impact on the area.
- Waste Management and fact the site will take waste away from landfill sites needs to be considered.
- There is a need for diversity of energy sources to ensure Climate Change issues are addressed.
- The Energy White Paper puts sites like this as positive additions to the long fight against Climate Change.
- Heavy Goods Vehicles and Air Quality issues are worrying.

Following open and frank debate Councillor Madden and seconded by Councillor Saddington put forward the following reasons to turn down the application.

- The site is inappropriately located within a rural environment.
- The energy provision is not proven and it is unclear how the facility would connect to the grid.
- Highway safety grounds due to the increase in HGV traffic that would be created and its environmental impact on residential amenity.
- The adverse visual and landscape impacts on an area of significant beauty.
- Biodiversity issues are not known with regard to the Nightjars, Woodlarks, Bats and Water Voles
- The health impacts on local people living in close proximity to the site are not known.

Mr Hankin responded to committee on the issues raised

- The report sets out the development is considered appropriate development within a rural area because the overall conclusion is that the benefits derived from the scheme outweigh the environmental harm to the countryside. If members took the view that the benefits did not outweigh the harm the overall conclusions would be that the development does not comply with countryside policies.
- Energy provision means the site would connect directly to the National Grid and is not considered grounds for dismissing the application.
- Highway Safety is grounds for concern.
- The visual impact of the site is grounds for concern.
- The biodiversity issue has been considered by Natural England and they do not feel there are significant issues regarding this site and the effect it could have.
- Health issues are dealt with via Government advice and the relevant Health Authorities and agencies. There are no issues around this application as an Environmental Permit has already been issued for the operation of this site.

- Development Plan policies supporting a refusal of planning permission on the compatibility of the development in a rural area, traffic and visual impact were quoted by Mr Hankin.

On a motion by Councillor Rachel Madden, seconded by Councillor Sue Saddington it was

RESOLVED 2013/035

That planning permission be refused for the reasons as set out above

In accordance with the Council's Standing Orders Councillors Steve Calvert and Roy Allan wished their vote against the above resolution to be recorded.

The meeting closed at 2 50 pm.

CHAIRMAN



12 November 2013

Agenda Item:

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

RUSHCLIFFE BOROUGH REF. NO.: 8/13/01821/CTY

**PROPOSAL: ERECTION OF 3-CLASSROOM, STAFFROOM AND LIBRARY
EXTENSION. KIDS CLUB EXTENSION, HALL EXTENSION AND
FOUNDATION 2 EXTENSION; EXTENSION TO CAR PARK AND
WIDENING OF EXISTING VEHICULAR ACCESS, NEW
PEDESTRIAN ACCESS FROM COLEDALE AND (CANAL)
BRIDLEWAY; EXTENSION TO ALL WEATHER PITCH; NEW
EXTERNAL METAL STORE AND NEW CYCLE SHELTERS;
ASSOCIATED LANDSCAPE WORKS AND FENCING**

**LOCATION: PIERREPONT GAMSTON PRIMARY SCHOOL, COLEDALE,
WEST BRIDGFORD**

**APPLICANT: CHILDREN, FAMILIES & CULTURAL SERVICES AND
PIERREPONT GAMSTON PRIMARY SCHOOL**

Purpose of Report

1. To consider a planning application for the erection of a three classroom, staffroom and library extension, an extension to accommodate a re-sited Kids' Club, extension to the school hall and an extension to Foundation 2 at Pierrepont Gamston Primary School. The school All-Weather Pitch would be extended. An extension to the car park, a new pedestrian access to the site from the canal bridleway, widening of the existing vehicular access and related landscape works are proposed. The school capacity would increase from 210 to 315 children. The key issues relate to the impact of the increase in pupil numbers on the highway infrastructure and related highway issues, and the impact of proposed built development and operational use of the enlarged school on neighbouring residential properties. The recommendation is to grant planning permission subject to the conditions set out in Appendix 2.

Site and Surroundings

2. Pierrepont Gamston Primary School is located on a site of 1.2ha on the north side of Coledale, West Bridgford, approximately 2.0km to the south-east of West Bridgford town centre. The 215 place single-form entry primary school has a frontage of 70m to Coledale, and is located opposite residential culs-de-sac

Thelkeld Close and Angletarn Close. The rear gardens of properties at Stockgill Close/Lingmell Close (east) and Whinlatter Drive (west) adjoin the school. The school northern boundary is separated from a tarmac surfaced bridleway (West Bridgford Bridleway No.16) to the north by a narrow strip of un-adopted open space. The former towpath and disused Grantham canal lie to the north of the bridleway. The canal is a biological Site of Importance for Nature Conservation (SINC). A bridge to the north of Lingmell Close carries the bridleway over the canal, and provides pedestrian access to Waterside Close and other residential culs-de-sac linked by Public Footpath Gamston No.12. The application site includes the school and its grounds as well as a strip of the un-adopted open space, owned by Bovis Homes, that provides continuity between the school site and the public bridleway (Plan 1).

3. Residential properties towards the northern end of Whinlatter Drive, adjacent to the grass playing field and school All-Weather Pitch, have experienced historic surface water flooding.
4. The school site is generally flat with a gentle fall to the north towards the canal. In forming a level plateau on which to build the school, levels at the western end of the site have been raised approximately 1.2m above the level at the site boundary with properties at 18-30 Whinlatter Drive. A detached modular building, referenced in the application as a Kids' Club, is used primarily for pre-school, after-school and holiday activities. The Kids' Club building is sited 20m from the site boundary and is approximately 28m from a conservatory erected to the rear of 26 Whinlatter Drive and 32m from the rear wall of 28 Whinlatter Drive. An All-Weather Pitch to the north of the school building is sited 30m from the residential boundary with 40 Whinlatter Drive, but is generally 37m from the boundary with residential properties to the west (Plan 2).
5. The school building has a generally linear form with a footprint 75m x 21m. The detached Kids' Club building is sited 6m to the north of the main school building. The school is of single storey brick-faced construction with a 18° pitch tiled roof. The school at closest lies 23.3m from the rear of 18 Whinlatter Drive with an eaves height of 2.9m. The ridge has a height of 6.2m, 31.8m from 18 Whinlatter Drive. Taking account of the approximate 1.6m change in floor level between the house and school, when viewed from 18 Whinlatter Drive the school would appear to have an eaves height of 4.5m and ridge height of 7.8m. A 1.8m high close boarded fence is erected along the western school boundary with properties on Whinlatter Drive.
6. The existing vehicular access to the site is positioned centrally on the frontage to Coledale. The school car park has 19 car parking spaces, in addition to two disability parking spaces, and is also used for service deliveries to the school. An outdoor hard play space is provided outside two classrooms adjacent to the car park.
7. A pedestrian access to the Key Stage (KS) 2 area of the school and main school entrance is located 5m to the east of the vehicular access. A second pedestrian access (principally used to access the Foundation Unit, KS1 and Kids' Club) is formed at the western end of the Coledale frontage, 5m from the boundary with 42 Coledale. The path runs immediately adjacent to the western elevation of the school building at an elevated level relative to properties on Whinlatter Drive. A

semi-circular area with a hedge maintained at an approximate height of 1m on its western side is used for cycle parking. The area is formed adjacent to the path leading to the rear of the school building and is located generally opposite the rear gardens 22-24 Whinlatter Drive.

8. The central hub of the school is formed by the main entrance, school hall, staff room and administration areas. The school Foundation unit and KS1 classrooms are located at the western end of the building, with KS2 classrooms provided at the eastern end of the school.

Proposed Development

Planning History

9. Pierrepont Gamston Primary School is a Voluntary Aided School and planning applications other than those funded by the County Council are generally submitted to Rushcliffe Borough Council. Apart for the first phase development of the school granted by NCC in 2000 under application reference 8/00/00101/FUL, the following planning applications have been approved by Rushcliffe Borough Council:
10. Application reference 02/01522/FUL (January 2003): Extension to primary school to provide 3 classrooms, library and ancillary facilities
11. Application reference 05/01157/FUL (December 2005): Erection of building for use as pre-school and post-school playgroup and for school purposes. *The permission allowed use as a playgroup building outside of school term times for a temporary period expiring in December 2006 (Condition 6).*
12. Application reference 06/01757/FUL (December 2006): Continuation of use of building as a playgroup outside of normal term times (Condition 6 of planning permission 05/01157/FUL).
13. Application reference 10/01220/FUL (August 2010): Installation of synthetic sport and play surface.

Background

14. West Bridgford has experienced an increase in demand for primary school places in recent years. Although a significant number of primary school places are to be made available when the expanded Heymann Primary School opens in January 2014, there is still projected to be a shortfall of 10 primary school places in the wider West Bridgford area in 2013/14. This is expected to increase in successive years, with a shortfall of 180 primary school places predicted by September 2017.
15. Pierrepont Gamston Primary School is a Church of England Voluntary Aided school which does not have a school catchment, allocating places by proximity to the school when over-subscribed. The school has consistently filled its Published Admission Number (PAN). Health Authority GP registration data shows that the number of children aged 4+ in the immediate area of the school is greater than the current PAN of 30. For September 2013 the number of

children of school starting age locally was 57, and in successive years is 77, 58 and 58.

16. It is proposed to expand the school and to increase the PAN to 45 at first admission, with the number of children attending increasing incrementally as each cohort passes through the school. When fully occupied the capacity of the school would increase from 215 to 320 places (1.5 form entry), an increase of almost 50% in pupil numbers. In addition to meeting a local demand, the proposal would ease pressure on school places across the Gamston area of West Bridgford.

Proposed Development

Buildings

17. Planning permission is sought for the erection of four extensions to the school. The use of the existing school building would change with the Foundation and KS1 unit moved to the eastern end of the building. A new Foundation classroom would be built with a footprint of 9m x 8.4m, projecting 5.5m forward of the front elevation of the school (Plan 3). The extension would be 3.0m in height, faced with render, and of flat roof construction covered by a single-ply membrane roof covering. A free-standing canopy 6m x 8.4m and 3.0m high would provide a covered play area outside the Foundation classroom. Photo-voltaic (PV) panels would be applied to the canopy roof.
18. The school hall would be enlarged to accommodate the increased school capacity, extended forward of the existing building towards Coledale. The extension would be 13.5m x 9.0m (including an over-sailing roof) and would have an eaves height of 3.0m, and a ridge height of 6.0m. The hall extension would have a render finish, with a tiled roof to match the existing building.
19. The existing Kids' Club modular building subject of planning permission 05/01157/FUL would be removed. A replacement Kids' Club would be provided in a recess formed by the hall and a classroom on the north elevation of the school (Plan 3). The extension would be 11m in width, varying in depth between 9m and 11m, and would have a render finish. The flat roof would be 3.2m in height and would have a single-ply membrane roof covering. An over-sailing roof would create a canopy 'squaring-off' the northern elevation.
20. A three classroom extension, IT/library, staffroom and toilets would be provided to the north of the existing school, connected by a flat-roofed corridor and group room 3.2m in height. The link would be faced in render.
21. The linked extension would present a 15m elevation to properties on Whinlatter Drive. There would be no window openings in the west elevation, other than two roof lights at high level (Plan 4). The extension would project 8.5m closer to properties on Whinlatter Drive than the western elevation of the existing school. The extension would be sited 23.5m from the rear elevation of 24 Whinlatter Drive, a similar relationship to that between the existing school building and 18 Whinlatter Drive (Paragraph 5 and Plan 3). The north elevation of the building (facing the playing field) would be 27m in length. The building would have a traditional hipped roof construction with an eaves height of 3.0m and ridge

height of 5.8m. The building would be faced in brick with a tiled roof to match the roof of the existing school.

22. The staff room would be formed in the south-west corner of the extension. A door in the southern elevation would give access to a small break-out area outside the staff room which would be enclosed by a 1.8m high timber enclosure on its west and south-western sides to safeguard against overlooking of neighbouring residential property on Whinlatter Drive.

Use

23. The school does not currently run Saturday activities and does not have plans to do so. The Kid's Club runs throughout school holidays on Monday-Friday, and on inset days. The applicant has withdrawn an original proposal for Saturday use from the application. Community use is not proposed.

External Works

24. Trees planted to the east of the existing pedestrian access would be removed and the area would be surfaced to provide a Foundation outdoor play area including a 'Pick-Up Sticks' climbing structure on a rubberised surface. An outdoor storage building 4.5m x 3m would be sited within the play area. No details of the height or design of the storage building have been provided.
25. A garden area, with a tool storage area, canopy, picnic area and raised timber-edged planting beds would be provided to the east of the school adjacent to the boundary with 5-11 Lingmell Close.
26. The All-Weather Pitch to the north of the school would be extended by 33m x 27.3m to the west of the existing surface. The finished level of the All-Weather surface would be raised 0.6m above the level of the existing grass field, the effect of which would be to increase the gradient of the slope to the boundary with properties on Whinlatter Drive to 9% (1 in 11). An existing French drain running next to the boundary of properties to the west would be extended adjacent to the All-Weather Pitch (adjacent 36-28 Whinlatter Drive), connecting with existing drainage to intercept potential increase in surface water run-off.
27. At its closest, the All-Weather Pitch would be 6.5m from the boundary and 17.7m from the rear of the house at 36 Whinlatter Drive. A 2.0m high acoustic fence set 0.6m from the existing boundary would be erected between 30 and 40 Whinlatter Drive, subject to further noise assessment first being carried out to determine the need for the implementation of noise mitigation following the All-Weather Pitch being brought into use.
28. An outdoor classroom area of 50m² would replace the existing cycle parking area to the west of the existing school building. The area would not be directly accessed from a classroom and, in an area between two fenced enclosures, would be used under supervision (not an uncontrolled hard play area). Tree and landscape planting is proposed between western side of the building and properties on Whinlatter Drive. Trees to be planted within the site adjacent to 20-36 Whinlatter Drive are anticipated to achieve a height of 5m-15m, depending on each species planted. An evergreen *viburnum* hedge, which should attain a height of 3.5m would be planted along the boundary adjacent to 42 Coledale

and 18 Whinlatter Drive, with additional landscape planting proposed on the school side of the hedge (Plan 5). The planting of laurel, which is referenced in representations at Paragraph 73f), had been proposed but would have attained a height of 7m and the evergreen *viburnum* hedge is proposed by the applicant as a more acceptable alternative.

Access and Car Parking

29. Vehicular access to the site would remain as at present. The existing car park would be modified, and extended in a westerly direction to provide a total of 24 car parking spaces and three disability parking spaces. The staff car park would be accessed across a block paved amphitheatre surrounded on its southern side by raised seating and planting. The amphitheatre would be enclosed by gates on its eastern side. Two of the car parking spaces and one disability parking space would be available for visitor car parking. Service deliveries would need to be restricted to the area to the east of the amphitheatre should that outdoor area be in use during the school day.
30. The modifications to the car park would require the existing pedestrian entrance at the western end of the frontage to Coledale to be closed, with a timber fence erected to match fencing to either side.
31. The existing pedestrian entrance to the east of the vehicular access would be retained as the principal school entrance and entrance to the Foundation unit and KS1. A new KS2 pedestrian entrance would be formed at the eastern end of the Coledale frontage, adjacent to the boundary with 1 Stockgill Close.
32. The pedestrian access to the rear of the school running along the western side of the building would no longer be used by parents to bring or collect children from the school. 2.0m high fencing would be provided between the existing school and the boundary with 20 Whinlatter Drive, and the linked extension and 28 Whinlatter Drive to control unauthorised access.
33. A mower and emergency access for a fire appliance would be taken from the car park and would run to the west of the existing school. An emergency vehicle would be able to turn on the extended All-Weather Pitch. The route to the west of the school would have a reinforced grass construction, retaining the appearance of grass but able to withstand the occasional passage of vehicles.
34. A new pedestrian access to the school is proposed from the bridleway to the north of the application site. The applicant has not yet secured an agreement with the land owner to allow the short linking footpath to be provided. If provided, the new access gate would be used at the beginning and end of the school day and offer an alternative to the use of Coledale as the only means of access to the school.
35. Two cycle shelters are proposed. One would be provided adjacent to the boundary with 5-7 Stockgill Close, with a second shelter provided adjacent to the bridleway pedestrian entrance, adjacent to the rear boundary of 21 Stockgill Close.
36. It has been confirmed that the cost of any required Traffic Regulation Order would be met by the applicant department.

Construction

37. The school car park would be used as a construction compound for the development. Construction would take approximately nine months to complete, and it is intended that the project should be completed to open in September 2014. During the period of construction staff would have to park off-site.

Consultations

38. **Rushcliffe Borough Council (RBC)** – To be reported to RBC Committee on 15 November 2013.
39. **NCC Highways Development Control** - *As there will be a significant increase in pedestrian and vehicle movements associated with the site, improvement/mitigation measures are deemed to be appropriate.*
40. *The proposed improvements to provide access to the north of the site have the potential to decrease the number of car based journeys. The Highway Authority considers that this is a desirable improvement, but if it is not achievable, then it is not essential to the scheme.*
41. *There are vehicles which block the tactile paved pedestrian crossings from the school to the opposite side of Coledale. This has the highest potential of occurring at drop off and pick up times. As there will be an increase in pedestrians associated with the site, the Highway Authority recommends that a scheme to protect the crossing points, and to limit indiscriminate parking in the vicinity of the crossing points would be appropriate. A condition is recommended requiring the submission of a scheme of pedestrian safety improvements.*
42. *The Highway Authority is satisfied that both the layout of the car park, and the proposed amount of parking, are adequate to serve the school.*
43. Conditions are recommended to require the proposed car park to be laid out as proposed in the application, the submission of an updated School Travel Plan, and the on-going monitoring and review of the Travel Plan.
44. **NCC Road Safety Team** – *Comments made by NCC Highways Development Control are endorsed, especially with reference to safer routes to school. The additional pedestrian access route from the tow path is welcomed and may encourage more families to travel on foot if this is successfully achieved.*
45. *The Design and Access Statement and submitted School Travel Plan do not take into account the additional traffic that will be generated by parents and carers travelling to the school and does not suggest any mitigating actions for the effect of this on Coledale or the streets immediately surrounding the school.*
46. *The safer routes to school scheme should include some Traffic Regulation Order protection on the dropped crossing points and on the adjacent road junctions close to the school.*
47. **Sport England** – No objection. *The application proposes a number of elements of which only the classroom extension impacts on playing field area. However the impact is marginal and the area lost is not capable of forming a pitch or part*

of a pitch given the location of other buildings, the existing All-Weather Pitch (AWP) and the Hard Court/Play Area. The increase in size of the AWP is supported as it increases the size of the existing facility providing the playing field with a consistent surface rather than two differing surfaces. A condition is recommended to require the AWP to be constructed in accordance with Sport England guidance.

48. **NCC Project Engineer (Noise)** – No objection subject to a post-completion noise survey. Noise is predicted to marginally exceed 55dB which is considered to be the threshold between the “do-nothing” and “do-something” for noise mitigation purposes.
49. A post-completion noise survey should be undertaken to determine the actual noise level in garden areas. If the level exceeds 55dB then adjacent properties should be canvassed on their opinion of noise levels/mitigation measures, before undertaking any works. If all residents agree that the noise levels are acceptable, it seems reasonable to assume that no physical mitigation measures are necessary.
50. Noise impact from the extension to the car park and additional traffic flows associated with the increase in pupil numbers is not considered to be significant. An acoustic barrier is not required adjacent to the car park.
51. Details of any externally fixed plant and noise levels will need to be controlled by an appropriately worded planning condition.
52. Details of construction plant should be provided in a noise management plan outlining how development of the site will comply with the noise limits and guidance in BS5228-1:2009 (Code of Practice for noise and vibration control on Construction and Open Sites – Part 1:Noise).
53. NCC Project Engineer (Noise) has commented on noise issues raised in representations:
54. A comment is raised by a resident concerned at a maximum noise level of 56.5dB ($L_{Aeq, 15mins}$). To clarify the actual maximum predicted noise level is 56.1dB ($L_{Aeq, 15mins}$) and to put this into context, this is the maximum noise level predicted in the garden area of No. 36 Whinlatter Drive. This property has been used as the reference position as this is the closest property boundary to the proposed extended All-Weather Pitch (AWP). Noise levels are expected to be of a similar magnitude in garden areas of properties 34, 32 and 30. Noise levels are then expected to drop in garden areas north of No. 36 and south of No.30 due to increased distance from the AWP. It is considered unlikely therefore that noise levels will exceed 55dB $L_{Aeq, 15mins}$ at any property other than 30-36 Whinlatter Drive.
55. Unfortunately it is difficult to accurately predict the noise level generated by a particular number of children using an un-built facility. A number of assumptions are factored into any prediction, which are usually quite conservative to avoid underestimating the noise impact and as such there is potentially some margin of error. All assumptions are detailed in the noise assessment report. For this reason and given the marginal noise level above 55dB ($L_{Aeq, 15mins}$), it is

suggested that a post-completion noise survey is undertaken to determine actual noise levels in garden areas. If noise levels are found to exceed 55dB (L_{Aeq, 15mins}) then a scheme of noise mitigation will need to be implemented.

56. *Options for noise mitigation are somewhat limited. The three options are; an acoustic fence around the perimeter of the new AWP; an acoustic fence near the boundary of the properties, or; procedural changes to operational use of the area by the school to minimise the number of children using the outdoor space at any one time. The preferred option (proposed in a revised submission) is an acoustic barrier near property boundaries. Whilst a barrier as close to the noise source as possible is normally favoured, a fence around the perimeter of the pitch has been discounted due to the potential for additional noise problems of ball-rebound which could in fact worsen noise impact.*
57. *It is important that the height of the barrier is appropriate to ensure that there is no inter-visibility between the noise source and receptors. The higher the barrier the more effective it will be, however this has to be balanced with other issues such as visual impact. It is recommended that the fence construction is in accordance with [the acoustic fence design submitted in support of the application – recommended Condition 3o)].*
58. *The noise impact assessment considers the impact from use of the school premises Monday-Friday. This represents the “worst case” based on up to 315 pupils. Saturday use of the facilities would be likely to involve a much lower number of users. As such the noise levels presented in the assessment would be unlikely to be reached during Saturday use.*
59. **NCC Reclamation Team** – No response received.
60. **NCC Nature Conservation Team** – No objection subject to conditions. The site has low potential for roosting bats. A condition/informative is recommended requiring compliance with procedure for the unlikely event that bats are encountered during construction works.
61. There is limited potential for nesting birds on the site. A standard condition should be used to control vegetation clearance on the site.
62. **NCC Lead Local Flood Authority** - *The applicant has not yet fully demonstrated that the proposals will not have a detrimental effect on the surface water flooding issues that the adjacent residential property has previously experienced. It is suggested that any permission is conditioned so that further drainage details are provided to demonstrate that there will be no increase in surface water flooding risk.*
63. **Environment Agency Midlands Region** – The site is in Flood Zone 1 (1 in 1000year+ risk of fluvial flooding) with few constraints.
64. **Severn Trent Water Limited** – No objection subject to condition requiring the submission of details of foul and surface water drainage.
65. **Western Power Distribution** – No response received.
66. **National Grid (Gas)** – Attention is drawn to National Grid apparatus on the site.

67. **Canal & River Trust** – No objection.
68. **NCC Countryside Access Team** – West Bridgford Bridleway No.16 runs parallel to the school northern boundary. The proposed path to link the school to the bridleway is in private ownership and will require the land owner's permission. The surface of the proposed path link to the bridleway would need to be maintained by the school, unless adopted by RBC as an area of public open space.
69. **Police Force Architectural Liaison Officer** – No response received.

Publicity

70. The application has been publicised by means of site notices and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
71. Councillor Steve Calvert and Councillor Liz Plant have been notified of the application.
72. Eight letters have been received from seven households on Whinlatter Drive and one on Coledale. Three of the households are generally supportive. One considers the development to be an improvement on other options considered. Acoustic fencing on the boundary is welcome. The following concerns are raised in the representations:

Other Options

- a) Other options should be considered (2) on a large site. Development could take place on the opposite side of the school. The car park should be extended on the opposite side of the school.

Traffic and Car Parking

- b) There will be increased car parking on Whinlatter Drive.
- c) Safety and access concerns for children playing on Whinlatter Drive which is a quiet cul-de-sac.
- d) Impact of exhaust emissions.
- e) 30 car parking spaces are not required for 22 staff. Car park spaces should be off-set from the boundary fence.

Comment: The car park has been reduced in size and off-set from the boundary with 42 Coledale in revised plans.

Privacy

- f) The extension will be closer to properties than existing development at the school (2).

- g) Impact on neighbouring residents. Adjoining property is at a lower level than the school/ the outside staff area is elevated (2).
- h) Overlooking from staff room, use of the external staff door, external staff area, and car park.
- i) Impact of car headlights in the car park.
- j) Additional planting should screen/filter views from the car park. Evergreen planting at a height of 4.5m-5m is suggested.
- k) 2.4m high boundary fencing would mitigate privacy impact that would not be achieved by planting.

Noise

- l) Noise from intensified use (2). Predicted noise when the play area is in use will exceed World Health Organisation (WHO) guidance.
- m) Noise nuisance from use of the outdoor staff area, staff arrivals and departures, and out-of-hours use.
- n) Private evening and weekend letting of the school and outdoor theatre are a potential source of noise nuisance. Noise from Saturday/evening use has not been assessed (3). Saturday Club use will be a source of noise. Noise from dropping-off/picking-up.
- o) Acoustic fencing should be raised to 2.5m.

Surface Water Flooding

- p) Historic surface water flooding and concern over change to the flooding regime (4). The extension will be over ground which currently acts as soakaway. The fire/mower access will compact ground that presently absorbs surface water (2).
- q) Surface water drainage needs to be addressed.

Additional Detail Required

- r) It is unclear which facilities are to be used on Saturdays.
- s) Noise from Saturday use has not been assessed.
- t) Drainage position/details are not provided.
- u) An acoustic fence specification is required prior to installation.
- v) Details of the height of proposed trees are required. Tree planting could potentially block light.
- w) Additional sections to demonstrate impact (Nos. 26 and 28 Whinlatter Drive) are required.

Comment: The applicant has submitted additional information in respect of matters r) – v) and neighbours have been notified. With reference to w), sections through 26 and 28 Whinlatter Drive would not be materially different to that at 24 Whinlatter Drive provided in support of the application.

- x) Low-level car park lighting (if required) should be used, rather than intrusive lighting mounted on the building.

Property Issues

- y) Proximity of the acoustic fence and lack of maintenance access between the acoustic fence and property boundary (2). Maintenance responsibilities need to be clarified.
- z) The existing fence could be replaced on the boundary.

73. Two letters have been received from residents on Whinlatter Drive in response to amended plans submitted by the applicant, raising the following matters:

- a) The proposed 1.8 metre high screen around the external staff area is welcome.
- b) Two outdoor classroom areas, in an elevated position relative to adjoining property are proposed (2). Outdoor activities to the west of the school building are not appropriate.
- c) The outdoor area adjacent to 22-24 Whinlatter Drive will overlook and be a source of noise to adjoining property. No noise impact assessment has been carried out for the outdoor classroom area.
- d) Screening of the outdoor classroom area is required.
- e) An acoustic fence adjacent to the car park has been omitted. Less car parking spaces are now proposed but noise and privacy are not addressed.
- f) Proposed boundary hedge planting (when planted) will not offer the immediate benefit of laurel which was proposed but has now been omitted. Taller evergreen planting is requested.
- g) Proposed planting will not be tall enough to screen view of the car park. Taller planting is requested.
- h) Car park lighting should be considerate, having less impact than existing eaves lighting at the school.
- i) The siting of the proposed hedge adjacent to 18 Whinlatter Drive will not allow maintenance access and may cause damage to property.

74. The issues raised are considered in the Observations Section of this report.

Observations

75. Policies in the Rushcliffe Non-Statutory Replacement Local Plan 2006 (RRLP) referenced in this report have been broadly assessed to be in accordance with the National Planning Policy Framework (NPPF) and should be given appropriate weight in the determination of this application.

Strategic Education Provision

76. Great importance is attached to ensuring that a sufficient choice of school places is available to meet the needs of new and existing communities in NPPF *Promoting healthy communities* (Paragraph 72). Great weight should be given to the need to create, expand or alter schools. In a letter to Chief Planning Officers the Secretary of State for Communities and Local Government has stated that there should be presumption in favour of the development of state-funded schools and the delivery of development that has a positive impact on the community. (Appendix 1). In determining this application, consideration needs to be given to whether the proposed development would give rise to significant harm that could not be mitigated through the imposition of conditions.
77. Projections for the number of school places in the wider West Bridgford area identifies the need to provide additional primary school places. The local authority has a statutory duty to provide school places for all pupils in Nottinghamshire who require them. Although the number of spaces at the school would increase by almost 50%, rising from 215 to 320 places, it would meet a demand for places in the local area close to the school as well as the wider West Bridgford Schools catchment.
78. RRLP Policy COM1 *New Community Facilities* will allow the development of community facilities provided that they are located in sustainable locations accessible by local transport. The site is located within the developed urban framework and can be easily accessed by various sustainable transport modes in addition to travel by car. The school has historically taken children from the immediate catchment when over-subscribed.

Siting of the Proposed Building on Playing Field

79. NPPF Section 8 *Promoting Healthy Communities* (Paragraph 74) seeks to ensure that open space, sports and recreational buildings and land, including playing fields are not built on, unless an assessment shows there is a surplus, the equivalent loss would be suitably provided elsewhere or the development would be for alternative sports and recreational provision and the need clearly outweighs the loss. The school playing field is subject to RRLP Policy COM4 *Protection of Open Space*, which seeks to ensure playing fields are not lost unless there is a demonstrated need or alternative, suitable provision can be made.
80. The development would result in partial loss of an existing grass playing field, but the area on which the linked extension would be built does not form part of a playing pitch. An existing area of grass playing field would be replaced by an All-Weather Pitch which would permit more frequent use. Attention is drawn to the consultation response received from Sport England. It is considered that the

proposal would offer benefit for sport and the development would comply with RRLP Policy COM4 *Protection of Open Space*.

Highway, Access and Car Parking

81. An increase in school places is likely to attract additional cars to the school and cause inconvenience to local residents. However, congestion and parking issues on the highways immediately adjacent to the school are unlikely to worsen, but may extend further on the highway network. Whilst parent parking at schools can cause inconvenience to nearby residents the duration of parent parking at the beginning and end of the school day is relatively short lived.
82. NPPF *Promoting Sustainable Transport* Paragraph 32 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. NCC Highways Development Control has drawn attention to issues where parents are parking next to pedestrian crossing points on Coledale, and parking close to highway junctions. The proposed development would result in an existing pedestrian access into the school being closed, which may make the nearby crossing point redundant and a less sensitive highway issue. Additional pedestrian guard rail and protection of access points to the school may be required, in addition to which junction protection may be required to safeguard against inappropriate car parking. This may take the form of physical highway works or require the making of a Traffic Regulation Order. It is recommended that a review of existing road safety measures is carried out, and if appropriate a scheme is installed to reflect revised access points and an increase in pupil numbers that would attend the school (Condition 18).
83. The applicant has proposed the creation of an additional pedestrian access from the bridleway to the north of the site. The additional access could relieve pressure on access points on Coledale but could attract traffic to culs-de-sac on the north side of the canal. An alternative access point may also encourage a greater number of children to walk or cycle to the school, using the local footpath network. The traffic implications of the proposed additional pedestrian access point have been assessed, and on balance it is considered that any potential increase in traffic would be outweighed by the benefits offered. However, at present there is no certainty that the applicant can provide the pedestrian access and the impact of development using Coledale as the sole means of access to the site has to be considered. This matter has been considered by NCC Highways Development Control, but concluded that the bridleway footpath link is not essential to the acceptability of the proposal (Paragraph 40).
84. Sustainable travel to school is to be encouraged and the proposed provision of cycle parking is welcomed. However, the submitted School Travel Plan relates to the existing school and needs to be revised to reflect the significant increase in pupil numbers and subsequently reviewed regularly in successive years, and is the subject of recommended conditions (Conditions 21, 22 and 23).
85. The proposed alterations to the car park would make appropriate provision for staff and visitor car parking. Parking spaces should be constructed, drained and marked out prior to the KS2 linked extension being brought into use and is the

subject of a recommended condition (Condition 19). The amenity impact on an enlarged car park is considered at Paragraph 90.

Design

86. RRLP Policy GP2 *Design and Amenity Criteria* will allow development that does not give rise to significant adverse affect on amenity, and where the scale, height, massing, design, layout and materials are sympathetic to the character and appearance of the surrounding area, amongst other criteria. The design of proposed extensions are considered to be of an appropriate scale and massing that complement the character and appearance of existing built development on the site.
87. Particular consideration needs to be given to the impact of the linked KS2 extension and its potential impact on neighbouring property on Whinlatter Drive. The applicant has drawn attention to the proposed extension being sited no closer to the nearest residential property than the current relationship of the existing school building to 18 Whinlatter Drive.
88. The properties closest to the linked extension are set at a level approximately 1.6m below the school. Taking account of boundary fences and mature garden planting, the existing school building does not have an overbearing impact on the neighbouring properties. Although the proposed linked extension would be sited 8.5m closer to the residential properties than at present, it is considered that the extension, with an eaves height of 3.0m, relatively shallow hipped roof, and taking account of the change in level between the sites, would not give rise to un-neighbourly impact. Alternative designs and site layout could be explored by the applicant. However, the proposal presented for determination is considered to offer the best option to deliver education at the site without compromising the amenity which neighbouring occupiers could reasonably expect to enjoy. It is concluded that the proposed development would be in compliance with RRLP Policy GP2 *Design and Amenity Criteria*.
89. The proposed layout would alter the pattern of daily movements at the school. The relocation of pedestrian entrances to the eastern end of the Coledale frontage, would make use of the pedestrian route to the west of the school, at an elevated level relative to adjacent properties on Whinlatter Drive redundant, and offers betterment to the amenity of the adjacent occupiers.

Amenity and Landscaping

90. In trying to mitigate the visual impact of the extended car park and linked extension on properties on Whinlatter Drive and 42 Coledale, significant tree planting and other landscape works are proposed. The staff car park is likely to be used at the beginning and end of the school day, with little vehicle movement between those periods. There is already mature planting in the rear garden of 42 Coledale/18 Whinlatter Drive which filters views of existing car park movements. There is considered to be little change in character and usage of that area such as to give rise to harmful impact on the amenity or outlook of neighbouring property. The proposed hedge adjacent to 42 Coledale and 18 Whinlatter Drive should attain a mature height of 3.5m and is considered to be acceptable. Potential impact on private property rights is considered at Paragraphs 100-101.

91. Concern has been raised in representations that use of the break-out area outside the staff room could give rise to overlooking of neighbouring properties and loss of privacy. Revised plans have been received, proposing the erection of a 1.8m high screen fence that would address the issue satisfactorily. It is anticipated that the outdoor classroom area would only be used infrequently, for planned classes and subject to appropriate weather conditions. The area is approximately the size of a single classroom which would limit use of the area. The area is only visible from the first floor windows of houses on Whinlatter Drive and having regard to the distance of the area, sited 12m from the residential boundary, and its controlled use by a small group, it is considered that use of the area would not give rise to unacceptable loss of amenity. First floor windows in the closest houses on Whinlatter Drive would lie 22m from the outdoor classroom and it is considered that use of the area would not give rise to unacceptable loss of privacy. Only occasional use of the outdoor classroom is envisaged.
92. Trees planted forward of the school towards Coledale would be removed. Whilst offering an attractive setting to the school, the trees are not of particular arboricultural merit, and replacement tree planting is welcomed. Tree planting proposed between the school building and properties on Whinlatter Drive is expected to attain a height of between 5m and 15m depending on species and location. The trees would filter views of the school building, but could have an unsatisfactory impact on the outlook of neighbouring occupiers. Notwithstanding details submitted in support of the application, it is recommended that tree species and the location of planting (without compromising the route of the mower and emergency access) should be the subject of further consultation with neighbouring occupiers (Condition 17a)).
93. It is considered that the siting of play equipment, canopy, cycle shelters and other outdoor equipment should not give rise to adverse impact on the amenity of occupiers on Stockgill Close and Lingmell Close. The submission of elevations of the storage sheds and other miscellaneous external structures is the subject of a recommended condition (Condition 4).

Noise

94. The increase in the number of children at the school and use of the enlarged All-Weather Pitch has the potential to increase noise experienced at adjoining residential properties on Whinlatter Drive. The noise assessment submitted in support of the application identifies that noise experienced may marginally exceed World Health Organisation levels of 55dB(A), which may give rise to *serious annoyance*. However, this is likely to be only for a short period of the day. Mitigation in the form of a 2.0m high acoustic fencing adjacent to the site boundary has been proposed. NCC Engineer (Noise) has drawn attention to a difficulty in accurately predicting noise at an un-built facility and has recommended that a post-completion noise survey is undertaken to confirm whether the proposed noise mitigation will be required. An appropriate condition is recommended (Condition 20).
95. In response to concerns raised in representations, Saturday use is not proposed. However, NCC Engineer (Noise) has confirmed that although noise generated by Saturday use has not been separately assessed, predicted noise

levels from Saturday use would be below those when the school is in normal daily use.

96. There is concern expressed by residents that use of the amphitheatre (by community or unauthorised users) could become a source of nuisance. The applicant has confirmed that community use is not proposed. The area would be an outdoor school amenity area, used in a manner similar to play equipment or other outdoor facilities at the school and is considered unlikely to give rise to unexpected or significantly detrimental impacts.
97. Although noise that may be generated by use of the proposed outdoor classroom has not been separately assessed, the area would be used by a small group and under supervision. It is considered that further noise assessment is not required, but use of the area, and the site in general, would be subject to the operational noise restriction imposed by recommended Condition 24.

Drainage

98. Properties adjoining the application site have experienced historic surface water flooding. Although it is proposed to extend the French drain adjacent to the extended All-Weather Pitch to intercept any potential increase in surface water run-off from the extended surface, insufficient detail has been submitted to demonstrate that neighbouring property would not be adversely affected. Site drainage and the impact of development will require further investigation and is the subject of a recommended condition (Condition 11).

Other Matters

99. No details of lighting have been submitted in support of the application and is the subject of a recommended condition (Condition 15).
100. A grant of planning permission would not supersede any private property rights of access or maintenance. It is proposed that acoustic fencing would be off-set 0.6m from the boundary to allow access for maintenance but would not give rise to materially different planning considerations if sited on the property boundary. Fencing on the property boundary at a height not exceeding 2.0m would be permitted development not expressly requiring planning approval.
101. Although the details of proposed landscaping adjacent to 42 Coledale and 18 Whinlatter Drive are considered to be acceptable, the location of proposed planting should take account of rights of adjoining occupiers to maintain their property. The resiting of the hedge off-set from the boundary so as to allow access for maintenance would not materially impact on the proposal. The detail of landscaping adjacent to 42 Coledale and 18 Whinlatter Drive is reserved for further consideration by planning condition (Condition 17b)).

Construction

102. The applicant has submitted details to illustrate the logistics of construction of the separate elements proposed in the application. The proposed details are considered to be acceptable, but would result in the staff car park not being

available for school staff for the period of construction. It is considered that the highway network near to the school has adequate capacity to accommodate staff car parking during the period of construction.

103. A condition is recommended to restrict hours of delivery to site when the school is in use, and to restrict hours of construction, to protect the amenity that neighbouring residents could reasonably expect to enjoy (Condition 8).

Outstanding Consultation

104. Rushcliffe Borough Council will not consider the application until 15 November 2013. A copy of this report and a schedule of draft conditions have been sent to Rushcliffe Borough Council. A recommendation to approve the application is made, subject to no objections being raised by Rushcliffe Borough Council that are not already considered in this report or are addressed by proposed planning conditions. Should Members resolve to approve the application in accordance with the Recommendation, in the event that representations are made by Rushcliffe Borough Council, the Chair and Vice-Chair would be consulted as to the materiality of any new issues raised prior to the decision being issued. If it is considered that new material planning issues are raised, the application will be reported to a future meeting of the Planning and Licensing Committee.

Other Options Considered

105. Other options for development of the site were discussed with the applicant prior to the submission of the application presented for determination. It has been suggested in representations that development should take place on the eastern side of the site rather than siting built development closer to properties on Whinlatter Drive. The Foundation unit would be relocated to the east of the school as part of the proposed development, with outdoor facilities provided in a presently little developed area of the site.
106. This report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted.

Statutory and Policy Implications

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

Implications for Service Users

108. Construction activities may give rise to short-term inconvenience in the vicinity of the school arising from on-street parking by staff.

Financial Implications

109. The applicant has confirmed that costs associated with the making of a Traffic Regulation Order, if required, would be met by Children, Families and Cultural Services.

Equalities Implications

110. None.

Crime and Disorder Implications

111. Although there is internal fencing to segregate and control access to areas of the school, and 2.0m high perimeter fencing is erected on the northern school boundary, the frontage to Coledale is not secured. This would not change as a consequence of the proposed development.

Human Rights Implications

112. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected. The proposals have the potential to introduce impacts of noise and disturbance from intensified use of the site and loss of privacy impacting upon residents adjoining the site to the west of the school. However, these considerations need to be balanced against the wider benefits the proposals would provide in providing additional school places in West Bridgford. Members will need to consider whether these benefits would outweigh the potential impacts.

Safeguarding of Children Implications

113. The proposed development would not introduce new issues related to the safeguarding of children.

Human Resources Implications

114. None.

Implications for Sustainability and the Environment

115. NPPF (Paragraph 11 et seq.) states a presumption in favour of sustainable development. For decision taking this means approving development that accords with the development plan without delay, and where policies are out of date, grant planning permission, unless adverse impacts would significantly and demonstrably outweigh the benefits when assessed against policies in the NPPF as a whole or policies indicate that development should be restricted.
116. The proposed development would not give rise to any ecological impacts. The design of the building would incorporate photovoltaic cells that would reduce the energy requirements of the development.

Statement of Positive and Proactive Engagement

117. In determining this application the County 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. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

118. It is RECOMMENDED, subject to no representations being received from Rushcliffe Borough Council raising new planning issues that are not otherwise addressed in the report or recommended planning conditions, that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 2. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

Planning and Licensing Committee has authority to approve the recommendation set out in this report by virtue of its terms of reference.

[NAB 31.1013]

Comments of the Service Director - Finance

The financial implications are set out in the report.

[SEM 01.11.13]

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

West Bridgford Central
and South

Councillor Steve Calvert
Councillor Liz Plant

Report Author/Case Officer

David Marsh

0115 9696514

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

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31 October 2013



Policy statement – planning for schools development

The Secretary of State for Communities and Local Government (Mr Eric Pickles) and the Secretary of State for Education (Mr Michael Gove) wish to set out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. This statement supersedes the Statement of 26 July 2010.

The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. State-funded schools - which include Academies and free schools, as well as local authority maintained schools (community, foundation and voluntary aided and controlled schools) - educate the vast majority of children in England. The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards. For instance, creating free schools remains one of the Government's flagship policies, enabling parents, teachers, charities and faith organisations to use their new freedoms to establish state-funded schools and make a real difference in their communities. By increasing both the number of school places and the choice of state-funded schools, we can raise educational standards and so transform children's lives by helping them to reach their full potential.

It is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations. We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes".

The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- **There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.**
- **Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their**

planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.

- **Local authorities should make full use of their planning powers to support state-funded schools applications.** This should include engaging in pre-application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.
- **Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95.** Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.
- **Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible,** and in particular be proportionate in the information sought from applicants. For instance, in the case of free schools, authorities may choose to use the information already contained in the free school provider's application to the Department for Education to help limit additional information requirements.
- **A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.** Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.
- **Appeals against any refusals of planning permission for state-funded schools should be treated as a priority.** Where permission is refused and an appeal made, the Secretary of State will prioritise the resolution of such appeals as a matter of urgency in line with the priority the Government places on state education.
- **Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.**

This statement applies to both change of use development and operational development necessary to the operational needs of the school.

The Government is today publishing a summary of the responses to its consultation, *Planning for Schools Development*, and will continue to explore whether there is further scope and need for the planning system to do more to support state-funded schools, and in particular, free schools in the future.

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RECOMMENDED PLANNING CONDITIONS

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

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

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

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

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

- a) Location Plan (Drawing AL-0-1 Rev 1) received by the CPA on 2 September 2013.
- b) Proposed Site Plan (Drawing AL-9-1 Rev 3) received by the CPA on 23 October 2013.
- c) Proposed Site Sections (Drawing SK101 Rev 5) received by the CPA on 16 October 2013.
- d) Proposed Floor Plan (Drawing SK13 Rev 6) received by the CPA on 2 September 2013.
- e) Proposed Elevations (Drawing SK12 Rev 4) received by the CPA on 2 September 2013.
- f) Proposed Sections and Elevations (Drawing SK11 Rev 1) received by the CPA on 2 September 2013.
- g) Proposed Roof Plan (Drawing SK19) received by the CPA on 29 October 2013.
- h) Landscape Works General Arrangement (Drawing LR/P.Y.BE.29134.01/001 Rev C) received by the CPA on 21 October 2013.
- i) Landscape – Area 1 (Drawing LR/P.Y.BE.29134.01/002 Rev C) received by the CPA on 21 October 2013.
- j) Landscape – Area 2 (Drawing LR/P.Y.BE.29134.01/003) received by the CPA on 10 October 2013.

- k) Landscape – Area 3 (Drawing LR/P.Y.BE.29134.01/004) received by the CPA on 10 October 2013.
- l) Landscape – Area 4 (Drawing LR/P.Y.BE.29134.01/005) received by the CPA on 10 October 2013.
- m) Landscape – Area 5 (Drawing LR/P.Y.BE.29134.01/006) received by the CPA on 21 October 2013.
- n) Pick-Up Sticks 1 illustration received by the CPA on 10 October 2013.
- o) 2.0m Timber Noise Barrier (Drawing ESD 2/4) or Noisewall (Drawing RANS/Noisewall©/Timberpost/001) received by the CPA on 14 October 2013.

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

4. Prior to the following development taking place on site, plans, elevations and other details as appropriate of the;
 - a) storage building and tool shed ;
 - b) outdoor canopy (no part of which shall exceed 4m in height measured from existing ground level);
 - c) cycle shelter design; and
 - d) colour of security gates and fencing

shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

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

5. Details of any external fixed plant or machinery shall be submitted to and approved in writing by the CPA prior to being erected or installed. Development shall be carried out in accordance with the approved details.

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

6. Unless otherwise agreed by the CPA in writing, no tree, shrub, scrub or other vegetation clearance works shall be carried out between the months of March to August inclusive.

Reason: To avoid disturbance to birds during the breeding season.

7. Prior to the commencement of main site works, a noise management plan outlining how construction plant and development of the site will comply with the noise limits and guidance in BS5228-1:2009 (Code of Practice for noise and vibration control on Construction and Open Sites – Part 1:Noise) shall be

submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenity of nearby residents.

8. Unless in the event of an emergency, or otherwise may be previously agreed in writing with the CPA;
- a) no deliveries or site construction shall take place on Sundays, Public or Bank Holidays;
 - b) deliveries to site shall only be made between 07:30-08:15, 09:15 - 15:00, or 15:45-18:00 hours Mondays to Fridays during term time, or between 07:30 hours – 13:00 hours on Saturdays;
 - c) no deliveries to site shall be made except between 07:30 hours - 18:00 hours Mondays to Fridays outside term time, or between 07:30 hours – 13:00 hours on Saturdays; and
 - d) no construction shall take place except between 07:30 hours - 18:00 hours Mondays to Fridays, or between 07:30 hours – 13:00 hours on Saturdays

Reason: To safeguard the amenities presently enjoyed by the occupiers of nearby residential properties.

9. In the event that bats are encountered in the building during development, works shall cease until an appropriate scheme of mitigation has been submitted to and approved in writing by the CPA. Works of construction shall proceed in accordance with the approved scheme of mitigation.

Reason: To safeguard protected species.

10. Prior to the commencement of main site works a scheme for the provision of foul water drainage works shall be submitted to and approved by the CPA in writing. The foul drainage works shall be completed prior to the development hereby approved first being brought in to use, in accordance with the approved details.

Reason: To prevent the increased risk of flooding and minimise pollution by ensuring the provision of a satisfactory means of foul water disposal.

11. Prior to the commencement of main site works a surface water drainage scheme for the site, shall be submitted to and approved in writing by the County Planning Authority. The scheme to be submitted shall demonstrate that the approved development would not place properties on Whinlatter Drive at increased risk of surface water flooding. The scheme shall be implemented in accordance with the approved details. Measures to safeguard against properties on Whinlatter Drive being placed at increased risk of flooding shall be implemented in accordance with approved details prior to the commencement of the linked extension (the extension generally on the site of the existing Kids' Club building) or the extension of the All-Weather Pitch.

Reason: To prevent the increased risk of flooding.

12. Prior to the commencement of main site works for each respective phase of development, details of the means by which children, parents, staff and visitors to the school will be segregated from construction activities within the school site shall be submitted to and approved in writing by the CPA. All construction shall be undertaken in accordance with the approved details unless otherwise previously agreed in writing by the CPA.

Reason: To safeguard children, staff and visitors attending the school throughout the period of construction.

13. If during development, contamination not previously identified is found to be present, no further development shall be carried out, unless first agreed in writing by the CPA, until a remediation strategy to deal with unsuspected contamination has been submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the site is remediated to an appropriate standard.

14. Prior to their use on site, samples of facing materials of the classroom building, and a material/colour schedule of proposed finishes to the roof, doors, windows, fascia, guttering and downpipes, shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details, other than with the prior written consent of the CPA.

Reason: In the interest of visual amenity.

15. Prior to their installation on site, details of external lighting to be installed on the site, including a lux plot) shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details. All light fittings shall be shielded as appropriate to minimise the level of light spillage outside the application site.

Reason: To protect the privacy of nearby residents.

16. The extended All-Weather Pitch permitted by this development shall not be constructed other than in accordance with the design and layout details set out in the planning application and substantially in accordance with Sport England/National Governing Body Technical Design Guidance Notes *Artificial Surface for Outdoor Sports*.

Reason: To ensure the development is fit for its intended purpose.

17. Notwithstanding details submitted in support of the application, within 6 months of the date of commencement of development:

- a) the location, species and planting sizes of trees to be planted between the school and properties on Whinlatter Drive;
- b) the location of the hedge to be planted adjacent to 42 Coledale and 18 Whinlatter Drive;

and a scheme, including:

- c) a specification for the seeding of grassed areas;
- d) a specification for tree pits; and
- e) a schedule of planting maintenance;

shall be submitted to and approved by the CPA in writing.

The approved scheme shall be completed not later than the first planting season following the development first being brought into use. Any tree, plant, shrub or grass seeded area that fails to become established within 5 years of the completion of the approved planting and landscaping scheme shall be replaced to the satisfaction of the CPA.

Reason: In the interest of visual amenity.

18. Prior to the development approved by this permission first being brought into use, a review of the School Safety Zone taking account of alterations to pedestrian access points to the school approved by this development shall be submitted to and approved in writing by the CPA. Recommended measures in the review of the School Safety Zone shall be implemented to the satisfaction of the CPA in accordance with the approved details and agreed timescales for implementation.

Reason: In the interest of highway and pupil safety.

19. Prior to the extensions approved by this development first being brought into use (or such other times scale as may first be agreed in writing by the CPA), the car parking spaces approved by this development shall be constructed, surfaced, drained and marked out to the satisfaction of the CPA.

Reason: To ensure the provision of adequate operational car parking on the site for the completed development.

20. Within two months of the extended All-Weather Pitch approved by this development first being brought into use, a report assessing noise generated when the extended All-Weather Pitch is in use shall be submitted to the CPA. Notwithstanding the extent of acoustic fencing shown on approved Drawing AL-9-1 Rev 3, acoustic fencing equivalent to the specification approved by this permission, shall only be required to be erected in the event that noise when the All-Weather Pitch is in use exceeds 55dB ($L_{Aeq, 15mins}$) when measured within the curtilage of any residential receptor.

Reason: For the avoidance of doubt as to the development permitted and to safeguard the amenity that residents of nearby residential properties could reasonably expect to enjoy.

21. Notwithstanding details submitted in support of the application, within three months of the development hereby permitted first being brought into use, a review of the School Travel Plan shall be submitted to and approved in writing

by the CPA. The School Travel Plan review shall set out proposals (including targets, a timetable, monitoring and enforcement mechanism) to promote travel by sustainable modes, including on-site provision for cycling, which are acceptable to the CPA and shall include arrangements for the monitoring of progress of the proposals. The School Travel Plan review shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

Reason: To promote sustainable modes of travel and in the interest of highway safety.

22. The Head Teacher of the school, or other suitably authorised person, shall appoint and thereafter continue to employ or engage a Travel Plan Coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the School Travel Plan.

Reason: To promote sustainable travel.

23. The Travel Plan Coordinator shall first submit a report to the CPA within 6 months following the development approved by this permission first being brought into use, and thereafter submit annual reports for a minimum period of 5 years and until Travel Plan targets have been met. The monitoring reports shall summarise the data collected over the monitoring period and propose revised initiatives and measures where Travel Plan targets are not being met, including implementation dates, to be approved in writing by the CPA, and including the extension/addition of on-street parking restrictions and associated Traffic Regulation Orders where necessary.

Reason: To promote sustainable travel.

24. Following the completion of the development, noise levels generated by operational use of the site shall not exceed 55dB ($L_{Aeq, 15mins}$) measured at a distance of 3.5m from the nearest façade of a property. Where the specified noise level is exceeded, a scheme of noise mitigation shall be submitted to the CPA for approval and shall be implemented within a timescale agreed by the CPA.

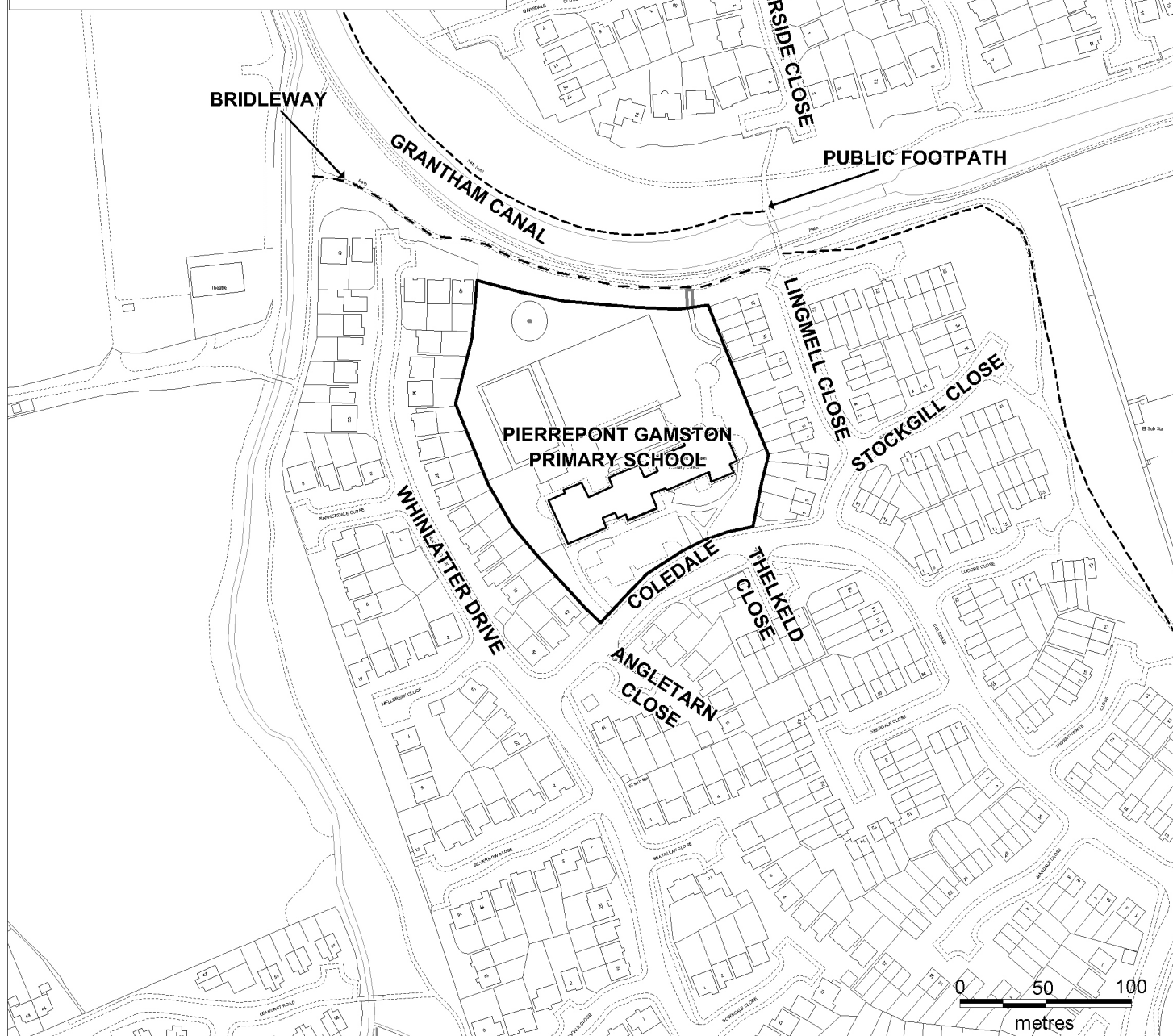
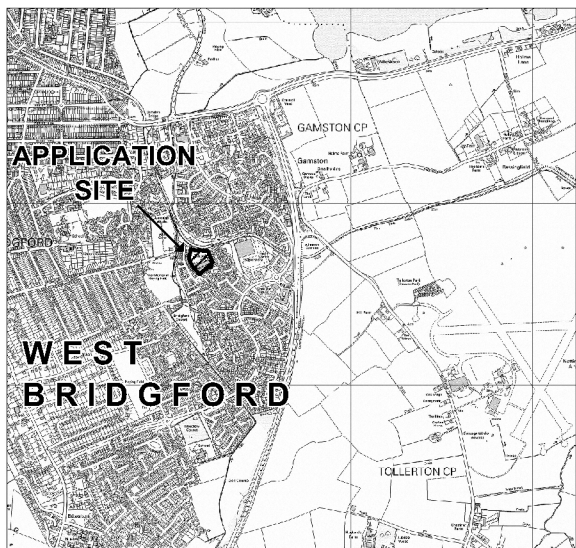
Reason: To protect the amenities enjoyed by the occupiers of nearby residential properties.

25. Notwithstanding the requirement of Condition 24, following the completion of the development, noise levels from any fixed plant shall not exceed the existing background noise level of $L_{90}+10dB$ during the daytime (07:00-23:00 hours) and $L_{90}+5dB$ during the night-time (23:00-07:00 hours) including a 5dB tonal penalty, measured in the garden of any property adjoining the site boundary.

Reason: To protect the amenities at present enjoyed by the occupiers of nearby residential properties.

Informatives/notes to applicants

1. With reference to Condition 4b) the specified height relates to development that may be carried out by the CPA as permitted development (Town and Country Planning (General Permitted Development) Order 1995 as amended – Schedule 2 - Part 12 *Development by Local Authorities*). However, consideration should be given to the impact of the canopy on the amenity of the neighbouring occupier.
2. With reference to Condition 17a), it is advised that the species of trees to be planted should be discussed with neighbouring occupiers of properties on Whinlatter Drive, with consideration given to the impact that mature trees may have on the adjoining properties.
3. With reference to Condition 17b), the location of the planting of the hedge should be discussed with neighbouring occupiers taking account of property rights of access for the purpose of maintenance.
4. With reference to Conditions 21, 22 and 23, School Travel Plan advice can be obtained from Steve Stevenson - School Liaison Officer (0115 9772360).



**Nottinghamshire
County Council**

ERECTION OF 3-CLASSROOM, STAFFROOM AND LIBRARY EXTENSION.
KIDS CLUB EXTENSION, HALL EXTENSION AND FOUNDATION 2 EXTENSION;
EXTENSION TO CAR PARK AND WIDENING OF EXISTING VEHICULAR ACCESS;
NEW PEDESTRIAN ACCESS FROM COLEDALE AND (CANAL) BRIDLEWAY;
EXTENSION TO ALL WEATHER PITCH; NEW EXTERNAL METAL STORE AND
NEW CYCLE SHELTERS; ASSOCIATED LANDSCAPE WORKS AND FENCING.
PIERREPONT GAMSTON PRIMARY SCHOOL, COLEDALE, WEST BRIDGFORD.
PLANNING APPLICATION NO. 8/13/01821/CTY

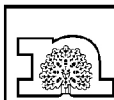
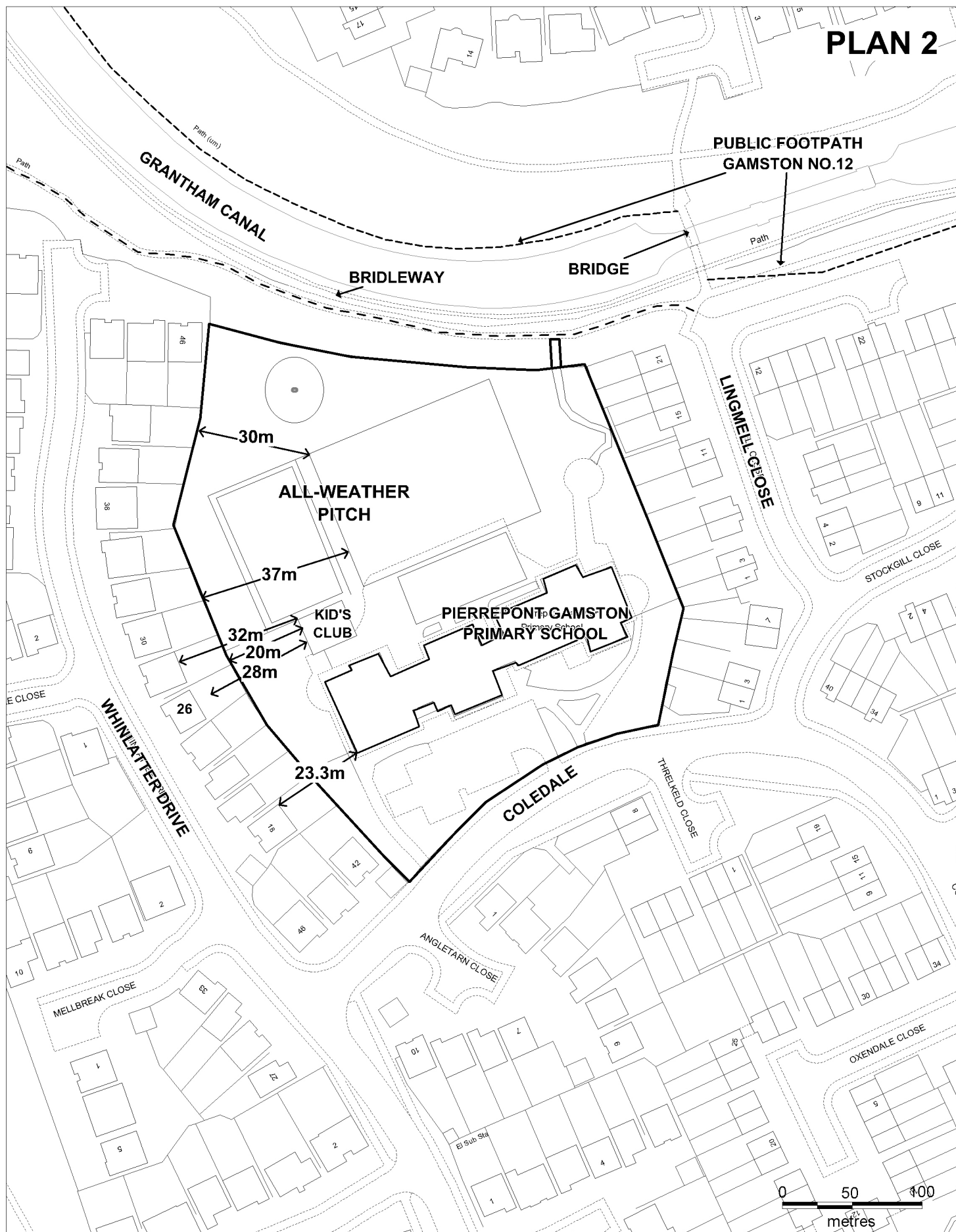
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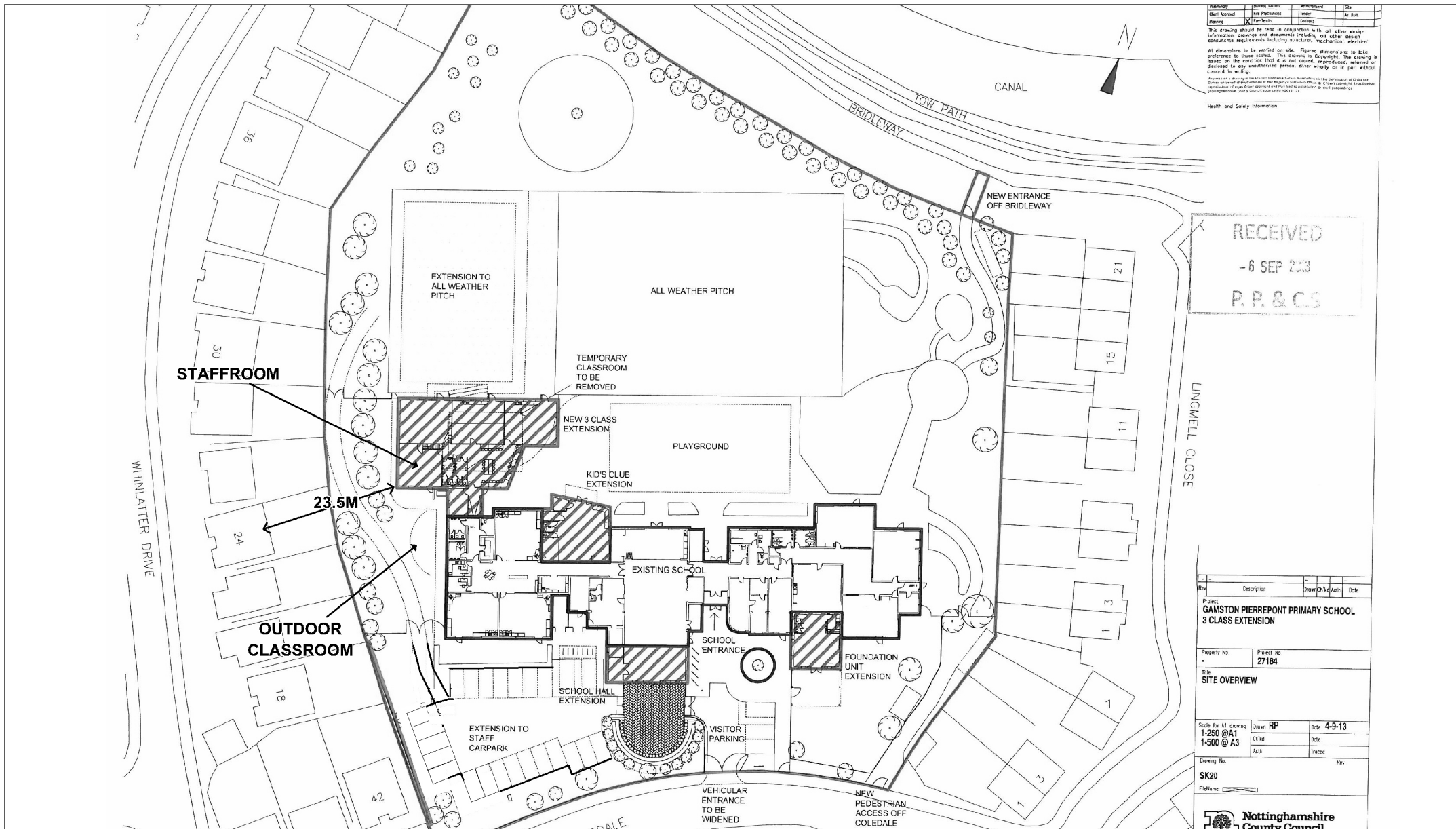
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Nottinghamshire
County Council Tel: 0115 982 3823

ERECTION OF 3-CLASSROOM, STAFFROOM AND LIBRARY EXTENSION. KIDS CLUB EXTENSION, HALL EXTENSION AND FOUNDATION 2 EXTENSION; EXTENSION TO CAR PARK AND WIDENING OF EXISTING VEHICULAR ACCESS; NEW PEDESTRIAN ACCESS FROM COLEDALE AND (CANAL) BRIDLEWAY; EXTENSION TO ALL WEATHER PITCH; NEW EXTERNAL METAL STORE AND NEW CYCLE SHELTERS; ASSOCIATED LANDSCAPE WORKS AND FENCING. PIERREPONT GAMSTON PRIMARY SCHOOL, COLEDALE, WEST BRIDGFORD. PLANNING APPLICATION NO. 8/13/01821/CTY

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**Nottinghamshire
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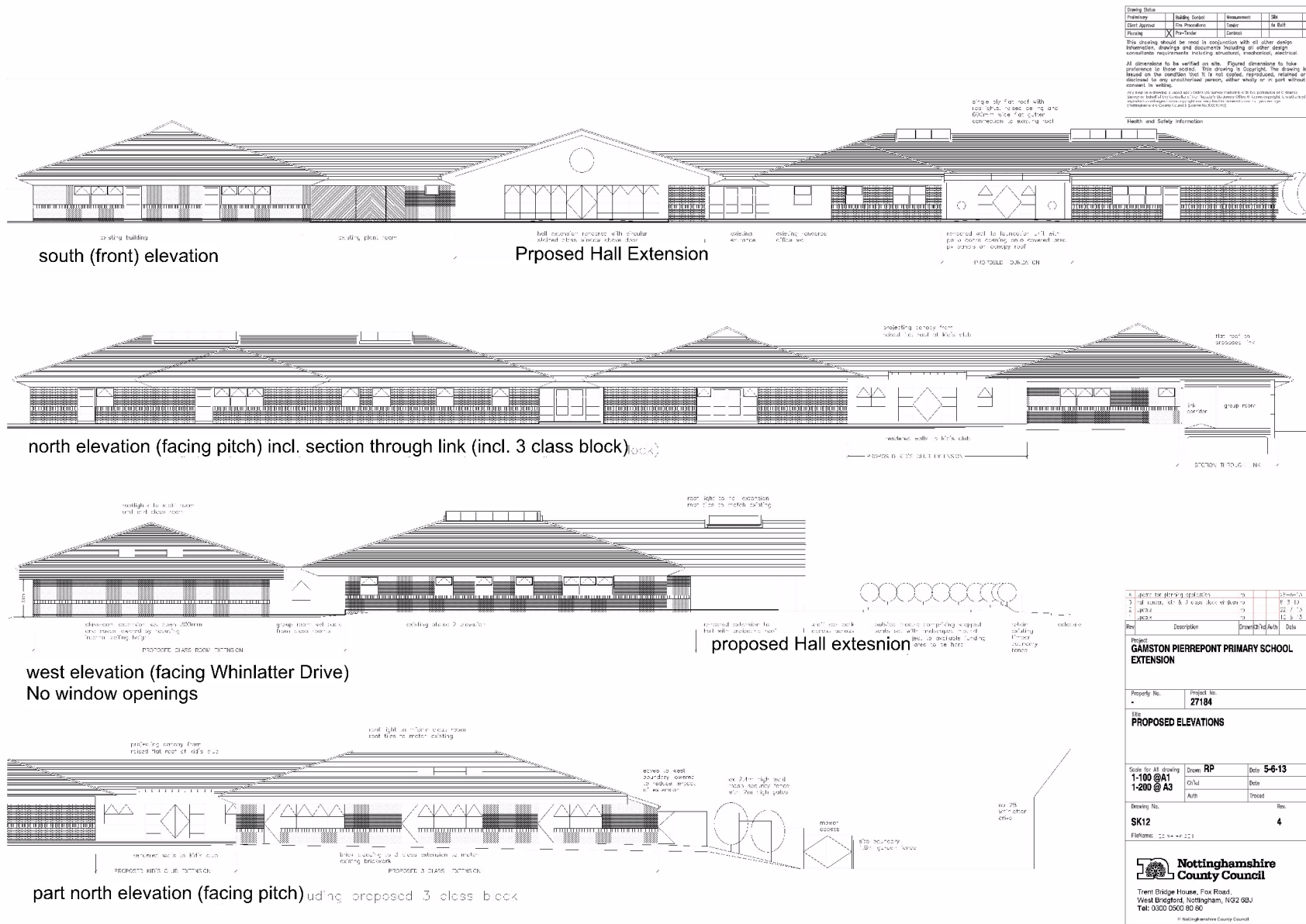
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PLANNING APPLICATION NO. 8/13/01821/CTY

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PLAN 3



**Nottinghamshire
County Council**

ERECTION OF 3-CLASSROOM, STAFFROOM AND LIBRARY EXTENSION. KIDS CLUB EXTENSION, HALL EXTENSION AND FOUNDATION 2 EXTENSION; EXTENSION TO CAR PARK AND WIDENING OF EXISTING VEHICULAR ACCESS, NEW PEDESTRIAN ACCESS FROM COLEDALE AND (CANAL) BRIDLEWAY; EXTENSION TO ALL WEATHER PITCH; NEW EXTERNAL METAL STORE AND NEW CYCLE SHELTERS; ASSOCIATED LANDSCAPE WORKS AND FENCING. PIERREPONT GAMSTON PRIMARY SCHOOL, COLEDALE, WEST BRIDGFORD.

PLANNING APPLICATION NO. 8/13/01821/CTY

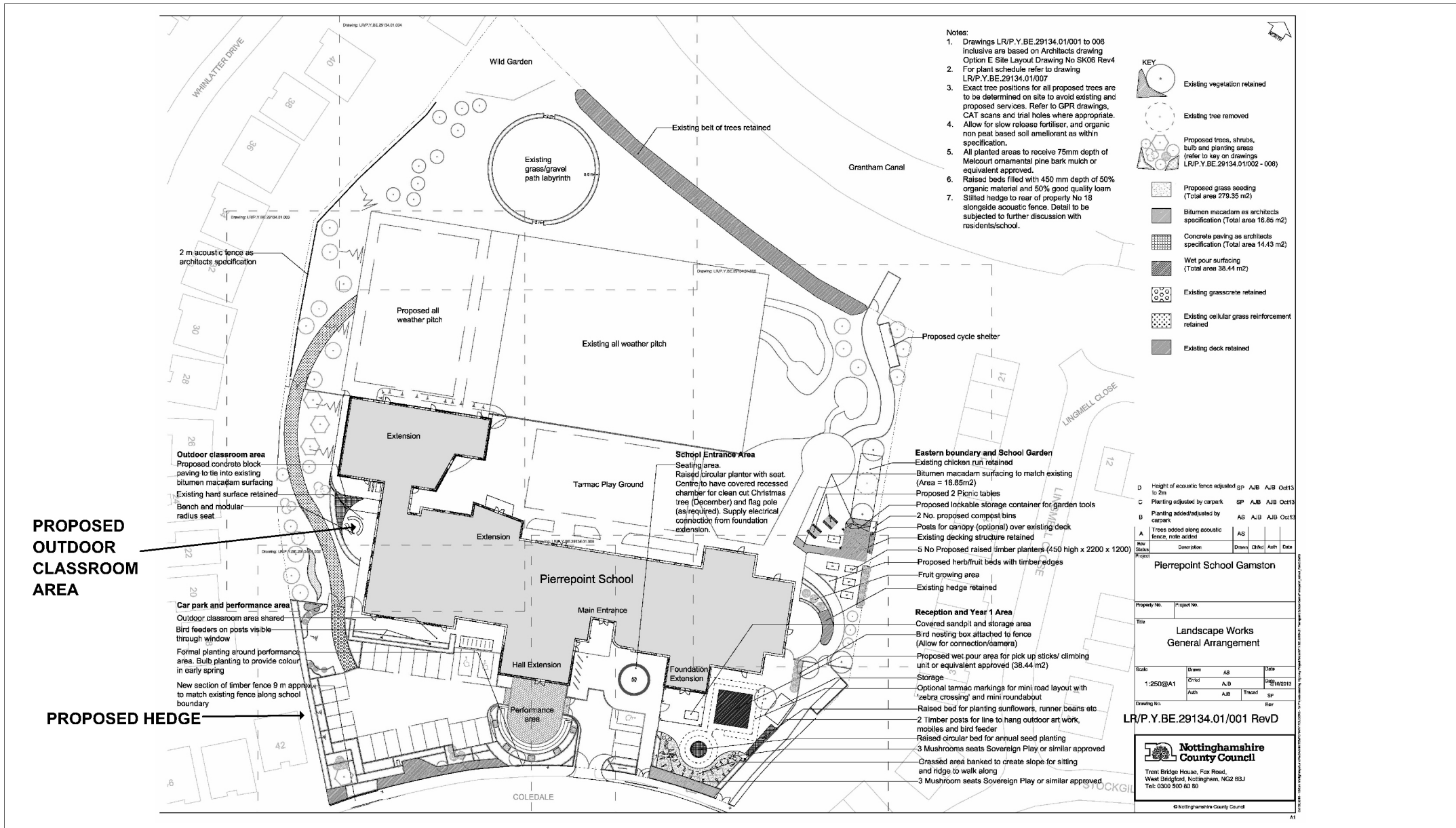
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PLAN 4



12th November 2013**Agenda Item:****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****ASHFIELD DISTRICT REF. NO.: 4/V/2013/0361**

PROPOSAL: DISPOSAL OF INERT WASTE MATERIAL ON LAND ADJACENT TO SHENTON LODGE AND ITS RESTORATION TO ECOLOGICAL AND RECREATIONAL USE. (RESUBMISSION OF PLANNING APPLICATION REFERENCE 4/V/2012/0127)

LOCATION: LAND ADJACENT SHENTON LODGE, DERBY ROAD, KIRKBY-IN-ASHFIELD.

APPLICANT: MR & MRS JB CUTTS

Purpose of Report

1. To consider a planning application for the development of an inert waste disposal/landfill facility with ancillary on-site recycling on land adjacent to Shenton Lodge, Derby Road, Kirkby-in-Ashfield. The key issues relate to the need for the disposal facility and whether there are more sustainable methods for managing the waste stream in the context of national and local waste policies, particularly in terms of the choice of site given its greenfield location and Green Belt designation. The development raises key issues regarding ecological impacts and has been treated as a 'departure' to the Development Plan. The recommendation is to refuse planning permission for the reasons given at Appendix 1.

The Site and Surroundings

2. The application site is situated on the south-eastern side of the A611 (Derby Road) between Annesley and Kirkby-in-Ashfield (see plan 1).
3. The site is made up of two plots of land extending to 1.34 hectares comprising a rectangular shaped paddock of grassland to the north-east of Shenton Lodge and a narrow 'V' shaped valley to its rear (south) (see plan 2).
4. The grass paddock measures roughly 100m by 50m and is predominantly flat in character. It is screened from the Derby Road by a hedgerow. An

existing field access, which provides vehicular access to the A611, is situated towards the northern corner of the paddock.

5. The valley/cutting area has steeply sided banks of up to 45 degree gradients which slope into a central valley. The valley base slopes in a north-east to south-west direction. The boundaries of the application site are drawn to incorporate approximately 200m by 70m of this valley. The land is uncultivated and overgrown in character incorporating a mix of gorse, grass and trees. The valley is crossed by an overhead electricity cable and forms part of a larger ecologically important designated site known as Robin Hood Hills Site of Importance for Nature Conservation (SINC), (also known as a Local Wildlife Site (LWS)). The site also lies immediately adjacent to an area of land that has been identified as part of both the 'Indicative Core Area' and 'Important Bird Area' in relation to the prospective Sherwood Special Protection Area (SPA).
6. The entire application site is located within land designated as Green Belt, as designated within the Ashfield Local Plan Review.
7. The nearest residential property is the applicants' house, Shenton Lodge which adjoins the site boundary to the north. Warren Hill Stables are situated approximately 270m to the south east. On the opposite side of the A611, is Beacon Poultry Farm and Winshaw Well, a building of local historic interest (200m to the north) which is recorded on the County Historic Environment Record. It is a stone built farm building which has been much altered but retains some heritage value. To the south of the proposal site, at a distance of 750m, is Annesley Colliery Conservation Area designated in 2000.

Relevant Planning History

8. Planning permission was refused by Ashfield District Council for tipping operations on the site on 1st September 1980 (ref 4/23/80/0773) for the following reasons:
 1. *The proposed development would, in the opinion of the Local Planning Authority, have a detrimental effect on the rural character of the area which constitutes an important informal recreation area for local residents. Moreover, the development would result in the loss of a footpath which is an important link in the footpath system in the locality.*
 2. *The proposed development, if permitted, could set a precedent for future tipping in the adjacent sandstone cuttings which form part of 'The Warren'.*
 3. *It is considered by the Local Planning Authority that the creation of an additional access for slow moving vehicles at this point on the A611 would be detrimental to the highway safety of the area.*
 4. *In the opinion of the Local Planning Authority adequate areas to cater for the disposal of waste materials exist with the benefit of planning permission, within reasonable proximity of the site.*

9. Planning permission was refused by Nottinghamshire County Council (Ref 4/V/2012/0127) for the development of an inert waste disposal/landfill facility with ancillary processing on land adjacent to Shenton Lodge on 20th September 2012 for the following reasons:
1. *Landfill of Greenfield sites is inappropriate development in the context of Green Belt Policy and therefore contrary to Nottinghamshire and Nottingham Waste Local Plan (WLP) Policy W3.17 (Green Belt) and Ashfield Local Plan Review Policy EV1 (Green Belt).*
 2. *The disposal of waste on Greenfield sites is contrary to WLP Policy W10.3 (Greenfield Sites) and draft Nottinghamshire and Nottingham Waste Core Strategy (WCS) Policy WCS4 (Disposal sites for non-hazardous and inert waste) and represents the least favoured option for waste disposal under the sequential site selection criteria set out within WCS Policy WCS6 (General Site Criteria). WLP Policies W10.1 and W10.2 identify the important contribution that waste disposal can provide in reclaiming derelict and degraded land, the disposal of waste on Greenfield land at Shenton Lodge would not provide environmental benefits and therefore does not represent a sustainable use of the waste stream.*
 3. *The development would result in the loss of part of a Site of Importance for Nature Conservation (SINC) of heathland character as well as detrimental impacts to protected species. The 'mitigation hierarchy' as outlined in the National Planning Policy Framework directs development to locations where there is least ecological impact and therefore would not provide support for the location of the development. Any need for additional disposal capacity within Nottinghamshire is not critical and would not outweigh the environmental impact caused by the development. The development is therefore contrary to WLP Policies W3.20 (Heathlands), W3.22 (Biodiversity) and W3.23 (Nature Conservation (including geological) Sites and WCS Policy WCS12 (Protecting our Environment).*

Proposed Development

10. Planning permission is again sought for disposal of inert waste at Shenton Lodge. The proposed scheme is similar to the development refused planning permission in September 2012, however the applicant has sought to provide additional environmental information to address previous reasons for refusal.
11. The proposed tipping operations would be undertaken within the valley area of the application site (see Plan 3). The proposed site is capable of accommodating 210,000 tonnes of inert waste.
12. Prior to vegetation clearance and the stripping of soils from the landfill site a programme of reptile capture, translocation and barrier fencing would be carried out. An updated ecological assessment/method statement has been prepared which seeks to address concerns raised in connection with

the previous planning application regarding potential impacts from the translocation of reptiles. To resolve these concerns an area of land to the west of Shenton Lodge within the applicants' ownership has been identified as an additional translocation area. It is proposed to enhance the habitat in this area for reptiles by providing new grassland, tree planting, wetland areas and artificial hibernacula/habitat pile.

13. Following translocation and soil stripping the landfill site would be constructed using an appropriate engineered design incorporating a geological barrier/liner to minimise potential ground contamination risks.
14. The existing field access onto the A611 would be improved and hard surfaced and an internal haul road would be constructed to provide access to the tipping area. A wheel cleaning facility, security cabin and staff/lorry parking would be provided on the paddock land between the proposed landfill area and Derby Road. This paddock would also be used for the storage of topsoil within 3m and 4m high bunds which would subsequently be used for site restoration purposes following the completion of tipping operations.
15. The resubmitted scheme proposes a fill period of two years at a rate of approximately 105,000 tonnes per year, the scheme refused planning permission sought to fill the site over a four year period. The applicant states that this faster rate of filling would be achieved by making the site available to the wider waste industry, the original scheme was envisaged to predominantly serve one company: Colson Transport Ltd. The applicant also states a quicker rate of infilling would also ensure that any impacts are shorter in duration.
16. Waste would be sorted prior to its delivery so that only non-recyclable waste is received. All incoming loads would be inspected to ensure they are inert in character and suitable for tipping. Upon delivery incoming loads would be screened prior to disposal. Recyclable material would be sorted and stockpiled within a recycled produce storage area located in the north east corner of the landfill site. These materials would be periodically removed when there is sufficient quantity to be re-used/re-sold. Tipping would progress from the lowest (south-western) corner of the site in a north-easterly direction. Tipping levels would vary across the site to a maximum depth of 13m.
17. Operating hours of the site are proposed between 08:00 to 18:00 hrs Mondays to Fridays and 08:00 to 13:00 hrs Saturdays. The site would not operate on Sundays or Bank Holidays.
18. The traffic assessment has identified that the site would generate around 3,700 trips per year (7,400 movements). This equates to an average of approximately 3 trips (6 lorry movements) per hour. Incoming lorries would carry between 10 and 19 tonnes of material at a time.
19. Following the completion of waste disposal operations the landfill area would be capped with a combination of a geological barrier and a top liner prior to the replacement of the original soils. The final restoration profile

of the completed site would remove the 'V' shaped valley feature and provide a gentle sloping plateau area leading to a steep slope along the southern extent of the site. The site would be seeded and planted with the objective of recreating the bracken habitat of the existing site including scattered trees and scrubs, herb rich acid grassland and wavy haired grassland. The paddock would be reseeded to create an additional area of heathland habitat including a wetland area within two ponds.

20. The planning application is supported by a series of reports and technical assessments including a statement of need; operational method statement; planning statement; noise and dust impact assessment; flood risk assessment; pollution risk report/site inspection; landscape and visual appraisal; transport statement and ecological assessment. The issues raised within these reports are considered within the Observations section of this report.
21. As part of their supporting statement the applicant states that since planning permission was refused the situation regarding additional disposal capacity within Nottinghamshire has become critical. The applicant states that local waste hauliers are experiencing considerable difficulties in finding sufficient authorised facilities available for disposal needs. This shortage in available capacity is highlighted by the fact that several local hauliers have written to the County Council expressing their concerns over the shortage of disposal sites. The applicant also suggests that the shortage in disposal capacity has also resulted in the Nottingham Express Transit Phase 2 (NET2) tram extension project coming to a complete halt on the basis that the haulage contractors had nowhere to dispose of the material, and that this is having a direct impact on livelihoods.
22. The applicant argues that the situation regarding need for additional sites represents 'very special circumstances' necessary to justify what would otherwise amount to inappropriate development within the Green Belt.

Consultations

23. Ashfield District Council: *The District Council objects to the development for the following reasons:*
 1. *The information submitted is inadequate to demonstrate that the test of special circumstances for development in the Green Belt has been met.*
 2. *It is considered that the unnecessary and detrimental impact upon the Site of Importance for Nature Conservation (SINC) can be prevented and the application does not constitute a case where this is unavoidable as it has not been demonstrated through sufficient evidence that the tests for delivery have been met. These being:*
 - *That there is an overwhelming need for an additional inert waste disposal sites;*

- *That there are no other reasonable sites which could accommodate any of the identified need.*

Should the County Council be minded to grant planning permission, Ashfield District Council refer to various conditions that should be imposed.

24. Environment Agency: *Raise no objections subject to the imposition of a planning condition requiring the prior agreement of a surface water drainage scheme for the site. The Environment Agency note that the operation of the site would require an Environmental Permit.*
25. Network Rail: *Raise no objections subject to only inert spoil being used as the backfill material. In the event that biodegradable waste is imported to the site Network Rail would hold the operator responsible for any escape of hazardous landfill gas or leachate which may affect railway operations or the safety of the public.*
26. Nottinghamshire Wildlife Trust (NWT): *Raise objections to the development. NWT state that the survey for woodlark was undertaken too late in the season and the reptile surveys were not undertaken consistently across the whole site nor were visits undertaken within the optimum period. Notwithstanding these facts the reptile survey confirms that the population of lizards and grass snakes is very significant. The breeding bird survey has shown that there is an important assemblage of birds on the development site. The landfill proposal would result in a destruction of the habitat used by these birds. Whilst NWT acknowledge that the mitigation scheme including the restoration of the site and creation of a new area of habitat have potential to mitigate impacts over a period of time, the mitigation would take more than 10 years to fully establish therefore resulting in a time lag of providing suitable alternative habitat provision. There is also potential for birds breeding on the adjacent land to be detrimentally affected by noise from the development and it is noted that no proper assessment has been undertaken to quantify these impacts.*
27. *The proposed reptile translocation methodology is satisfactory, but would be subject to establishment of good quality habitat in the receptor areas in advance. The earthworks proposal plan and the text in the Ecology report do not appear to indicate that it would be possible to do this effectively.*
28. *The consultants recognise that the site is of County Importance for both habitat and reptiles, and as such accept that there would be a negative impact. As a starting point, damage to SINCs should be avoided wherever possible, as should loss of the habitat of a species assemblage of County importance, in this case reptiles (for which the site is also likely to qualify as a herptile SINC). If there is an over-riding need for the development which outweighs the need to avoid such irreparable damage, then a substantive programme of mitigation and compensation is required in accordance with the NPPF and the ODPM circular, which accompanies PPS9, which is still extant. Given the scale of loss of this SINC habitat and the period of time before similar habitat could be restored, and the reduced micro-habitats that would be present due to loss of the variable aspect and topography of the valley feature, the residual effect in the short-medium term should be considered as major adverse.*

29. The restoration of the site to similar habitats to that which is lost with additional mitigation area is supported, although this would not replace the complexity of the faunal assemblages currently present. The proposal to provide 15 years of land management following restoration is supported, subject to appropriate legal controls to secure these works being undertaken.
30. NCC (Nature Conservation): *The majority of the site is locally designated as a Site of Importance for Nature Conservation (SINC) otherwise known as a Local Wildlife Site – Robin Hood Hills SINC 5/38. The SINC is described as ‘a large area of acidic woodland, extensive bracken and notable heath communities on a south facing slope’. The nearest statutorily designated site, Kirkby Grives Site of Special Scientific Interest (SSSI), is approximately 1km to the west. The site makes up part of an important cluster of large and connected nature conservation sites in the Newstead area, which include Hollinwell Golf Course, Annesley Forest, Newstead and Annesley Country Park, Newstead Park, and Linby Quarries SSSI. As such it is a key component of the local ecological network. The site also lies immediately adjacent to an area of land that has been identified as part of both the ‘Indicative Core Area’ and ‘Important Bird Area’, in relation to the prospective Sherwood Special Protection Area (SPA).*
31. *The Updated Ecological Assessment identifies the main potential impacts arising from the proposed development are loss of part of the SINC, loss of reptile habitat, and potential harm to reptiles during the works, and that there will also be a reduction in habitat available for nesting birds and foraging bats.*
32. *The reptile surveys were carried out in 2010. Whilst ‘out of date’ and also incorporating survey data outside the optimum survey period, it is accepted that as conditions have not changed at the site, there is little value at this point in repeating those surveys. The surveys show the habitat to be of ‘high (County) value’ for reptiles, supporting a ‘large’ population of Grass Snakes and a ‘medium’ population of Common Lizards. A range of broadly suitable mitigation measures are proposed to avoid the killing of reptiles, focussing on a trapping and translocation programme and enhancements to adjacent habitat. The reptiles would be released onto a newly created habitat however concern is expressed that the measures would not be sufficient to raise the carrying capacity of the receptor site to accommodate the potentially large number of reptiles that would be displaced by the works.*
33. *The breeding bird surveys carried out in 2012 did not follow standard guidelines, with two (rather than three) morning surveys carried out late in the season. Notwithstanding this fact, the site provides a valuable habitat for breeding birds with red and amber listed birds of conservation concern present at the site. The proposed development would involve the temporary loss of breeding habitat and there would be increased levels of disturbance in surrounding areas due to increased noise and dust, and as a result of visual disturbance. Concerns are raised that the brief assessment of potential impacts on Woodlark and Nightjar is made*

within the context of the prospective Sherwood SPA is not sufficiently robust, and does not allow the Council to adopt the 'risk-based approach' advocated by Natural England. A more detailed impact assessment is required, consisting of a full and reasoned consideration of (particularly) indirect impacts arising from processing, screening/crushing and disposal operations, with additional assessments undertaken if necessary (such as noise modelling specifically in relation to ecological receptors). Further consideration on this point is therefore required.

34. *It is proposed to restore the site to a mosaic of bracken, grassland, heathland and scrub habitats, along with ponds and a wetland area. These proposals are appropriate to the location, but a detailed habitat restoration plan and working methods would be required.*
35. *It is therefore concluded that the proposed development would give rise to significant ecological impacts including loss of part of the SINC, loss of reptile habitat, and potential harm to reptiles during the works. Whilst mitigation, compensation and enhancement measures are proposed, concerns remain that the mitigation works are not sufficient, and that impacts in relation to the prospective SPA have not been sufficiently addressed. These matters both need further consideration.*
36. *In reaching a planning decision, due consideration should be given to the 'mitigation hierarchy', as outlined in the NPPF. This requires that significant impacts should first be avoided, then mitigated against, and finally compensated for. Whilst a range of compensation and mitigation measures are proposed, it first needs to be determined that the impacts cannot be avoided. This is a matter to be assessed in the terms of the need for the development at this location and possible alternatives, and should be done with reference to Waste Local Plan Policies W3.20 (relating to heathlands), W3.22 (relating to habitats of county importance), and W3.23 (relating to designated nature conservation sites), all of which require it to be demonstrated that the need for development outweighs the nature conservation interest of the features/sites covered by these policies.*
37. NCC (Countryside Access): *Raise no objections. It is noted that Kikby Footpath No. 44 passes over land to the south of the site but would not be directly affected by the proposals. The applicant discussed the potential to provide a new footpath link between Derby Road and this footpath as part of the restoration of the site. The opportunity to create a new public footpath to provide this link would be supported.*
38. NCC (Archaeology): *Raise no objections to the development.*
39. NCC (Built Heritage): *Raise no objections to the development on the basis that during the active stage the development is considered to have a slight harmful impact on the setting of the locally historic building at Winshaw Well and, a slightly harmful impact on the setting of the conservation area to the south. When the long-term impacts are taken into account the impacts are reduced to negligible levels.*

40. NCC (Reclamation): Raise no objections. From the aspect of contaminated land management the application would appear to have addressed the main issues related to potential impacts to both human health and the wider environment from the proposed development. The development would be subject to the provision of Waste Management Licensing Regulations and as such will be regulated and inspected by the Environment Agency (EA). The following issues need to be addressed to minimise potential contamination risks:
- Additional boreholes to depth to identify the depth of local groundwater and assess contamination at depth.
 - Infiltration testing required to ensure the proposed (SUDS) soakaway drainage system is feasible.
 - The site drainage system will need to be agreed with the EA.
 - Monitoring of the discharge waters from the landfill body to the SUDS drainage system will need to be undertaken in addition to the proposed gas/groundwater monitoring proposed for periphery of the site.
 - Design details for the proposed geological barrier/liner will need to be provided and agreed with the EA.
 - A robust waste management plan will need to be agreed with the EA.
41. NCC (Highways): Raise no objections. The section of the A611 where vehicle access is proposed is subject to the national speed limit. Whilst sections of the A611 in the vicinity of the vehicle access are at, or near to capacity, the Highway Authority consider the potential numbers of vehicles accessing the site (6 movements per hour) does not represent a high traffic generation for the surrounding road network and therefore it would be difficult to justify recommending refusal of the proposal solely on the additional numbers of vehicles using the A611.
42. The access into the site provides sufficient width to enable two lorries to enter and leave the site simultaneously. The supporting traffic statement identifies that it would be necessary to provide a visibility splay at the junction measuring 2.4m by 215m to provide adequate visibility for traffic moving at 60mph. However, a speed survey has been undertaken which identifies that the average speed of vehicles on the A611 is lower than 60mph and therefore the visibility splays which are available are considered to be satisfactory to serve the new junction
43. In the event that planning permission is granted planning conditions are recommended to ensure that the new access is installed and suitably surfaced/drained prior to the commencement of tipping operations and thereafter vehicle numbers are limited to the levels set out within the planning application. A wheel wash facility should also be provided.
44. NCC (Noise Engineer): Raises no objections. The noise assessment demonstrates that noise emissions from the proposed operation would not cause annoyance or disturbance to nearby residents of Warren Hill Stables and Winshaw Well Farm. All noise levels from site operations are predicted

to be equal or less than the permitted levels in NPPF, i.e. less than or equal to 55dB L_{Aeq, 1hour} for normal operations and less than 70dB L_{Aeq, 1hour} for a maximum of 8 weeks per annum. The consultant has not included Shenton Lodge in the assessment as the applicants own and reside at this property. If planning permission was granted planning conditions should be imposed to control noise emissions including:

- *Hours of working to be 08:00-18:00hrs Mondays – Fridays, 08:00 13:00hrs on Saturdays and no working on Sundays or Bank Holidays;*
 - *The amount of material to be processed on site is limited to 105,000 tonnes per annum (based on working life of two years);*
 - *Number of two-way HGV movements limited to 3/hour or 30HGVs/day or 60HGV movements/day;*
 - *Number and type of plant and machinery to be used on site limited to those used in Noise Impact Assessment report number KCA280911/2384/A dated March 2013;*
 - *All plant, machinery and vehicles operating within the site shall incorporate noise abatement measures and be fitted with silencers maintained in accordance with the manufacturers' recommendations and specifications to minimise any disturbance at all times and vehicles/plant, operating under the control of the applicant to be fitted with white noise reversing alarms;*
 - *Imposing noise limits in accordance with NPPF standards.*
45. NCC (Landscape): *Consider the development would result in some short term landscape disruption, however these visual effects would be quite limited due to the character of the local landscape and the valley feature which would screen tipping operations. Overall the Landscape Team support the development and consider the application provides an opportunity to create a diverse new area of landscape upon restoration subject to the use of appropriate native planting. The planning conditions also provide an opportunity to secure the long term protection and management of the site.*
46. Severn Trent Water Limited, Western Power Distribution, National Grid (Gas) and National Grid Company PLC have not provided a consultation response. Any response will be orally reported.

Publicity

47. The application has been publicised by means of a site notice and a press notice as a Green Belt departure to the development plan. Neighbour notification letters have been posted to the residents of Winshaw Well, Beacon Poultry Farm, Derby Road and Warren House, Annesley in accordance with the Council's adopted Statement of Community Involvement.
48. Councillor Rachel Madden, the local County Councillor has been notified of the application.

49. Councillor Gail Turner objects to the planning application on the following grounds:
- a. *The need for this application is questioned on the basis that it is a greenfield site. The land is a natural depression and its infilling would bring no environmental benefits to this natural area which is in natural condition.*
 - b. *The natural ecology of the site should not be interfered with as there is no overriding need to infill. The snakes and other reptiles do not need to be moved as translocation has many risks and these risks do not outweigh benefits as there are no environmental benefits brought by this application.*
 - c. *Not only would this application bring no benefits but would bring harm to a natural area in its natural condition that has no need for infill or restoration of any kind.*
 - d. *As there is only so much inert infill material available this needs to be directed to sites that are in great need of restoration and would bring huge benefits to communities.*
50. The issues raised are considered in the Observations Section of this report.

Observations

Weight to be attached to various elements of the development plan and government policy.

51. The starting point for deciding this planning application is the Development Plan comprising the Nottinghamshire and Nottingham Waste Local Plan (WLP) and the Ashfield Local Plan Review (ALPR), unless material considerations indicate otherwise.
52. The WLP is a comparatively old document dating from 2002, nevertheless its policies remain material and should not necessarily be considered out-of-date simply because they were adopted prior to the publication of the National Planning Policy Framework (NPPF).
53. Since the WLP was adopted under legislation pre-dating the Planning and Compulsory Purchase Act 2004, weight should be attached to its policies according to the degree of consistency with the national government policy, principally in this case the NPPF and Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10). Specifically PPS10 paragraph 23 states:

'In considering planning applications for waste management facilities before development plans can be reviewed to reflect this PPS, (waste planning authorities should) have regard to the policies in this PPS as material considerations which may supersede the policies in their development plan.'

54. The NPPF incorporates advice on the weight that may be attached to emerging planning policies in development plans when making planning decisions. Specifically paragraph 216 advises that decision makers may give weight to policies within emerging plans; the more advanced the preparation of the plan the greater the weight that may be given to its policies.
55. The Joint Nottinghamshire and Nottingham Waste Core Strategy (WCS) is at an advanced stage and when adopted will replace relevant policies of the WLP. The strategy has undergone an independent examination and the Inspector's report has been received which has found the plan sound. The Inspector considered the Waste Core Strategy Proposed Submission Document published March 2012, as subsequently modified by a Schedule of Main Modifications and other Additional Modifications published June 2013, this version of the plan is referenced in this report.
56. Both the City and County Councils are currently in the process of taking the formal steps to adopt the plan as part of the development plan, a report is scheduled to be taken to the County Council's Environment and Sustainability Committee on the 14th November 2013 for information. Approval to adopt the plan is scheduled to be requested from the Full Council at their meeting on the 21st November 2013. Since the WCS is at an advanced stage of preparation with adoption imminent, very substantial weight can be given to the policies it incorporates.

Planning Policy Considerations

57. National waste policy set out in Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS 10) states that the overall objective of Government policy on waste is to manage it in a more sustainable way. PPS 10 identifies that the main method of achieving this objective is to ensure that planning decisions are made in accordance with the 'waste hierarchy'. The waste hierarchy is identified within figure 1 (see below), and encourages the development of waste facilities which contribute to the reuse, recycling and other recovery of waste with facilities for the disposal of waste viewed as a last resort.

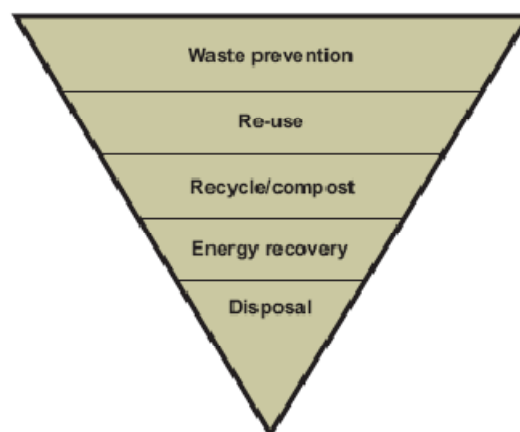


Figure 1: The Waste Hierarchy.

58. WCS Policy WCS2 is consistent with the waste hierarchy set out within PPS10 and states:

Policy WCS 2 Future waste management provision

The Waste Core Strategy will aim to provide sufficient waste management capacity for its needs; to manage a broadly equivalent amount of waste to that produced within Nottinghamshire and Nottingham. Future waste management proposals should accord with our aim to achieve 70% recycling or composting of all waste by 2025. Proposals will therefore 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.

59. The applicant states that the primary purpose of the Shenton Lodge landfill site is to provide a disposal facility for waste material derived from the construction of the NET Phase 2, the facility would also be made available to receive waste from other sources for disposal. Waste streams of this character are normally readily recyclable. WCS Paragraph 4.22 notes that the six existing aggregate recycling sites in Nottingham, Mansfield, Sutton and Retford provide enough capacity to recycle up to 1 million tonnes of inert construction and demolition waste a year and therefore assist with diverting this waste stream from landfill disposal.

60. As a disposal site the facility represents a waste treatment option at the lowest level of the waste hierarchy. Nevertheless, PPS10 and the WCS recognise that not all waste is suitable for or capable of being recycled/reused and there is a need to make provision for disposal facilities. PPS10 paragraph 25 states that in the case of developments for waste disposal facilities.

‘Applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the waste hierarchy’.

61. If reusable/recyclable waste was deposited at Shenton Lodge the facility would discourage the movement of waste up the waste hierarchy and

therefore fail to satisfy criteria C of Policy WCS 2. To ensure that this is not the case the applicant has confirmed that waste entering the site would be pre-sorted or pre-treated either at the construction site where the waste is generated or within the applicant's own Bunny waste transfer station to process the waste and minimise the amount of potentially recyclable inert waste deposited at the site. Appropriate controls could be secured through planning conditions to regulate that incoming waste has undergone some pre-treatment to ensure that it is not readily recyclable/reusable. Subject to such control it is concluded that the facility would not undermine WCS Policy WCS2 or PPS10 policy and would not significantly prejudice recycling operations at a higher level within the waste hierarchy.

62. The applicant has argued within their planning statement that there is a critical shortage of inert waste disposal capacity within Nottinghamshire. They have evidenced a number of letters which have been sent to County Council from local waste hauliers which highlight difficulties experienced in identifying sufficient sites for disposal. The applicant states that this alleged critical shortage of capacity has resulted in the NET2 tram extension construction project coming to a complete halt due to the haulage contractors having nowhere to dispose of waste material. The applicant therefore argues that the alleged shortfall in capacity is affecting economic prosperity. The applicant argues that these factors amount to an overriding need for the development and therefore very special circumstances to allow the facility within a Green Belt location.
63. Having regard to the issues raised by the applicant, the reliability of the evidence base is questioned. With regard to the letters from local hauliers, it is notable that these were received within a few days of each other shortly after the previous planning permission was refused. It is evident that the letters share similar paragraphs of text, some with identical sentence wording, indicating that they have been submitted as part of an orchestrated campaign. Notably the Council has not received any further concerns over capacity shortfalls from the industry either before or after these letters were received.
64. With regard to the impacts on the NET2 tram extension, Officers have spoken with the NET2 project team who have stated that whilst there was a short period when River Trent flooding affected the availability of disposal facilities, they have not experienced difficulties in finding appropriate disposal facilities and therefore the availability of disposal space has not affected the project delivery.
65. The WLP policy incorporates a sequential approach to the identification of new inert disposal sites. WLP Policy W10.1 gives preference to disposal schemes which assist with the reclamation of mineral voids and incomplete colliery spoil tips, WLP Policy W10.2 provides support for the reclamation of derelict or degraded land, both these policies only permitting such development in cases which meet a recognised need for additional disposal capacity. WLP Policy W10.3 states that waste disposal on greenfield sites will not be permitted except where incidental areas of greenfield land are required to be included so as to achieve an

optimum reclamation scheme of adjoining voids or derelict land. Since the development is a wholly greenfield disposal scheme which does not satisfy the criteria of this policy, the development is deemed to fail to comply with WLP Policy W10.3.

66. With regard to whether there is a need for new disposal facilities at a county-wide level, this question is most appropriately considered within the context of WCS Policy WCS4. The policy permits new waste disposal facilities where it can be demonstrated that they are necessary to address shortfalls in supply, particularly around Nottingham and Mansfield/Ashfield. Where a need is identified, the policy incorporates a sequential approach to assist with the identification of new sites with preference given to the extension of existing sites, restoration and/or re-working of old colliery tips and the reclamation of mineral workings, other man-made voids and derelict land where this would have associated environmental benefits, with disposal on greenfield sites only considered when there are no other more sustainable alternatives. In addition, disposal sites within the Green Belt, which are assessed as inappropriate development, would need to demonstrate 'very special circumstances' in line with national guidance to be permitted. The policy is listed below:

Policy WCS 4: Disposal sites for hazardous, non-hazardous and inert waste

Where it is shown that additional non-hazardous or inert landfill capacity is necessary, priority will be given to sites within the main shortfall areas around Nottingham, and Mansfield/Ashfield. Development outside this area will be supported where it can be shown that there is no reasonable, closer, alternative.

Proposals for hazardous waste will need to demonstrate that the geological circumstances are suitable and that there are no more suitable alternative locations in, or beyond, the Plan area.

In addition to the above preference will be given to the development of disposal sites for hazardous, non-hazardous and inert waste in the following order:

- a) the extension of existing sites
- b) the restoration and/or re-working of old colliery tips and the reclamation of mineral workings, other man-made voids and derelict land where this would have associated environmental benefits;
- c) disposal on greenfield sites will be considered only where there are no other more sustainable alternatives.

Where disposal sites proposed in the Green Belt constitute inappropriate development, very special circumstances would need to be demonstrated in line with national guidance.

75. PPS 10 paragraph 18 requires planning authorities to *'be able to demonstrate how capacity equivalent to at least ten years of annual rates set out in the regional spatial strategy could be provided'*. Since the regional spatial strategy has been revoked the requirement to identify waste management capacity has been transposed to waste development plan documents, which in the case of Nottinghamshire is the WCS.
76. Chapter 4 of the WCS incorporates an assessment of the levels of existing and future levels of waste management capacity within Nottinghamshire and Nottingham to assist with identifying the level of need. WCS Table 2 references Environment Agency data from 2010 to identify that Nottinghamshire has an existing inert waste void capacity of 2.1 million cubic metres.
77. WCS Table 3 identifies that the estimated construction/demolition waste arisings between 2015-2030 equates to approximately 2.7 million tonnes a year. The WCS targets a disposal rate after recycling and recovery of 10% across all waste types and therefore estimates an annual disposal rate of 273,000 tonnes per year for construction/demolition waste. The facility at Shenton Lodge would provide a disposal capacity of 210,000 tonnes, equating to a year or so additional disposal space at the above rates
78. Paragraph 4.30 of the WCS acknowledges that the exact amount of additional capacity required may vary depending on actual circumstances and therefore identifies a need to keep under regular review disposal trends as part of regular monitoring of the plan so as to take account of more up to date waste statistics. In this respect, since the WCS Submission Document was prepared, Environment Agency data for 2011 has been published. The 2011 data, which is more up to date than the 2010 data contained in the WCS identifies inert waste disposal capacity within Nottinghamshire as standing at 1,951,000 cubic metres. Furthermore it identifies a reduced disposal rate of 217,000 tonnes per year. Table 1 below incorporates an assessment of the void capacity remaining utilising the two sets of data that have been identified. Since the size of void capacity is measured in cubic metres and waste inputs are measured by weight (tonnes) it is necessary to convert the inputs into a volume. The WCS utilises a conversion factor that the density of 1 tonne of inert waste would occupy 1 cubic metre of disposal space. The data assumes no additional capacity is brought on stream:

Table 1: Calculation of inert landfill capacity remaining within Nottinghamshire using a 1cu.m : 1 tonne conversion factor.

	Landfill void Cubic metres	Disposal rate Tonnes/year	Number of years capacity	Estimated date of depletion assuming no additional capacity.
Assumptions incorporated in WCS utilising 2010 EA waste data and 10% disposal rate.	2,100,000	273,000	7.69 years from 2010	2018. 4 years 9 months
Projection using latest 2011 landfill capacity and input data	1,951,000	217,000	8.99 years from 2011	2020 7 years

79. The WCS 1t:1cu.m conversion factor is taken from 2009 Environment Agency advice. Since the publication of the WCS Submission Document the HMRC has published (July 2013) a standard conversion factor for inert waste loose tipped in HGVs which identifies a weight to volume ratio for inert waste of 1.5 tonnes occupying 1 cubic metre of space. Arguably compacted waste within an inert landfill site would have a higher density still. Clearly if a higher conversion factor was used it would affect the projections for the estimated remaining capacity of landfill sites as identified in Table 2 below which again assumes no additional waste disposal capacity is brought on stream.

Table 2: Calculation of inert landfill capacity remaining within Nottinghamshire using a 1cu.m : 1.5tonne conversion factor.

	Landfill void Cubic metres	Disposal rate Tonnes/year	Number of years capacity.	Estimated date of depletion assuming no additional capacity.
Assumptions incorporated in WCS utilising 2010 EA waste data and 10% disposal rate.	2,100,000	273,000	11.54 years from 2010	2022. 8 years 6 months
Projection using latest 2011 landfill capacity and input data	1,951,000	217,000	13.55 years from 2011	2025 11 years 6 months

80. The projections outlined in Tables 1 and 2 do not factor in any additional new waste management capacity from levels recorded in 2010/11. However, since this time notable additional inert waste disposal capacity has been permitted/brought on stream including facilities at the former Welbeck Colliery and the former Bentinck Colliery Tip. These schemes provide respective totals of 1,900,000 cubic metres and 495,000 cubic metres of additional void capacity. Table 3 (below) identifies how this additional permitted capacity affects the anticipated depletion rate using best and worst case scenarios.

Table 3: Calculation of inert landfill capacity remaining within Nottinghamshire incorporating recently permitted additional capacity consented

	Existing void capacity Cubic metres	Existing + additional permitted capacity.	Number of Years Capacity.	Estimated date of depletion
<u>Best Case Scenario</u> (2011 waste data and 1.5t:1cu.m.	1,951,000	4,346,000	29.77 years from 2011	2041 27 years 9

conversion factor.				months
<u>Worst Case Scenario</u> (2010 waste data and 1:1 conversion factor)	2,100,000	4,495,000	16.47 years from 2010	2027 13 years 6 months

81. In addition to the above, the County Council has recently been notified that the owners of the Vale Road, Mansfield Woodhouse inert waste landfill disposal facility will shortly be seeking planning permission to extend the capacity of the operational landfill site to create an additional 1,000,000 cubic metres of disposal void which, if permitted would provide further void capacity within Nottinghamshire within the identified Mansfield/Ashfield shortfall area.
82. It is therefore concluded that the planning authority is able to demonstrate how capacity equivalent to at least ten years of annual rates has been shown in accordance with the requirements of PPS 10 paragraph 18 and therefore the development is considered to fail to satisfy the requirements set out within WCS Policy WCS 4 relating to need. There is a ready supply of inert waste processing, recycling and disposal facilities within Nottinghamshire and the need for new facilities is not 'critical'.
83. An over-supply of disposal capacity could encourage waste operators to dispose of waste rather than recycle or recover the material in accordance with the objectives of the waste hierarchy. Notably, PPS10 paragraph 18 does not require planning authorities to demonstrate a ten year landbank of disposal capacity, the emphasis in the policy being an ability to demonstrate how ten years capacity could be provided. With new sites coming on stream there is not a need for the disposal capacity at Shenton Lodge and such a facility would actually be harmful to sustainable waste management.
84. Notably, even if there was a need for new waste disposal facilities, which there is not, WCS Policy WCS 4 also requires consideration to be given to the appropriateness of the site against a sequential test which favours waste disposal by the extension of existing sites, followed by the restoration and/or re-working of colliery tips and mineral workings including man-made voids and derelict land where this would have environmental benefits. Disposal on greenfield sites, particularly those within the Green Belt should only be considered where there are no other more sustainable options.
85. WCS paragraph 7.24 acknowledges that there is a wider choice of possible locations for inert waste disposal since such sites pose lower risk to groundwater and do not require the same level of site preparation and engineering as non-hazardous waste disposal sites. The paragraph

anticipates that inert disposal needs will be met from extensions and existing/future mineral voids, the WCS therefore does not envisage a role for greenfield waste disposal.

86. The applicant has asserted in the supporting documentation that the valley in which the disposal operation is proposed is a 'derelict sandstone cutting' and therefore the site should be considered either on the basis that it provides for the restoration of a mineral void under WCS Policy WCS4. The applicant has submitted no evidence to support the claim that the site is a derelict former mineral working.
87. The valley landform of the application site can clearly be discerned on Sanderson's Map of 1835 and is quite possibly a natural feature. The landform is in keeping with the surrounding Robin Hood Hills which feature deep, narrow valleys that are likely to have arisen as a result of erosion by running water rather than quarrying. The site is not degraded or derelict in character and in fact is a well vegetated and ecologically important habitat that is not in need of any restoration or remediation works. The National Planning Policy Framework (NPPF) incorporates a glossary of terms which defines previously developed (or brownfield) land and the site could not be considered as previously developed land under the definition. It is therefore considered most appropriate to consider the application on the basis that it is a landfill operation being undertaken on a greenfield site.
88. As a greenfield disposal scheme the development represents the least favoured option for providing new landfill capacity in the context of WCS Policy WCS4. The applicant has not demonstrated they have considered any other alternative sites as part of the planning process to show that Shenton Lodge represents the most sustainable option. It is evident that new disposal sites are coming forward which are more sustainable and thus are favoured by the hierarchy test in Policy WCS 4, including sites at Bentinck, Welbeck, and potentially Vale Road. There are also a number of currently operational quarries which could provide additional disposal capacity, one such example being Bestwood II Quarry where the operators have not pursued a disposal scheme citing as one of their reasons a lack of sufficient waste materials to merit such a scheme.
89. Granting planning permission for a waste disposal facility at Shenton Lodge would divert an increasingly reducing amount of residual inert waste to a site that is not derelict or in need of reclamation, denying the use of this material within sites where it would result assist restoration resulting in clear environmental benefits.
90. The County Council is currently undertaking a 'call for sites' as part of the Site Allocations Development Management Document. This document will identify appropriate locations for future waste management proposals. To grant planning permission for Shenton Lodge when there is no apparent need for waste disposal at the site could potentially deny other more appropriate sustainable sites coming forward.

Compliance with Green Belt Policies.

91. Green Belt policy relating to waste disposal facilities is set out within Policy W3.17 of the WLP. This policy states that planning permission will only be granted for waste disposal in the Green Belt where it represents the best option for reclaiming mineral voids or other derelict voids. Since the development is not associated with the reclamation of a mineral or other derelict void, the development fails to comply with WLP Policy W3.17.
92. WCS Policy WCS4 states that *'where disposal sites proposed in the Green Belt constitute inappropriate development, very special circumstances would need to be demonstrated in line with national guidance'*. WCS Policy WCS6: General Site Criteria also emphasises the requirement for landfill facilities in Green Belt locations to demonstrate very special circumstances, identifying that very special circumstances may exist for restoration projects which utilise waste materials, however land raise schemes would not normally be appropriate.
93. The National Planning Policy Framework (NPPF) incorporates national Green Belt policy. Paragraph 79 identifies that *'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence'*. Paragraph 80 identifies that the Green Belt serves five purposes including *'assisting in safeguarding the countryside from encroachment'*. The development would result in encroachment within the Green Belt, negatively affecting its openness particularly during the operational phase of the landfill site. The development therefore would encroach into the Green Belt and be contrary to the objectives of Green Belt policy.
94. NPPF paragraph 87 states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*.
95. NPPF paragraphs 89 to 92 define the types of development that can be considered *'appropriate'* within the Green Belt. Paragraph 89 relates to buildings and therefore is not of relevance, paragraph 90 relates to other forms of development, but does not include landfill facilities as appropriate development, paragraphs 91 and 92 relate to renewable energy projects and community forest development which are not relevant. The WCS therefore is consistent with the NPPF in defining the development as inappropriate development.
96. NPPF paragraph 88 states that *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'*.
97. Green Belt policy at a local level is incorporated within Policy EV1 of the Ashfield Local Plan Review (ALPR). This policy is generally consistent

with the NPPF and states that planning permission will not be granted within the Green Belt for inappropriate development except in very special circumstances. The policy definition of appropriate development includes '*engineering, mining or other operations and uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it*'. The development is not an engineering or mining operation. In terms of whether the development could be defined as an 'other operation' the key issue is whether the development impacts upon the openness and conflicts with the purposes of including land within the Green Belt. Since the development encroaches within the Green Belt, negatively affecting its openness, it cannot be considered as an appropriate 'other operation' within the Green Belt under the terms of this Policy. In accordance with NPPF policy, ALPR Policy EV1 makes reference to 'very special circumstances' which may allow development in the Green Belt.

98. The applicant argues within their supporting statement that there is an overriding need for the development to address claimed shortfalls and assist in reducing the need to travel greater distances to dispose of waste and that these factors represent very special circumstances to justify inappropriate development within the Green Belt.
99. The need for the development is not acknowledged for the reasons previously stated and there is little evidence to suggest the development would result in any noticeable reduction in travel distances having regard to the close proximity of disposal facilities at Vale Road, Mansfield Woodhouse and Bentinck. Since there is not a shortfall in waste disposal capacity it is concluded that 'very special circumstances' do not exist to justify a departure from Green Belt policy and accordingly the development is contrary to policies contained in the NPPF, WCS Policies WCS 4 and WCS 6 and ALPR Policy EV1.
100. The Government has recently undertaken a consultation on an updated national waste strategy to replace PPS10, setting out the Government's draft future waste management policy. The document maintains the Government's drive for increased levels of waste recycling and the use of waste as a resource. Specifically in the context of waste developments in the Green Belt the document takes away references made in PPS10 which identify that particular locational needs together with wider environmental and economic benefits of sustainable waste management may assist in outweighing impacts to the Green Belt. The draft replacement policy makes it clear that waste development in the Green Belt in most cases is inappropriate development and should be assessed on this basis.

Assessment of Environmental Impacts

101. Maintaining and enhancing the quality of the environment is at the heart of the WCS notably Policy WCS12 which states:

Policy WCS12 Protecting and enhancing our environment

New or extended waste treatment or disposal facilities will be supported 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. All waste proposals should seek to maximise opportunities to enhance the local environment through the provision of landscape, habitat or community facilities.

102. WCS Paragraph 7.50 identifies that until such time that a separate Development Management Policies Document is prepared the saved policies of the Nottinghamshire and Nottingham Waste Local Plan (WLP) and relevant policies within the District Local Plan will be used to assess the significance of the environmental impact.
103. The planning application is supported by a series of topic based environmental reports to assist with assessing the significance of the environmental impacts of the development. These issues are considered within the following sections of the report.

Ecological Assessment

104. The majority of the site is locally designated as a Site of Importance for Nature Conservation, or SINC (also known as a Local Wildlife Site, or LWS) – Robin Hood Hills SINC 5/38 which is noted as “*a large area of acidic woodland, extensive bracken and notable heath communities on South facing slope*”. As such, the site is identified as being of at least county-level importance for its wildlife. The nearest statutorily designated site, Kirkby Grives SSSI, is approximately 1km to the west.
105. The site makes up part of an important cluster of large and connected nature conservation sites in the Newstead area, which include Hollinwell Golf Course, Annesley Forest, Newstead and Annesley Country Park, Newstead Park, and Linby Quarries SSSI. As such it is a key component of the local ecological network.
106. The site also lies immediately adjacent to an area of land that has been identified as part of both the ‘Indicative Core Area’ and ‘Important Bird Area’, in relation to the prospective Sherwood Special Protection Area (SPA).
107. The key policies of the WLP to assess the ecological impacts against are WLP Policies W3:20: Heathlands, W3.22: Biodiversity and W3.23 Nature Conservation (including geological) sites.

108. WLP Policy W3.20 states:

Policy W3:20: Heathlands

Planning permission for a waste management facility which would destroy or degrade areas defined as heathlands will not be granted unless their value is outweighed by the need for the facility. Where permission is granted, proper provision will be made to survey and record the site in order to:

- a. Minimise the effect on the habitat and species;
- b. Consider the accommodation of species within the site or to provide alternative habitats for their use;
- c. Provide appropriate ameliorative measures.

109. The site consists predominantly of continuous bracken, with areas of scrub and trees, and patches of acid grassland and is therefore heathland in character. The site is assessed in the applicants' own Ecological Assessment as being of 'County Value'. The development would result in the loss of this heathland habitat. There is not a critical need for additional landfill capacity at the present time and therefore the development is assessed as being contrary to WLP Policy W3.20.

110. WLP Policy W3.22 states:

Policy W3:22: Biodiversity

Planning permission for a waste management facility which would harm or destroy a species or habitat of County importance will only be granted where the need for the development outweighs the local conservation interest of the site. Where planning permission is granted for such development, conditions will be imposed or planning obligations sought, to secure accommodation on-site or the provision of suitable alternative habitats.

111. Furthermore WLP Policy W3.23 states:

Policy W3:23: Nature Conservation (Including Geological) sites

Waste management proposals which either individually or in combination with other proposals, are likely to affect sites or candidate sites of nature conservation or geological interest will be assessed as follows:

.....

- c. Proposals which are likely to significantly adversely affect sites of regional or local importance will only be permitted where the importance of the development outweighs the local value of the site.

The assessment of any adverse impact will take account of the scope for mitigation and/or compensatory measures to replace the loss.

112. The ecological surveys have identified that notable numbers of Grass Snakes and Common Lizards occupy the site, confirming the habitat is of 'high (County) value' for reptiles. The Ecological Assessment concludes that the main potential impacts arising from the proposed development are loss of part of the SINC, loss of reptile habitat, and potential harm to reptiles and birds during the works.
113. A range of mitigation measures are proposed to avoid the killing of reptiles, focussing on a trapping and translocation programme and enhancements to adjacent habitat. The methodologies for trapping and translocation appear generally appropriate however concerns are raised regarding the suitability of the translocation receptor site which is smaller in area than the habitat to be lost and even though habitat enhancement works are proposed within the receptor there is no certainty that it will successfully establish as suitable habitat to give confidence that harm would not result to these protected species.
114. The NPPF provides national planning policy in terms of conserving and enhancing the natural environment. Paragraph 118 sets out the government policy that planning authorities should adopt when determining planning applications, including a 'mitigation hierarchy' which states that significant ecological impacts should where possible be avoided by undertaking the development in an alternative location which would not have ecological impacts, only where it is not possible to avoid an impact then ecological features should be adequately mitigated, or as a last resort, compensated for. The development would give rise to significant ecological impacts including loss of part of a SINC, loss of reptile habitat and potential harm to reptiles during the work. Whilst the application incorporates a range of compensation and mitigation measures there is considerable uncertainty that these measures will successfully ensure that harm does not occur to the ecological features of interest. In such circumstances the clear approach set out within the NPPF is, given that there is no urgent need for additional inert landfill disposal facilities in Nottinghamshire, the ecological interests of the site would be best managed by not undertaking the development at Shenton Lodge and instead utilising an alternative site. Alternative facilities are available to receive the waste inputs.
115. The facility would destroy a heathland habitat and since the need for the development does not outweigh its county level value the development is considered contrary to WLP Policy W3.20: Heathlands. Furthermore the facility would harm species of county importance as well as destroy a habitat of county importance. The need for the development does not outweigh the site's conservation interest and therefore the development would also fail to satisfy WLP Policy W3.22: Biodiversity. Equally the development fails to satisfy the requirements of WLP Policy W3.23C: Nature Conservation due to the significance of impact and lack of need.

116. The ecological assessment report identifies that the habitat does not provide the vegetation structure required to support woodlark. Whilst no nightjars were encountered during the survey period, the site is considered to provide suitable foraging and potential breeding habitat for these species. The development would result in the destruction of this potential nightjar habitat and has potential to generate additional noise, dust and visual disturbance to the surrounding land including the Robin Hood Hills SINC.
117. The site is located within the 5km buffer zone for the prospective Sherwood Special Protection Area (SPA). The applicants' ecological appraisal incorporates a brief assessment of potential impacts on Woodlark and Nightjar within the context of the prospective Sherwood SPA. However, Nottinghamshire Wildlife Trust and Nottinghamshire County Councils Ecology Officer consider the submitted assessment is not sufficiently robust to allow the planning authority to adopt a 'risk based approach' of the impact as advocated by Natural England. Notably the ecological appraisal does not incorporate a full and reasoned consideration of indirect impacts arising from the processing, screening/crushing and disposal operation.
118. These ecological concerns have been raised with the applicant. Whilst it is acknowledged that the applicant may be able to demonstrate through additional surveys and assessments that adverse impact to the prospective Sherwood SPA may not occur, preparing this evidence would require a significant amount of additional work resulting in additional costs. Even if the applicant could satisfy the 'risk-based approach' test, significant policy objections would remain meaning that the development would not secure a favourable recommendation to Planning Committee. In this instance, the applicant has not been formally requested to undertake the additional survey and investigation work required and consequently the applicant has failed to demonstrate through a risk based approach that adverse impact would not occur to the prospective Sherwood SPA. Planning permission therefore should be refused on these grounds.

Visual and Landscape Assessment.

119. WLP Policies W3.3 and W3.4 seek to minimise the visual impact of waste management facilities by careful site design and through the use of natural features to screen the development including topography.
120. The planning application is supported by a visual and landscape appraisal which identifies that the development would result in the re-shaping of an existing valley to provide a less steeply sided feature. The works would predominantly be undertaken within the valley feature which would screen operations from surrounding land. During the operational phase the landscape impact is identified to be 'slight/moderate adverse' due to the total removal of the existing vegetation/soils and temporary operations including soil storage, temporary buildings and the use of plant and machinery on the site. Upon completion the site would be reseeded/planted and would quickly establish a ground cover and with

appropriate management it is concluded the restored site could provide a slight improvement in landscape character.

121. The landscape and visual assessment report has been reviewed by NCC's Landscape Team who generally accept the conclusions reached. It is therefore concluded that the development is capable of being undertaken without resulting in significantly harmful landscape and visual impacts.

Highway Considerations

122. The development site would be served by an existing field access providing direct access onto the A611. The field access is to be re-engineered to a standard suitable to accommodate HGV traffic associated with this development. The development would generate comparatively low vehicle movements which, using a worst case scenario would equate to an average of one lorry movement every ten minutes.
123. These access arrangements have been reviewed by NCC Highways (Development Control) Team who are satisfied that this level of traffic would not cause any highway concern relating to road capacity and the proposed site entrance could cope with a HGV waiting to leave at the same time as another is entering the site whilst the geometry allows HGVs to enter and leave without crossing to the opposite traffic lane. Adequate visibility is provided at the new junction which is considered appropriate in the context of the average speed of vehicles on the A611. The development therefore raises no highway objections and thus complies with WLP Policy W3.14 (Road Traffic).

Archaeology and Conservation/Built Heritage

124. The site does not contain any features of archaeological interest.
125. The development site does not incorporate any features of conservation/built heritage interest. The site is visible from Annesley Conservation Area to the south and Winshaw Well nearby, a building of local heritage interest. Impacts to these heritage assets have been assessed as slight harmful during the operation stage and negligible following restoration and therefore acceptable in their magnitude.

Rights of Way

126. The development would not result in any direct impacts to any designated public footpaths in the area. Operational practices to control noise and dust should ensure that any indirect impacts to users of Kirkby Footpath No.44 which passes over the land to the south of the site are avoided.
127. The applicant has indicated that there is potential to extend the network of public footpaths within the local area by providing a link between Kirkby Footpath No. 44 to Derby Road across the application site following landfill operations and restoration works. Such a footpath would be a welcome addition to the local network and warrants consideration within the overall balance of planning considerations.

Pollution Control

128. The operation of the site would require an Environmental Permit issued by the Environment Agency under the requirements of the Environmental Permitting (England and Wales) Regulations 2010. These regulations should ensure that measures are put into place to prohibit or limit the release of substances to the environment to the lowest practicable level and ensuring that ambient air and water quality standards are met.
129. Notwithstanding this fact, PPS10 paragraph 29 acknowledges that potential impacts on the local environment arising from the operation of waste management facilities are material planning considerations which require assessment within the planning process. To enable this assessment to be made the planning application is supported by a series of environmental assessments which have been reviewed through the planning consultation responses and are assessed within the following sections of the report.

Water Resources

130. WLP Policy W3.5 states that planning permission will not be granted for waste management facilities where there is an unacceptable risk of pollution to groundwater or surface water or where it affects the integrity/function of a floodplain. WLP Policy W3.6 encourages the use of planning conditions to ensure that water resources are protected.
131. The operation of the landfill site has potential to affect water resources. The consultation responses from the EA and NCC's Reclamation Officer however acknowledge that these impacts are capable of being controlled to an appropriate level through the controls imposed under the Environmental Permit issued by the Environment Agency under the requirements of the Environmental Permitting (England and Wales) Regulations 2010 (henceforth referred to as 'the waste permit'), and through the imposition of planning conditions restricting the types of waste imported to inert in character; use of impermeable linings for the construction of the landfill; satisfactory surface water drainage facilities with appropriate balancing to control storm water flows.
132. Subject to the imposition of appropriate planning conditions, the site is capable of operating without generating significant harm to water resources, thus ensuring compliance with WLP Policies W3.5 & W3.6.

Odour & Landfill Gas Emissions

133. WLP Policy W3.7 seeks to ensure that waste management facilities do not generate odour emissions which result in adverse impacts to the amenity of surrounding land. The disposal of inert waste has a comparatively low potential odour risk and, subject to a planning condition restricting the types of waste received, potential odour releases should be limited to an acceptable level, thus ensuring that the requirements of WLP Policy W3.7 are capable of being complied with.

134. The restriction of waste types to inert materials would also ensure that materials deposited within the landfill do not decompose and generate methane gas, an issue identified by Network Rail in their consultation response. Network Rail request a planning condition be imposed restricting the waste types to inert spoil so as to ensure the safety of railway property (Annesley tunnel) is not compromised.

Litter

135. WLP Policy W3.8 seeks to prevent litter emissions from waste management facilities. The main litter control with the proposed development would be provided by the inert character of the waste received at the site which is generally not vulnerable to wind blow. Nuisance from litter therefore is not anticipated.

Noise

136. WLP Policy W3.9 seeks to ensure that when planning permission is granted for waste management facilities conditions should be imposed to reduce potential noise impacts. Such conditions may include the enclosure of noise generating facilities; stand-off distances between operations and noise sensitive locations; restrictions over operating hours; using alternatives to reversing beepers and setting maximum operational noise levels.
137. The site is located within a rural location, however the proximity of the A611 and associated traffic movements has a significant impact on the local noise environment. The nearest residential property is the applicants' house, which adjoins the site boundary. Other residential properties include Winshaw Well Farmhouse approximately 200m to the north and Warren Hill Stables approximately 270m to the south east.
138. The application is supported by a noise assessment which incorporates a survey of the existing noise environment surrounding the proposed development and references appropriate national noise standards (set out within the NPPF supporting technical guidance & BS5228-1:2009: Code of practice for noise and vibration control on construction and open sites – Part 1: Noise). The noise assessment considers the impact from site operations and associated transportation of materials during the proposed operating hours of 08:00 to 18:00 Monday – Friday and 08:00 – 13:00 on Saturdays.
139. The noise assessment has demonstrated that noise emissions at nearby residential properties (excluding the applicants' property) are unlikely to generate justifiable complaints. The development is therefore capable of complying with the requirements of WLP Policy W3.9 subject to the imposition of planning conditions to control the operating hours of the site, a 105,000tpa restriction on the maximum amount of material processed at the site; a maximum of three vehicles per hour accessing the site or 30 HGVs/day; a limit to the level of noise output at residential properties; the use of silencers on mobile plant and controls over reverse warning devices.

Dust

140. WLP Policy W3.10 identifies that dust emissions from waste processing facilities can be managed and reduced by implementing appropriate dust management techniques. To inform the consideration of the significance of potential dust emissions the application is supported by a dust impact assessment. The report identifies that with the exception of the applicants' own property, the facility is not located directly adjacent to residential property or other sensitive receptors.
141. Dust management is recommended to be undertaken at source through a series of site management control practices to ensure that off-site dust emissions are minimised. These practices include the use of wheel wash facilities, hard surfacing of haul roads; use of misting sprays on crushing/screening equipment; limiting vehicle speeds; minimising the storage of materials in stockpiles; sheeting of lorries transporting materials and the damping of dust generating activities.
142. The imposition of planning conditions in accordance with WLP Policy W3.10 to impose a duty to undertake the recommended control practices would ensure that the site is capable of operating without generating significant dust emissions beyond the site boundary.

Mud

143. WLP Policy W3.11 identifies that vehicle movements associated with the operation of waste sites have potential to spread mud onto the public highway. To mitigate against such impacts the applicant proposes a series of measures as part of their dust appraisal report, including the use of a wheelwash facility, the hard surfacing of haul roads and the sheeting of lorries. The imposition of planning conditions in accordance with WLP Policy W3.11 to impose a duty to undertake the recommended control practices would ensure that the site is capable of operating whilst ensuring appropriate controls over mud entering the public highway.

Electricity Services within the site

144. Whilst Western Power Distribution (Electricity) have not provided a consultation response in connection with this planning application, their response to the previous submission identified that the site is crossed by overhead power cables. The alteration to the ground levels from the importation and deposit of waste materials has potential to affect these cables. Whilst not objecting, Western Power Distributions' previously stated position was to request the operator to discuss the need for diversion works or for proximity advice during construction and on-going operations at the site. This request to consult with Western Power Distribution could be covered through an informative note attached to the planning decision notice.

Other Options Considered

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

Statutory and Policy Implications

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

Implications for Service Users

147. No implications.

Financial Implications

148. No implications to the Council.

Equalities Implications

149. No implications.

Crime and Disorder Implications

150. The development would be located within an open countryside location and is potentially vulnerable from a security perspective. Access to the public highway would be secured by a gated access when the site is not operational. With the exception of mobile plant and machinery the site facilities are not particularly valuable.

Human Rights Implications

151. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered in this case. The development has potential to generate additional noise, dust and traffic movements which could have some minor impacts on the amenity of surrounding residential property, these impacts however are considered to be comparatively low in magnitude and substance on individuals and therefore do not result in interference with rights safeguarded under these articles.

Safeguarding of Children Implications

152. No implications.

Human Resources Implications

153. No implications.

Implications for Sustainability and the Environment

154. The development would provide a waste management facility at the lowest level of the waste hierarchy. Waste disposed at the facility would not provide any benefits to the environment. The development therefore by PPS10 definition represents the least sustainable route for the management of waste arisings and the use of the facility has potential to bypass other waste management facilities where it could be recovered, recycled or disposed within a facility which uses the waste as a resource to restore derelict or degraded land.

Conclusions

155. The development would provide a waste management facility at the lowest level of the waste hierarchy. As a disposal facility any waste deposited at the site would not be used as a resource contrary to the objectives of PPS10. It is therefore considered that the development represents the least sustainable route for management of waste arisings.
156. PPS10 emphasises that disposal should be treated as the last option for managing waste but acknowledges that there is a need to make provision for disposal facilities, requiring planning authorities to be able to demonstrate how capacity equivalent to at least ten years of annual rates could be provided.
157. WCS Policy WCS4 incorporates policy relating to the development of new inert waste disposal facilities in Nottinghamshire. The policy only permits new disposal sites where they address shortfalls in supply, and when such sites pass a sequential site selection test. Whilst the Waste Core Strategy identifies a strategic need for additional inert disposal capacity, new disposal sites have been granted planning permission since the evidence base for the WCS was prepared which combined with lowering demand for landfill addresses the projected shortfalls and thus there is no strategic or critical need to develop new landfill capacity within Nottinghamshire. The development is also not favoured by the sequential site selection test set out within Policy WCS4 which views greenfield disposal schemes as the least favoured option. The development is therefore not supported by WCS Policy WCS4 and has potential to divert waste from areas of greater environmental need.

158. The development is not supported by WLP Policy W10.3 which states that proposals for waste disposal on greenfield sites will not be permitted in the circumstances proposed.
159. Landfill of greenfield sites is not an appropriate use of Green Belt land and there are no 'very special circumstances' to justify inappropriate development within the Green Belt. The development therefore fails to satisfy Green Belt policy incorporated within the NPPF, WLP Policy W3.17, WCS Policies WSC4 and WCS6 and ALPR Policy EV1.
160. The development would also fail to satisfy the objectives of WCS Policy WCS12 which seeks to ensure that disposal facilities are directed to areas where they result in the least environmental impact and the maximum opportunity to gain environmental benefits. Most notably the application site is designated as a SINC, the heathland habitat within which would be lost as a result of the development contrary to the requirements of WLP Policies W3.20, W3.22 and W3.23. Since the need for the development does not outweigh the ecological impact, the development also fails to comply with the 'mitigation hierarchy' set out within the NPPF which promotes the avoidance of impact through the development of an alternative site. Furthermore, the applicant has failed to demonstrate that the development would not have adverse impacts to the prospective Sherwood SPA, and thus satisfy the requirements advocated by Natural England which require a 'risk based approach' to be taken by the planning authority when considering the significance of impacts within the prospective Sherwood SPA.
161. Whilst the scheme could potentially provide a new footpath link this does not outweigh the concerns identified above.

Statement of Positive and Proactive Engagement

162. 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; identifying issues of concern and entering into discussion with the applicant to explore the possibility of suitably resolving such matters. This approach has been in accordance with the requirement set out in the National Planning Policy Framework. In this instance, however, it has not been possible to resolve the issues of concern so as to overcome the harm as identified in the recommended reasons for refusal.

RECOMMENDATIONS

163. It is RECOMMENDED that planning permission be refused for the reason(s) set out below. Members need to consider the issues, including the Human Rights Act issues, set out in the report, and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

Text to be entered here

[Initials and date here in square brackets]

Comments of the Service Director - Finance

Text to be entered here

[Initials and date here in square brackets]

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Kirkby-in-Ashfield South Division Cllr Rachel Madden

Report Author/Case Officer

Mike Hankin

0115 9696511

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

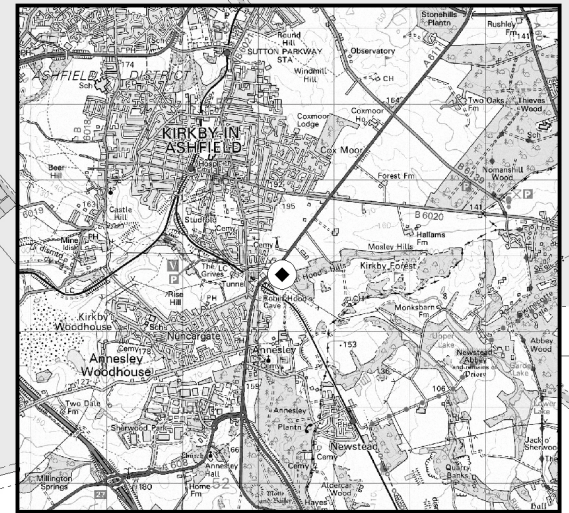
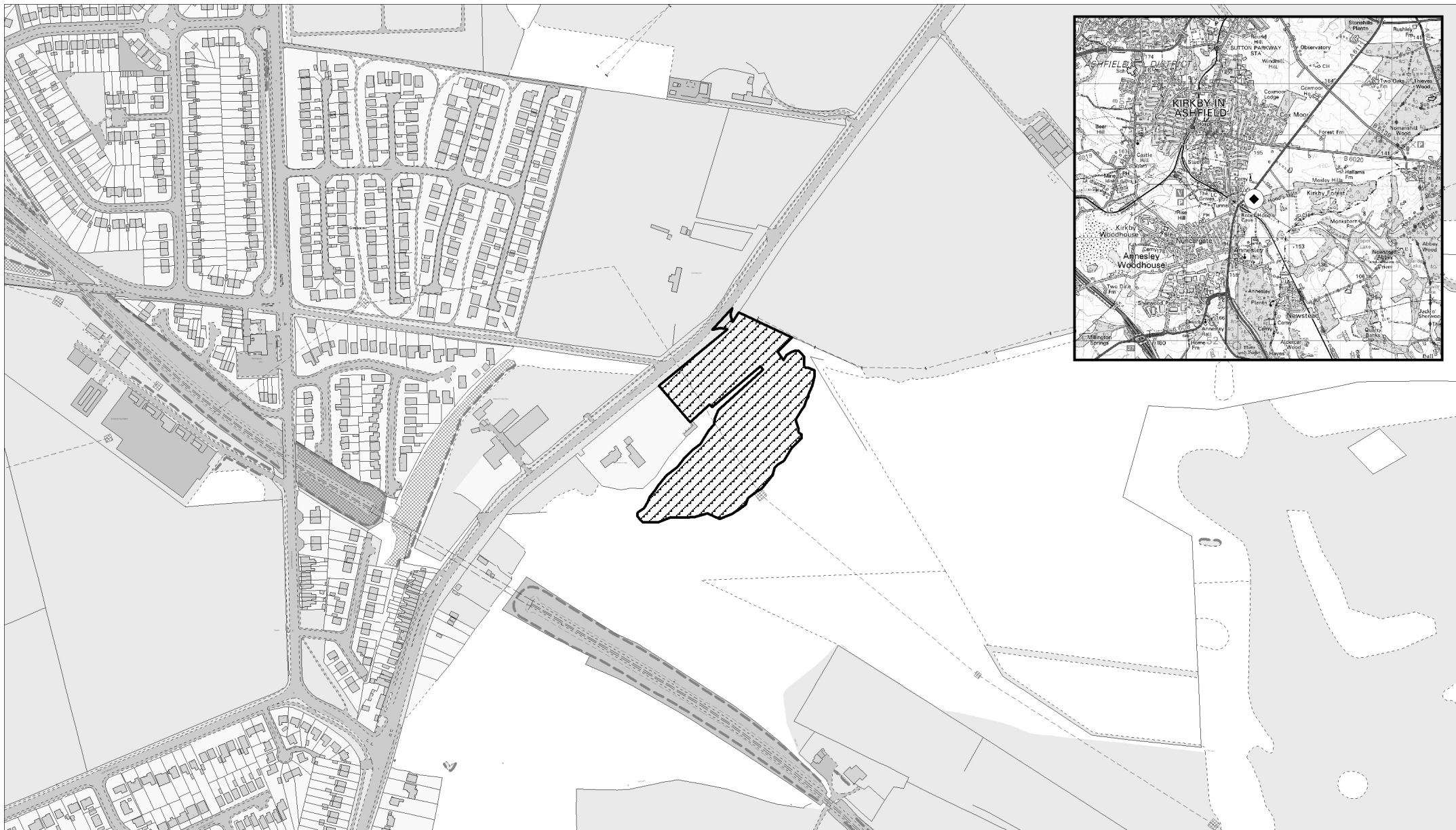
W001153.doc – DLGS REFERENCE

EP5380.Docx – COMMITTEE REPORT FOLDER REFERENCE

31 October 2013 – Date Report Completed by WP Operators

RECOMMENDED REASONS FOR REFUSAL

1. Landfill on greenfield sites is inappropriate development in the context of Green Belt Policy and therefore contrary to Nottinghamshire and Nottingham Waste Local Plan Policy W3.17 (Green Belt), Nottinghamshire and Nottingham Waste Core Strategy Policies WCS4 (Disposal sites for hazardous, non hazardous and inert waste) & WCS6 (General Site Criteria) and Ashfield Local Plan Review Policy EV1 (Green Belt).
2. The disposal of waste on a greenfield site is contrary to Nottinghamshire and Nottingham Waste Local Plan Policy W10.3 (Greenfield Sites). There is not a critical need for additional inert waste disposal capacity within Nottinghamshire and the development represents the least sustainable method of waste disposal under the sequential site selection criteria contained within the Nottinghamshire and Nottingham Waste Core Strategy Policy WCS4 (Disposal sites for non-hazardous and inert waste).
3. The development would result in the loss of part of a Site of Importance for Nature Conservation (SINC) of heathland character. Whilst ecological off-setting and mitigation is proposed, there is no assurance that the measures would be successful. Since there is no over-riding need for the development the ecological interests of the habitat and protected species would be best served by avoidance of impact in accordance with the 'mitigation hierarchy' as outlined in the National Planning Policy Framework. The development would result in the destruction of the existing habitat and is contrary to Nottinghamshire and Nottingham Waste Local Plan Policy W3.20 (Heathlands), Policy W3.22 (Biodiversity) and Policy W3.23 (Nature Conservation (including geological) Sites. Due to these environmental impacts the development is contrary to Nottinghamshire and Nottingham Waste Core Strategy Policy WCS12 (Protecting our Environment).
4. The planning application does not incorporate sufficient information to enable the Waste Planning Authority to undertake a comprehensive 'risk based approach' assessment (as advocated by Natural England) to consider the magnitude of any environmental impacts to the prospective Sherwood SPA.



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

Proposed receipt, processing, screening/crushing and disposal of inert waste material
at land to the east of the A611 and its restoration to ecological and recreational use.
Land adjacent to Shenton Lodge, Derby Road, Kirkby in Ashfield, Nottinghamshire.
Planning Application No. 4/V2012/0127

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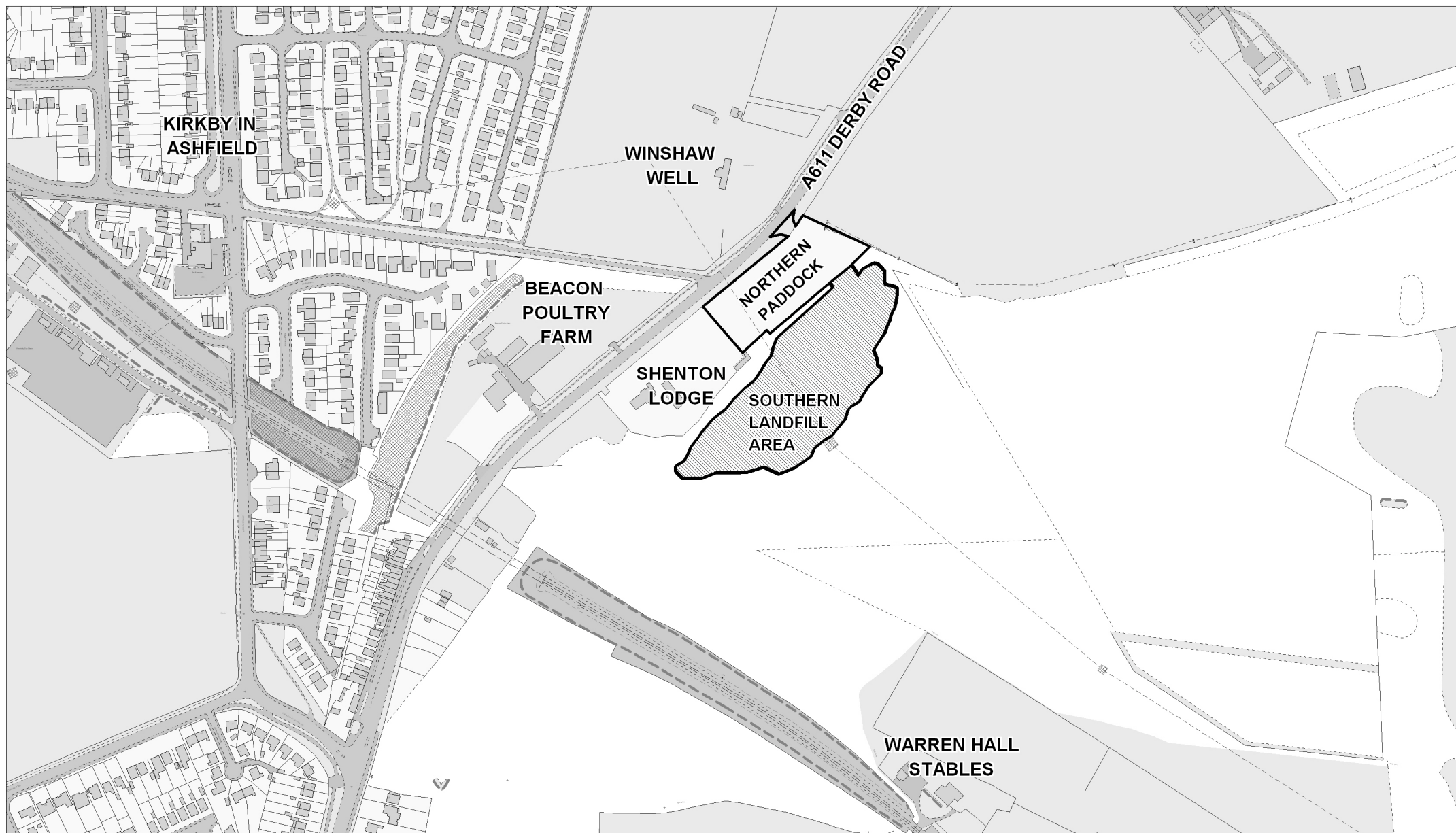


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Date: Sept 2012

PLAN 1



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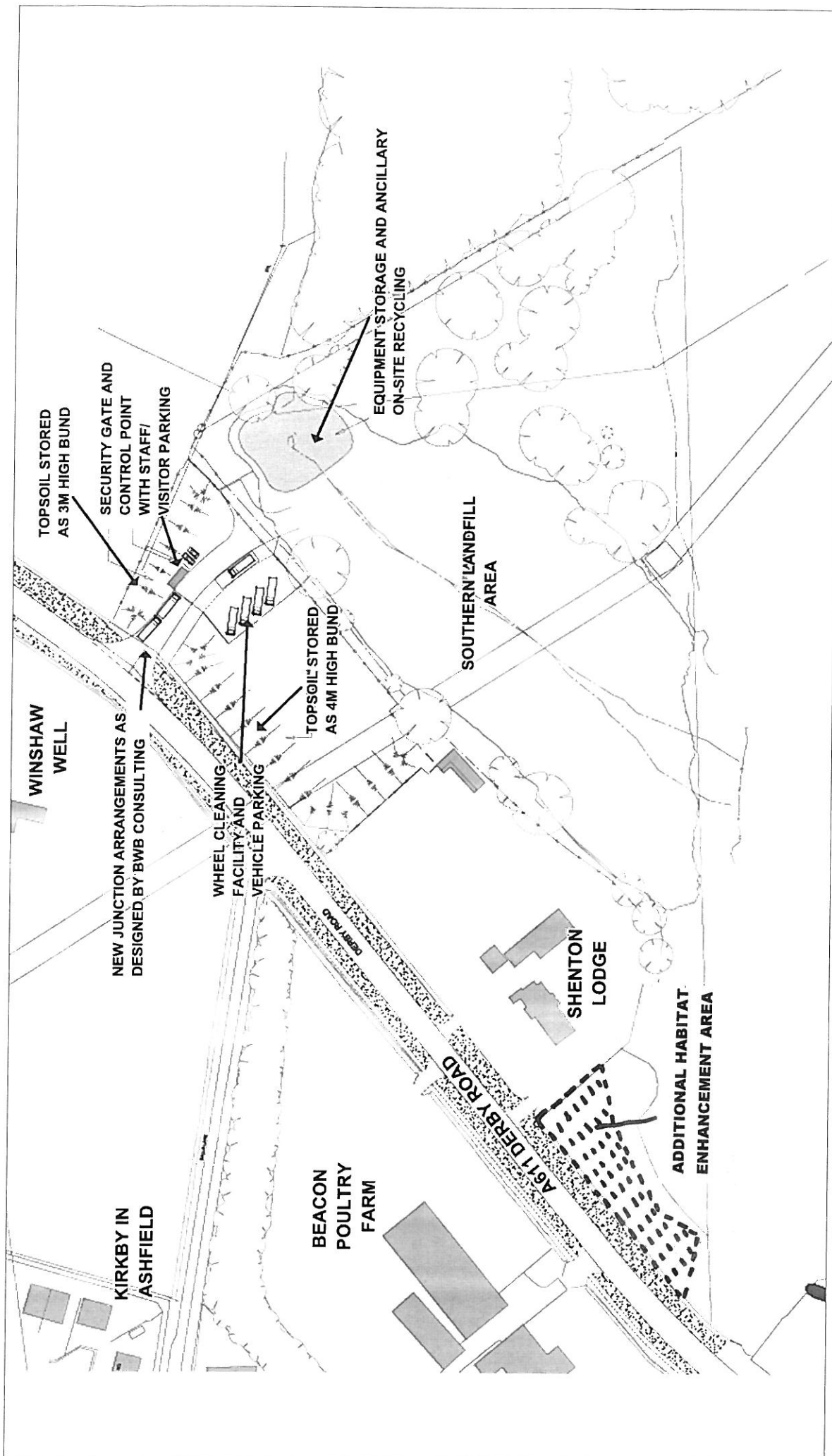
Proposed receipt, processing, screening/crushing and disposal of inert waste material
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PLAN 2



PLAN 3



Not to Scale
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Date: Sept 2012

Proposed receipt, processing, screening/crushing and disposal of inert waste material at land to the east of the A611 and its restoration to ecological and recreational use. Land adjacent to Shenton Lodge, Derby Road, Kirkby in Ashfield, Nottinghamshire.

Planning Application No. 4/V2012/0127

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



12th November 2013

Agenda Item:

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

GEDLING DISTRICT REF. NO.: 7/2013/0890NCC

**PROPOSAL: CONSTRUCTION OF ANAEROBIC DIGESTION PLANT TOGETHER
WITH ERECTION OF STEEL FRAMED BUILDING, DIGESTERS,
POLYTUNNELS AND ASSOCIATED PLANT AND EQUIPMENT**

LOCATION: PRIVATE ROAD 4, COLWICK INDUSTRIAL ESTATE, COLWICK

APPLICANT: BIO DYNAMIC (UK) LIMITED

Purpose of Report

1. To consider a planning application for the development of an anaerobic digestion (AD) plant and associated structures on the site of a maggot farm at Private Road No. 4, Cowlick Industrial Estate. The development is located within an industrial estate location and comparatively remote from residential property. The development is supported by development plan policy and wider planning policy supporting renewable energy generation. The application requires referral to committee on the basis that its proposed annual capacity (49,000 tonnes per annum) exceeds the level which can be determined through delegated powers.

The Site and Surroundings

2. The application site is situated within Colwick Industrial Estate approximately 5.5km east of Nottingham City Centre. Access to the site is obtained from the A612 via a network of private industrial access roads which serve the industrial estate.
3. The application site is situated on the northern side of Private Road No. 4 at its eastern extremity near to the River Trent crossing of the Radcliffe on Trent – Nottingham railway line. (See plan 1). The site is currently occupied by a maggot farm and associated odour control system. The site extends to some 1.34 ha in area with approximately 25% of the site covered with buildings and structures. The largest area of the site (to the east of the buildings) is used to house a soil bed filtration/odour control system associated with the operation of the maggot farm.

4. The area surrounding the application site is industrial in character. To the south (front) of the site is an inert waste transfer, crushing and screening facility operated by Lafarge Tarmac, to the west (side) is a waste transfer station operated by Wastecycle, and on the eastern side is a river dredgings storage facility operated by the Canal and Rivers Trust. To the rear of the site is the Nottingham to Grantham railway line.
5. The nearest residential properties are located within Holme Pierrepont village and Radcliffe on Trent approximately 700m from the application site. The application is separated from these properties by industrial land, the River Trent and agricultural land.

Proposed Development

6. Planning permission is sought to cease the maggot farm operation, remove all the buildings and develop an AD waste management facility.
7. The proposed AD facility would be undertaken from within a building and served by a series of outside digester tanks, liquid stores and electricity generator equipment.
8. The proposed new waste receipt and pre-treatment building would be orientated along a north-east/south-west axis occupying a similar part of the site to the existing maggot farm building. The building would be of a steel framed and clad construction measuring 48.35m long by 24.5m wide with a pitched gable roof with eaves height of 8.3m and ridge height of 10.6m. The building would provide space for delivery lorries to enter the building and unload internally. An automated roller door would be sited on the rear (north-east) elevation of the building which would be closed at all times other than to allow the passage of vehicles into and out of the building. Internally the building would provide facilities for un-packing the incoming waste, a waste macerator as well as control offices on a mezzanine floor, mess and staff toilets. A single storey flat roofed linked building measuring 8m by 6m incorporating a weighbridge kiosk and office facility would be sited on the front of the waste receipt/pre-treatment building.
9. All vehicles would enter the site from Private Road No. 4. Vehicles would pass over a weighbridge and drive to the rear (north) of the site and enter the building by reversing. All offloading of incoming waste would take place inside the building with the roller shutter doors shut. The building would be operated with a negative air pressure to minimise the escape of odour.
10. Feedstock for the plant is predominantly split into 2 main types, food waste and agricultural waste. Food waste would originate from retail outlets, typically comprising food that has reached its sell by date or display date and can no longer be sold. The agricultural waste comprises damaged or misshapen vegetables deemed unacceptable to the main supermarkets and which is no longer accepted for animal feed, typically onions, leeks, beetroot, sugar beet etc. The application identifies that the feedstock waste would be sourced from Nottinghamshire and a 40 mile radius of the city.

11. Incoming waste would be tipped within the building, any packaging would be removed and then loaded into a macerator to process the materials into a “porridge” like mix. Once macerated the waste would be fed into the pasteurizer to remove the harmful bacteria and transferred to the digester units where it is processed. The digester units utilise bacteria to naturally breakdown the waste in an oxygen free environment, releasing carbon in the form of a methane gas. The process takes around 21 days to complete. There would be four digester tanks which would be sited principally on the area previously used for filter beds. Each unit would be 15m in diameter, constructed with a 6m high solid concrete base wall and a twin skinned polythene membrane forming a domed framework supported roof with an overall height of 13.5m.
12. The methane gas is collected and passed through a gas scrubber and used to power two electricity generating Combined Heat and Power (CHP) engines. The engines would be installed within steel containers, each measuring 12m by 2.43m by 2.7m high. The generating capacity of the two engines is 2MW. A gas flare stack measuring 9m in height would be installed in the event of CHP engine breakdown.
13. The digestate produced by the AD process is a nutrient rich bio-fertiliser which is beneficial for agriculture. Following separation liquid digestate would be stored within two 5m diameter liquid storage tanks, each one measuring 10m in height sited adjacent to the digester units. The solid digestate would be stored within a silage clamp like structure measuring 11.6m by 9.4m constructed using 3.6m high concrete walls and covered with a membrane.
14. To supplement the waste matter and to ensure that AD feedstock quantities are maintained and appropriately balanced, two polytunnels measuring 74.0m x 9.0m and 40.0m x 9.0m and 4m high would be erected on site. Within these polytunnels spilt grain would be grown for a period of 2 weeks, at which time the grain and shoots would be removed and placed into the digesters and the cycle starts again. The plants would utilise the digestate which is mixed with water harvested from the rainwater runoff from the main building to form the growing medium for this crop. The crop in these polytunnels would utilise heat from the process.
15. The planning application identifies that the operation of the site would generate 54 daily vehicle movements comprising 38 HGV movements and 16 car/light vehicles. The current use of the site as a maggot farm generates 72 daily vehicle movements comprising 10 HGV's and 62 cars/light vehicles.

Consultations

16. Gedling Borough Council: *From a planning point of view the Borough Council do not wish to make any representation.*
17. Environment Agency: *Raise no objection subject to the imposition of a planning condition requiring the development to be implemented in accordance with the measures set out within the flood risk assessment. The EA state that the operation of the facility would require a permit, which would*

ensure that appropriate odour and drainage controls are imposed on the operation of the site.

18. Severn Trent Water Limited: *Raise no objection subject to a condition to require approval of drainage plans.*
19. Western Power Distribution: *Raise no objection on the basis that there is no electricity network in close proximity to the development.*
20. National Grid (Gas): *Raise no objection on the basis that there is no gas apparatus in the area.*
21. Network Rail: *Raise no objection subject to the operator taking appropriate measures to ensure the safety of the railway network is maintained.*
22. NCC (Planning Policy): *Subject to it being demonstrated there would be no unacceptable environmental impacts there is policy support for the proposed development as an optimum means of treating food waste.*
23. NCC (Reclamation): *The historical use of the site has potential to have caused contamination of the underlying ground. The applicant has undertaken some trial drilling of the site to obtain samples but this has damaged the existing operational facilities of the maggot farm and therefore has compromised the assessment. Sampling of the site is necessary to inform the extent of remediation required, this could be undertaken through planning condition. The sampling has potential to discover significant contamination and therefore any planning condition may prove onerous to discharge. The investigation should assess human health risks, ground gas risks, aggressive ground conditions to concrete and pipework as well as the risk to ground and surface water boreholes.*
24. NCC (Highways): *Raise no objection since the proposals would have a negligible effect on the highway network.*
25. NCC (Noise Engineer): *Raises no objection subject to appropriate controls being imposed through planning conditions to control noise emissions.*
26. NCC (Nature Conservation): *Significant ecological impacts are not anticipated. The ecological survey identifies that the site is of low ecological value and there are no protected species within the site. A number of precautionary recommendations are incorporated within the ecological assessment which should be controlled through planning conditions. These measures would ensure that open trenches have ramps in the case that badgers fall into them and controls over the clearance of vegetation to avoid the summer months when birds may be nesting or reptiles may be within the vegetation. The structures within the site do not provide any bat habitats. Noise and emissions from site operations would not be intrusive to sensitive habitats.*
27. NCC (Countryside Access): *Raise no objection, noting that Private Road No. 4 is designated as a public footpath (Carlton Public Footpath No.22) and therefore should not be affected or obstructed or users impeded in any way by the proposed development.*

28. Stoke Bardolph Parish Council, Netherfield Wildlife Group and NCC Energy and Carbon Management Team have not provided a consultation response.

Publicity

29. The application has been publicised as affecting a public right of way by means of a site notice and press notice. Occupiers of surrounded businesses have been notified by letter. The publicity has been undertaken in accordance with the County Council's adopted Statement of Community Involvement. No representations have been received.
30. Councillor John Clarke and Councillor Nicki Brooks have been notified of the application.

Observations

Waste Planning Policy

31. National waste management policy is set out within the Waste Strategy for England 2007 (WS2007), published by DEFRA and transcended into planning policy through Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10). The overall objective of WS2007 & PPS10 is to make waste management more sustainable. Key to the implementation of sustainable waste management is the waste hierarchy (illustrated in table 1, below).

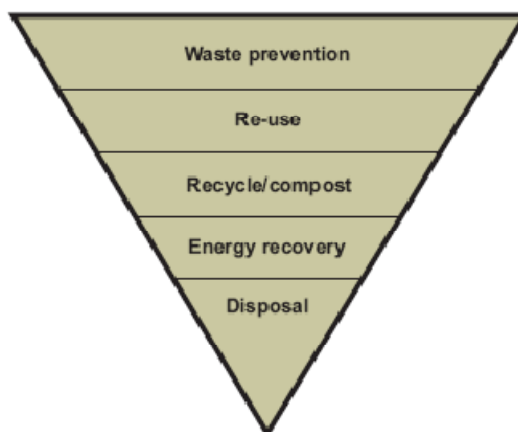


Table 1: The Waste Hierarchy

32. The waste hierarchy seeks to encourage waste prevention/reduction, followed by reuse, recycling/composting, energy recovery with disposal is the least preferred option. WS2007 seeks to use waste as a resource wherever possible through the promotion of energy recovery. AD is recognised within WS2007 as an energy from waste (EfW) technology. The development of AD to manage food waste is specifically encouraged within WS2007 on the basis that it has been shown to have significant environmental benefits over other EfW technologies. WS2007 identifies that better management of waste through compliance with the waste hierarchy can contribute to reducing

greenhouse gases, notably methane from landfill sites and the bio-degradation of waste.

33. It is therefore concluded that the development of the facility would assist with the sustainable management of waste, by diverting it from landfill disposal and using it as a resource to generate 2MW of electrical energy as well as heat and produce nutrient rich compost/bio-fertiliser fully in compliance with WS2007 and PPS10 policy.
34. Waste planning policy at a local level is incorporated within the Nottinghamshire and Nottingham Waste Local Plan (WLP). The WLP promotes waste management in line with the waste hierarchy. Policy W6.3 is generally supportive of the development of energy recovery technologies including AD subject to acceptable environmental impacts. The WLP however is now a number of years old and is in the process of being replaced by the Nottinghamshire and Nottingham Waste Core Strategy (WCS).
35. The preparation of the WCS is at an advanced stage. The strategy has undergone an independent examination and the Inspector's report has been received which has found the plan sound. For the purpose of this report, reference will be made to the version considered by the Inspector at the hearing which is the WCS Proposed Submission Document published March 2012, as subsequently modified by a Schedule of Main Modifications and other Additional Modifications published June 2013. Both the City and County Council are currently in the process of taking the formal steps to adopt the plan as part of the development plan, a report is scheduled to be taken to the County's Environment and Sustainability Committee on the 14th November 2013 for information. Approval to adopt the plan is scheduled to be requested from the Full Council at their meeting on the 21st November 2013. Since the WCS is at an advanced stage of preparation with adoption imminent, very substantial weight can be given to the policies it incorporates.
36. An assessment of the development against the policies of the WCS identifies support for the development, notably:
 - WCS Policy WCS 1 (Waste awareness, prevention and re-use) encourages waste developments which manage waste at the highest level in the waste hierarchy;
 - WCS Policy WCS 2 (Future waste management provision) gives priority to the development of new AD facilities, identifying that the development of such facilities will assist in achieving an overall target of 70% recycling or composting of all waste by 2025.
 - WCS Policy WCS 3 (Broad locations for waste treatment facilities) encourages the development of larger scale AD facilities as currently proposed in or close to the built up area of Nottingham.
 - WCS Policy WCS6 (General Site Criteria) identifies industrial land and previously developed land as being particularly suitable for the development of AD facilities.

Energy and Climate Change Planning Policy

37. AD facilities generate 'renewable energy' and therefore are afforded the full policy support of Government renewable energy policy.
38. Government planning policy relating to energy development is set out within the overarching National Policy Statement for Energy (NPS EN-1), published in July 2011. The overall objective of NPS EN-1 is to achieve reductions in carbon emissions, energy security and affordability. Key to delivering these objectives is through a diversification of energy generation and a dramatic increase in the amount of renewable energy generation as part of a transition to a low carbon economy.
39. The need for new renewable energy generation capacity is identified as being 'urgent'. Policy requires that significant weight should be given to a proposal's provision of renewable energy. The Energy White Paper (2007) makes it clear that local authorities should look favourably upon planning applications for renewable energy developments.
40. The proposed AD plant would assist in providing security of electrical supply utilising UK sourced residual waste food to contribute to a diversified and dependable source of renewable energy which lessens the dependence on insecure foreign imports of carbon rich fossil fuels. The Cowlick AD Facility would therefore fully contribute to meeting the objectives of NPS EN1, providing a very neat fit with Government energy policy and this factor is of fundamental importance within the assessment of this planning application.
41. The development would divert food waste from landfill disposal, capturing carbon rich methane gases associated with the decomposition of this waste which would otherwise be released to the atmosphere through landfill and utilising these gases as a fuel to generate electricity thus offsetting the use of fossil fuels. Chapter 10 of the National Planning Policy Framework (NPPF) identifies that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy and associated infrastructure and identifies that this is central to the economic, social and environmental dimensions of sustainable development. The NPPF provides positive support for renewable energy schemes seeking to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed. Paragraph 98 provides specific guidance to planning authorities when determining planning applications for renewable and low carbon development to not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.
42. Gedling Borough Replacement Local Plan (GLP) Policy ENV5 (Renewable Energy) is generally consistent with Government renewable energy policy,

indicating that planning permission should be granted for such development provided there are no adverse amenity, Green Belt or landscape impacts.

43. It is therefore considered that the proposed Colwick AD plant would positively address the three policy aims of waste, energy and climate change policy and therefore can be considered as 'sustainable development'. The NPPF incorporates an underpinning presumption in favour of sustainable development which seeks to ensure that such development goes ahead without delay and the default position for new renewable energy capacity is to grant them planning permission, unless there are irresolvable material considerations which indicate otherwise.

Assessment of the extent to which the development complies with locational policies within the development plan

44. The application site is located within a designated industrial estate as identified on the GLP Proposals Map and under Policy E3 (Retention of Employment Land). The site is also identified as an 'Area of Search' for waste development within the WLP. The WLP does not incorporate any specific allocations for AD facilities. This is largely because the process was considered as an 'emerging energy recoverable technology' at the time the plan was prepared and it was unclear whether such schemes would be commercially viable and developed. Notwithstanding this fact, WLP Policy W6.3 makes scope for the development of 'emerging technologies' in most locations subject to there being no unacceptable environmental impacts.
45. The WCS does not incorporate any site specific allocations. The Council are programmed to commence production of a site allocation document following the adoption of the WCS. Notwithstanding the above, WCS Policies WCS3 & WCS6 provide strategic support for the development of AD facilities in the Nottingham area particularly on employment land and therefore lend support to this development at Colwick Industrial Estate.
46. PPS10 paragraph 20 sets out the Government policy in relation to the identification of suitable sites for new waste development. The policy supports a broad range of locations, identifying industrial land as particularly suitable.
47. It is notable that eastern end of Private Road No.4 has a number of existing waste uses due to the established policy support for waste uses in this location provided within the adopted WLP. Since the adoption of the WLP AD has become an established method of managing food waste and this is reflected in PPS10 and the WCS where there is much clearer support for its development, particularly within industrial areas. The choice of site is therefore considered appropriate in this context and it is concluded that there is policy support for the choice of location within both the adopted development plan, the emerging WCS and PPS10,

Assessment of Environment Impact

48. Maintaining and enhancing the quality of the environment is at the heart of the WCS notably Policy WCS 12 which states:

Policy WCS 12 Protecting and enhancing our environment

New or extended waste treatment or disposal facilities will be supported 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. All waste proposals should seek to maximise opportunities to enhance the local environment through the provision of landscape, habitat or community facilities.

49. WCS Paragraph 7.50 identifies that, until such time that a separate Development Management Policies document is prepared the saved policies of the Nottinghamshire and Nottingham Waste Local Plan (WLP) and relevant policies within the District Local Plan will be used to assess the significance of the environmental impact.
50. The planning application is supported by a series of topic based environmental reports to assist with assessing the significance of the environmental impacts of the development. These issues are considered within the following sections of the report.

Visual and Landscape Assessment

51. WLP Policy W3.3 seeks to minimise the visual impact of plant, buildings and storage areas through appropriate site choice, grouping of buildings, minimising heights of buildings and using appropriate colours.
52. The location of the development site within an industrial estate ensures that it is situated within an existing built up area and adjoined by industrial buildings of similar character. Many of these existing industrial buildings are taller in height than the structures currently sought planning permission. The buildings proposed as part of this development therefore would integrate into surrounding area being of a similar industrial appearance. The site is remote from residential properties and although visible from the Nottingham to Grantham railway line would not be visually intrusive. Subject to the imposition of a planning condition to ensure that the buildings are finished in an appropriate colour, the development complies with WLP Policy W3.3 and would have a minimal visual and landscape impact.

Traffic and access

53. The development is located within an industrial estate location and served by established industrial access roads which provide direct access to the A612 and the strategic highway network.
54. Traffic levels associated with the development are comparatively low in number and comparable to existing traffic levels associated with the existing use of the site as a maggot farm. NCC Highways Development Control have not raised any objection to the development with regard to road safety or capacity issues. The development is therefore considered to be compliant with WLP Policy W3.14 (Road Traffic).

55. Access into Colwick Industrial Estate is obtained from the signal controlled junctions on the A612 via either Private Road No. 1 to the east of the application site or Mile End Road to the West. The Mile End Road access into the industrial estate passes a number of residential properties and historically these residents have objected to HGV traffic associated with the operation of the industrial estate passing their properties. To address this problem Mile End Road has a one-way environmental weight restriction which prohibits vehicles over 7.5 tonnes obtaining access to the A612 from the industrial estate (HGVs are permitted to enter the industrial estate from the A612 via Mile End Road).
56. The County Council has consistently sought to apply controls on planning permissions it issues within Colwick Industrial Estate to require waste operators to establish working practices to avoid their delivery vehicles using Mile End Road for access into or out of the industrial estate. These controls which can be imposed through a planning condition require operators to erect signage on their site and issue instructions to drivers advising of the required route, such controls are recommended as part of this planning decision.
57. To ensure that vehicle movements are limited to the levels set out within the planning application a planning condition is suggested to limit the average number of HGV delivery vehicles. The applicant states that there may be some fluctuation between actual daily movements and therefore it is suggested that the daily limit on vehicle movements is controlled over a two week period (532 movements each 14 days). This control would ensure that traffic levels are limited to an acceptable level and ensure compliance with WLP Policy W3.14.
58. WLP Policy W3.11 encourages the hard surfacing of haul roads within waste sites to minimise the potential for mud and other deleterious material contaminating the highway network. The plans detail the application site to be predominantly hard surfaced and vehicles would enter and leave the site using demarcated roadways therefore minimising the potential for mud and detritus to get dragged onto Private Road No. 4. The regular sweeping of haul roads to ensure they are kept clean can be secured by planning condition. A planning condition can also be imposed to require further measures to minimise nuisance from mud in the event that the above steps prove inadequate.

Noise

59. WLP Policy W3.9 seeks to minimise noise associated with the operation of waste developments through the selection of sites which are remote from residential property and other sensitive receptors and imposing controls on operating practices including restricting hours of working, use of sound-proofing measures on plant and machinery and using white noise reversing alarms on mobile plant.
60. The planning application is supported by a noise assessment report which has been reviewed by the County Council's noise engineer. The noise assessment identifies that noise emissions from unloading operations and the use of the macerator would be contained by the building, although the

CHP engines and flare are not acoustically screened. The noise assessment demonstrates that the site is sufficiently remote from residential property and other sensitive receptors to ensure that the predicted level of operating noise does not become intrusive. Controls are suggested in accordance with WLP Policy W3.9 to limit the noise output of the plant operated at the site.

Odour

61. The current use of the site as a maggot farm has historically generated odour emissions and therefore the closure of this business has potential to improve the odour environment in the local area.
62. WLP Policy W3.7 acknowledges that waste processing facilities have potential to generate odour emissions which if not properly controlled could result in nuisance to nearby occupiers of land. The policy seeks to control odour emissions arising from waste management facilities through the appropriate siting of waste management facilities, controls over operating practices and the imposition of planning conditions where necessary.
63. The AD process has potential to release odour to the atmosphere which if not appropriately controlled could cause nuisance to surrounding land users. However, appropriate controls over the site operation combined with the comparative remote location of the site from potentially sensitive odour receptors should ensure that odour releases are limited and there is sufficient distance to residential receptors to allow appropriate dispersal and dilution thereby reducing potential for justified complaints.
64. Control practices to minimise odour releases include the management of the waste feedstock within the building. The proposed building would be sufficiently sized to allow delivery vehicles to unload internally with the door shut thus minimising the potential escape of odour during these operations. The building would also incorporate negative air pressure and would be equipped with an air filtration system.
65. Once the feedstock has been macerated the process ensures that the untreated waste is contained within a sealed system with limited potential to release odours to the atmosphere under normal operating conditions. Gases generated by the digester unit would be collected and burnt within the CHP engine or flared off using similar techniques to those used on landfill sites, a process which has a proven record of removing odour from the gas.
66. In terms of the product, the AD process stabilises the feed stock and ensures that the dry product is comparatively odourless. Its storage within a covered silage clamp is considered appropriate to provide odour control in accordance with normal industry standard. The storage of the liquid digestate within a silo would satisfactorily control odour releases from this product.
67. In accordance with the requirements of WLP Policy W3.7 (Odour) planning conditions are recommended to ensure that the waste is unloaded and stored within the building, the building is operated under negative air

pressure with appropriate filtration control and the silage clamp is covered at all times except to facilitate removal of product.

68. Controls over odour emissions would be imposed as part of the PPC permit which the developer would need to obtain from the EA to operate the site. As part of obtaining a PPC permit the applicant is required to prepare an Odour Management Plan which would investigate and provide mitigation for any potential odorous activities. Odour emissions would also be monitored by the EA during the operational life of the facility.

Other Environment Considerations

69. Since the application site comprises of an industrial building, hardstandings and ruderal grassed areas, its ecological value is considered to be limited. Inspections of the building and the grassland have been made which confirm that the site does not provide a habitat for bats, badgers or reptiles. Notwithstanding the above, in the event that protected species were to enter the site precautionary ecological measures are recommended to ensure appropriate protection including controls to ensure that any trenches on the site have ramps to allow badgers to escape and site clearance operations are undertaken at appropriate times of the year to ensure that nesting birds or reptiles which may potentially occupy vegetation are not harmed.
70. Potential dust emissions have been assessed against WLP Policy W3.10. The operating practices set out within the application incorporate internal unloading and handling of high moisture waste, the use of silage clamps and in-vessel processing of waste. These measures should ensure that dust emissions are minimised. The site benefits from being remote from sensitive receptors thereby ensuring any dust emissions would disperse and not cause nuisance. Construction operations have potential to generate dust and therefore a planning condition is suggested to require dampening of construction sites if deemed necessary.
71. At present all structures and hardstanding areas discharge surface water directly to the underground strata either by way of a nominal drainage system to soakaways or by direct discharge into the top soil. Foul water from the onsite facilities discharges into an existing septic tank arrangement at the front of the site with the treated overflow discharging to the underground strata. The proposals incorporate measures to improve these facilities. Firstly, roof water drainage from the new main building will be directed to a harvesting storage tank underground and used within the process or within the hydroponics operation thereby providing a sustainable drainage system. This will ensure that surface water does not flow straight into the subsoil and the proposal delivers a sustainable drainage system which provides an element of attenuation. The foul water within the building from washdown is simply recycled into the process therefore none of this requires treatment or removal. In terms of the human effluent from the staff etc, it is proposed to install a mini treatment plant. In accordance with the requirements of WLP Policy W3.6 a planning condition is suggested to require a detailed surfacing and drainage scheme to be submitted to ensure that it is appropriately designed and installed.

72. WLP Policy W3.13 and the NPPF seek to ensure that development undertaken in flood risk areas does not adversely affect flooding conditions either on site or on surrounding land. To inform the assessment of impact the application is supported by a flood risk assessment which acknowledges that, although the site is identified as being in a flood risk area, there are no historical incidences of flooding at the site. The report identifies that flooding has affected the access road leading to the site. The Environment Agency have reviewed the flood risk assessment and are satisfied that the development would not increase flood risks subject to the recommendations of the flood risk assessment relating to provision of safe escape routes in the event of a flooding, setting of finished industrial floor levels to 600mm above existing ground levels and office floors at 800mm and the use of rainwater harvesting within the drainage system.
73. The historical industrial uses of the site have potentially exposed the ground conditions to contamination. The NPPF and GLP Policy ENV3 (Development on Contaminated Land) encourage the re-use of previously developed land, requiring that ground conditions are examined as part of the planning process so as to ensure that previous contamination of the site is satisfactorily remediated and new development is not unacceptably exposed to risks. The applicant has attempted to undertake some ground sampling however this caused damage to the air filtration system of the maggot farm and therefore was suspended. Sampling of the site is necessary to inform the extent of remediation required. To ensure that these works are undertaken it is recommended to impose a planning condition to assess ground conditions and remediate as appropriate to ensure there are no significant risks to human health, ground gas risks, aggressive ground conditions to concrete and pipework as well as the risk to ground and surface water boreholes.

Conclusions

74. The development would contribute to sustainable waste management insofar that it would divert waste from landfill disposal and provide a facility to recover energy from this waste through the use of anaerobic digestion. This approach would deliver waste management at a higher level within the waste hierarchy thus ensuring compliance with Planning Policy Statement 10: Planning for sustainable waste management (PPS10), Waste Strategy for England 2007 and Nottinghamshire and Nottingham Waste Core Strategy Policy WCS 2: Future Waste Management Provision.
75. The facility would assist in providing security of electrical supply utilising UK sourced residual waste food to contribute to a diversified and dependable source of renewable energy which lessens the dependence on insecure foreign imports of carbon rich fossil fuels therefore fully contributing to meeting the objectives of NPS EN1. The development therefore represents a sustainable waste treatment development and benefits from the underpinning presumption in favour of sustainable development contained within the National Planning Policy Framework and Gedling Borough Replacement Local Plan (GLP) Policy ENV5: Renewable Energy which seek to ensure that such development goes ahead without delay unless there are irresolvable material considerations which indicate otherwise.

76. The siting of the development within a designated industrial estate is appropriate in the context of PPS10 policy, and supported by WCS Policies WCS 3: Broad Locations for Waste Treatment Facilities and WCS 6: General Site Criteria.
77. Environmental impacts have been assessed where it is concluded that no significant impacts would occur and any environmental effects can reasonably be mitigated by the imposition of the attached conditions.

Other Options Considered

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

Statutory and Policy Implications

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

Implications for Service Users, Financial, Equalities, Safeguarding of Children and Human Resource Implications

80. No implications

Crime and Disorder Implications

81. The application site would be enclosed by 2m high security fencing.

Human Rights Implications

82. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected. The proposals have the potential to introduce additional noise, odour and increased HGV traffic to the local environment although the magnitude of these impacts are considered minor and capable of appropriate control through the planning conditions. These considerations need to be balanced against the wider benefits the proposals would provide in terms of sustainable waste management and the production of renewable energy. The scheme would also replace a facility with potential to generate odour and other impacts. Members will need to consider whether these benefits would outweigh the potential impacts.

Implications for Sustainability and the Environment

83. The development would positively address the three policy aims of waste, energy and climate change policy and therefore can be considered as 'sustainable development'.

Statement of Positive and Proactive Engagement

84. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies and national government policy. The Waste Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application. Issues of concern have been raised with the applicant, such as ecological effects and ground contamination and have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

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

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

Committee have power to decide the Recommendation.SHB.31.10.13

Comments of the Service Director - Finance (SEM 01/11/13)

There are no specific financial implications arising directly from this report

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Carlton East: Cllr's Brookes and Clarke.

Report Author/Case Officer

Mike Hankin

0115 9696511

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

W001190rep.doc – DLGS REFERENCE

PSP.JS/PAB/EP5381.Doxc – COMMITTEE REPORT FOLDER REFERENCE

30th October 2013 – Date Report Completed by WP Operators

RECOMMENDED PLANNING CONDITIONS

Commencement

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

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

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

Reason: To enable the WPA to monitor compliance with the conditions of the planning permission.

Approved Plans

3. The development hereby permitted shall only be carried out in accordance with the following documents, unless otherwise agreed in writing with the WPA, or where amendments are made pursuant to the other conditions below:

- a. Planning application forms received by the WPA on 30th July 2013.
- b. Design and Access Statement incorporating Flood Risk Assessment and Appendixes A-E received by the WPA on the 30th July 2013.
- c. Noise Impact Assessment Report received by the WPA on the 4th October 2013.
- d. Drawing No. 1 Site and Block Plan received by the WPA on the 30th July 2013.
- e. Drawing No. 2 Existing Block Plan received by the WPA on the 30th July 2013.
- f. Drawing No. 3a Proposed Steel Frames Building Plan received by the WPA on the 30th July 2013.
- g. Drawing No. 4 Proposed Steel Framed Building Elevations received by the WPA on the 30th July 2013.
- h. Drawing No. 5a Proposed Offices received by the WPA on the 30th July 2013.
- i. Drawing No. 6 Site Layout Plan received by the WPA on the 30th July 2013.
- j. Drawing No. 7 Typical Hydroponics Polytunnels received by the WPA on the 30th July 2013.

- k. Drawing No. 8 Proposed CHP Units received by the WPA on the 30th July 2013.
- l. Drawing No. 9 Proposed Gas Clean and Flare received by the WPA on the 30th July 2013.
- m. Drawing No. 10 Proposed Primary and Secondary Digesters and Liquid Digestate Stores received by the WPA on the 30th July 2013.
- n. Drawing No. 11 Proposed Dry Digestate Clamp received by the WPA on 30th July 2013.
- o. Drawing No. 12 3d Views received by the WPA on the 30th July 2013.

Reason: For the avoidance of doubt.

Ground Contamination

- 4. The development hereby permitted shall not commence until a contamination report including sampling, stability report and method statement detailing remediation requirements to minimise the impact on ground and surface waters, risks to human health, ground gas risks, aggressive ground conditions to concrete and pipework shall be prepared and submitted for the written approval of the WPA. Site remediation works shall thereafter be undertaken in accordance with this approved scheme. If any unexpected, visibly contaminated, or odorous material is encountered during redevelopment, remediation proposals for the material shall be submitted to the WPA for its approval in writing. The development shall thereafter be carried out in accordance with the approved details. Unless otherwise agreed in writing by the WPA, soakaways shall only be used in areas where contamination is not present.

Reason: To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard in accordance with Gedling Replacement Local Plan Policy ENV3 (Development on Contaminated Land).

- 5. Upon completion of the remediation detailed in the Method Statement, a report shall be submitted to the WPA for its written approval that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting (if necessary) shall also be detailed in the report.

Reason: To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard in accordance with Gedling Replacement Local Plan Policy ENV3 (Development on Contaminated Land).

Contractors' working arrangements during site development.

6. Construction operations within the site shall only be carried out between 07:00 – 19:00 hours Monday to Friday, 07:30-16:00 hours on a Saturday and at not times on Sundays, Bank or Public Holidays. The operator shall ensure that all contractor delivery vehicles access and exit the site from the A612 using the Private Road No.1 junction thereby avoiding trafficking along Mile End Road. Measures to control dust emissions in accordance with the requirements of Condition 19 shall be implemented during construction activities. Appropriate measures shall be taken to ensure that:
- a) No vehicles are permitted to leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the Private Road No. 4;
 - b) Disturbance from noise is minimised through the use of appropriate cladding, insulation and sound barriers/bunds/fencing, and the operation of plant and machinery in accordance with manufacturers' recommendations, where appropriate;

All contractors' buildings, plant, equipment, fences, and hard surfaced areas associated with the works compounds shall be removed from the site within six months of the completion of building works.

Reason: In order to minimise disturbance due to construction operations and in the interest of amenity in accordance with Policy ENV1 of the Gedling Replacement Local Plan.

Construction Materials

7. Prior to their use on site, details of the materials to be used within the external surfaces of the structures and buildings hereby approved including external colours shall have been submitted to and approved in writing by the WPA. The development shall thereafter be carried out in accordance with the approved details unless a variation is otherwise agreed in writing by the WPA.

Reason: In the interest of visual amenity and to ensure compliance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.

Surfacing and Drainage

8. The development hereby permitted shall not commence until the following details have been submitted to and approved in writing by the WPA:
- a. The means of construction of the external surfaces of the site clearly identifying those parts of the site which are to be impermeably surfaced;
 - b. The means of construction of the internal surfaces within the buildings which are used for the receipt and processing of waste;
 - c. Drainage plans identifying the location of the drainage systems within the site;

- d. Drainage proposals including calculations where appropriate to ensure the surface water run-off rate is no greater than the equivalent green-field run-off rate;
- e. A maintenance scheme to ensure the satisfactory continued operation of the drainage system.

The drainage scheme shall be implemented in accordance with the approved details before the development is first brought into use, and thereafter maintained in accordance with the maintenance arrangements embodied within the scheme.

Reason: To protect ground and surface water from pollution in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

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

Reason: To protect ground and surface water from pollution in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

Access & Parking

- 10. Before the development hereby permitted is brought into use the turning, manoeuvring and off street car parking spaces shown on Drawing No. 6: Site Layout Plan shall be provided in accordance with the approved details. The facilities shall thereafter be kept free of all obstructions and only used for their designated purpose.

Reason: To ensure satisfactory off street car parking in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

- 11. There shall be a maximum of 532 two way HGV movements within any two week period (266 HGVs into the site and 266 HGVs out of the site). Written records shall be maintained of all vehicle movements including the time of day such movements take place and registration numbers. Copies of the vehicle movement records shall be made available to the WPA within 7 days of a written request being made by the WPA.

Reason: To limit vehicle movements in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

- 12. The operator shall take all reasonable steps to instruct all delivery vehicle drivers entering and leaving the site to access from the A612 using the Private Road No. 1 junction thereby avoiding trafficking along Mile End Road. The steps shall include the issuing of instructions to all drivers and the display of signage at the vehicular exit of the site to advise drivers of the required route.

Reason: To ensure that residential properties on Mile End Road are not adversely affected by vehicular movements associated with the operation of the site limit vehicle movements in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

Capacity of the Site

13. The maximum amount of waste material accepted at the site shall not exceed 49,000 tonnes per annum in total. A written record shall be kept by the site operator of the amounts of waste accepted and it shall be made available to the WPA within 7 days of a written request from the WPA.

Reason: To ensure impacts arising from the operation of the site do not cause unacceptable disturbance to local communities in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

Odour

14. Measures shall be employed to ensure that operations associated with the development hereby permitted do not give rise to any malodours. Such measures shall include but not necessarily be limited to the following:
- a. With the exception of the dry digestate there shall be no external storage of materials within the site;
 - b. All incoming waste shall be unloaded and stored within the building;
 - c. Waste shall be regularly rotated within the waste transfer building to ensure that material is circulated on a regular basis and not allowed to decompose;
 - d. The fitment, use and regular maintenance of fast acting screen shutter doors to the unloading bay and self-closing hinges to personnel door openings within the waste transfer building. These doors shall remain shut at all times, other than to allow passage of waste delivery/collection vehicles and people into/out of the building. The shutter doors shall be shut during waste vehicle loading operations;
 - e. The use of odour control measures at all times within the building comprising a negative air pressure with the waste receipt building, the construction and maintenance of the building utilising an air tight design and the use of an air filtration system in general accordance with the details set out within Appendix E of the Design and Access Statement.
 - f. All vehicles transporting waste materials either to or from the site shall be fully enclosed or sheeted.

In the event that these measures prove inadequate, then within one week of a written request from the WPA additional steps or measures shall be submitted for the written approval of the WPA in order to prevent the release of odours from the site. The supplementary odour management measures shall be

implemented in accordance with a timetable which shall be agreed in writing by the WPA.

Reason: To minimise potential nuisance from odour in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.

Noise

15. Only plant and machinery which is listed within the Noise Impact Assessment Report received by the WPA on 4th October 2013 shall be operated from within the site at any time, unless the details of any new plant/machinery are first agreed in writing by the WPA. Any request to operate additional machinery shall incorporate details of the sound power output of the machinery to be operated.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

16. Measures shall be used to ensure that noise generated within the site is kept to a minimum. Such measures shall include the fitting and use of effective silencers to plant and machinery in accordance with the manufacturers' specifications and the regular servicing of plant and machinery. Silencers shall be fitted to both CHP exhausts prior to first use, to ensure that noise levels do not exceed 57dB(A) when measured at a distance of 7m from the exhaust.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

17. All reversing warning devices used on mobile plant under the control of the operator shall comprise white noise (broadband) alarms.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

18. Combined noise levels from site operations shall not exceed 40dB(A) when measured at a position 115m from the proposed location of the CHP/ORC units, located on top of the flood embankment and marked X on the attached Drawing No. LR/F2863/01. In the event that a complaint is received regarding noise arising from the development hereby permitted which the WPA considers may be justified the operator shall, within 1 month of a request of the WPA, undertake and submit to the WPA for its written approval a noise survey to assess whether noise arising from the development exceeds the noise criterion. In the event that the noise criterion is exceeded the submitted survey shall include further measures to mitigate the noise impact so as to ensure compliance with the permitted noise level.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Litter, Dust and Mud

19. Measures shall be employed to ensure that litter, dust and mud generated within the site are kept to a minimum and contained within the site. These measures shall include, but not necessarily be restricted to:
- a. The use as appropriate of a dust suppression system throughout all working areas;
 - b. The use as appropriate of water bowsters and/or spray systems to dampen the access roads, vehicle circulation and manoeuvring areas;
 - c. The regular sweeping of haul roads;

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

Reason: To minimise disturbance from windblown litter and dust in accordance with Policy W3.8 and Policy W3.10 of the Nottinghamshire Waste Local Plan.

20. All open topped vehicles transporting processed digestate from the site shall be fully covered with sheeting prior to them leaving the application site and entering Private Road No. 4. The applicant shall issue instructions to delivery drivers bringing waste to the site stipulating that incoming loads are fully sheeted.

Reason: To prevent mud and other deleterious material contaminating the highway in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.

Ecology

21. Any deep trenches or excavations associated with the development shall be kept closed or covered during the night or after construction activity has ceased for the day. Alternatively, suitable ramps should be placed to allow animals to escape. Furthermore any pipe over 200mm in diameter should be capped off at night.

Reason: To ensure the protection of animals during the building works.

22. Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved in writing by the WPA.

Reason: In order to protect breeding birds.

23. Works undertaken between March and September associated with the removal of areas of long grass or tall ruderal vegetation which have potential to provide habitat to reptiles or amphibians shall be carefully strimmed to a height of 50mm and thereafter inspected by an appropriately qualified ecologist. In the event that reptiles or amphibians are identified further strimming and vegetation removal works shall cease until such time that an

appropriate ecological mitigation report to ensure the protection or appropriate translocation of the species has been prepared and submitted to the WPA for its written approval. Thereafter works shall be carried out in full compliance with the approved ecological mitigation scheme.

Reason: To protect reptiles and amphibians during the building works.

Vermin

24. Measures shall be employed to ensure that vermin is controlled at the site. In the event that these measures prove unsuccessful, then upon the written request of the WPA the applicant shall, within 7 days of such a request, submit for approval in writing an action plan specifying the steps proposed to control vermin. The vermin action plan shall thereafter be implemented immediately in accordance with the approved measures.

Reason: To ensure satisfactory environmental management at the site.

Protection from Flood Risk

25. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- Identification and provision of safe routes into and out of the site to an appropriate safe haven, including a mezzanine floor.
- Finished floor levels are set no lower than 600mm above surrounding ground levels.
- The office floor level to be 800mm above surrounding ground levels.
- Increases in impermeable area to be managed via rainwater harvesting and gravel trenches to allow percolation to the ground.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the WPA.

Reason: To ensure safe access to and egress from the site, to reduce the risk of flooding to the proposed development and to not increase the rate of surface water runoff from the site.

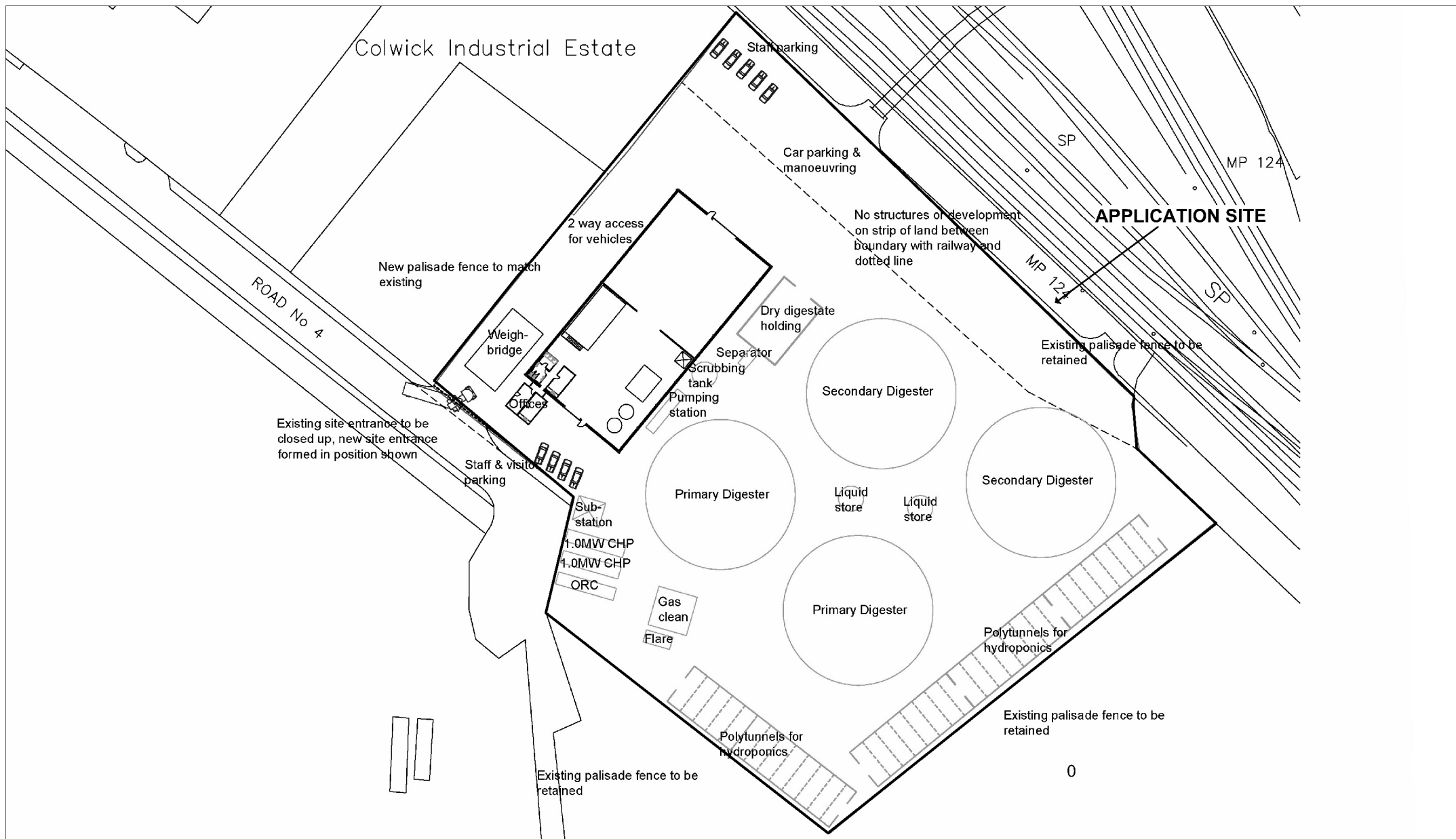
Closure of the Site

26. In the event that the use of the site for the importation of waste should cease for a period in excess of one month then, within one week of a written request from the WPA, the site shall be cleared of all stored waste and recycled materials.

Reason: To ensure satisfactory restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.

Note to Applicant

1. Your attention is drawn to the attached email from Network Rail dated 28th August 2013.
2. Private Road No. 4 is designated as a public footpath (Carlton Public footpath No.22) and therefore should not be affected or obstructed or users impeded in any way by the proposed development.
3. The operation of the facility will require a permit from the Environment Agency which is likely to be Bespoke and therefore any issues surrounding noise, odour, dust etc emanating from the site or process would be addressed within the permit.



12th November 2013**Agenda Item:****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

GEDLING DISTRICT REF. NO.: 7/2012/1493
ASHFIELD DISTRICT REF. NO.: 4/V2012/0570

PROPOSAL: IMPROVEMENT WORKS TO THE COUNTRY PARK INVOLVING THE REMODELLING AND PARTIAL IN-FILLING OF LAKE 2 FOR DEVELOPMENT AS A FISHERY, AND WIDER LANDSCAPE IMPROVEMENT WORKS AND PATH UPGRADES, IN TOTAL REQUIRING THE IMPORTATION OF CIRCA 17,000M³ OF INERT MATERIALS AND SOILS.

LOCATION: NEWSTEAD AND ANNESLEY COUNTRY PARK, NEWSTEAD VILLAGE

APPLICANT: RURAL COMMUNITY ACTION NOTTINGHAMSHIRE (RCAN)

Purpose of Report

1. To consider a planning application for the importation of circa 17,000cu.m. of inert materials into Newstead and Annesley Country Park - the former Annesley colliery tips. The materials would primarily be used to remodel and partially infill a lagoon in order to develop a more favourable fishing environment. Other works to improve landscaping and access tracks also form part of the scheme. The consultation process has raised key concerns relating to the proposals impact upon important habitat and species present on site; the potential disturbance to the local community and neighbouring residents from HGV traffic; issues relating to tip stability; and other highway related impacts. Some of these concerns have led to the reduction in the scope and scale of the proposed development and re-consultation has taken place on the revised application.
2. The recommendation is to grant planning permission subject to a legal agreement to control lorry routeing and to protect the highway and subject to the conditions set out at appendix 1.

The Site and Surroundings

3. Newstead and Annesley Country Park is located directly to the east of Newstead village and is formed from a restored colliery waste tip which was part of the former Annesley Colliery as well as a site for colliery waste from other surrounding mines. In total the site covers around 90 hectares straddling the Gedling and Ashfield local authority boundary, between Hucknall and Kirkby in

Ashfield. The site lies within the Green Belt and is subject to various local wildlife designations.

4. The site was purchased by RCAN (Rural Community Action Nottinghamshire) in 2009 in order to develop a new country park, with planning permission secured from Gedling Borough Council in 2011 for the required change of use and for the construction of a visitor centre and car park.
5. The Robin Hood railway line runs north-south forming the western site boundary between the country park and Newstead village. The level crossing on Tilford Road enables access to the site and to an adjacent construction business. Belts of woodland, some established by the former coal board, generally surround the site to the north and east containing views within the area. The surrounding countryside is interspersed with scattered woodland and parkland, including Newstead Abbey and park which lies 1.8 km to the east. To the north is the Notts Golf Club (Hollinwell) and scattered woodland.
6. Elements of Annesley village extends to the terraced properties off Annesley Cutting at Moseley Road and Byron Road. These form part of a Conservation Area which also encompasses the former pit head site now being redeveloped for housing, primarily by Persimmon Homes. Around a dozen new properties now front Annesley Cutting, with development extending behind.
7. The centre of Newstead village is shaped by its mining past, with terraced homes around Tilford Road, along with a primary school at the entrance to the village. Regeneration of the area has included the Hazelford Way Industrial Estate and the current redevelopment of the former pit head site.
8. The country park is open to pedestrians from a number of points, however vehicular access is currently restricted until a car park, currently being constructed within the country park, has been completed. Access to this car park will then be via Tilford Road, through Newstead village. Annesley Cutting offers a second vehicular route into the site. This road terminates outside the Persimmon Homes development, where two private tracks then proceed. The first continues eastwards to a user-operated level crossing over the railway line and the second bears north-east, looping around to enter the northern end of the country park, as it does so the track passes Moseley Farm and under a narrow-arched railway bridge. The route can be viewed on the attached plan.
9. The country park is formed from two main tip areas, the largest of which lies in the north of the site and stands around 19 metres above the surrounding area at its highest point. On this landscape is a mix of open grassland, woodland and a series of five water lagoons or lakes where the surrounding land levels progressively rise to the north, before falling again. Semi-mature woodland and shrub covers many of the flanks and belts of woodland partially enclose outward views. Large areas of open grassland, naturalising into heathland are present on the summits and where areas of open spoil remain, natural regeneration is increasingly greening the park. At the southern foot of the site is a partially completed visitors centre and car park.
10. A rich variety of flora and fauna is now established and the site has accordingly been designated as a Site of Importance for Nature Conservation (SINC) or

Local Wildlife Site. It is described as '*A diverse site with a mosaic of habitats and a notable flora*' and is an example of where natural regeneration on the former colliery spoil has taken place. Notable breeding birds and a large amphibian population would also merit its SINC classification. The SINC designation extends to include the access track from the end of Annesley Cutting. A number of further SINC sites are present in the locality forming a wider area of habitats and wildlife corridors. Linby Quarries Site of Special Scientific Interest (SSSI) is situated around 1km to the south-east at its closest to the proposed areas of work.

11. The majority of the country park lies within Gedling Borough and is within the Green Belt, however the north-west corner, along with an access track is situated in neighbouring Ashfield District.
12. As part of the grant of planning permission in 2011 by Gedling Borough Council to turn the site into a country park, much of the works so far undertaken have been focussed around the southern end of the site, where Lake 1 (see attached plan for the general arrangement) has been remodelled for angling (including disabled angling) along with creation of fishing pegs. The construction of a visitor centre overlooking the lake (constructed with re-used tyres) has been on hold, however works have recently recommenced on the shell of the building and the formation of the access and car park are progressing. Most of the tracks on site are loose shale or spoil and become heavily churned and rutted in wet weather. The use of these tracks by unauthorised off-road vehicles has also caused damage.
13. Moving north of Lake 1, up the rising track lies Lake 2- the former colliery polishing ponds. This was formally three separate lagoons in parallel layout, which have been opened out into a single, but deep lagoon with an island and shallow bars which remain from its previous form.
14. Following the main track northwards again, as it rises, it passes areas of immature woodland on the slopes before reaching the large expanse of Lake 4 with its surrounding expanse of bare spoil. North of Lake 4, the path level then falls away to reveal Lake 5 in a more secluded situation. These pair of lakes are separated by a embankment and have some marginal vegetation.
15. The track takes a turn to run around Lake 5 at which point the track from Annesley Cutting via the railway bridge runs into the park and joins the internal access track. The remaining Lake 3 is situated on the north-western side of the park on the tip plateau. The layout of the lakes and the main tracks can be seen on the attached plan.
16. The five lakes are therefore characterised as Lake 1 and 2 which are the smallest and in the case of Lake 2 a deep and engineered lagoon and Lakes 3, 4 and 5 which are much larger and in the case of Lake 3 and 5, exist in a more remote situation.
17. A series of interlinking ditches drain water via gravity down the slopes and between the lakes before discharging into local watercourses.

Proposed Development

18. The applicant is a local charity which owns and is developing the country park as part of the Newstead Enterprise partnership and it has a number of schemes in progress to make improvements to the park and support it financially. One of the projects established early on is the CAST (Cornerstone Angling Skills Training) scheme, a separate charity and partner of Newstead Enterprise whose work aims to tackle social exclusion by providing training and angling activities to young people. Linked to CAST is the commercial course fishing business which aims to attract day-anglers to the site and provide an income stream to support the charity and on-going site management and development.
19. Lake 1 is currently the main focus for general course angling, and includes provision for disabled anglers, however in order to develop the income generating side further, it is proposed to remodel the adjacent lake (Lake 2) to make it more suitable and safe for anglers. In addition the importation works would realise a fee for the charity. The proposed works in this planning application therefore comprise the partial in-filling of Lake 2-the former polishing ponds- for angling and additional landscape works to improve the park and help establish vegetation. The application is a County Matter application due to importation material comprising inert waste of circa 17,000 cu.m in volume, typically construction and demolition waste such as crushed concrete or brick and red shale. Waste sub and top soils would be imported for the associated landscaping works.
20. The application when originally submitted also proposed the partial infilling of the large Lake 5 at the northern end of the site in order to develop a carp fishery. This element brought the total volume of materials required to be imported to 40,000 cu.m. However this element of the scheme raised concerns on ecology grounds with objections from the Environment Agency and Nottinghamshire Wildlife Trust and it was assessed that such works would harm the conservation value of the lake environment, a habitat of county importance supporting nationally significant bird species. Environmental benefits were absent and community benefits were considered to be outweighed by the likely ecological harm as well as the magnitude of associated haulage movements. As a result of these concerns the Lake 5 elements were removed from the application resulting in a reduced scheme. Details of the remaining aspects of the proposed development are set out below.

Works to Lake 2

21. Lake 2 formerly existed as three separate 'polishing ponds' arranged in parallel form, however previous works developed this into a single lake, but with shallow bars and an island remaining. At its deepest, the lake is circa 5 metres deep and it remains characteristically a man-made, engineered feature with steep slopes and with areas of sparse vegetation.
22. The proposed works to Lake 2 seek to create a shallow water body with an improved marginal environment, making it safer for angling and also a more favourable habitat. The current steepness of the lake sides is not conducive to such aims.

23. The proposed works would reduce the depth of the deepest parts to a level between 1.3 and 1.5 metres deep and the steep slope would be re-profiled to create a marginal zone with more moderate gradients. The current island would be slightly remodelled into an island connected on two sides with a spit. In order to undertake the works the lake would be dewatered, before the base is progressively in-filled with a total of 11,000cu.m. of the imported material, following which a 1 metre thick capping of compacted colliery spoil is formed over. This colliery spoil would be sourced from existing stockpiles within the site. Landscaping works around the lake using imported soils would then be completed and seeded with an appropriate seed mix. The eastern-most strip of Lake 2 would not be in-filled and would be left watered in order to provide mitigation for a large population of common toads, which use Lake 2 as their spawning ground.
24. By improving Lake 2, the applicant would be able to develop an improved income stream to assist with the management and development of the country park and the activities it supports. The current income situation has deteriorated with falling grant opportunities and delays in completing the visitor centre. An income would be realised in two ways. The importation of waste would itself realise a one-off sum for the applicant, funds which would cover costs and debt and subsequently the plans would allow RCAN to expand the fee generating angling activities.
25. Typical plant machinery to undertake the works would include an excavator and dumptruck to move material and a bulldozer and self-propelled roller to compact the colliery spoil capping to the lakes.

Landscaping works

26. A proportion of the imported material would comprise soil making materials for use in site landscaping works, to assist in the regeneration of areas of bare spoil by providing a soil base for grass seeding and other planting.
27. Most of the landscaping would be around Lakes 1 and 2, and around the visitor centre where a more amenity character of landscaping is envisaged. Subsoils and top soils to a total depth of 200mm would be spread before a suitable wild grass mix is sown with some additional native planting.
28. Additionally, material would be used to repair and reform the main access track running the length of the park which has been heavily churned and eroded. The improved track would be formed at 5 metres wide and would be hard surfaced with crushed stone. Soil margins would be seeded to re-establish grassland on either side.
29. The proposed works would also seek to address some stability issues arising on site. The embankment between Lakes 4 and 5 would be reinforced with 200mm of imported subsoil material to enable natural re-vegetation to take place so to bind the bank and prevent rainfall erosion. These soils would be required to be suitably low-nutrient in make-up so not to introduce nutrients into the adjacent lakes, which are more ecologically sensitive.

30. The materials would be sourced locally and governed by a Materials Management Plan. As part of this plan a qualified person would be appointed to check its suitability before acceptance and before it is imported to the site. A breakdown of the volume proposed to be imported and their intended use is set out in the following table.

<i>Details</i>	<i>Volume (cu.m.)</i>
<i>Lake 2 infill</i>	<i>11,000</i>
<i>Soil around Lake 1</i>	<i>800</i>
<i>Soil around Lake 2</i>	<i>2,000</i>
<i>Track Build (up to)</i>	<i>420</i>
<i>Bank between Lakes 4 & 5</i>	<i>2,826</i>
<i>TOTAL</i>	<i>17046</i>

Access and routeing

31. The revised total of circa 17,000cu.m. of material equates to approximately 1,900 vehicle deliveries at 9cu.m. per vehicle. Imported material would be hauled in via Annesley Cutting and the farm track running under the railway bridge into the northern part of the site. No deliveries would enter Newstead village. On average there would be 13 deliveries in and 13 out per day, based on a 5 day operational week, although such haulage operations can typically run on a campaign basis resulting in some peaks and troughs in traffic levels. A maximum of 40 loads per day is therefore proposed as the limit the site could handle. Haulage operations would take place between 8 am and 4 pm, 5 days per week, Monday to Friday (excluding Bank Holidays). An assessment of transport arrangements and implications is set out further in the report.

Phasing

32. The applicant wishes to undertake the works as soon as possible whilst working outside of the spring/summer months to avoid impacts on wildlife, such as the large population of common toads. Depending on a final work schedule a phased approach may therefore take place and which would be agreed with the WPA.
33. The intention would be to utilise imported materials upon delivery, however temporary stockpiles would be used when works are constrained such as during inclement weather and would be limited in size.
34. Following the completion of the main works the new topsoil would be seeded with an appropriate wild mix and the establishment of this vegetation would be managed in its initial years of establishment to realise the most favourable ecological conditions.

35. The country park would remain open to the public during works, with active working areas secured with suitable safety fencing.

Consultations

36. **Gedling Borough Council** – *Do not wish to make any representation.*
37. **Ashfield District Council** – *No objection however concern is raised in regard to the routeing of vehicles along Annesley Cutting and alternative routes should be considered with less sensitive receptors. Consideration should be given to restricting working hours including deliveries to limit disruption to local residents. Request details are provided of angling platforms and disabled parking. Recommend use of recycled aggregate for path works and suitable planting and seeding.*
38. **Newstead Parish Council** – *Support. "The Parish Council are pleased to welcome the above application and warmly support the attached plans as part of the ongoing proposals to create a country park for the benefit of local residents."*

They acknowledge that the present state of the lagoons present a hazard to the public and that reducing the depth and steepness of the slopes would improve safety.

Annesley & Felley Parish Council - *Objection is raised to the original application scheme/scope.*

In relation to the chosen haul route, this would utilise Annesley Cutting and then a farm track. Previous exportation of materials from the site using the same route, threw up dust which covered local fields and houses and exacerbated breathing problems for those with a lung related illness. Since this time, the residential development was permitted and is now being built out.

The farm track is 460m of limestone/rubble base, within 200 m of the properties along Moseley Road. This is a single track with no provision for lorries to pass each other, noting that around 50 deliveries per day may be expected. The route also runs along a strip of land designated as a SINC. The track is also used by pedestrians, cyclists, and by owners of adjoining farmsteads and livery yards.

Previous evidence has shown that dust thrown up from the track does not disperse/deposit naturally and concern is raised that during dry weather residents will be affected by this dust. In response to the applicant's mitigation to deploy water bowser units, the Parish Council state that this would lead to material clinging to tyres and wheels and that there is no opportunity to establish a wheel wash at the exit to Annesley Cutting. Therefore material would be deposited onto the roads as the lorries left. Only the provision of a wheel wash and a tarmaced area will prevent this.

The Parish Council note that the site is an important area for wildlife and is listed as a SINC and go on to highlight the findings of the ecology report. They believe that the chosen haulage route runs counter to the management

objectives in the ecology report and would have a huge detrimental effect on the wildlife present, noting that the upper areas of the tip are important to breeding and over-wintering birds, which are prone to disturbance.

An alternative haulage route is suggested via Tilford Road, through Newstead village, across the railway crossing and into the site via what will be the primary public access in due course. The access could be constructed and tarmaced, allowing an effective wheelwash to be set up. They believe the alternative route would minimise dust generation and conversely allow for mud to be kept off the roads. Total vehicle distances would be minimised. The lorries would not intrude onto areas of the upper tip, until later phases of the work, minimising impact on wildlife. The alternative route would allow for the segregation of pedestrians and vehicles in the interest of highway safety.

Concern is raised over the availability of suitable materials due to the current economic conditions and due to other competing projects. There is therefore a very high possibility that disturbance to local residents will last for a longer period.

The quality of the imported material is noted of being of importance for fishing and for ecological reasons and that preferably this should be sourced from a single site/project. Material should be inspected by a suitably qualified consultant for its acceptability.

The proposed hours of operation, should include all working of on-site plant and machinery, as well as controlling times of deliveries.

Additional comments responding to the additional information have been received raising the following points of objection:

The applicant does not own all the access into the site and cannot demonstrate full control over the intended application area.

Request an independent assessment of the application access route and the alternative Tilford Road route, taking into account; total traffic movements; road safety; potential dust/ noise impact on amenity; and on ecology, noting that the access track is a SINC.

A large part of the required material could be sourced from within the site through re-profiling. The disruption to wildlife would be outweighed by the shorter time span required.

Concern is raised that the scheme is being used to overcome financial difficulties with a short term income and doubts are raised as to whether a viable long term fishery could be established. A fishery assessment coupled with a biological assessment is needed to determine that the correct lake depths and conditions are achieved to support fish, taking into account seasonal variations in water depths. A depth of 1.8 metres is preferable to ensure fish survival, and should be no less than 1.5metres at seasonal minimal levels.

Any comments received on the amended application will be orally reported.

39. **NCC (Highways)** - Originally commented that the proposed traffic generation [based on 4,400 deliveries] does not unduly concern the Highways Authority; however concern is raised that the type of traffic generation over a prolonged period could impact on the structure of the highway.

The applicant is requested to enter into a Section 106 agreement to undertake a video recorded condition survey of Annesley Cutting (from its junction with the A611, to the eastern extent outside the Persimmon site) prior to work commencing and subsequently, in order to assess any damage and to undertake any repairs as are agreed as reasonably necessary at the applicant's cost.

The reduced development would require approximately 1,900 HGV deliveries, which will actually be circa 3,000 vehicle movements into and out of the site. The request for a condition survey remains despite the reduced scope of the application scheme.

Measures to control mud and dirt being deposited onto the highway are requested.

40. **NCC (Nature Conservation)** – Comments on original plans - raise notable concerns for which further information and clarification should be provided.

The site- Annesley Pit - is a SINC, described as 'A diverse site of botanical and zoological importance'. Much of the site's interest is derived from the fact that large areas of the site have not been intensively restored, which has allowed natural regeneration to take place.

A considerable dataset is available for birds at the site, based on frequent visits by a local bird watcher. In terms of breeding species, Black-necked Grebe, Woodlark and Little Ringed Plover are of particular interest. The presence of breeding Black-necked Grebe is very notable (with only circa 50 pairs nationally- the two pairs breeding at this site therefore constitute around 2% of the national population). Notes they have moved to Lake 4, with some occasional foraging on Lake 5.

Indirect impacts on the Grebes (if on Lake 4) need to be considered. The species may be sensitive to disturbance and research on a closely related species/Grebe has recommended a buffer of 150-300 metres from the source of disturbance. It is clear that the access tracks along which HGVs will travel are somewhat closer to Lake 4 than this. Given the Schedule 1 status of the species and the available research it is recommended that a condition prevents vehicle movements around Lake 4 if they are present.

An amphibian survey has been undertaken which confirms a headline population of circa 600 common toads in Lake 2. Appropriate mitigation will be required, including working around the period March-July and a method statement detailing any phased works and protection measures.

Concern is raised over the proposed top-soiling around Lake 2 as the existing vegetation is naturally regenerating into a diverse habitat. Top-soiling around Lake 1 is accepted.

The importation of top soil has the potential to import nutrients and subsequently enrich water run off. A planning condition should be used to control the nutrient levels to an appropriately low level, to ensure that coarse grass species do not dominate at the expense of wildflowers. This would also reduce the amount of grass cutting required and consequently reduce management costs.

Woodlark are known to be present on site. No impact assessment has been carried out, however their favoured location is known to be on the plateau, which is away from the areas of work and due to this being at a different level to the haul road, means that there should not be significant disturbance to this species. Mitigation to maintain suitable habitat is identified. Mitigation measures to protect Little Ringed Plovers are also identified.

The de-watering of Lake 2 should not take place during the bird breeding season (March-August). The works to stabilise the bank between Lakes 4 and 5 should similarly not take place during this period.

Reptiles are known to be present on site with extensive areas of suitable habitat. It is recommended that a method statement is conditioned to identify suitable mitigation measures. Mitigation for other protected species (should they move on to the site) is also recommended.

Details of any tree or shrub planting, and seeding, including species and mixes should be required by condition.

Comments have been received on the revised application scope and description:

Previous requests for conditions relating to reptiles; other protected species; the works to the bank between Lakes 4 and 5; landscaping; planting/seeding mixes; and the restoration of woodlark habitat remain applicable.

The amphibian survey confirms that a method statement to control works at Lake 2 is still required along with additional measures and mitigation to include details of: how fringing reed vegetation would be retained and fenced; the creation of small ponds/pools around the margins; locations of any temporary stockpiles; and a three year monitoring period.

Works should be phased to ensure that areas of highest value for amphibians are worked first, so to allow time to recover. These should not be worked in March when amphibians may be returning to the lake, however in the event that they do, additional protection measures such as amphibian fencing may be required.

In relation to breeding birds, notes that the works would be completed prior to the onset of the breeding season, and as such there should be no impact on either Little Ringed Plover, Woodlark, or Black-necked Grebe. To ensure this is the case a condition should be made to prevent works taking place during March-August inclusive. Should works during this period be permitted, requests monitoring of potential breeding activity with the help of the local birdwatchers and mitigation or a halting of works made if evidence indicates activities are causing disturbance.

41. **Nottinghamshire Wildlife Trust (NWT)** – *Maintain an objection to the revised plans on the grounds that it is still not possible to undertake a robust assessment of the likely ecological impacts of the proposals on the basis of the information provided, nor do the mitigation measures appear to be adequate. NWT cannot therefore be certain that this scheme could proceed without severely compromising many ecological features of high value on this site.*

The waste disposal operation would take place on a SINC, which was originally designated for its botanical interest, but also qualifies as a SINC for breeding birds and amphibians, some of which are of national and international rarity. NWT have sympathy for the applicant, but this does not eliminate the need for a proper ecological assessment. For the development to be permitted contrary to Local Plan policy the need for the development would have to be greater than County importance to outweigh the ecological importance of this site.

Particular care and assessment should be given to impact on breeding Black-necked grebe, loss of breeding toad habitat in Lake 2, any impacts arising from the intensification of use of this area and disturbance from people/dogs etc, and whether the imported materials for the 'restoration' of the site could guarantee the retention of the current biodiversity/ecological conditions, which comprise acidic and calcareous habitats.

The recent amphibian survey of Lake 2 clearly demonstrates that it vastly exceeds the criteria for designation as an amphibian SINC. Walkover surveys across the wider site also indicates that there must be a large population of grass snakes. It is quite clear that the whole area is of quite exceptional importance for amphibians and reptiles. No assessment has been made of the areas of terrestrial habitat used by these species for the rest of the year, which may be destroyed by movements of large machinery.

There needs to be a detailed plan for the minimisation of the impacts upon toads using Lake 2 and other amphibians and reptiles. The amphibian report recommends that new ponds should be created to replace habitat lost, however no details have yet been provided, and they would have to be in place in advance of habitat being lost.

The lake clearly contains a range of features that are highly suitable for breeding toads and frogs, perhaps because of the deep water. The stocking of fish in the lake would be fundamentally incompatible with conserving this amphibian population of County importance. Whilst toads can in some cases co-exist in a fishery, the same does not apply to frogs and newts. Fisheries can also introduce infectious amphibian diseases.

In the absence of detailed plans it is not possible that a tipping operation of this scale would not destroy a significant part of the marginal vegetation around Lake 2, due to the use of machinery pushing in material. The surrounding reed beds are noted as an important element in toad spawning.

Concern is raised regarding the mixed range of imported materials, from unknown sources, and whether the testing and acceptance/rejection of loads is feasible given the numbers of loads per day. Need to maintain the current water chemistry in Lake 2 and high nutrient top soils would be incompatible with the site.

A full reptile survey has not been undertaken, however a walkover survey has identified grass snakes. There is a high probability that reptiles will be killed by vehicle/plant movements and damage to habitat.

The applicant has not done a full bird survey and there has been no assessment of the potential impacts on birds, instead relying on information from local bird recorders (which is limited) nevertheless it can be seen that the site supports at least three breeding Schedule 1 birds and that Lake 5 qualifies as a breeding bird SINC due to its use by Black-necked Grebe. It would be an offence to disturb this species whilst breeding. Concern is raised that there has not been an assessment of impact on Woodlark using the north-western part of the site. No noise data has been provided to show that the work of HGVs and machinery would not lead to disturbing this species. It is necessary to assess whether there would be any 'Likely Significant Effects' on Woodlark, both from the waste disposal operation and any subsequent increased human activity.

A full invertebrates survey has not been undertaken although locations for Dingy Skipper butterflies is known and would not be affected. Information on the presence of other invertebrates is not included.

The re-grading of areas of the site, importation and spreading of topsoil and destruction of marginal vegetation would all lead to a loss of the habitat diversity currently present. Subsequent re-seeding and recovery would take some years before the habitats would become as diverse as those which would first be lost.

Have previously suggested to applicant a less ecologically damaging scheme, involving importation of material to create an amphitheatre near Lake 1 and thus avoid the more sensitive areas, but still realising a sum for the charity as a viable compromise.

As the plans stand "it can only be concluded that the applicant is committed to trying to maximise their income from this site through a substantial waste disposal operation and a commercial fishery, despite its designation as a SINC and its value for habitats and a range of species of greater than County importance, including birds protected by UK and EU law."

42. **NCC Reclamation** – No objection subject to an acceptable materials management plan, and its strict adherence and monitoring and further drainage assessments and provisions.

Notes the proposals comprise the shallowing of existing on-site settlement lagoons to comply with the safety requirements for former tips, for public angling and for local wildlife. The scheme would involve the dewatering of the lake and the importation of waste from unknown sources.

The site lies over a principal aquifer with local abstraction points and is adjacent to a SSSI.

The manner of controlling water levels in the lake system is not detailed, the management of such should be identified along with details of a gradual dewatering. The proposal would reduce the storage volume of the drainage system

across the site, hence a drainage assessment to confirm that this system has not been compromised should be undertaken prior to the works.

Lake 5 has overtopped in the past and tip inspections have raised this as a concern which needs resolving. A temporary outfall is in place, though a permanent structure has been advised. NCC have sought to encourage the resolution of the overtopping issue and the creation of a fit and proper weir and discharge point for Lake 5. It would appear these have yet to be satisfactorily resolved. A suggested informative has been made.

There would appear to be low level contamination present within the colliery spoil materials analysed; however these were generally at concentrations which would not adversely impact the proposed works or pose a significant threat to either current or future site users. There are also issues related to gas generation with elevated levels of Methane and Carbon Dioxide and depleted Oxygen, these should not pose a significant risk.

The main contamination concern is from the importation of materials of unspecified source and nature. A robust Environmental Management Plan supplemented with a Materials Management Plan rigorously enforced would provide appropriate surety, the plans to be agreed with the Environment Agency/NCC prior to commencement of works.

Acceptance criteria for the material should be agreed with the authority and with the EA. The environmental management plan should address various issues such as noise, dust, emissions and the protection of ground and surface waters.

All materials imported to site should be stringently checked before accepted to site to ensure they are inert and comply with the material management plan and therefore do not pose a risk to surface/ groundwater, site workers or present/future site users. The importation of soil materials will also closely be monitored.

43. **NCC Landscape** – *Comments that the site would benefit from an overall master plan which would set out the overall design aims and objectives of the country park. This should be coupled with an overall design philosophy which should link the function and use of the spaces shown within the Environmental Management Plan and be a comprehensive, planned approach as to how the site will be managed in the medium to longer term.*

The plans should provide more detail regarding planting, seeding and natural vegetation. The maintenance/management of the water bodies and margins/habitats should be described. Questions whether works to Lake 2 will require removal of existing vegetation. Other comments relate to soil types and points of clarification.

44. **Environment Agency Midlands Region** – *No objection to revised plans (objected to original plans) and advises that the works would require an Environmental Permit.*

Notes that the applicant states that on occasions there may be stockpiling of waste material next to the area of intended use - in and around the lakes. Such storage locations would be unacceptable as during rainfall events the material

can wash into the lakes to the detriment to micro organisms. Advises that stockpiles should be located at some distance from the lake and sheeted from rainfall.

Work should be undertaken in line with the recommendations made in the ecology report undertaken by the NCC Biodiversity Officer.

Advise that the bed of Lake 2 is designed with a lot of variation in depth to encourage a range of plant and animal communities. Depths should range between 100mm and 2000mm with levels changing across the lake bed.

The nutrient poor and plant free conditions provide an important wildlife habitat. It is important not to plant anything but to leave the lake to colonise naturally over time, leading to a more diverse habitat. Management should only be undertaken to remove invasive species.

The choice of fish species and stocking density should be carefully considered and ideally the lake should be lightly stocked over a number of years as the fishery matures. Notes the applicant is considering measures to maintain adequate water levels.

Planning conditions relating to unexpected contamination were previously recommended.

- 45. **Network Rail** – *No objection in principle. It is noted that access to the site is via an underbridge. Applications that are likely to generate an increase in trips under such may be of concern where there is the potential for an increase in 'Bridge Strikes'. Developers may be requested to pay for bridge protection barriers. Under no circumstances should the Newstead Stockyard User-Worked Level Crossing be used. Drainage should ensure there is no increase in run off towards the railway embankment.*
- 46. **NCC (Countryside Access)**- *No definitive public rights of way are affected by the proposed development.*
- 47. **Severn Trent Water Limited** – *No objection raised.*
- 48. **Western Power Distribution** - *Provides a network plan.*
- 49. **National Grid (Gas)** - *have not responded. Any response received will be orally reported.*

Publicity

- 50. The application has been publicised in accordance with the County Council's adopted Statement of Community Involvement by means of site notices, a press notice and neighbour notification letters to 29 of the nearest occupiers, primarily around the haulage route at Annesley Cutting.
- 51. A period of re-consultation took place with these neighbours, along with three additional addresses, when additional supporting plans were received. This included a revised set of plans covering all aspects of the proposed works and a

supporting statement addressing points of concern raised from the initial round of consultation.

52. A third round of consultation has now taken place on the amended application description and reduced scope of works, following the removal of the planned infill of Lake 5.
53. The applicant has placed a local press notice under Article 11 of the Town and Country Planning (Development Management Procedure) Order 2010 in respect of notifying the owner of the access track, which has not been established.
54. A total of 11 proforma letters of objection have been received during the first round of consultation raising objection to the proposed haulage route and based upon the response from Annesley and Felly Parish Council. The letter proposes that haulage should alternatively be routed via Tilford Road through Newstead Village. The objection to the use of Annesley Cutting (the proposed route) is based on the following grounds:
 - (a) Increased public safety risk to pedestrians utilising the access track.
 - (b) Impact upon wildlife and breeding birds adjacent to the access track which is a SINC and also on the plateau top as lorries enter and manoeuvre within the site.
 - (c) Increased dust emissions impacting on residents, especially those on Byron Road and Moseley Road and particularly for new residents at the Persimmon development.
 - (d) Deposition of mud and debris on Annesley Cutting.
 - (e) Increase in vehicle mileage distance and emissions as opposed to suggested alternative route.

The letter proposes the use of Tilford Road in Newstead due to this being the eventual main access to the park and future visitor centre; that the road is sufficiently wide enough; and that the entrance into the site could be tarmaced allowing the installation of a wheel wash.

55. Persimmon Homes as the lead developer at the adjacent former pit head site has been consulted with regards to implications on their highway obligations to resurface Annesley Cutting. They raised concerns that the haulage operation as part of the proposed development could lead to damage to a new road surface they plan and are required to install outside their development and how any repair liability would be assigned.
56. From the second round of consultation a further six letters of objection were received raising the following points:
 - i. The impact of up to 45 vehicles a day upon the safety of pedestrians, horse riders and cyclists, insufficient information/ surety.
 - ii. Impact on livestock in adjacent fields to access track.

- iii. The farm track is narrow with insufficient space for lorries to pass each other. No provision has been made to control traffic movements or speeds.
 - iv. The generation of mud and dust; homes and cars have been covered in dust from previous works.
 - v. Disruption to wildlife on the site. The land around the access track is a SINC. Concern that there has been no assessment of impacts from HGV movements
 - vi. The importation is unnecessary as the site is a tip - waste could be moved around to alter the lakes.
 - vii. Access should be through Newstead village as previously this was used to export coal. Alternatively access should be split half and half between Annesley Cutting and Newstead/Tilford Road.
 - viii. The railway under-bridge is narrow and susceptible to damage from collision.
 - ix. The gate at the head of the track should continue to be closed/locked out of hours to prevent unauthorised access.
 - x. Impact on the structural integrity of residential properties from passing HGVs.
 - xi. Disagree with the claim that haulage traffic would displace construction traffic from the housing development as only around 10 large vehicles a day have been seen, as opposed to the up to 45 vehicles proposed.
 - xii. The commercial aspect of the operation seems to be taking priority over the proposed development headline and whilst the country park needs the revenue, the surrounding villagers have to suffer due to previous mismanagement.
 - xiii. Doubt is raised as to whether a viable fishery could be established given the proposed lake depths and water conditions. Concern that the applicant has not taken into account seasonal variations in water depths as shown by the recent low water levels which may lead to low oxygen levels. Doubts there are sufficient lake invertebrates and nutrients to support fish. The applicant should demonstrate, through a fishery assessment undertaken by suitably qualified person, that a fishery would work, otherwise the application is a landfill operation.
57. Any matters arising from representations made during the third and final consultation period relating to the revised and reduced application scope will be reported to members.
58. Councillor Chris Barnfather has been notified of the application.
59. The issues raised are considered in the Observations Section of this report.

Observations

Background to the country park

60. RCAN's purchase of the former tip site in 2009 secured this extensive site for the community and with a vision of providing a new community and natural resource, one which would offer opportunities to local people to help rehabilitate the site and develop skills in conservation and management. Over the past few years with extensive use of volunteers several projects have been undertaken, however much remains to be completed and the park has yet to be fully opened to the public, with the car park and visitor centre incomplete. Meanwhile unauthorised off-road activity has caused damage. Nevertheless the diversity and quality of wildlife colonising the park is notable and is testament to the management of the site.
61. One of the first initiatives which moved onto the park was the CAST angling scheme, making use of an existing lagoon and this scheme has helped young people with life skills and training around the backdrop of angling. So far this activity has been focussed around the lower Lake 1 where the re-modelling of this lake has included the construction of fishing pegs, some of which are also able to accommodate disabled anglers. The proposed development seeks to expand the angling activities to the adjoining Lake 2 and also address the current poor state of landscaping in certain areas around these lakes.

Principle of the development - Green Belt considerations

62. Newstead and Annesley Country Park is located in the Green Belt for which the Government attaches great importance through the National Planning Policy Framework (NPPF), paragraph 81 of which encourages local authorities to enhance the beneficial use of the Green Belt and provide opportunities for access and recreation and to enhance landscapes, biodiversity or to improve damaged and derelict land. The use of the site as a country park is therefore deemed an appropriate development in this situation, as confirmed by the grant of planning permission for the change of use by Gedling Borough Council.
63. With regards to the present application, the NPPF does not deal with waste disposal and such developments are not expressly listed as an appropriate form of development in the Green Belt, although 'engineering operations' are referenced, nevertheless the proposed development should be considered against paragraphs 87 and 88. These states that as with previous Green Belt policy, inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. These will not exist unless the potential harm is clearly outweighed by other considerations.
64. Local policy on waste development is set out by the Nottinghamshire and Nottingham Waste Local Plan (WLP) and the published Nottinghamshire and Nottingham Waste Core Strategy (WCS), as a material consideration which is at an advanced stage and therefore can be given significant weight.
65. Policy W3.17 of the WLP permits waste disposal in the Green Belt only where this would be the *best option* for reclaiming mineral workings or other derelict

voids to an after-use appropriate to the Green Belt and where there would be no unacceptable impact on the open character.

66. Policy WCS4 (Disposal sites) of the submitted WCS states that where disposal sites proposed in the Green Belt constitute inappropriate development, very special circumstances would need to be demonstrated in line with national guidance. The supporting text refers to bringing environmental benefits which may include and relate to landscape, heritage, biodiversity, access and recreation. It further states that very special circumstances can include enhancing the beneficial use of the Green Belt, such as opportunities to provide access, outdoor recreation, retaining and enhancing landscapes, visual amenity and biodiversity or to improve damaged and derelict land.
67. Against the relevant Green Belt policy, it is evident that the most recent policy in the NPPF and the submitted WCS gives greater protection to the Green Belt, by requiring 'very special circumstances' to support the development, whereas the adopted WLP requires an assessment in terms of it being the 'best option' to reclaim land to an appropriate after-use whilst not having an unacceptable impact on the open character of the Green Belt.
68. It is considered, in line with the supporting text in the WCS, that very special circumstances can be demonstrated through the development enhancing the beneficial use of the country park, by means of improving visual amenity, improving damaged and derelict land and landscape enhancement, as well as improving access to the park. This is in line with the approach in paragraph 81 of the NPPF. Elements of the proposed development seek to address several outstanding issues, following-on from previous restoration works, notably Lake 2 remains with steep, engineered slopes which are not favourable for wildlife or particularly safe for visitors nor suitable for anglers. Plans to spread top and sub-soils over bare colliery spoil would allow for grassland to be established, thus providing a visual enhancement to areas of degraded land. The formation of a hard-surfaced track network would assist in the year-round access and enjoyment of the park.
69. The importation and disposal of inert waste and soils would therefore enable such enhancements to be made to the country park, with an after-use of angling which would be an appropriate activity in the Green Belt and the completed works for which would not impact upon the open character. A temporary impact on the local character would be expected, in terms of limited plant and HGVs and any temporary stockpiles, however this is not considered unacceptable in this location.
70. The development and all its individual elements should be the 'best option' for the site as required by the adopted WLP policy. Clearly as proposed the total scheme represents the most financially favourable option for the charity, however if this is viewed from a sustainability and environment view, whether the best option has resulted depends on matters of ecology and residential amenity which are of particular relevance and these are explored further in the report.
71. In terms of alternative options, it has been put to the applicant that a greater proportion of the fill materials could be sourced from within the site itself and

whilst this has been explored by them, they state that this would lead to wider disturbance to wildlife and habitat and crucially would not realise a financial receipt needed for the parks' survival and sustainability.

72. Against Green Belt policy it is considered that the proposed importation, in general terms, allows improvements to be made to the country park, which would be sufficient to demonstrate very special circumstances. An assessment in terms of whether the development and its constituent parts would be the best option for the site is subject ecological and other considerations which follow.

Disposal need and locations

73. WLP Policy W3.20 states that where a waste development would destroy or degrade defined heathlands, permission would not be granted unless the need for the proposal outweighs the value of the heathland. The site is not a defined heathland as such, though the grassland is naturalising into a heathland environment. The value is thus somewhat limited and, whilst the policy remains applicable, the site as a former colliery tip entails the consideration of WLP Policy W10.1.
74. Policy W10.1 of the WLP permits waste disposal where it would reclaim incomplete colliery spoil heaps or mineral voids, subject to meeting a recognised need for disposal capacity and subject to achieving *environmental benefits* without causing an unacceptable environmental impact.
75. The latest position on the need for disposal capacity is set out in the emerging WCS which states that an indicative additional 3.2 million cu.m. of capacity for inert waste would be required going forward in the context of a high overall recycling target. The importation of 17,000 cu.m. under this proposed development therefore represents a very small proportion in this context. The WCS has completed its public examination, and is therefore at an advanced stage of preparation. Substantial weight therefore can be given to its policies in accordance with paragraph 216 of the NPPF.
76. Policy WCS4 gives locational preference for disposal sites around the Nottingham and Mansfield/Ashfield areas and whilst preferring existing sites, does permit disposal and restoration at former colliery tips and other man-made voids where this would have associated environmental benefits. Policy WCS6 also identifies former un-restored or poorly-restored colliery land as suitable for waste disposal subject to there being no unacceptable environmental impacts.
77. Both the adopted WLP and the emerging WCS therefore provide a level of support for the proposed waste disposal development subject to the environmental considerations. Such considerations include a wide range of impacts on the local population, built and natural environment and are set out in chapter 3 of the WLP and its associated policies. The emerging WCS takes a more positive stance on the environment, under Policy WCS12 seeking to protect and enhance the environment, however under Policies W10.1 and W10.2 of the WLP, environmental benefits should also be realised.
78. The following sections discuss the main environmental considerations which arise from the proposed development.

Ecological Impacts

79. The country park is designated as a SINC (Site of Importance for Nature Conservation), making it of County importance for wildlife and it is a good example of how nature can re-colonise former derelict or degraded land such as this former colliery tip. The development of the country park goes very much in step with the wildlife and habitat on site, but recognising that community access can also be accommodated to appreciate and benefit from the natural resource. The size of the park is such that there are more remote areas at the top of the former tip, which allows room for wildlife, whilst areas nearer to the village at the base, are more popular with the community.
80. Into this mix of nature and human activity, the anglers can be added. The CAST angling project currently makes use of Lake 1 and it is proposed to expand the angling activities and associated revenue by developing Lake 2 as a fishery. Proposals to develop a large carp fishery on one of the larger lakes has been withdrawn from the current application, and may or may not come forward as a subsequent planning application.
81. In planning policy, the WLP, in Policies W3.21, W3.22 and W3.23 relating to water features, biodiversity and nature conservation apply. Policy W3.21 states that development which would destroy or degrade the amenity, setting or nature conservation value of wetlands and lakes will not be permitted unless their value is outweighed by the *need* for the development. Policy W3.22 states that where a development would harm or destroy a species or habitat of county importance planning permission will only be granted where the need for the development outweighs the local conservation interest. Policy W3.23 takes a similar approach for local wildlife sites.
82. Policy ENV36 (Local Nature Conservation Designations) of the Gedling Replacement Local Plan, is also relevant and states that where proposals may have an adverse effect on a SINC, the reason for the proposal will be weighed against the local ecological and community value of the site. Consideration will be given to the long-term ecological viability of the site and any impact upon the public's enjoyment of the site. Impacts should be mitigated or compensated.
83. At a national level, the NPPF, in chapter 11 states that development should minimise impacts on biodiversity and provide for net-gains where possible. Planning should contribute to preserving and re-creating priority habitats and the protection and recovery of priority species. It seeks to direct development to areas of the least environmental or amenity value. Paragraph 118 states that planning permission should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
84. The proposed works raise several important ecological considerations, given the quality and diversity of wildlife which is known to be present on site. Some impacts would relate only to the construction phase, whilst others relate to the final operation and form of the development.

85. In the absence of a detailed ecology impact assessment, officers with assistance from NCC Nature Conservation Unit, have assessed the proposed development with particular attention paid to species and habitat which would be directly affected. Much of what is known about the on-site ecology is as a result of the work of volunteer record-keepers, such as bird watchers therefore whilst good and up to date information about the wildlife present is known, this has not been coupled with a full assessment of the likely impacts which may arise as a result of the proposed development. An amphibian survey has now been submitted and this supplementary information addresses the impacts which would arise at Lake 2, which is a spawning pond for toads and other common amphibians.
86. The majority of the works within the revised scheme are proposed in and around Lakes 1 and 2 which can be described as the more publicly accessible area of the park and the site of the future visitor centre. The most notable wildlife on site make use of other lakes and terrestrial habitat not affected by this development, such as the Black-necked Grebe which have successfully bred on the upper lakes over the past three years. These are exceptionally rare birds in the county and the Newstead/Annesley population represents 2% of the national population. As a Schedule 1 breeding bird, the species is protected under the Wildlife and Countryside Act 1981 (as amended). It is unlawful to intentionally or recklessly disturb such a bird whilst it is nest-building or is at or near a nest with eggs or young; or to disturb their dependent young. Two further Schedule 1 birds; Little Ringed Plover and Woodlark are also known to be on site, as well as various reptiles and invertebrates.
87. At Lake 2 (the former polishing ponds), a 600 strong population of common toads has been recorded to use this as their spawning ground and could therefore be directly affected by the lake remodelling works. Such a population would qualify for designation as an Amphibian SINC, if it was not for the fact that it already sits within a large site-wide SINC. A recent amphibian survey has been undertaken and a range of mitigation and working methods has been identified and a final method statement can be conditioned as part of any planning permission. As a starting point, the eastern parcel/strip of the lake, which is not proposed to be infilled, would be left with water during works in the other part and also provides ideal habitat in terms of the existing marginal vegetation. Works would take place so to avoid the toad breeding period. Should the toads return during the works, additional protection measures including specialist fencing will be required to direct toads into the retained part of the lake. Provision of some additional small ponds has also been identified by the survey in order to compensate for loss of frog and common newt habitat, which are less compatible within a fishery.
88. Whilst the lake does support a significant population of common toads and frogs, the assessment is that as long as the works are undertaken in accordance with a method statement and prescribed mitigation measures, the final conditions in the lake would still be suitable for the toads, and the introduction of a fishery should not adversely impact upon the toad population or their reproduction. There are numerous other examples where large toad populations share water bodies with a fishery. The benefits are also clear, in that by remodelling the lake, new marginal areas would replace the steep sides thus providing an environmental enhancement and also serving to address a safety

concern for anglers and visitors. Therefore this element of the proposed development is considered ecologically acceptable.

89. The proposed development to import inert waste material and soils into the site could if not properly controlled, change the balance of nutrients on site and in particular in and around the lakes. The landscaping and spreading of top soil around Lake 1 is accepted, as an amenity character has always been the plan in this area, in conjunction with the future visitor centre. Clarification has been sought that soil spreading around Lake 2 would comprise low-nutrient sub-soils to preserve the emerging conditions. In addition, the soil-making materials to be used on the surrounding landscaping works and stabilisation works to the bank between Lakes 4 and 5, also need to be of a suitable low-nutrient condition to prevent nutrient run-off into the lakes and to establish a wild grass/flower sward. The applicant intends to let any contract with the requirement for the appropriate testing and assurance, prior to its delivery on site and conditions are proposed in relation to this.
90. Original proposals to partially infill the larger Lake 5 raised key concerns and objections from officers at the County Council and objections from the Environment Agency and Nottinghamshire Wildlife Trust. This was due to the potential harm to the particular water conditions/chemistry in the lake which is a priority habitat supporting the notable breeding Black-necked Grebe and other breeding and over wintering wildfowl. It was not adequately demonstrated that the particular water chemistry and conditions could be recreated after completion of any works. The impact of the introduction of a specimen carp fishery on the overall ecological balance was unclear and therefore could have adversely impacted on this habitat and the wildfowl it supports. There was also the unknown impact of potentially increased human activity into that area, including night angling and vehicular access for anglers, and whether this would be compatible with the wildlife making use of this tranquil area. As a result of these concerns the applicant agreed to remove this element from the scope of the application. The works to raise the surrounding track are also removed.
91. Despite the removal of the works to Lake 5, there is still potential for disturbance to the Grebe if works overlap with an early spring return of the birds. Over the past years the birds have bred on both Lakes 4 and 5. If they return to Lake 4 they could potentially be disturbed as a result of HGV movements traversing the main access track. The advice is that this species is sensitive to disturbance (based upon research into a closely related Grebe) and requires a buffer of between 150 and 300 metres from any source of disturbance such as machinery or HGVs. Applying this to the site, would mean that the access tracks would be close enough to lead to disturbance, therefore in order to overcome this impact, works at the site should be prevented during the breeding season (March-August) unless such works can demonstrate that there would be no adverse impact on Schedule 1 breeding birds or amphibians. The attachment of this condition is considered reasonable, given the wildlife present on site and the fact that limited ecological surveys have been completed.
92. The access track commencing at the end of Annesley Cutting has been identified as part of the SINC designation covering the park and although the application does not include a specific assessment of impacts, officer advice has been received that there should be no long term or significant impacts upon

it, given that it is already utilised by vehicles to a certain extent and the fact that the track itself only covers a limited part of the land designated.

93. Given the range of other wildlife known to be present on site which could be affected, mitigation for each species or class can be implemented during the construction phase. Such measures can be part of a method statement to be followed by on-site operatives. Measures have been identified which will protect a range of species including reptiles, and other protected species (should they move on to the site), breeding birds and butterflies. The timing of the works outside of the breeding periods, avoids many direct impacts on the species present and additional mitigation measures could be enacted or works temporarily ceased altogether.

Impact from haulage traffic

94. The application is for the importation of 17,000cu.m. of material which would equate to an estimated total of 1,900 deliveries at 9cu.m per delivery. The associated traffic figures have been more than halved following the removal of the proposed element to infill Lake 5 (from a total of 4,400 deliveries to 1,900). The proposed haulage operation may still run on a campaign basis, therefore a maximum of 40 deliveries (80 2-way movements) is proposed, which is a small reduction of 5 deliveries. Clearly the revised haulage figures, whilst lessening impact, still raise concerns due to its nature and volume and the impact such an operation would have upon the amenity of local residents along the proposed access route.
95. The proposed route would take HGVs from the A611 along Annesley Cutting, passing the Persimmon Homes development to the end of the adopted highway. At this point the farm track running north-eastwards would be used passing under the railway bridge, before entering the northern point of the country park. Using this route option, HGVs would pass a grouping of properties at the A611 turning, running past the end terraces of Byron Road and Moseley Road before passing in front of around a dozen newly completed houses at Annesley Cutting. Some of these properties (completed by Persimmon Homes) sit close to or directly on the edge of the highway.
96. Policy W3.14 of the WLP states that development will be permitted where the associated vehicle movements can be satisfactorily accommodated on the highway network and where this would not cause unacceptable disturbance to local communities.
97. In justifying the level of traffic which would be generated, the applicant contends that Annesley Cutting has been used by Persimmon and Morris Homes as their main construction site access, which until it was recently moved to Newstead Road, was used by a greater volume of mixed traffic than that proposed under their current application. However this claim has been questioned locally.
98. NCC Highways raises no objection to the level of traffic proposed, in terms of highway safety and capacity, subject to a legal agreement to secure a road condition survey and to remediate any damage to Annesley Cutting which might be reasonably attributed to the haulage operations.

99. Local objections have been received from Annesley and Felley Parish Council and from 16 local residents who believe that the proposed haulage route via Annesley Cutting would create adverse impacts upon local amenity, in terms of dust, mud, noise/disturbance and road safety and that an alternative delivery route via Newstead village should instead be used. Ashfield District Council also raise a concern with the chosen route, whilst Newstead Parish Council raise no objection to the development, nor do they raise any highway related concerns.
100. The alternative route put forward by Annesley and Felley Parish Council would take HGVs via Tilford Road through the centre of Newstead village. Not only would this require HGVs to pass directly in front of Newstead Primary School (more than likely during the school term) and a community centre, but also passing the front of in excess of 50 terraced properties on both sides of Tilford Road as well as shops and recreation spaces, before crossing the railway at the level crossing. Whilst it is accepted that this route will be the main access to the country park and its car park, once complete, this is not likely to involve HGV tipper lorries and plant deliveries, which would raise road safety concerns in this built-up area. It has been assessed that this cannot be a viable alternative haulage route to the site and would not be in accordance with WLP Policy W3.14. Officers at the Highways Authority agree with this assessment.
101. A further comment has been made as to whether there is the local availability of suitable inert material, as a result of the decline in the construction market, the concern being that the proposed timescales may slip and lead to an extended operation. The applicant is however confident that a supply is available and have had numerous approaches from house builders, hauliers and construction firms and they have appointed a consultant to assist them.
102. In light of the local concerns raised, the applicant has been asked whether more of the infill material could be sourced from within the site (from the former colliery tips) rather than be imported and thus limit the impact upon residential amenity. However the applicant advises that this would not be possible for two broad reasons. Firstly this would result in disturbance to habitat and wildlife across a greater area of the country park, which is home to important breeding birds for example. Secondly the financial income to the charity and to the ongoing development and maintenance of the park would be reduced, in the context of a declining funding base.
103. A further option whereby both routes are utilised for the haulage, so as to spread the impact and lessen impacts on properties along Annesley Cutting has also been explored, but discounted, due to safety and amenity concerns in the village. The routing of the haulage traffic can be secured by a legal agreement to ensure HGVs use the correct route and avoid the village centre.
104. In assessing the transport and haulage impacts of the proposed development, it is accepted that the traffic could be accommodated on the local road network, however in terms of impact on residential amenity, the local impacts of a haulage campaign in terms of noise, disturbance and mud/dust, cannot entirely be mitigated, and as a result may lead to disturbance to the local community. It is noted that the proposed delivery route has previously been used as a haul route in connection with former restoration works, however this was prior to the

housing regeneration taking place on Annesley Cutting, which would result in a greater number of residents living with the impacts of a haulage campaign. Some of these properties are also on comparatively small plots, with a very limited set-back from the highway. The likely impacts of the haulage scheme have substantially reduced following the removal of works to infill Lake 5, this alteration more than halving the total lorry movements into the site, however it is acknowledged that some disturbance to local residential amenity is still possible and a high tempo operation is still possible.

Dust, mud and safety

105. Local residents and Annesley and Felley Parish Council raise concerns over mud and dust arising from the haulage operations. Concern is focussed on the use of the farm track which is not a metalled surface but formed of hardcore. During extended wet periods the track condition can deteriorate and measures to prevent mud being deposited along Annesley Cutting are necessary in accordance with WLP Policy W3.11. The provision of a full wheel-wash is physically constrained, however the operation of a simple jetwash has been identified along with other control measures such as road sweepers which could be deployed if inspections identify a problem. In particularly poor conditions, haulage operations could be halted altogether.
106. Conversely in dry periods, dusty conditions could arise. Local objections have referred to the concern that this could blow over towards properties along Moseley Road and has done so previously. However, due to the distance between the track and this street and the direction of prevailing winds such occurrences would be infrequent. The use of water bowsers and sweepers could be employed in such circumstances, in accordance with WLP Policy W3.10 to combat any significant emissions.
107. It is acknowledged that the farm track is used as access to farmsteads and by some local walkers, it is not however a right of way and remains a private track. Local concern has been raised with regards to the safety of pedestrians and agricultural tenants should they encounter a HGV on the track. Given the narrowness of the track, which would prevent two HGVs passing each other, and the length of the route, the risks require an understanding and measures to ensure safe working. A package of measures and safe working arrangements has been identified, the final details of which can be conditioned as part of any approval. Measures would include a method of traffic control to ensure lorries do not meet on the track. This could simply be a radio or telephone procedure to give clearance to individual vehicles to proceed, or alternatively a traffic light set-up. This would be coupled with signage to make all users of the track, including pedestrians, cyclists and horse riders, aware of the traffic and the control operation in place. Clear instructions would be given to all haulage companies and to individual drivers, to stop and give way to other users when required and to abide by a speed limit.

Potential for damage to highway

108. Representations have been made by Persimmon Homes, the lead developer of the former pit head site, with regards to the possibility of damage to the road surface. As part of their planning permissions to develop 193 homes they are

required to re-surface parts of Annesley Cutting and Newstead Road as secured via a legal agreement and bond. Concern was raised that as these road works were imminent, the proposed haulage operations could damage this newly-laid surface, raising the problem of responsibility.

109. Discussion between the applicant's agent, Persimmons and NCC Highways officers has resulted in an agreement that Persimmon should proceed with the planned works and resurface the end of Annesley Cutting (this option is now available to them following the relocation of their site access). Upon re-adoption by NCC, Persimmon's liability would be fulfilled and their bond could be released. As part of any grant of planning permission, a Section 106 agreement could be secured between the applicant (RCAN) and NCC to survey the length of Annesley Cutting both before and after the haulage operations with a subsequent assessment of any damage which should reasonably be rectified at the applicant's expense. Such an assessment would be mindful of the other traffic using much of Annesley Cutting.
110. Confirmation has been received from NCC Highways that the survey requirement is still necessary as part of the substantially reduced scheme. In order to secure this survey on highway land outside of the development and site boundary, legal agreement is needed. Such a solution is considered to accord with WLP Policy W3.15 and has been used in similar cases involving haulage.

Tip stability

111. The country park is a former colliery spoil tip which needs to be maintained in a stable and safe form to prevent slips and other movements. Effective drainage is central to the maintenance of a stable site. Whilst restoration works previously undertaken in 2007/8 installed a new drainage system, some elements require rectification notably at Lake 5 where a temporary outfall pipe has been installed, which drains into an adjacent brook. A permanent drainage outfall is ultimately needed to regulate water levels, however following the omission of works to Lake 5 and the containing bank, the present opportunity to create a permanent spillway has gone, however the applicant will be advised again of the need to undertake this work.
112. The plans still propose works to the bank between Lakes 4 and 5 to address a current erosion issue caused by rainfall run-off which is creating a series of fissures or channels affecting the integrity of this bank which supports the water body in the middle level lagoon. To overcome this problem it is proposed to use imported subsoils to a depth of 200mm to build up this bank to prevent water accumulation on the top and then to over-seed this to establish vegetation cover which should prevent rainfall erosion. This is considered acceptable, subject to working around ecological constraints and utilising appropriate low-nutrient soils.
113. Alterations will be made to the lake drainage system between Lake 3 (the upper lagoon) and Lake 2, so that a sluice maintains a minimum water level in Lake 2. Such an arrangement would ensure that a healthy fishery is viable during the summer months, when the water level would otherwise be expected to fall and the exact details will be required through a condition. A drainage assessment has also been requested and a suitable condition can secure this prior to commencement of any works.

Contamination

114. A site survey submitted in support of the application has adopted a conservative and cautionary threshold for the purpose of assessing risks to human health, in the context of its use as a public park. Whilst a level of contamination has been found from samples taken from boreholes and trenches, these were at levels not exceeding the thresholds, to be as expected with such former colliery tips, and would not pose a significant threat to site users.
115. The main contamination consideration arises from the importation of inert waste. The applicant intends, as part of any contract it lets, to require the contractor to have a Materials Management Plan, governing the type and make up of the imported material. NCC officers agree that this is required and to be agreed before the commencement of works. The Materials Management Plan will ensure suitable testing of candidate material to ensure it is of suitable low-nutrient levels, particularly for the soil-making materials, to preserve the ecological conditions around and in the lakes. Testing will identify any potential contaminants and set thresholds and applicable standards. Unsuitable material will not be admitted onto the site, and the operation would be monitored for compliance. Precautionary conditions relating to unexpected contamination is also recommended in line with advice from the EA.

Other matters

Railway Bridge

116. The proposed haulage route would involve utilising quite a narrow arched under-bridge, under the Robin Hood Line. Network Rail has been consulted and raises no objection. It should be noted that previous restoration works has used this route for associated haulage without an impact on the railway. A speed limit along this track would also protect the structure and drivers.

Impact on the Conservation Area

117. Annesley Conservation Area is formed by two areas of land adjacent to Annesley Cutting, along which is the proposed haulage route. The mining terraces along Moseley Road and Byron Road, along with Moseley Farm form one area. The former pit head site, now being redeveloped forms the second part. The movement of HGVs along Annesley Cutting between these two areas would not significantly impact upon the status of the Conservation Area and is already frequented by various construction traffic.

Noise emissions

118. The application proposes to receive materials on site during the hours of 8am to 4pm, five days a week, Monday-Friday (excluding Bank Holidays). Conditions can be attached to define these hours and in addition to stipulate the operating times of on-site machinery. A requirement for white noise type reversing alarms on plant should further limit noise emissions. Clearly there will be a noise impact, for residents along Annesley Cutting from delivery vehicles, however the scheme has been reduced substantially, thereby limiting the amounts of materials required and reducing the time frame during which noise and possible

disturbance could arise. It is recognised that some level of disturbance would still occur, albeit this would be temporary in nature.

Aftercare

119. An aftercare regime would ensure that the soil seeding successfully establishes an ecologically favourable sward and does not become predominated by weeds and unfavourable species. Such measures would include over-seeding if required, stone picking and cutting. Landscaping and aftercare measures are in accordance with WLP Policy W4.5 and W4.9.

Fishery viability/sustainability

120. Representations have been made questioning the design of the lake(s), particularly in terms of the depth and water conditions, and whether they could support a fishery. The initial plans resulted in an objection from the Environment Agency which also raised concerns relating to the maintenance of adequate water levels. The applicant has clarified that additional sluices would be installed on the existing drainage network, which would maintain a minimum water level within Lake 2, as fed from the upper lagoons. Advice has been sought from a suitably qualified fisheries management consultant, the Environment Agency (EA), the British Disabled Anglers Association and the Nottinghamshire Angling Group. A fisheries appraisal report dated March 2010 has been provided in support of the plans, it states that the lakes are suitable for angling and makes a series of recommended development works. The average water depth should be 1.5 metres, with some 'holes' and shallows. It further recommends that marginal ledges should be created along fishable banks to improve safety and provide habitat for marginal plants. It does not address or refer to the importation and fill of materials in order to reduce lake depth and simply states that the creation of the ledges could be through simple re-sculpting of the bank side. The applicant is currently looking to commission a full management plan for the proposed fishery.
121. The Environment Agency in their response has also made recommendations that the lake bed should be designed with a variation in depths and that it is important not to plant anything, but allow natural plant colonisation to take place. The applicant can be advised accordingly and there is scope for some shallows and 'holes' to be formed in the lake bed. The ecological and chemical conditions of the water in Lake 2 is not as sensitive or notable as in Lake 5, where many of the Agency's concerns related to.

Socio-economic benefits

122. RCAN state that as a local charity with extremely limited resources, they need the finance which the importation of material would bring, in order to manage, maintain, and develop the site. They state that they do not have any other source of funds with which to employ a ranger, or to undertake day to day maintenance.
123. Part of their emerging vision for the site is the need to operate an economic activity upon the site by using Lakes 1, 2 and 5 for angling. They state that the activity is of great importance and that the income would be used to maintain

and improve the site as a whole, indicating that they would have to seriously re-consider their continuing running of the park should the plan be unsuccessful.

“We unfortunately do not have any other finance available for this, and without this income, RCAN would have to seriously consider if our intention to continue running the site as a country park is feasible. Were it not feasible- and we do not see that it could be in this scenario- RCAN would be left with little option other than to sell the site to the highest bidder and dispose of our plans for NACP.”

124. Clearly a certain amount of human management is required to manage the impact of the local community utilising the park and to favour suitable habitat to achieve a successful balance. Some limited weight can be afforded to the financial gain to support the wider site, however there are other plans and schemes being explored, which could support the site's management.

Concluding assessment

125. The proposed development has raised key concerns related to ecology, residential amenity and highways impacts. The impacts relating to individual elements of the proposed development have been assessed against key policies in the WLP. These policies generally weigh up the principle and merits of the proposal against the environmental considerations, whether on the natural environment or on matters relating to the impact upon the local community.
126. A starting point is WLP Policy W10.1 which permits disposal for reclamation purposes in former colliery spoil heaps, but this is subject to there being no unacceptable environmental impacts, whilst realising environmental benefits. The site has been largely restored into a country park and the imported material for the lakes would address outstanding safety and erosion issues, whilst benefits would be realised from the associated landscaping works and from the generated angling income which would allow the continuation of the wider site management and its development over the long term.
127. During the course of the application it was assessed that environmental benefits would not be achieved with the works to infill Lake 5, indeed an unacceptable impact was likely. This likely harm to the environment and habitat of Lake 5 was also considered to outweigh any financial benefits which would arise from the waste disposal operation and any subsequent angling income at this lake. Following discussions, the applicant agreed to remove this element of the proposed application.
128. The ecological effects relating to the remaining elements of the proposed works have been carefully assessed. WLP Policies W3.21, W3.22 and W3.23 weigh up the impact on water features, biodiversity and nature conservation respectively, against the benefits of the proposed development. The assessment has not identified a conflict on ecological grounds, subject to careful mitigation around Lake 2.
129. The removal of the large Lake 5 element from the proposals has cut the volume of imported material by more than half, thus the total vehicle movements has

similarly reduced thereby greatly mitigating the impact of the haulage of material on the amenity of local residents. The resulting scheme would still lead to some impact on local amenity with disturbance from deliveries during the haulage campaign. Daily HGV deliveries may run up to a maximum of 40, given the likely campaign basis of moving waste materials, however the overall duration of the operation would be significantly reduced and consequently impacts upon local and residential amenity in terms of possible associated noise, dust and mud would be mitigated in accordance with WLP Policies W3.9, W3.10, W3.11, W3.14 and W3.15 and which would be monitored for their effectiveness. A high tempo delivery campaign with a much smaller quantity of imported material would hasten the completion of the works, and is considered favourable as opposed to a longer duration operation. Measures to address road safety concerns and a routeing requirement can be controlled. The proposed hours of operation are also considered to be acceptable.

130. The benefits which would be delivered need to be kept in mind, despite the remaining highway/amenity impact. Benefits which would arise from the development include the wider landscaping works; improving grassland and heathland habitat; and measures which would address erosion and drainage. Community benefits from increasing the scope of angling to Lake 2 and improving its amenity and safety would be achieved and a notable financial gain to the applicant to assist with the management of the country park would still be realised. It is recognised that the original proposals for Lake 5 would have entailed a significant amount of imported waste thus realising a larger fee income, as well as an on-going angling income, however the granting of a limited permission would still realise benefits for the applicant and the organisation are studying a large range of other schemes on the site, which may financially support the park. The removal of works at Lake 5 enables this part of the site to remain favourable to protected species and provides an opportunity for a more thorough ecological assessment to be made of this lake should a subsequent application be made.
131. The revised development is considered to achieve a necessary balance between wildlife and the community and is itself more in line with the ecological /management plan for the country park. The parts of the original scheme which were assessed to be in conflict with policy have been removed, enabling the acceptable elements of the proposed development to now proceed.
132. The County Council is therefore of the opinion that the proposed development (as revised) is in accordance with WLP Policies W10.1 (waste disposal in...incomplete colliery spoil heaps), W3.17 (Green Belt), W3.20 (heathlands), W3.21 (water features), W3.22 (biodiversity) and W3.23 (nature conservation sites). Conditions are recommended to mitigate impacts arising against WLP Policies W3.9 (noise); W3.10 (dust); W3.11 (mud); W3.13 (drainage); W3.14 (vehicular movements); and W3.15 (vehicle routing). Landscaping and aftercare measures are in accordance with WLP Policy W4.5 and W4.9.
133. The County Council considers that any potential harm as a result of the acceptable elements of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

Other Options Considered

134. The report relates to the determination of a planning application. Consideration was given to whether the original application scheme in its totality could be supported, however officer and consultee concerns were raised regarding one aspect of the works. Whilst the option of split decision was explored, the applicant opted to continue with the application in a reduced form, omitting the unsupported aspects and therefore the County Council is under a duty to consider the revised planning application as submitted.

Statutory and Policy Implications

135. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, crime and disorder, human rights, the safeguarding of children, 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.

Implications for service users

136. There are no implications on County Council services.

Financial Implications

137. There are no financial implications for the County Council. The recommendation would require the sealing of a Section 106 agreement, the costs of which would be recovered from the applicant. The financial situation with the applicant's management of the country park is noted in the report.

Equalities Implications

138. Newstead and Annesley Country Park is managed for the benefit of the community. The CAST venture is a community run project working with disadvantaged young adults around an angling backdrop. The fishing lakes have been designed with guidance from the British Disabled Anglers Association.

Crime and Disorder Implications

139. The country park has seen incidences of unauthorised access by off-road vehicles, which has caused erosion and damage to ground conditions. The development would realise funds to support the maintenance of the site, as well as increasing authorised access to the angling lakes, which would provide passive surveillance over the park.

Human Rights Implications

140. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under

Article 8 and Article 1 of the First Protocol may be affected. The proposals have the potential to introduce impacts of traffic noise and disruption upon local residents along the haul route. However, this would be a temporary impact which needs to be balanced against the wider benefits the proposals would provide for the improvement to the country park. Members will need to consider whether these benefits would outweigh the potential impacts.

Implications for Sustainability and the Environment

141. The development would utilise inert waste to undertake works on the country park. The ecological or environmental impacts which would arise have been identified and considered in the report.

Statement of Positive and Proactive Engagement

142. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; meetings during the course of the application; identifying the scope of information necessary to assess the proposal and liaising between interested stakeholders. The Waste Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; and have progressed the proposals towards a timely determination. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

143. It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to cover highway condition surveys and rectification works relating to an element of the public highway and the routeing of HGV traffic via the A611 and Annesley Cutting.
144. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for; the importation and deposition of inert waste into Lake 2; the importation and spreading of soils around Lakes 1 and 2; the reinforcement of the embankment between Lakes 4 and 5; and improvement of tracks. The approval is subject to the conditions set out in Appendix 2 of this report. Members need to consider the issues, including the Human Rights Act issues set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

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Constitutional Comments

The Planning and Licensing Committee has authority to approve the recommendations set out in this report by virtue of its terms of reference. (NAB 31.10.13)

Comments of the Service Director - Finance (SEM 01/11/13)

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

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Newstead - Councillor Chris Barnfather

Report Author/Case Officer
Joel Marshall /Mike Hankin
0115 9696511

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

W001150 – DLGS REFERENCE
EP5385.Docx
1 November 2013

RECOMMENDED PLANNING CONDITIONS*Commencement /notification*

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

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

2. The Waste Planning Authority (WPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement or re-commencement of any phase of the development hereby permitted.

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

Approved details

3. Unless otherwise agreed in writing by the WPA, or where amendments are made pursuant to the other conditions attached to the permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:
 - Planning application forms received by the WPA on 17/10/12 and ownership certificate D, signed 02/04/2013 and received by the WPA on 05/04/13
 - Revised site Location Plan – NACP Plan 001 Rev C, dated 19/09/13 and received by the WPA on 27/09/13
 - Supporting Statement received by the WPA on 17/10/12
 - Drawing no. 1-375/801 Rev B, titled Drawing Showing Proposed Part Filling of Lake 2, dated 24/07/13 and received by the WPA on 29/07/13
 - Drawing no. 1-375/802 Rev B, titled Drawing Showing Part Filling of Lagoon 5, dated 23/07/13 and received by the WPA on 29/07/13. Works relating to imported subsoil on the bank between Lakes 4 and 5 only.
 - Drawing no. 1-375/804 Rev A, titled Drawing Showing Landscaping Around Lake 1, dated 20/02/2013 and received by the WPA on 29/07/13
 - Drawing no. 1-375/805 Rev B, titled Drawing Showing Landscaping Around Lake 2, dated 23/07/13 and received by the WPA on 29/07/13
 - Drawing titled NACP Plan-002 Rev A, titled Paths at Newstead and Annesley Country Park, dated 24/07/13 and received by the WPA on 29/07/13
 - Drawing no. 1-375/807 Rev A, titled Lagoon Drainage and Interlinking Strategy, dated 20/02/2013 and received by the WPA on 29/07/13

- Site survey report (Opus Jones Pyke Ltd), dated June 2009 and received by the WPA on 17/10/12
- Ecology Report (EMEC) dated September 2012 and received by the WPA on 09/11/12
- Toad/Herpetofauna survey dated 28/08/13
- Letters from RCAN dated 02/07/13, 24/07/13 and 27/09/13

Reason: To define the permission. For the avoidance of doubt works to remodel and infill Lake 5 and the building up of the surrounding track do not form part of this grant of permission. The north-eastern strip of Lake 2 is also not part of this permission.

Duration of works

4. The importation of waste materials, landscaping and lake infilling works into/at the application site shall be completed no later than 24 months from the date of the commencement of the first phase of works as notified under the requirements of conditions 2 and 21, including the removal/use of any stockpiled material.

Reason: To ensure that works are completed within a reasonable timeframe.

Material importation and movements

5. Prior to any importation of waste as approved by this planning permission, a Materials Management Plan shall be produced and submitted to the WPA for its written approval. The plan should include details of:
 - a. The types and characteristics of waste materials proposed to be imported (including details of pH levels and soil phosphorous (P) at no more than Index 2) and the targeting of types to specific work areas.
 - b. A material testing/sampling regime to certify that the materials are clean and contaminant free.
 - c. The locations of existing stockpiles of colliery spoil to be used in lake capping and the routes needed to move this material.
 - d. The locations for any temporary stockpiling of inert imported materials and soils.
 - e. Soil handling procedures.
 - f. A methodology for compacting deposited material in Lake 2.
 - g. A methodology for keying in subsoil on the bank between Lakes 4 and 5.

Waste material importation shall not commence prior to the approval of the Materials Management Plan. Thereafter all works shall be undertaken in accordance with the approved management plan.

Reason: To provide the optimum reclamation solution for the site thus ensuring compliance with Policy W10.1 of the Nottinghamshire and Nottingham Waste Local Plan.

6. Notwithstanding the requirements of Condition 5, nothing other than uncontaminated materials shall be imported onto the site comprising of soils, concrete, hardcore and other inert construction/demolition waste.

Reason: To provide the optimum reclamation solution for the site thus ensuring compliance with Policy W10.1 of the Nottinghamshire and Nottingham Waste Local Plan.

7. No more than 11,420m³ of waste material shall be imported onto the site to facilitate the lake remodelling and path works, of which no more than 5,626m³ of sub and top soils shall be imported onto the site for landscaping works.

Reason: To provide the optimum reclamation solution for the site thus ensuring compliance with Policy W10.1 of the Nottinghamshire and Nottingham Waste Local Plan.

8. Any temporary stockpiles formed from imported waste and soils shall be limited to no more than 4 metres in height, as agreed under condition 5(d) and shall be sited away from any lake. Alternatively stockpiles shall be sheeted during particularly inclement weather.

Reason: To control the temporary nature of any approved works and to prevent nutrients washing into water bodies to accord with Policy W3.21 of the Nottinghamshire and Nottingham Waste Local Plan.

9. Prior to the re-watering of Lake 2, the finished bed of Lake 2 shall be capped with layers of colliery spoil sourced from within the site, to a total depth of 1 metre. The layers should be compacted during the process in accordance with the methodology agreed under condition 5(f).

Reason: To provide the optimum reclamation solution for the lake thus ensuring compliance with Policy W10.1 of the Nottinghamshire and Nottingham Waste Local Plan.

Unexpected contamination

10. If, during development, contamination not previously identified is found to be present in the imported material then no further development (unless otherwise agreed in writing with the WPA) shall be carried out until the developer has submitted a remediation strategy to the WPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the WPA. The remediation strategy shall be implemented as approved.

Reason: Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

Hours of operation

11. Unless in an emergency, which shall be notified to the WPA in writing within no more than 48 hours of its occurrence or with the prior written agreement of the

WPA, works associated with the development shall only be permitted between the following hours:

<i>Operation</i>	<i>Permitted Working Hours</i>
Deliveries of inert waste, soils or other earth.	Mondays to Friday: 08.00 hours to 16.00 hours. Not at all on Saturdays, Sundays, or Bank and other holidays.
Operation of on-site plant and machinery.	Mondays to Friday: 08.00 hours to 18.00 hours. Not at all on Saturdays, Sundays, or Bank and other holidays.

Reason: To minimise impacts arising from the haulage operation, so to protect the amenity of local residents, in accordance with Policy W3.9 and W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

Drainage

12. Prior to the commencement of the development hereby approved, a Site Drainage Scheme, shall be prepared and submitted to the WPA for its written approval. The Scheme shall assess the storage volumes required for the site and ensure that the system has not been compromised. The current rates of run-off/discharge into local watercourses should be maintained.

Reason: To ensure the former tip remains stable, through effective drainage and to ensure surface water is attenuated on-site, in accordance with paragraphs 103 and 109 of the NPPF.

13. Prior to the dewatering of Lake 2 a project plan for the drawdown of the water within the respective lake shall be prepared and submitted to the WPA for its written approval. The plan should address potential impacts of the drawdown. The methodology should ensure that a gradual reduction of water is undertaken to maintain ground stability and to avoid potential flooding downstream.

Reason: To ensure the former tip remains stable, through effective drainage in accordance with paragraph 109 of the NPPF.

14. Prior to the commencement of works at Lake 2, details of how water levels will be maintained at an agreed minimum depth, by means of a sluice system linked to the upper lagoon, shall be submitted to the WPA for its written approval. The approved scheme shall thereafter be installed and maintained for as long as a fishery is operating.

Reason: To ensure adequate water levels are maintained at all times to support a fishery and aquatic wildlife, in accordance with Policy W3.21 of the Nottinghamshire and Nottingham Waste Local Plan.

Haulage

15. Prior to the commencement of the importation of waste materials and soils, a traffic management plan detailing measures to ensure the safe operation of HGVs into and out of the site shall be submitted to the WPA for its written approval. The scheme shall incorporate a methodology for enforcing a variable one-way system on the access track, the locations of signage and details of speed limits and driver instructions. The scheme shall be implemented in accordance with the approved details and maintained throughout all haulage periods.

Reason: To ensure that HGVs are able to safely use the access track without endangering each other or other users, in accordance with Policy W3.15 of the Nottinghamshire and Nottingham Waste Local Plan.

16. Signage and instructions to delivery drivers shall be provided, so to direct associated HGV traffic solely via the A611 and Annesley Cutting. Under no circumstances should the user-worked level crossing at the terminus of Annesley Cutting be used by any vehicles associated with the permitted development.

Reason: To protect the residential amenity of Newstead village, in the interest of road safety and to protect the operational railway, in accordance with Policy W3.15 of the Nottinghamshire and Nottingham Waste Local Plan.

Control of mud

17. Measures shall be employed to ensure that mud and detritus from the site and from any associated vehicle movements is controlled and prevented from being deposited on the public highway. These shall include taking all or any of the following steps as appropriate:

- a. Daily environmental site inspections to monitor conditions in and around the site and access track.
- b. The use of a wheel wash facility and/or pressure washer to clean HGVs leaving the site and entering the highway including any associated drainage arrangements.
- c. Any additional steps or measures as requested by the WPA, should these measures prove inadequate.

In the event that these measures prove inadequate, then upon the written request of the WPA, a temporary cessation of material importation and/or material movements and site re-profiling (as prescribed) shall be made in order to prevent the deposit of materials upon the public highway.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (mud, debris etc), in accordance with Policy

Control of dust

18. Measures shall be employed to ensure that dust emissions from the site and associated vehicle movements is controlled and fugitive dust is prevented from leaving the site. These shall include taking all or any of the following steps as appropriate:

- a. Daily environmental site inspections to monitor conditions in and around the site and access track.
- b. The use of water bowsters and/or spray systems to dampen the haul route, stockpiles, and working areas.
- c. Any additional steps or measures as requested by the WPA, should these measures prove inadequate.

In the event that these measures prove inadequate, then upon the written request of the WPA, a temporary cessation of material importation and/or material movements and site re-profiling (as prescribed) shall be made in order to prevent the release of fugitive dust

Reason: To minimise potential dust disturbance upon residential amenity in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

Noise

19. All plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the applicant) used on the site shall incorporate white noise reversing warning devices and be fitted with noise abatement measures and silencers maintained in accordance with the manufacturers' recommendations and specifications.

Reason: To minimise potential noise disturbance at the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Ecology

20. All reclamation works involving use of plant and machinery and all importation of materials shall cease by 1st March and shall not recommence until 1st September, unless the prior written approval of the WPA has been secured, and unless it can be demonstrated that Schedule 1 birds and amphibians would not be adversely impacted.

Reason: To control the timing of the works around breeding Schedule 1 birds using the site, to minimise impacts on ecology and biodiversity in accordance with Policy W3.22 and W3.23.

21. Prior to the commencement of works, a phasing schedule shall be submitted to the WPA for its approval in writing. The phasing shall aim to avoid ecologically sensitive periods. Restoration works shall thereafter be undertaken in accordance with the approved phasing plan.

Reason: To minimise impacts on ecology and biodiversity in accordance with Policy W3.22 and W3.23.

22. Prior to the remodelling works to Lake 2 commencing, final detailed plans of the contours of the proposed lake bed shall be submitted to the WPA for its consideration and written approval. The design should provide for a mix of differing water depths to create a variety of micro-conditions and habitats.

Reason: To provide optimum aquatic conditions to support a fishery and other wildlife, in line with fishery advice and in accordance with Policy W3.21 of the Nottinghamshire and Nottingham Waste Local Plan.

23. Unless with the prior approval of the WPA there shall be no planting made within Lake 2 and marginal vegetation shall be allowed to naturally re-colonise.

Reason: To preserve the ecological conditions on this SINC site, in accordance with Policy W3.21 of the Nottinghamshire and Nottingham Waste Local Plan.

24. Prior to the commencement of works at Lake 2, a method statement shall be submitted to the WPA for its consideration and written approval. The statement shall detail how areas of fringing vegetation shall be retained and protected during the works.

Reason: In the interests of biodiversity and to provide satisfactory protection to a SINC qualifying population of common toads in accordance with Policies W3.21 and W3.22 of the Nottinghamshire and Nottingham Waste Local Plan.

25. As part of the works to Lake 2, the north-eastern strip of water shall be left watered and shall not be drained down. Re-modelling works in this area shall be limited to the island and land bridges.

Reason: To provide available habitat for a large amphibian population, whilst works to the remaining lake area is completed in accordance with Policy W3.22 of the Nottinghamshire and Nottingham Waste Local Plan.

26. Prior to the commencement of works at Lake 2, plans detailing the provision of new compensatory frog pool(s)/pond(s) in the vicinity of the lake shall be submitted to the WPA for its consideration. The agreed plans shall be implemented as part of the overall programme of landscaping at the site.

Reason: To provide compensatory habitat for other amphibians which would not be compatible within a fishery, in accordance with Policy W3.22 of the Nottinghamshire and Nottingham Waste Local Plan.

27. Prior to the commencement of works a method statement to protect reptiles and amphibians shall be submitted to the WPA for its written approval. The statement should identify mitigation measures which may include, but is not limited to; vegetation manipulation to displace reptiles/amphibians from the working areas; the provision of any temporary fencing to limit the working areas; and the creation of hibernaculae. Operatives undertaking works should be made

aware of the potential presence of reptiles/amphibians on site and the recommendations of the method statement shall be implemented throughout the programme of works.

Reason: In the interests of biodiversity and to provide satisfactory protection to species protected by the Wildlife and Countryside Act 1981 (as amended).

28. Immediately prior to works commencing in any given working area, a survey for the presence of other protected species shall be made to ensure they have not become established. The survey findings shall be presented to the WPA and agreed in writing prior to the commencement of works. In the event that other protected species are found to use the site, additional mitigation measures shall be drawn up in consultation with the WPA

Reason: In order to ensure the protection of wildlife and in the interests of nature conservation by safeguarding mammals in accordance with Policy W3.22 of the Nottinghamshire and Nottingham Waste Local Plan.

29. Following the completion of works at Lake 2, an annual survey of the amphibian populations shall be undertaken and its results submitted in writing to the WPA for the subsequent three years.

Reason: To monitor the impacts of the development on the reproductive success of the amphibian populations and identify any corrective works in accordance with Policy W3.22 of the Nottinghamshire and Nottingham Waste Local Plan.

Landscaping

30. Prior to the completion of soil spreading works a plan and statement of areas to be seeded and any other planting shall be submitted to the WPA for its approval in writing. Seed mixes and/or planting should be of native genetic origin and suitable for the local area, with the chosen mixes agreed with the WPA.

The scheme shall incorporate arrangements and methodology for a maintenance schedule of 5 years aftercare for consideration and approval.

Reason: To provide for a satisfactory restoration scheme in the context of a SINC and to accord with Policy W4.9 of the Nottinghamshire and Nottingham Waste Local Plan.

31. As part of the submitted after-care scheme, a programme of works and established maintenance regimes should be identified for each year of the 5-year period and may include, but is not limited to, details of cultivations; weed control; vegetation management and remedial works to ensure suitable habitat conditions re-establish.

Reason: To provide for a satisfactory restoration scheme in the context of a SINC and to accord with Policy W4.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Alternative Restoration

32. Should, for any reason, lake infill or landscaping works at the application site cease for a period in excess of 12 months, then, within three months of the receipt of a written request from the WPA, a revised scheme for the restoration of the site shall be submitted in writing to the WPA for its approval in writing. Such a scheme shall include details of the final form of Lake 2, the provision and extent of soiling and seeding/planting in a similar manner to that submitted with the application and subsequently approved pursuant to conditions attached to this permission. The revised restoration scheme shall be implemented within 12 months of its approval by the WPA.

Reason: To secure the site is satisfactory restored within an acceptable timescale and to accord with Policy W4.7 of the Nottinghamshire and Nottingham Waste Local Plan.

Other measures

33. Suitable protective fencing and signage shall be deployed around active or incomplete areas of works so to protect members of the public utilising the rest of the park.

Reason: In the interests of public safety whilst works are undertaken.

34. Details of any fishing pegs, or platforms or other ancillary works shall be provided as a scheme to the WPA for its written approval. Works should be completed in accordance with the agreed scheme.

Reason: To control any ancillary development.

35. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, of the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

Informatives to applicant

1. The works will require an Environmental Permit under the Environmental Permitting Regulations 2010. The applicant is advised to contact the Environment Agency (Evelyn Burrell on 0115 8463725) for further information. A regulatory guide (EPR:13- Defining Waste Recovery: Permanent Deposit of Waste on Land) is included for your attention. Additional 'Environmental Permitting Guidance' can be accessed via the Environment Agency website.

The supporting information refers to a CL:AIRE and you should be aware that in order to comply with the CL:AIRE Code of Practice, a declaration needs to be signed by a Qualified Person and submitted to the Environment Agency at:

Permitting Support Centre
Quadrant 2
99 Parkway Avenue
Parkway Business Park
Sheffield
S9 4WF

Or emailed to psc@environment-agency.gov.uk

A template of a Code of Practice declaration can be found in Appendix 5 of the CL:AIRE The Definition of Waste: Industry Code of Practice. Appendix 6 explains what is meant by a Qualified Person.

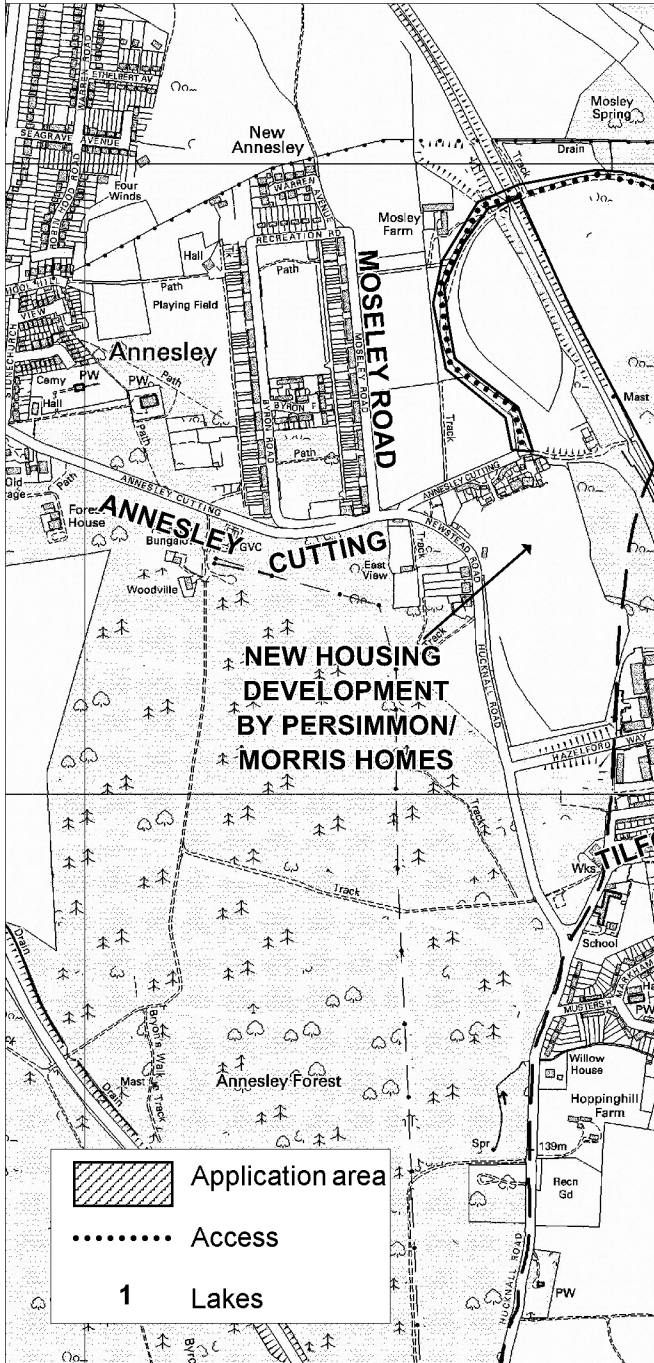
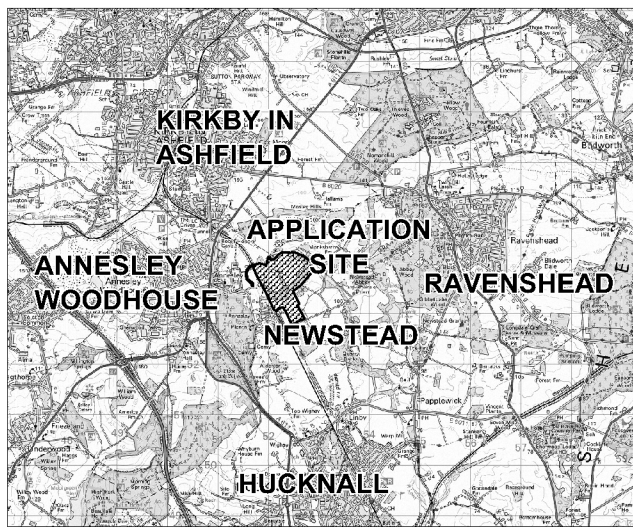
Any waste materials used on site which do not comply with the requirements of the above, would be subject to Environmental Permitting Regulations and other relevant legislative controls on waste. For further information please contact the Leics & South Notts EPR Waste Management Team on 03708 506506.

2. The Environment Agency advise that the choice of fish species and stocking density should be carefully considered and ideally the lake should be lightly stocked over a number of years as the fishery is allowed to mature.
3. There still remains the requirement to construct a permanent weir and discharge flume for Lagoon 5 to prevent the overtopping of the lagoon. This should remain a priority and the WPA are able to advise on its design.
4. The site would benefit from an overall master plan (or a revised master plan in the context of the application) to guide in a more comprehensive, planned approach, how the site will be developed in the medium to longer term. This could geographically illustrate the overall design aims and objectives of the Country Park and could be coupled with a design philosophy relating to the function and use of the various spaces, linked to the aims of the Environmental Management Plan.
5. You are advised to consult Network Rail Asset Protection (AssetProtectionLNE@networkrail.co.uk) prior to haulage operations commencing in order to clarify whether a temporary licence is required and/or if bridge protection measures are necessary.

You are advised to provide the (when completed) Drainage Assessment to Network Rail for their consideration. The plans should ensure that there would be no increase to average or peak flows of surface water run-off leading towards Network Rail Assets.

All roads, paths or way of providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

6. A plan of Western Power Distribution's local network is attached.



12 November 2013**Agenda Item:****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****BASSETLAW DISTRICT REF. NO.: 1/13/00475/CDM**

PROPOSAL: VARIATION OF CONDITION 16 OF PLANNING PERMISSION 1/66/02/00015 TO ALLOW MORE TIME FOR THE RESTORATION OF THE SAND QUARRY BY IMPORTATION OF RECOVERED INERT MATERIAL TO PROVIDE ENGINEERED FILL AGAINST THE QUARRY FACES AND ON THE QUARRY FLOOR TO PROVIDE RESTORATION TO OPEN SPACE AND BIO DIVERSE HABITAT OF ACID GRASSLAND AND LOWLAND HEATH.

LOCATION: STYRRUP QUARRY, MAIN STREET, STYRRUP

APPLICANT: J.WHITE (TDE) LIMITED

Purpose of Report

1. To consider a planning application for an extension of time to restore part of the existing quarry void by means of inert landfill. The key issues relate to planning policy and the need for inert disposal, traffic, ecology and other restoration benefits. The recommendation is to grant permission subject to conditions and a legal agreement.

The Site and Surroundings

2. Styrrup Quarry is located towards the northern boundary of Nottinghamshire, approximately 10km north of Worksop, 13km north-west of Retford and 13km south of Doncaster. The nearest residential areas are Styrrup immediately to the north-west, Harworth and Bircotes 1.4km to the north-east and Oldcotes 2km to the south-west of the site.
3. The site is located within a generally rural setting with a relatively flat topography, other than a partially completed spoil tip to the east of the site. The surrounding area is dominated by agricultural fields.
4. The site is bordered to the south and east by agricultural land. Immediately to the north of the site are a field and part of the quarry which falls outside of the boundary of this planning application. Beyond this is the village of Styrrup. The quarry area to the north of the application site historically formed the access.

Immediately to the west is the B6463, beyond which are further agricultural fields.

5. The application site is rectangular in shape with an area of approximately 4.5 hectares. The site comprises a sandstone quarry which has intermittently been worked for building sand, and has been worked out to various levels across its area. The site has lain dormant for some time and areas have regenerated. The quarry floor is predominantly made up of bare sand and sparse/short ephemeral/short perennials. There are tall herbs and trees/scrub that form the edges of the site. The base of the quarry floor is 15.90m Above Ordnance Datum (AOD) at its lowest, with the surrounding ridges at 27.63m AOD on the western side and 29.54m on the eastern side. The old quarry to the north is separated from the application site by an earth bund which reaches 20m AOD and slopes down to the old quarry base at 16m AOD.
6. Vehicular access to the site is taken from the south-west corner, off the B6463. The B6463 connects to the A634 to the south and enters Harworth to the north.
7. The nearest residential receptors are in the village of Styrrup to the north, with the closest approximately 165m from the boundary of the site.
8. The application site is not within any area of designation as shown on the Bassetlaw Core Strategy Proposals Map. However, the whole of the quarry is a Site of Importance for Nature Conservation (SINC), designated as a sand quarry of botanical interest. This designation extends to the north also including the old quarry. Also to the north, within the old quarry area, is the Styrrup Quarry Site of Special Scientific Interest (SSSI). This is an extensive exposure of the Nottingham Castle Formation (Sherwood Sandstone Group, Triassic). Immediately to the west of the site, alongside the B6463, is Styrrup Roadside Exposure GeoSINC, which is a good exposure of the Nottingham Castle Formation (Bunter Pebble Beds) showing good sedimentary features.
9. There are a number of Grade II Listed buildings within the village of Styrrup, the nearest is approximately 290m to the north-east of the site, separated by agricultural fields and screened by other properties.

Proposed Development

Background

10. The site has a long history of extraction under old permissions, which were brought up to date and consolidated by means of a determination issued by the County Council in August 1999 under the Review of Old Mineral Workings Provisions (ROMP) of the Environment Act 1995. The updated permission specifies a low level restoration scheme, with the bulk of the base of the quarry returned to agricultural use. The sides of the quarry would be battered and left of regenerate naturally.
11. In July 1991 a planning application was submitted to infill the quarry with inert waste and put in a new access at the same location as that now approved and implemented. This application was refused on appeal on the grounds of potential harm to environmental interests, and lack of need for a waste disposal

site, though the Inspector commented that the proposed new access would be an improvement over the then existing access arrangements. Planning permission was subsequently granted for a new access into the site in October 1997 (the access currently in use), subject to a number of conditions regarding the stopping up of the old access and visibility splays at the new access.

12. Planning permission (Ref: 1/66/02/00015) was granted in July 2007 for the restoration of the quarry by means of infilling with 130,000m³ inert waste. Condition 16 limits the life of the permission requiring all plant and equipment to be removed from the site not later than 4 years from the date of commencement, with restoration works completed no later than 5 years from the date of commencement. The date of commencement was 22 July 2009, and as such, the extant permission requires restoration by July 2014. A Section 106 Agreement was attached to this permission which prevented any further export of sand and sandstone from the site, set in place a number of requirements to manage potential HGV impact and extended the statutory aftercare period from 5 to 15 years.
13. It is of note that the application for restoration went to the Planning and Licensing Committee in 2004, however, permission was not issued until 2007 due to delays in the submission of the Section 106 Agreement. In the three years that it took to arrange the Section 106 Agreement an additional 30,000 tonnes of minerals were extracted. Amended restorations levels were subsequently agreed by letter, and this application is based on the subsequently agreed levels.
14. Whilst Permission Ref: 1/66/02/00015 is recorded as being implemented in July 2009 it appears that no inert waste has been imported into the site. The applicant states that the site has lain dormant due to a combination of the recession and excessive rain in 2012. The application also states that the company have two other tipping facilities and restoration of these has taken priority.

Proposed Development

15. The application is seeking to vary Condition 16 of the extant planning permission to extend the time for the completion of restoration until June 2018.
16. The commencement of operations on site to restore the quarry would involve the removal of the remnant sand in the faces for stockpiling. Inert waste would be placed against the face, then built up in layers on the side of the face to form a slope which would tie in to the crest of the quarry.
17. Once the eastern slope has been completed work would begin on the western slope, by clearing away the remnant sand to the face and then filling the area in to create a slope also to the crest. The applicant notes that there are Sand Martin nests and potentially sand bees on the western exposure. These areas would be marked out and left protected so that waste is not tipped against the face.
18. Once the slopes against the face have been built sand would be placed on the slopes from the surface level half way down the slope and seeded to begin the

restoration aftercare. Temporary fencing would be placed along the slope where the sandy soil has been placed to prevent any ingress into the slope area once it has been covered with sandy soil and topsoil to create the acid grassland.

19. Work would continue on the floor of the quarry to fill the base in to a level of 23m AOD and feather the land into the south side boundary and create a fall across the land to the north-west corner. This would enable surface water to run-off to an ephemeral pond at the northern end of the site.
20. The development involves the importation of a total of 130,000m³ of inert waste, at a rate of approximately 40,000m³ per annum (estimated by the applicant to be 68,000 tonnes per annum). The applicant states sufficient material will have been imported to the site for restoration by June 2017 based upon material currently available to the applicant.
21. Once restored the floor of the site would be raised to circa 23m AOD, from the 16m AOD at present. Restoration would comprise predominantly of acid grassland. There would be sandy soils allowed to colonise itself to the north of the site. Along the southern and eastern boundary there would be woodland planting. In the south-east corner there would be a small pond with areas of emergent vegetation.
22. There is an existing bund that separates the application site and the old quarry to the north. The toe of this bund is outside of the planning permission boundary for the inert waste recovery operation. As such, the proposal includes pulling the bund back into the application area and the existing fence separating the site being relocated along the application boundary.
23. The applicant states that on average there would be 14 loads per day, although as contracts operate on a campaign basis, there will be periods where HGVs visiting the site would reach 30 per day. Condition 19 of the extant permission controls vehicle movements to 30 in and 30 out during any weekday, and 15 in and 15 out during Saturdays.
24. With regard to the hours of work, Condition 20 of the extant permission controls working hours to 07:00-18:00 on weekdays and 08:00 to 13:00 on Saturdays, with no operations taking place on Sundays, Public or Bank Holidays. The permission also restricts HGV movements during the week stating that there shall be no movements into or out of the site before 09:00 and after 16:00. There is no proposal to amend this condition.

'Discharge' of Conditions

25. In addition to the extension of life being sought, the applicant is using the opportunity of this application to submit information that was required in a number of conditions attached to the extant planning permission. The applicant's supporting statement refers to 'discharging' Conditions 5 (marking out the site), 6 (building details), 7 (plant/machinery details), 8 (SSSI and SINC protection measures), 12 (restoration scheme), 13 (surface water) and 14 (surface and foul water).

Consultations

26. **Bassetlaw District Council** – *No objection.*
27. **Styrrup with Oldcotes Parish Council** – *The Parish Council wishes to record its continued objection to the application.*
28. *The Council remain concerned about the ability of the Company to manage its obligations in respect of the site, the gates to which are a regular and frequent site for fly tipping which remains for weeks. Other sites managed by the company known to the Council are poorly managed causing dust and environment concerns (see Renishaw reclamation site in Derbyshire). The Renishaw site was visited on 13th June 2013 and the Parish Council comment that it remains an eyesore, unmanaged and overgrown with weeds.*
29. *The Council still feel the extension should only be permitted in exchange for a Section 106 agreement that ceases further sand and mineral extraction at the site. The proposal to harvest remaining sand for use as overfill is a 'red herring' to extract further sand for many years.*
30. *Immediate steps should be taken to safeguard the environment of nesting sand martins and the seeding of rare orchids. Restricting activity to September to March whilst not affecting bird nesting, in no way protects the SSSI or the nesting site per se. Advice should be taken from an external agency such as the RSPB.*
31. **NCC (Planning Policy)** – *Due to the additional 30,000m³ of sand extracted between 2002 and 2007 the final restoration profile is now likely to be lower than originally planned. However, this was considered more favourable than increasing the amount of inert fill to be brought in. Thus the extant permission was granted on the basis that 130,000m³ of fill over a period of 4 years would constitute as small scale reclamation under Minerals Policy M4.6 (Reclamation with Inert Fill- Small Schemes), although the figure was considered to be the upper limit of falling under this policy. This was despite non-conformity with the Waste Local Plan Policy W10.1, on issues of disposal capacity need and the availability of more suitable alternative sites.*
32. *Whilst the principle of reclamation has been previously set this was in the policy context of 2004, and although the aforementioned Local Plans remain extant, they must also be seen in the context of emerging policy and overarching national policy as material considerations. Planning Policy Statement 10 (PPS10) remains in place and is a material consideration. The statement sets out that planning authorities should help deliver sustainable development by driving waste up the waste hierarchy. The National Planning Policy Framework at paragraph 144 states that planning authorities should provide for restoration and aftercare of mineral sites at the earliest opportunity, to be carried out to high environmental standards.*
33. *The Nottinghamshire and Nottingham Waste Core Strategy is currently at examination stage and therefore significant weight can be given to it as a material consideration in accordance with paragraph 216 of the NPPF. Table 6 of the Core Strategy sets out that an additional 3,200,000m³ of inert disposal*

capacity is estimated to be needed over the plan period to meet the targets set out in Policy WCS2. There is therefore an identified headline need for new inert disposal capacity, however, Policy WCS4 (Disposal sites for non-hazardous and inert waste) gives location based priority to the main shortfall areas around Nottingham and Mansfield/Ashfield. Proposals outside these areas should demonstrate that there are no reasonable, closer, alternatives.

34. *The applicant in the supporting information does not at present address issues of locational need and there is no discussion regarding alternative possibilities. The applicant mainly handles waste from its own contracts, either directly from source or via their processing yard in Rotherham. Material could therefore come from a wide area crossing North Nottinghamshire and South Yorkshire. For such non-local waste, Policy WCS11 – Managing non-local waste (as amended) would apply.*
35. *The applicant again should justify why locations closer to the source are not available or suitable. Reference is made to two existing sites the firm currently use, but no further details regarding the status of these are given. If the imported material is from within the County then Policy WCS4 applies and in particular the preference for locations within the main shortfall areas. Similarly for non-local waste Policy WCS11 refers to options for managing the waste more sustainably in relation to its source.*
36. *At site specific/characteristic level, Policy WCS4 allows for the restoration and reclamation of mineral workings as second preference, but also subject to realising associated environmental benefits. Such benefits could include the satisfactory restoration with ecological enhancements and the protection of existing features such as the Geological SSSI and notable on site species. Policy WCS6 also allows for disposal in old quarries, land in need of restoration etc, subject to there being no unacceptable environmental impacts. As with all policies in the Core Strategy no one should be read in isolation.*
37. *Environmental protection policies in Chapter 3 of the Waste Local Plan will continue to be saved beyond adoption of the Core Strategy. Policy W3.22 and W3.23 seek to protect species/sites of interest for nature conservation or geological interest. Core Strategy Policy WCS12 covers all environmental and amenity issues.*
38. *The Bassetlaw Core Strategy is also relevant and in particular Policy DM3 (General Development in the Countryside – Part B. Re-use of Previously Developed Land in Rural Areas). The re-use and restoration of such land is supported except where the site has naturally regenerated to the extent that it is of biodiversity value.*
39. **Environment Agency** – *Having reviewed the information included on the plans and documents, and the subsequent letter dated 27th July 2013, the Environment Agency is satisfied that the surface water drainage strategy is effectively managed on site without causing increased flood risk off site. The Environment Agency has no objection to the removal of Condition 13 of the extant planning permission relating to surface water management.*

40. *In relation to Condition 14, surface water is more appropriately considered in Condition 13.*
41. *The Environment Agency is satisfied that Condition 12 can be discharged.*
42. **NCC (Reclamation)** – *The contamination issues and groundwater issues will remain under the permitting process and the extension of time request is both understandable and reasonable and as such no objections are raised.*
43. **NCC (Landscape)** – *Supports the application to extend the period of time to complete the restoration.*
44. **Natural England** – *No objection. Given the nature and size and scale of the proposal Natural England is satisfied that there is not likely to be a significant adverse effect on the SSSI as a result of the proposal being carried out in strict accordance with the details of the application as submitted.*
45. *There is concern that the proposed restoration strategy involves the use of top soil which will then be seeded with acid grassland. There is no indication of where the soil will be sourced from or if there would be any soil analysis of it. It is recommended that the top soil is buried and site won subsoil is seeded to maximise germination potential. Access to the SSSI rock face should also remain possible. Provided these measures are subject to condition, Natural England has no objection.*
46. **NCC (Nature Conservation)** – *The application is supported by updated ecology reports dated November 2011 and May 2013. Both reports confirm that conditions at the site remain much as they were in 2009, although it is clear that natural regeneration is taking place with species indicative of acid grassland beginning to colonise much of the quarry. With the implementation of mitigation measures as outlined in Section 6 of the ecology report, NCC Ecology are happy that the proposals will not give rise to any significant ecological impact. The application can be supported provided that conditions cover the following matters:*
- *Demarcation protection of sand martin banks;*
 - *Control of disturbance to little ringed plovers;*
 - *Vegetation clearance prevented during the bird nesting season;*
 - *A Japanese knotweed management plan;*
 - *Production of a method statement to avoid killing/injury of reptiles;*
 - *An update to the restoration plan (including microtopography, pond landforming, natural regeneration, species mixes and heather brash).*
47. **Nottinghamshire Wildlife Trust** – *It is recommended that a check for protected species is undertaken prior to work re-commencing, this could be secured by condition.*

48. *There is concern about the lack of reptile survey, however, a method statement could be submitted to address this, in the absence of survey data.*
49. *There is concern about the a lack of breeding bird survey and it is important that up to date information on breeding birds is available so that the needs of the identified species can be accommodated in the working and restoration scheme. It is suggested that the applicant be conditioned to undertake a breeding bird survey in the spring and that suitable amendments to the operational scheme and restoration design details can be agreed subsequent to that, to ensure proper mitigation is undertaken. No clearance or infilling work should be undertaken on site prior to this.*
50. *The issue of sand martin cliffs has been addressed, in terms of the number proposed. The details of the lengths of the cliffs etc can be agreed by condition.*
51. *The current use of the site by motorbikes and mountain bikes is of concern and the long term securing of the site from such activities could be an ecological advantage. The means to do this should be shown on the restoration plan, and secured by condition.*
52. *The provision of more ponds is supported, however, the number of ponds is unclear and whether they would be suitable for amphibians. A cluster of 4-5 smaller ponds would be preferable over one or two larger ponds. It is suggested that the provision of these details is conditioned. specific details can be discussed on site along with requirements for micro-topography, so that provision is made for ephemeral wet areas, scrapes etc.*
53. *Details of the acid grassland mix should be provided.*
54. **NCC (Highways) Bassetlaw** – *The condition was made to secure the proper restoration of the site within an acceptable timetable and in accordance with Policy W4.1 of the Waste Local Plan, which is not highway related. There are no objections to this proposal.*
55. **NCC (Noise Engineer)** – *No objection.*
56. **Western Power Distribution** – *Does not lie within the Western Power Distribution Area.*
57. *No response has been received from **National Grid (Gas), Severn Trent Water Limited, Anglian Water Services Limited, NCC (Countryside Access), NCC (Archaeology)** and **NCC (Built Heritage)**. Any response received will be orally reported.*
58. *Through the course of the planning application further technical information/clarification has been sought in relation to ecology and proposed importation tonnages. The relevant technical bodies and statutory consultees have been consulted on the additional information, and it has been published on the internet. The relevant consultees have responded where necessary and their comments are contained within this section.*

Publicity

59. The application has been publicised by means of site notice, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement. One letter raising a number of concerns has been received.
60. The letter raises concern as to what is actually classified as 'inert waste' and who will check that only this is used in the restoration of the quarry. The letter raises questions about the guarantees and safeguards in place to ensure the restoration and highlights concern about increased heavy traffic and noise in the village of Styrrup.
61. Councillor Sheila Place has been notified of the application.
62. The issues raised are considered in the Observations Section of this report.

Observations

Introduction

63. Planning permission is being sought to vary Condition 16 of the extant planning permission (Ref: 1/66/02/00015) in order to allow an extension to the time for tipping of inert waste and delay the deadline for the completion of restoration until June 2018 at Styrrup Quarry.
64. In addition to the extension of life, the applicant has submitted details to address information sought under conditions attached to the extant planning permission, specifically in relation to details of plant and machinery to be used, the restoration scheme, surface water run-off, and foul water management.

Planning Policy Assessment

65. This planning application is seeking to extend the life of an existing planning permission and in this regard, the principle of reclamation through inert waste disposal has been previously explored. However, this was in the context of the policy situation in 2004. It is therefore considered important to revisit the policy situation and assess the acceptability of the proposed development.

National Policy

66. Chapter 13 of the National Planning Policy Framework (NPPF) relates to facilitating the sustainable use of minerals. Whilst the proposed development does not relate to mineral extraction, Paragraph 144 states that when determining planning applications local planning authorities should provide for restoration and aftercare at the earliest possible opportunity, to be carried out to high environmental standards, through the application of appropriate conditions, where necessary.
67. The NPPF seeks restoration at the earliest possible opportunity. The applicant is applying for the importation of waste until June 2018. Whilst this duration is not considered long term, neither is it a short term operation. It is also important

to note that planning permission was granted for this operation in 2007 and no waste has been brought to the site during that time, which has been attributed to a combination of the economic downturn and the company prioritising other facilities over this site. Notwithstanding this, the principle of acid grassland restoration is viewed as being of high environmental value and is supported in principle by Natural England, NCC Ecology and Nottinghamshire Wildlife Trust (NWT).

68. Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) sets out the Government's overall objective on waste to protect human health and the environment by producing less waste and using it as a resource wherever possible. The plan encourages the movement of waste up the 'waste hierarchy' of prevention, preparing for re-use, recycling, other recovery and disposal as a last resort. One of the key planning objectives of PPS10 is to enable waste to be disposed of in one of the nearest appropriate installations. It also provides guidance in relation to unallocated sites, highlighting that applications for sites not identified, or not located in an area identified, in a development plan document as suitable for new or enhanced waste management facilities should be considered favourable when consistent with the policies set out in PPS10 and the Waste Planning Authority's Core Strategy.
69. The proposed development is inert waste disposal and is, therefore, at the bottom of the waste hierarchy as a last resort. However, the applicant has highlighted that before waste is brought to the site it would have been re-processed at a site in Rotherham to remove the element of it which can be reused. Given that pre-disposal processing would have occurred, the remaining waste can be viewed in line with the waste hierarchy as 'last resort' disposal.
70. The applicant has indicated that they have used other inert waste landfill sites in South Sheffield, East Doncaster and North Nottinghamshire in the past. The planning statement also notes that that J D White (TDE) Limited has prioritised two other inert landfill sites that they own over the restoration of this one. An important factor is to ensure the most sustainable outcome for the waste rather than what is convenient for the company, in terms of sites that they actually own.
71. The company have failed to identify exact locations of waste arising and the nearest inert disposal sites. The company work on a contract basis taking waste from a range of sites, so it is difficult to identify a single nearest appropriate installation for waste disposal. However, the applicant states that Styrrup Quarry is within a 32km radius of the main operational areas of the company and commercially inert waste does not travel more than 16-32km due to the cost of haulage. It is also noted that the applicant has indicated that waste will be pre-processed at a site in Rotherham, which is approximately 14km to the west of the Styrrup. It is considered that, on balance, Styrrup Quarry is one of the nearest appropriate installations in line with PPS10.

Local Policy

72. The Nottinghamshire and Nottingham Waste Local Plan (WLP), adopted January 2002, is the starting point for the assessment and determination of waste management planning applications. Policy W10.1 relates to waste

disposal and states that proposals for the reclamation of mineral voids and/or incomplete colliery spoil heaps through waste disposal will be permitted provided they:

- a) achieve environmental benefits;
- b) meet a recognised need for additional disposal capacity; and
- c) do not have an unacceptable environmental impact.

73. With regard to achieving environmental benefits, the site would be restored to acid grassland, which is supported in principle by the relevant ecological consultees. Table 6 of the emerging Nottinghamshire and Nottingham Waste Core Strategy (WCS) highlights that over the plan period (until 2031) there will be a need for an additional 3.2 million cubic metres of inert waste disposal capacity. Styrrup Quarry Landfill was not included in the figure of existing inert capacity for Nottinghamshire so additional landfill capacity would assist in meeting this capacity need. However, whilst the headline figure provides a degree of support for the site, it is anticipated that a significant proportion of the waste would come from outside the County and, therefore, the benefit in meeting Nottinghamshire's inert waste capacity need is limited.
74. Bassetlaw Core Strategy Policy DM3 relates to general development in the countryside. Part B applies to the re-use of previously developed land outside development boundaries and states that development on such sites will be supported, other than where the site has naturally regenerated to the extent that it is of biodiversity value, where the development would result in the restoration or natural regeneration of the site either in line with the Council's Green Infrastructure aims or to become a functional part of the open countryside. It is recognised that through lack of operational use the site is starting to regenerate and it is also designated as a SINC. However, the proposal would result in an approved restoration scheme with the benefit of 15 years aftercare to assist in the establishment of the habitat, ensuring the site becomes a functional part of the open countryside.

Material Considerations

The emerging WCS does not yet form part of the development plan, although it is a material consideration which should be taken into account in determination. Indeed, the WCS has passed through the Examination stage and NCC has received a letter from the Inspector indicating that the Strategy is 'sound'. Given the stage to adoption that the WCS is at, it should be afforded substantial weight in line with Paragraph 216 of the NPPF.

75. Policy WCS2 of the WCS relates to future waste management provision and states that new or extended disposal capacity will only be permitted where it can be shown that it is necessary to manage residual waste that cannot be economically recycled or recovered. Technically, as the site already has planning permission it would not be providing any new or extended disposal capacity, however, given that no material has been imported into Styrrup Quarry and the permission would expire next year it is reasonable to assess the development against the policy. In terms of managing waste that cannot be

economically recycled or recovered, it is noted above that the waste arriving at the site would have undergone pre-processing to remove the recyclable elements.

76. Policy WCS4 of the WCS applies to disposal sites for non-hazardous inert waste and states that where it is demonstrated that additional waste capacity is necessary, priority will be given to the main shortfall areas around Nottingham and Mansfield/Ashfield. The policy states that development outside these areas will be supported where it can be shown there is no reasonable, closer alternative with preference given to the development of sites in the following order:
- a) the extension of existing sites;
 - b) the restoration and/or re-working of old colliery tips and the reclamation of mineral workings, other voids and derelict land where this would have associated environmental benefits;
 - c) disposal on Greenfield sites will be considered only where there are no other more sustainable alternatives.
77. Styrrup Quarry is not within the main shortfall areas identified in Policy WCS4. As discussed above, given that the waste would come from different locations based on where the company has contracts it is difficult to say whether there are no reasonable, closer alternatives. However, as discussed above, it is considered that the site would be 'one of' the nearest appropriate installations. In terms of the order of preference set out in the policy the site would be considered as an extension of an existing site.
78. Policy WCS6 provides guidance on general site criteria, and supports the proposed development, guiding landfill towards areas including derelict land/other developed land, which includes old quarries.
79. Policy WCS11 applies to sites that would manage waste from outside of the County and states that waste management proposals that are likely to treat or dispose of waste from areas outside of Nottinghamshire and Nottingham will be permitted where they demonstrate that:
- a) the envisaged facility makes a significant contribution to the movement of waste up the waste hierarchy;
 - b) there are no facilities or potential sites in more sustainable locations in relation to the anticipated source of the identified waste stream; or
 - c) there are wider social, economic or environmental sustainable benefits that clearly support the proposal.
80. When assessing the proposal against Policy WCS11 the development would not make a contribution to moving waste up the waste hierarchy. The applicant has not demonstrated whether or not there are facilities or potential sites, in more, suitable locations, although it is recognised that this is somewhat difficult with the multiple and changing sources of waste. However, there are environmental benefits to support the proposal in the acid grassland restoration

scheme. In addition, the proposal may also create an operational site which would reduce the quarry's use for anti-social activity (e.g. use by motor cross bikes and fly tipping), as would the final restoration.

Ecological Impact

81. The planning application site is a SINC, designated due to being a sand quarry with botanical interest. This designation extends to the north and includes the old quarry which lies outside of the planning application area. To the north of the site is the Styrrup Quarry SSSI which is designated for geological reasons and is an extensive exposure of the Nottingham Castle Formation (Sherwood Sandstone Group, Triassic).
82. The proposed development will not affect the existing exposure of Sherwood Sandstone, which sits outside of the planning application boundary. The site itself is a SINC, however, the restoration benefits of the site are considered to provide a habitat of more value than is there at present, with an extended management period of 15 year. As such, the principle of the restoration is supported by Natural England, NCC Ecology and NWT. Taking into account the compensatory measures to replace the loss of the existing SINC habitat (i.e. the restoration scheme and long term management), the importance of the development outweighs the local value of the site, in accordance with Policy W3.23 (Nature Conservation and Geological Sites) of the Waste Local Plan (WLP).
83. The planning application highlights that there has been a history of sand martins nesting at the site, and it can be confirmed these were observed during the site visit. In order to cater for the sand martins two existing exposed cliff faces would be retained as part of the restoration. The location of the two retained cliff faces is shown on the terrain design of the restored quarry and associated landscaping. NCC Ecology and NWT are both satisfied with the measures to retain sand martin habitat as part of the restoration, but request that conditions are used to control the length of the exposed face and to fence it off during works to ensure that it is protected.
84. NCC Ecology and NWT have highlighted the potential for Little Ringed Plovers (LRP), which are a Schedule 1 protected bird, to breed at the site. Whilst this does not preclude development at the site, the ecological bodies have requested that conditions are placed on any planning permissions to control disturbance to this species. This would require the submission of a method statement dealing with activities commencing during the period March-May to include the targeted surveys for LRP during this period.
85. The applicant states that the sand areas would not be stripped outside of the bird breeding season, and all stripping for the areas to be filled in the months March to August would be stripped prior to the beginning of the breeding season. The applicant intends inert material deposit to take place during the bird breeding season and, as such, NCC Ecology has requested that a condition is placed on any permission that prevents vegetation clearance during the bird breeding season.

86. Notwithstanding the commitment the applicant has made to undertake stripping outside of the bird breeding season, NWT remains concerned that there is insufficient information on the breeding bird assemblage at the site, and the single walkover undertaken is insufficient to constitute a breeding bird survey. This information is deemed important so that the needs of species can be accommodated in site working and so that the restoration scheme can respond to the needs of the relevant species. NWT therefore recommends that a breeding bird survey is undertaken in spring and amendments to that are incorporated into the restoration details, to ensure that proper mitigation is undertaken. NWT is satisfied that such work could be secured by condition, but request that no infilling work should commence until the survey is undertaken and approved.
87. The ecological assessment submitted with the application highlights that a colony of Japanese Knotweed has become established on the site. Japanese Knotweed is an invasive species and it is an offence under the Wildlife and Countryside Act to knowingly introduce the species. Soil contaminated with Japanese Knotweed is classed as a controlled waste. NCC Ecology has recommended that a condition be attached to require the submission of a strategy for eradicating Japanese Knotweed at the site.
88. A reptile survey was undertaken in 2009 which did not find any evidence of reptiles at the site. However, the report did state that grass snake 'probably do occur at the site'. Although conditions around the site remain unchanged, the survey is several years old now. NCC Ecology, therefore, recommends that a method statement to avoid the killing of reptiles and amphibians during vegetation clearance is secured by condition.
89. No signs of protected species were found during the surveys in 2009 or 2011. However, NWT have highlighted that protected species are regularly recorded foraging across sparsely vegetated mineral sites, as they may find large beetles and other good food sources, and the dry and friable nature of the material in soil bunds can be attractive to young protected species trying to establish new habitats. It is therefore recommended that a pre-commencement check for protected species is undertaken, which could be secured by condition.
90. The restoration scheme involves the majority of the site being sown to provide acid grassland. There would be woodland planting around the southern and eastern edges of the site and wetland areas. There would also be an area of sandy soils allowed to self-colonise. NCC Ecology and NWT are satisfied with the restoration to acid grassland with the introduction of some small wetland areas. Overall the general restoration concept is welcomed and supported. The commitment to a long term period of aftercare of 15 year is also welcomed, and the prevention of unauthorised use of the site by motocross vehicles is seen as a benefit. However, there are a number of aspects of the restoration scheme that would need amendment or further clarification, including:
- a) An updated restoration plan to ensure that the restored quarry base is not perfectly flat, and that some micro-topographic features are included, such as humps, hollows and berms.
 - b) Details of the woodland planting mix and acid grassland seed mix;

- c) Details regarding provenance of heather brash/plug plants are required (this should be of Nottinghamshire origin), along with confirmation that all other stock/seed will be of native genetic origin;
 - d) Ensuring that bramble is not included in the species mix for the 'edge mix', which should be amended accordingly (bramble will colonise naturally, and become a management problem);
 - e) The creation of hibernaculae for amphibians/reptiles; details of these features should be provided, along with indicative locations marked on the restoration plan;
 - f) The use of a more naturalistic margin along the northern edge of the main waterbody.
91. Policy W3.22 of the WLP seeks to protect species and habitat of county importance, stating that where the need for the development outweighs the local conservation interest of the site conditions will be imposed to secure accommodation on site or the provision of suitable alternative habitats. The conditions suggested by NCC Ecology and NWT above allow the proposed development to comply with Policy W3.22.

Landscape and Visual Impact

92. The proposed operations would not be visible from the highway or directly from the village, being screened by rock outcrops and trees. Limited distant views of the site would be visible from higher ground to the east and south, although site operations would be largely screened by field hedgerow. The infill activity would have limited visibility from outside the quarry, as would the restored site in the wider general landscape. There are conditions on the existing permission that ensure the existing screening around the site is maintained. These conditions would be repeated on any new permission granted, in line with Policy W3.4 of the WLP which promotes the use of conditions to ensure that screening and landscape proposals reduce visual impact.
93. The principle of the landscape restoration scheme and the appropriateness in the wider landscape character has been assessed and approved in relation to the original planning permission. The NCC Landscape Team has no objections to the extension of life of the permission.

Heritage

94. There are a number of Grade II Listed buildings within the village of Styrrup, the nearest is approximately 290m to the north-east of the site. The listed buildings are separated by agricultural fields and the site is screened by field boundary hedgerow and other buildings within Styrrup. It is considered that there would be no visual impact on these buildings and the development is in line with Policy W3.28 of the WLP which seeks to protect listed buildings.

Traffic and Access

95. The applicant outlines in the planning statement that on average there would be 14 loads of waste per day delivered to the site, although, waste deliveries could reach 30 loads (60 movements – in and out) per day as the company work on a campaign basis.
96. Proposed traffic movements associated with the site were assessed under the 2002 application, and conditions were attached to the permission to manage HGV movements. The conditions included:
- a) access and egress to the site only being via the existing access off the B6463 to the south of Styrrup village;
 - b) there being no right turn out of the site onto the B6463 for any HGVs, unless in the event of an emergency;
 - c) the number of HGVs entering or leaving the site being restricted to 30 in and 30 out per week day and 15 in and 15 out on Saturday mornings.
97. The development as proposed in this application falls within the vehicle movements as approved under the existing permission. Should permission be granted the existing traffic conditions would be repeated on the new permission to minimise disturbance from vehicle movements. This would be in accordance with Policy W3.14 of the WLP which seeks to ensure that vehicle movements can be satisfactorily accommodated on the highway network, and Policy W3.15 which promotes the use of conditions to direct the routing of HGVs. The Highways Authority is satisfied that vehicle movements are acceptable and have no objection to the development.
98. One letter was received from a local resident concerned with an increase in heavy traffic through the village of Styrrup. Vehicle movements associated with the development have been assessed as acceptable and the existing conditions on the permission will help to minimise vehicle movements overall and also restrict the number of HGVs from passing through the village by preventing them from turning right out of the site.

Noise

99. A noise impact assessment was submitted to accompany the original application and noise levels from the development were assessed as being acceptable, subject to a number of conditions, including:
- a) A requirement to submit plant and machinery details and no plant or machinery being used other than that specified and subsequently approved;
 - b) A condition which sets out measures to reduce noise. The condition sets out acceptable noise levels from plant/machinery and noise levels at the nearest noise sensitive receptors. It also sets out the measures to be taken in the event of a noise complaint.

100. The noise conditions on the extant planning permission would be repeated on any new planning permission in line with Policy W3.9 of the WLP which seeks to impose conditions on waste management development to minimise potential noise impact. There is no objection to the proposed extension of life application from the NCC Noise Engineer.
101. A letter raising concern about an increase in noise in the village from the proposed operations has been received. As described above, the expected noise generated from the development has been assessed as acceptable and there are measures in place to address complaints if received.

Air Quality/Dust

102. Properties within Styrrup are in the line of prevailing winds from the site, however, they are in excess of 100m from the site and separated by intervening trees and hedgerow.
103. Attached to the existing planning permission are conditions to mitigate potential dust impact and include restriction of lorry speeds, use of site watering facilities and sheeting of loaded HGVs. In exceptionally windy conditions the Authority may require temporary cessation of activities. These conditions would be repeated on any new planning permission granted in line with Policy W3.10 of the WLP which states that conditions will be imposed to suppress dust generation where planning permission is granted for waste management facilities.

Ground and Surface Water/Flood Risk

104. The planning application site is not within an area of food risk and the Environment Agency has not objected to the development. Ground water and potential contamination issues will be regulated by the Environment Agency through the permitting process.
105. The information submitted to 'discharge' Condition 13 of the existing planning permission, which relates to surface water, is sufficient and the EA conclude that the information submitted in the application and subsequent letter of clarification demonstrates that the surface water drainage will be effectively managed on site without causing increased flood risk off site. As such, the development is in accordance with WLP Policy W3.13 which seeks to prevent development from adversely affecting the integrity of the local drainage system.

After Use & Long Term Management

106. Once sufficient material has been imported and the agreed profiles have been reached the site would be restored to acid grassland with woodland planting around the eastern and southern edges of the site. The site would include some small pond areas, and there would be some gorse plant plugs and heather (ling and bell) scattered randomly. The site would be suitable for grazing by sheep, cattle and ponies to manage the acid grassland and heathland.

107. In order for the existing inert landfill planning permission to be acceptable, a Section 106 Agreement was entered into which, among other things, secured the long term management of the site for a period of 15 years, with an accompanying 'management schedule'. To ensure that any new planning permission benefits from the same long term management, and the other controls that the Section 106 Agreement conveys, a deed of variation will have to be agreed so as to apply to any new planning permission granted. Indeed, given the time that has elapsed, and the requirement for an updated restoration plan, it is advised that a revised and updated management schedule forms part of the deed of variation.

Other Issues

108. Styrrup with Oldcotes Parish Council have objected to the proposed development and highlighted a number of concerns in their representation.
109. Firstly, the Parish Council raise concern about the company's ability to run the site responsibly, alleging that other sites managed by this company are poorly managed. The planning process, however, considers the acceptability of a development and/or use at a particular site, and does not assess whether a company is a 'fit and proper' operator. Notwithstanding this, suitable conditions will be placed on any planning permission granted, to ensure that the site is managed in a suitable manner without unacceptable impact, and the County Council would be able to enforce such conditions where expedient.
110. Secondly, the Parish Council feel that the development should only be granted in exchange for a Section 106 Agreement that ceases further sand and mineral extraction. There is an existing Section 106 Agreement attached to the extant planning permission which does that, and it is recommended that this is carried over to any new permission issued through a deed of variation. It is noted that some sand excavation would occur, however, this is in order for its use as a covering material and the sand would not be taken off site.
111. Finally, the Parish Council suggest that immediate steps should be taken to safeguard the environment of nesting sand martins and the seeding of rare orchids. It is suggested that restricting activity to September to March would not protect the SSSI or the nesting site per se. With regard to orchids, none have been identified in the ecological surveys, or raised as an issue by the ecological bodies. The sand martin nesting sites would be protected through the use of conditions requiring the area to be suitably fenced during works. The SSSI is designated as a geological exposure and lies outside of the planning application site; the proposed development would have no impact on the exposure.
112. As discussed earlier the extant planning permission is based on a report which was taken to Committee recommending planning permission in 2004, however, a decision notice was not issued until 2007 when a Section 106 Agreement was finalised. To avoid lengthy delays in the restoration of this site, in line with the NPPF, it is recommended that the commencement of development begins within 1 year of the permission being issued.

113. Due to the requirement to undertake spring breeding bird surveys before development commences, work could not begin on site until summer 2014 at the earliest. Based on the applicant's waste importation figure of 40,000 cubic metres per annum, the applicant would take approximately 3.25 years to import sufficient material to meet their proposed restoration profiles, and a further year to finish the restoration. Which means restoration would be completed by approximately the end of 2018. This is beyond the June 2018 extension that the applicant has applied for. As such, it is recommended that sufficient time is allowed in the time limiting condition to suitably restore the site.

Conditions

114. The applicant has used this planning application to submit information requested in a number of conditions attached to the extant planning permission. However, Section 73 applications present authorities with an opportunity to review conditions attached to the whole of the planning permission and add, remove and amend where necessary. This is considered particularly relevant in this case given the time that has elapsed since the conditions were originally drafted, and that the development has not commenced in earnest. As such, below is a table of all existing conditions and what is recommended for alteration as a result of this planning application.

Condition No.	Condition Description	Amendment
1	Refers to the approved drawing and limits infill to 130,000 cubic metres	No change.
2	Development shall begin within 1 years of permission.	Varied to limit the time to commence development.
3	Lists the approved drawings and documents.	Varied to refer to new drawings.
4	Topographical survey to be submitted before development commences.	Removed as a topographical survey showing the existing situation has been submitted as part of the planning application.
5	Site to be marked out in accordance with details, including the base of the batter shown on drawing C6446/3a	Varied to refer to new drawing.
6	Details of location, construction, elevation and colour of site offices, WC and car park to be submitted.	Condition previously discharged in letter dated 17 December 2009. Condition will be varied to refer to details approved in the letter.
7	Details of all plant and machinery to be submitted for approval.	This condition was not discharged in relation to the previous planning permission and insufficient information has been submitted to strike it off any new permission. The condition shall remain, with added clarification that sound power levels of plant and machinery need to be submitted.
8	Details of measures to protect SSSI and SINC to be submitted and approved.	Condition previously discharged in letter dated 17 December 2009. Condition will be varied to refer to approved details.
9	Submission of ecological surveys relating to protected species, birds,	Condition deleted . New conditions requiring sand martin fencing; Little

	breeding birds and herptiles.	Ringed Plover method statement; breeding bird survey; Japanese Knotweed removal; reptile and amphibian method statement; and pre commencement protected species check.
10	Survey work to also cover structures remaining on the adjoining worked out quarry. Structures to be removed if there is no reason to retain them (e.g. roosting bats).	Condition deleted . No structures to be removed. The survey is not necessary.
11	Plan showing existing and proposed perimeter fencing and gates to be submitted.	Condition previously discharged in letter dated 17 December 2009. Condition will be deleted and replaced with a condition to require the applicant to show a scheme to secure the site from access by motocross vehicles.
12	Submission of a detailed restoration scheme.	Varied to reflect the requests and comments made by NCC Ecology and NWT.
13	Submission of a surface water run-off scheme.	Information submitted with the application is sufficient to demonstrate that the surface water drainage scheme is acceptable. The approved plans and letter are listed in Condition 3. Therefore this condition can be deleted .
14	Submission for scheme of foul and surface water scheme.	Condition varied . Surface water details acceptable. Foul water aspect of the condition discharged in letter dated 17 December 2009.
15	Date of commencement to be notified to WPA at least 7 days prior to commencement.	No change.
16	Waste operations shall cease and all plant and equipment removed from site 4 years from commencement. Restoration works completed no later than 5 years from commencement.	Condition varied to extend the timescale to restoration to the end of 2018
17	Access and egress shall only be off the B6463.	No change.
18	No right turn out of the site onto the B6463 (unless an emergency).	No change.
19	HGVs limited to 30 in/out per weekday and 15 in/out on Saturdays.	No change.
20	Hours of operation between 07:30-18:00 weekdays and 08:00-13:00 on Saturdays. HGVs into/out of site only between 09:00-16:00.	No change.
21	No plant or machinery used on site other than that specified in application or in accordance with Condition 7.	Deleted . To save duplication, the requirements of this condition have been incorporated into the former condition 7 which requires the submission and approval of plant and machinery details.
22	Sets noise levels, prescribes working practices to minimise noise and sets out measures in the event of a noise complaint.	No change.

23	Measure to prevent dust.	No change.
24	Prevention of mud on highway.	No change.
25	Appropriate oil storage.	No change.
26	Nothing other than uncontaminated inert material shall be tipped at the site.	No change.
27	No burning of materials.	No change.
28	No crushing or screening of materials.	No change.
29	No stripping of soils within 4m of public highway or 3m of hedgerow.	No change.
30	All trees bordering the site shall be retained and protected in accordance with Condition 12.	Varied to refer to restoration scheme condition.
31	Site to be restored in accordance with restoration scheme, unless a variation results from differing on site volumes. Variation to be submitted within three months of written request from WPA.	Varied to refer to amended drawing.
32	No soils to be removed from site unless as part of approved restoration scheme.	No change.
33	Before placement of soils surface of site shall be graded and cross ripped.	No change.
34	Following re-spreading of soils, stones larger than 50mm shall be removed.	No change.
35	Following placement of soils, grass seed to be sown in first available sowing season.	No change.
36	Tree/shrub planting to be carried out in first available season following placement of soils.	No change.
37	Restoration of site to be completed within 12 months of date of completion of waste infilling.	No change.
38	Submission of aftercare scheme.	No change.
39	Measures to be taken in the event of premature cessation of the site.	No change.

115. Please note that due to a number of conditions being deleted and new conditions being introduced, the conditions that have been retained will have different numbers in the new schedule of conditions.

Other Options Considered

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

Statutory and Policy Implications

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

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

Financial Implications

118. There is a Section 106 Agreement attached to the existing planning permission which restricts any further extraction, and removal off site, of sand from the site. Should permission be granted it is recommended that a deed of variation to the existing Section 106 Agreement be undertaken. The costs associated with this would be borne by the applicant and any decision notice will not be issued until the Agreement has been completed.

Crime and Disorder Implications

119. Styrrup Quarry is currently unoccupied and there is no working activity on the site. It is difficult to secure and there is no presence at the site. There is evidence of trespass and has been used for motor cross activities. It is considered that active operation at the site would help deter such activities and the final restored site would not be as attractive for motor biking, thus discouraging crime.

Human Rights Implications

120. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected. The proposals have the potential to introduce impacts on the amenity of local residents including noise, dust and traffic; however, mitigation measures controlled through conditions are deemed to reduce any impacts to acceptable levels. These considerations need to be balanced against the wider benefits the proposals would provide in landscape and ecological terms from the restoration scheme, and the anticipated reduction in the use of the site for anti-social activities. Members will need to consider whether these benefits would outweigh the potential impacts.

Implications for Sustainability and the Environment

121. The application has been considered against the National Planning Policy Framework, the Nottinghamshire and Nottingham Waste Local Plan and the Nottinghamshire and Nottingham Waste Core Strategy, all of which are underpinned by the objective of achieving sustainable development. The development would provide a site for disposal of inert material for which there is no viable alternative and would result in the restoration of a former minerals site.

Conclusions

122. The disposal of waste is at the bottom of the waste hierarchy and should only be used as a last resort, in line with Planning Policy Statement 10: Planning for Sustainable Waste Management. The waste delivered to the site will be the

remaining element of pre-processed inert waste for which there is no readily available alternative.

123. It is highlighted in the emerging Nottinghamshire and Nottingham Core Strategy that there is a need for 3.2 million cubic metres of inert disposal capacity over the life of the plan (to 2031). On the face of it the 130,000 cubic metres of capacity would provide some assistance in meeting this need, however, the applicant has acknowledged that much of the waste would come from outside of Nottinghamshire. As such, whilst the development would have some contribution to the County's capacity needs, the level of contribution is unknown, although likely to be limited.
124. The applicant has not proved that there are no reasonable alternative sites for the waste to be disposed at, as required in Policy WCS4 of the Nottinghamshire and Nottingham Waste Core Strategy (WCS). However, it is noted that whilst substantially advanced, the WCS is not yet adopted so it is considered as a material consideration to which significant weight is attached. A separate material consideration is Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) which seeks to enable waste to be disposed of at one of the nearest appropriate installations, which it is considered the applicant has demonstrated.
125. The National Planning Policy Framework (NPPF) provides support for the proposal seeking to restore former minerals sites at the earliest opportunity to high environmental standards. The development, whilst extending the time for restoration would allow it to be restored to a higher ecological standard, the principle of which is supported by the relevant ecological bodies.
126. It is noted that the site has suffered from unauthorised use by motorcycles, scramblers and mountain bikes, which cause ecological damage, disturbs species and has safety implications. It is a material consideration that an operational presence on site is likely to reduce this, as would the final restoration of the site.
127. It is also a material consideration that the site has planning permission for the development with it having been assessed as acceptable in the past. Whilst the development has rightly been re-assessed against current policy situation, should be recognised that the application is to extend the duration in which to complete a development that already has planning permission.
128. Overall, the key policy in the Waste Local Plan is Policy W10.1 which states that proposals for the reclamation of mineral voids through waste disposal will be permitted provided that they achieve environmental benefits, meet a recognised need for additional disposal capacity and do not have unacceptable environmental impacts. It is considered that the development meets these requirements.
129. The County Council is of the opinion that the proposed development is in accordance with the relevant policies in the development plan. Whilst there are material considerations that do not support the development, on balance it is considered that the benefits of the restoration scheme put forward enable support for the development. The County Council considers that any potential

harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

Statement of Positive and Proactive Engagement

130. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies; the National Planning Policy Framework and other material considerations. The Waste Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a determination of the application. Issues of concern have been raised with the applicant, such as impacts on ecology and have been addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

131. It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a Deed of Variation to ensure that the original Section 106 legal agreement shall apply to the permission hereby approved as varied in respect of the date by which the landfill shall be restored and updating the management schedule.
132. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. Members need to consider the issues, including the Human Rights Act issues set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

Planning and Licencing Committee has authority to approve the recommendations set out in this report by virtue of its terms of reference.

[NAB 31.10.13]

Comments of the Service Director - Finance

The financial implications are set out in the report.

[SEM 01/11/13]

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Blyth and Harworth – Councillor Sheila Place

Report Author/Case Officer

Oliver Meek

0115 9696516

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

W001133

PSP/PAB/EP5383.Docx

1 November 2013

RECOMMENDED PLANNING CONDITIONS

Definition of the Permission

1. The development hereby permitted relates to the use of the site shown on Drawing No. C6446/2 received by the Waste Planning Authority (WPA) on 16/09/02 for restoration by means of infilling with inert waste to a capacity of 130,000 cubic metres.

Reason: For the avoidance of doubt and to ensure the development is carried out in accordance with the approved plans and documents.

Commencement and Duration of Operation

2. The development hereby permitted shall be begun within 1 year of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3. The date of commencement of operations shall be notified to the WPA at least 7 days in advance.

Reason: To ensure that the development is carried out in an orderly manner in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan (WLP).

4. Waste operations shall cease and all associated plant and equipment shall be removed from the site no later than 4 years from the date of commencement as notified under Condition 15, and 30th November 2018 at the latest. Restoration works shall be completed no later than 5 years from the date of commencement, no later than 31st December 2018.

Reason: To secure the proper restoration of the site within an acceptable timetable and in accordance with Policy W4.1 of the WLP.

Planning Application Details

5. The development hereby approved shall only be carried out in accordance with the following documents and with the details referred to elsewhere in this Schedule of Conditions unless otherwise agreed in writing with the WPA.
 - a) Drawing Ref: TDE/SQ/13 01 titled 'Plan showing existing quarry layout as per 15th June 2011 Topographical Survey' – received by the WPA on 15 March 2013;
 - b) Drawing Ref: TDE/SQ/13 02 titled 'Plan showing existing quarry re-shaped to comply with SSSI Boundary to North of Site' – received by the WPA on 15 March 2013;

- c) Drawing Ref: TDE/SQ/13 03 titled 'Plan showing terrain design of restored quarry and associated landscaping' – received by the WPA on 4 April 2013;
- d) Drawing Ref: TDE/SQ/13 04 Rev A titled 'Plan showing cross section through existing and proposed landforms' – received by the WPA on 4 April 2013;
- e) Drawing Ref: TDE/SQ/13 05 Rev A titled 'Cross Sections through Eastern Face between Existing and Proposed Landforms' – received by the WPA on 4 April 2013;
- f) Drawing Ref: TDE/SQ 01 Rev 00 titled 'Plan showing existing site layout' – received by the WPA on 15 March 2013;
- g) Drawing Ref: TDE/SQ 02 Rev 00 titled 'Plan showing final excavation of cover soils to be stockpiled in quarry' – received by the WPA on 15 March 2013;
- h) Drawing Ref: TDE/SQ 03 Rev 00 titled 'Plan showing base of quarry filled to 20m AOD and initial 1:10 side slopes constructed' – received by the WPA on 15 March 2013;
- i) Planning Application Forms – received by the WPA on 15 March 2013;
- j) Planning Statement to Extend the Time to Restore the Quarry – received by the WPA on 28 May 2013;
- k) Styrrup Quarry Ecological Conditions Updated reports, dated November 2011 and May 2013 – received by the WPA on 15 March 2013 and 20 May 2013 respectively.
- l) Letters from Cromwell Wood Estate Company Ltd dated 30 May 2013, 27 July 2013, and 29 July 2013 – received by the WPA on 30 July 2013.

Reason: For the avoidance of doubt and to ensure the development is carried out in accordance with the approved plans and documents.

- 6. The location, construction, elevations and colour of all on site offices and WCs and the location of car parking shall be in accordance with Drawing 8159/10A Rev A titled 'Site Plan' and 8159/5 titled 'Cabin Elevations' received on the 18 June 2009.

Reason: To ensure satisfactory implementation of the development in accordance with Policies W3.3 and W3.4 of the WLP.

- 7. The measures to protect the Site of Special Scientific Interest (SSSI) and Site of Interest for Nature Conservation (SINC), as set out in document Ref: 8159/CJB/RL/AK/100609 received by the WPA 6 July 2009, shall be implemented and maintained for the duration of the permission.

Reason: To ensure the satisfactory protection of nature conservation interests in accordance with Policies W3.23 of the WLP.

Prior to the Commencement of Development

8. Prior to commencement of the development hereby permitted, the site shall be clearly marked out in accordance with the details, including the position of the base of the batter on the northern boundary, as shown in Drawing TDE/SQ/13 03, and shall be maintained in accordance with the approved layout unless otherwise varied with the express consent of the WPA.

Reason: To ensure the satisfactory implementation of the development in accordance with Policies W3.9 of the WLP.

9. Prior to commencement of development details, including sound power levels, of all plant/machinery to be used on the site shall be submitted to the WPA for its written approval. Plant and machinery shall be restricted to that approved unless otherwise agreed in writing by the WPA.

Reason: To ensure satisfactory implementation of the development in accordance with Policies W3.3 and W3.4 of the WLP.

10. Prior to the commencement of development details of the length of cliffs to be retained and the location of fencing to protect sand martin nesting areas shall be submitted to, and approved in writing by, the WPA. The fencing shall be installed in accordance with the approved details before any works commence, and shall be retained for the life of the development.

Reason: To avoid disturbance to sand martins.

11. Prior to the commencement of development a method statement to limit disturbance of Little Ringed Plover (LRP) shall be submitted to, and approved in writing by, the WPA. The method statement shall deal with any activities commencing during the period March – May inclusive, and shall include the targeted surveying for LRP during this period. The development shall be undertaken in accordance with the measures set out in the method statement.

Reason: To avoid disturbance to Little Ringed Plovers.

12. Prior to the commencement of development a breeding bird survey shall be undertaken during spring 2014, and submitted to the WPA for its written approved. The results of the breeding bird survey shall be used to inform the restoration scheme.

Reason: To ensure that the restoration scheme provides suitable habitat for birds present at the site in accordance with Policy W3.23 of the WLP.

13. Prior to the commencement of development a method statement shall be submitted to, and approved by, the WPA for the removal of Japanese Knotweed. Development shall proceed in accordance with the approved method statement.

Reason: To prevent the spread of an invasive species and ensure appropriate removal.

14. Immediately prior to the commencement of any development a pre-construction check for protected species shall be undertaken by a suitably qualified ecologist.

Should any protected species be found a method statement shall be submitted to, and approved in writing by, the WPA before any works begin.

Reason: To safeguard protected species.

15. Prior to the commencement of development a method statement shall be submitted to, and approved by the WPA, to ensure that reptiles and amphibians are protected during vegetation clearance. Development shall proceed in accordance with the approved method statement.

Reason: To safeguard protected species.

16. Prior to commencement details of measure to secure the site from inappropriate use by bicycle and motorised vehicles shall be submitted to, and approved in writing by, the WPA. Development shall proceed in accordance with the approved details, and measures shall be retained for the life of the development.

Reason: To prevent anti-social behaviour and harm to areas establishing habitat restoration in line with Policy W3.23 of the WLP.

17. Prior to the commencement of development full details of the concept restoration scheme shown in Drawing TDE/SQ/13 03 titled 'Plan showing terrain design of restored quarry and associated landscaping', received on 4 April 2013, shall be submitted to, and approved in writing by, the WPA. Such details shall include:

- a) Working design details for the construction of a maintenance road for access to the land north of the application site, and the relocation within the application site of the northern bund, shown as hatched blue on Drawing Ref: TDE/SQ/13 02;
- b) Design details, method statement and a timetable of works to mitigate any undue adverse impacts to the Styrrup Quarry SSSI. The details shall include a description of all mitigation works undertaken to date;
- c) Method statement and phasing details, including timescale, for infilling and progressive restoration, including measures for the protection of all trees and hedgerow bordering the site. The details shall be in line with drawings: TDE/SQ 01 Rev 00, TDE/SQ 02 Rev 00; and TDE/SQ 03 Rev 00 received by the WPA on 15 March 2013;
- d) A detailed assessment of the materials required to complete the approved restoration contours shown on Drawing Ref: TDE/SQ/13 03;
- e) A scheme of soil handling and placement, including proposed profiles and depths;
- f) Details of landscaping which shall include, but not be restricted to the following:
 - i) Planting proposals, including the locations, numbers, groupings, species, size and details of planting of native trees, shrubs and hedge plants;

- ii) A schedule of fertiliser applications;
- iii) Details of grass and wildflower mixtures to be sown, including those for hedgerow areas;
- iv) Measures for the protection of all plantings from animal damage;
- v) Arrangements for drainage of the planted areas;
- vi) Pond design, engineering and margin planting details;
- vii) Location and design of drainage ditches.

No development shall take place except in accordance with the details approved under this condition.

Reason: To ensure the satisfactory restoration of the site in accordance with Policies W4.6 and W4.12 of the WLP.

Access and Traffic

18. Access to and egress from the site shall only be via the existing access off the B6463 to the south of Styrrup village and as identified on Drawing No: C6446/2 – received by the WPA on 16 September 2002.

Reason: In the interests of highway safety and the amenities of nearby residents in accordance with Policies W3.14 and W3.15 of the WLP.

19. There shall be no right turn out of the site onto the B6463 for any HGVs at any time, unless in the event of an emergency when the B6463 to Oldcotes is wholly closed. Any such emergency shall be notified to the WPA immediately.

Reason: In the interests of highway safety and the amenities of nearby residents in accordance with Policies W3.14 and W3.15 of the WLP.

20. Unless otherwise agreed in writing by the WPA, the number of HGVs entering or leaving the site shall not exceed 30 in and 30 out in any one whole working weekday and 15 in and 15 out on Saturday mornings. The operator shall record all such vehicle movements and make such records available to the WPA upon request.

Reason: In the interests of highway safety and the amenities of nearby residents in accordance with Policies W3.14 and W3.15 of the WLP.

Hours of Operation

21. Unless otherwise previously agreed in writing by the WPA the site shall only operate between the hours of 07:30 – 18:00 on weekdays and 08:00 – 13:00 on Saturdays. No HGV movements into or out of the site shall take place before 09:00 and after 16:00 on any weekday. No operations shall be carried out on Sundays, Public or Bank holidays.

Reason: To protect the amenities of nearby residents, occupiers and other land users in accordance with Policy W3.9 of the WLP

Operational Matters

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

Reason: To avoid disturbance to breeding birds.

23. Measures shall be taken to ensure that noise associated with the use hereby permitted is kept to a minimum. Such measures shall include:

- a) ensuring that all plant and vehicles are silenced and maintained in accordance with manufacturers' specifications;
- b) minimising drop heights when unloading;
- c) substituting an alternative means of providing reversing warning alarms from a beeper if necessary;
- d) sound power levels from any plant/machinery deployed at the site, as detailed pursuant to Condition 9 above shall not exceed, in total, 107 dBA;
- e) during normal operations, site attributable noise levels shall not result in a noise level exceeding 48 dB(A) Laeq (1 hour) at the nearest noise sensitive property (for the purposes of this Condition, this is to be defined as the southern boundary of the garden of The Cottage, Main Street, Styrrup);
- f) during operations for the construction of the batter or other temporary works, noise levels shall not exceed 70 dBA Laeq (1 hour) at the northern boundary of the site, such works to be limited to a maximum of 8 weeks in any calendar year.

In the event of a complaint, the operator shall, upon the request of the WPA, carry out a noise survey, within 1 month of the complaint, at the nearest noise sensitive property, to ascertain whether the complaint is justified. Should the WPA consider that the complaint is justified in light of the survey, further noise mitigation measures shall be carried out by the operator in accordance with details that shall have previously been agreed in writing by the WPA.

Reason: To protect the amenities of the local environment in accordance with Policies W3.8 – W3.11 of the WLP.

24. Measures shall be used to ensure that dust arising from the site is kept to a minimum. These shall include:
- a) the methods described in the statement accompanying the application;
 - b) a restriction to lorry speeds on internal roads of 15 mph;
 - c) sheeting of loaded HGVs arriving at the site.

In the event of any complaint and/or where considered necessary by the WPA, the operator shall, at the discretion of the WPA, be required to provide and use site watering facilities. In the event that none of these measures are effective in exceptionally windy conditions such that fugitive dust emissions are blowing from the site in the direction of Styrrup village, the WPA may require temporary cessation of all operations on the site.

Reason: To protect the amenities of the local environment in accordance with Policies W3.8 – W3.11 of the WLP.

25. No vehicles shall leave the site in a condition whereby mud or other deleterious material is carried onto the highway. Should a justified complaint be received then, within two weeks of a written request from the WPA, measure to prevent mud on the public highway shall be submitted to the WPA for written approval. Such measures shall be implemented as approved.

Reason: To protect the amenities of the local environment in accordance with Policies W3.8 – W3.11 of the WLP.

Environmental Controls

26. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is a multiple tankage the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents gages and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessel overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To protect the amenities of the local environment in accordance with Policies W3.8 – W3.11 of the WLP.

27. Nothing other than uncontaminated inert material shall be tipped at the site.

Reason: To protect the amenities of the local environment in accordance with Policies W3.8 – W3.11 of the WLP.

28. There shall be no burning of materials on the site at any time.

Reason: To protect the amenities of the local environment in accordance with Policies W3.8 – W3.11 of the WLP.

29. There shall be no crushing or screening of materials carried out on the site at any time.

Reason: To protect the amenities of the local environment in accordance with Policies W3.8 – W3.11 of the WLP.

30. There shall be no foul drainage on site. Toilet facilities shall be provided in the form of sealed toilets with the contents removed off site as and when required.

Reason: In the interests of the protection of groundwater and to prevent pollution of the water environment in accordance with Policy W3.6 of the WLP.

Hedgerow Protection

31. No stripping or storage of soils shall take place within 4 metres of the public highway or 3 metres of any hedgerow.

Reason: To ensure satisfactory protection of nature conservation interests in accordance with Policies W3.23 of the WLP.

32. All trees and hedgerow boarding the site shall be retained and protected from development operations and maintained for the duration of operations, in accordance with details approved under Condition 17 above.

Reason: To ensure the satisfactory protection of nature conservation interests in accordance with Policy W3.23 of the WLP.

Restoration and Aftercare

33. The site shall be restored in accordance with the concept scheme indicated on Drawing TDE/SQ/13 03 and the details approved under Condition 12 above, unless otherwise amended by a variation resulting from differing on site volumes. Such variation must be submitted to the WPA within three months of the WPA's written request for the written approval of the WPA.

Reason: To secure the satisfactory restoration and aftercare of the site in accordance with Policies W4.1, W4.2, W4.5, W4.6, W4.9, W4.10 and W4.11 of the WLP.

34. No soils shall be removed from the site, unless previously agreed in writing by the WPA, as part of the approved restoration scheme.

Reason: To secure the satisfactory restoration and aftercare of the site in accordance with Policies W4.1, W4.2, W4.5, W4.6, W4.9, W4.10 and W4.11 of the WLP.

35. Before any placement of soils in accordance with the restoration scheme approved under Condition 17, the surface of the site shall be graded and cross ripped so as to achieve, after soil placement, the approved restoration contours.

Reason: To secure the satisfactory restoration and aftercare of the site in accordance with Policies W4.1, W4.2, W4.5, W4.6, W4.9, W4.10 and W4.11 of the WLP.

36. Following re-spreading of soils on the site, any stones larger than 50mm in any dimension shall be removed from the site.

Reason: To secure the satisfactory restoration and aftercare of the site in accordance with Policies W4.1, W4.2, W4.5, W4.6, W4.9, W4.10 and W4.11 of the WLP.

37. Following the placement of soils in any phase, grass seed shall be sown in the first available season for sowing, in areas proposed for grassland creation, in accordance with the details approved under Condition 17.

Reason: To secure the satisfactory restoration and aftercare of the site in accordance with Policies W4.1, W4.2, W4.5, W4.6, W4.9, W4.10 and W4.11 of the WLP.

38. Tree/shrub planting shall be carried out within the first available planting season following placement of soils in any phase and any subsequent treatment, in accordance with details approved under Condition 17.

Reason: To secure the satisfactory restoration and aftercare of the site in accordance with Policies W4.1, W4.2, W4.5, W4.6, W4.9, W4.10 and W4.11 of the WLP.

39. Restoration of the site shall be completed within 12 months of the date of completion of waste infilling operations in any phase, or as otherwise agreed in writing by the WPA.

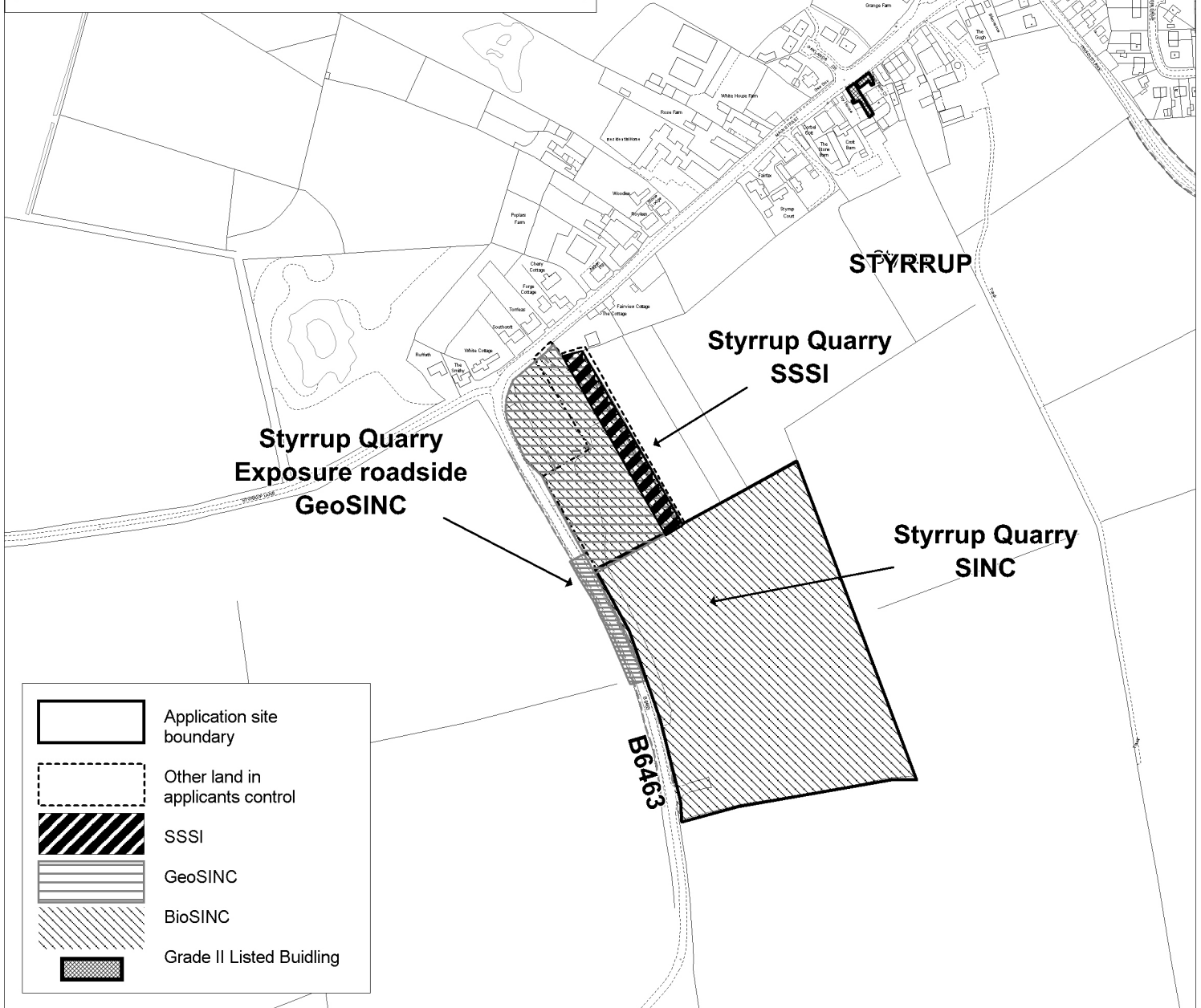
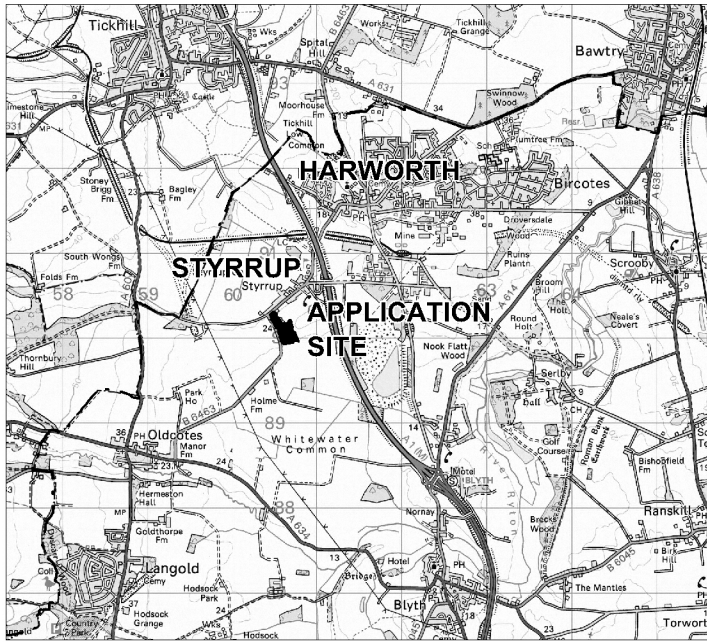
Reason: To secure the satisfactory restoration and aftercare of the site in accordance with Policies W4.1, W4.2, W4.5, W4.6, W4.9, W4.10 and W4.11 of the WLP.

Premature Cessation

40. In the event that the use of the site for the development hereby permitted should cease for a period in excess of six months, the operator, shall upon the written request of the WPA, clear the site of all buildings, plant and machinery and any other materials on site within three months of the date of the request. A detailed revised scheme for the restoration of the site, which may, as appropriate, incorporate a revision to the approved restoration scheme, shall be submitted to the WPA for its written approval, within three months of a written request. The revised restoration scheme shall include all details requested under the terms of Condition 17 and, once approved, it shall be implemented within 12 months of the date of written approval, unless otherwise agreed in writing with the WPA.

Reason: In the interests of the satisfactory restoration of the site in accordance with Policy W4.7 of the WLP.

PLAN 1





12 November 2013**Agenda Item:****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****REVIEW OF PLANNING APPLICATION VALIDATION REQUIREMENTS****Purpose of the Report**

1. To seek Members' agreement to proposed changes to the County Council's 'Guidance Note on the Validation of Planning Applications' and approval to commence a period of consultation on the proposed changes.

Information and Advice

2. Since 2008 Local Planning Authorities have been required to publish a list of information they require to "validate" the planning applications they receive. This Validation list forms two components, the national requirements (which includes the completed standard planning application form, the submission of a fee, a certificate confirming ownership, a design and access statement where required and relevant plans), and secondly, specific local validation requirements known as the "local list". The local list sets out what further information and assessments need to be undertaken and submitted with the application depending on the nature and scale of the proposal, such as Heritage Impact Assessments, Flood Risk Assessments, Transport Assessments etc. Following a period of consultation with agents, statutory consultees and other relevant stakeholders the County Council adopted its Validation guidance in April 2008. This has been used for development management purposes as the basis on which applications have been validated since this time.
3. In January this year, in a consultation document entitled "Streamlining the planning application process", the Government advocated a new approach to validation. Whilst acknowledging Local Lists as helpful guides in assisting applicants establish the information needed to validate applications, the current system was considered to be a "tick box" exercise with little consideration as to whether information requested was genuinely necessary. Also, applicants currently have no opportunity to challenge validation information requests from local authorities. Paragraph 193 of the National Planning Policy Framework (NPPF) states;
"Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Local planning

authorities should only request supporting information that is relevant, necessary and material to the application in question”.

This requirement for information being proportionate to the scale and nature of the development proposed is further reiterated in the Growth and Infrastructure Act 2013.

4. To address the above issues, the Government has brought in amendments to the Development Management Procedure Order 2010 (DMPO). Amendment No.3 in 2012 requires local planning authorities to operate a local list that is no more than **two** years old. Since August 2013 if the list has not been reviewed within this period then only national validation requirements apply. As Nottinghamshire County Council's Local list was published over five years ago it is considered imperative that our list is reviewed and republished as soon as possible. A further amendment to the DMPO introduced a new provision enabling applicants to challenge the LPA's decision not to validate an application. If the applicant and the LPA cannot reach agreement through negotiation as to whether a piece of information is required to validate an application the applicant has the right to appeal against non-determination once the statutory timescales have elapsed.

The Review Process

5. The most recent Government guidance on information requirements and validation was

published in 2010 and suggests the review process should follow 4 steps:

- i) review the existing list,
- ii) produce a summary report of the proposed changes,
- iii) consult on the proposed changes for no less than 8 weeks, and
- iv) finalise and publish the revised Local list.

6. Notwithstanding the Government's requirement for Local Lists to be no more than 2 years

old it is considered timely to review the existing Local List to ensure that it refers to up to

date planning legislation, policy and guidance. Following an internal review significant

changes to the list are proposed, these are summarised below. The proposed updated

Guidance Note on the Validation of planning applications forms Appendix A to this report.

Proposed changes

7. The main changes comprise:

- The removal of all references to Planning Policy Guidance Notes and Planning Policy Statements and replacement with references to the National Planning Policy Framework which was introduced in March 2012.
- The inclusion of a new section on the right of applicants to challenge the County Council's request for validation information and the new appeals process against non validation.

- The insertion of a new paragraph encouraging the electronic submission of planning documents and the national standards for such documents.
- An amended section setting out the reduced circumstances where Design and Access Statements must accompany planning applications in accordance with current legislation.
- Amendments to all sections to make reference to current legislation, guidance and standing advice, such as Environmental Impact Assessment regulations, heritage assets and the County Council's reviewed Statement of Community Involvement.
- Some formatting changes are included, together with the introduction of a new local validation criterion on landscaping and visual impact assessments.
- All website references have been updated where necessary.

Next steps

8. If Members are in agreement with the proposed changes to the Guidance Note on the Validation of Planning Applications, as set out in the attached appendix, the next stage will be to undertake an eight week consultation period (as prescribed by Government guidance). This will include key applicants, statutory consultees, other interested parties and members of the public. In line with other recent consultations on planning documents, electronic methods will be used for the consultation, including publishing the details on the County Council website. Electronic responses will be encouraged. Once any responses have been considered, the Guidance Note will be amended as appropriate. Details of the consultation responses and the proposed final version of the Guidance will be reported back to this Committee for noting and to Policy Committee for approval.

Other Options Considered

9. As stated above the County Council has no option but to update its validation guidance. Failure to update the guidance would mean that the current list would expire and the County Council would be unable to require the submission of any other documents to validate planning applications other than those covered by the national information requirements. Notwithstanding this legal requirement, the current proposal to update it is considered to be timely given the significant number of changes introduced since the validation guidance was first published.

Reason for Recommendation

10. To ensure that an up to date list of validation requirements can be consulted upon to provide more comprehensive information and greater clarity for applicants who are submitting planning applications prior to formal approval and to accord with legal requirements.

Statutory and Policy Implications

11. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment

and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Implications for Service Users

12. It is considered that the proposed changes to the Validation Guidance will assist users of the document by providing more current and detailed information which should in turn enable the quality of planning applications to be improved, with more applications being valid on receipt. It is anticipated that the encouragement of electronically submitted planning applications and supporting documents will save both time and money for applicants and the County Council in the long term.

RECOMMENDATIONS

- 1) It is RECOMMENDED that the report be noted and approval given for an eight week period of consultation to be undertaken on the proposed changes to the County Council's Guidance Note on the Validation of Planning Applications, as set out in the appendix to this report.
- 2) It is further RECOMMENDED that following the consultation exercise the final version of Validation Guidance is reported to Policy Committee for approval.

JAYNE FRANCIS-WARD

CORPORATE DIRECTOR POLICY, PLANNING AND CORPORATE SERVICES

Constitutional Comments (NAB 10.10.13)

13. Planning and Licensing Committee has authority to consider and approve the recommendations set out in this report by virtue of its terms of reference.

Financial Comments (SEM 10/10/13)

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

Background Papers and Published Documents

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

Electoral Division(s) and Member(s) Affected

All

**For any enquiries about this report please contact: Jane Marsden-Dale
Tel. 0115 969 6505**

Appendix A

Guidance Note on the Validation of Planning Applications

Introduction

In order for the County Council to deal properly and efficiently with the planning applications it receives, it is essential that the correct information is submitted from the outset.

This guidance note sets out what “**minimum**” **requirements** applicants need to submit to enable the proper validation and determination of applications. This will ensure that applications are “fit for purpose” and minimise the need for the submission of information at a later stage. This in turn will enable the County Council to provide an efficient planning service and help to achieve targets for the determination of planning applications.

The County Council recognises that the scale and type of applications vary and this will require the submission of differing levels of information and supporting documentation. This guidance note takes this into account in the scope of information needed for the various types of applications dealt with by the County Council. The National Planning Policy Framework (NPPF) states that “*Local planning authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question*” (para.193).

Pre-Application Advice

The County Council encourages applicants and their agents to seek pre-application advice. This is particularly relevant for larger, more complex or potentially controversial proposals. This should help applicants identify the information and details that needs to be submitted with their application. Such an approach can help minimise delays later in processing the application and identify whether other consents may be required. The NPPF also encourages pre-application discussions; it states early engagement has the potential to improve the efficiency and effectiveness of the planning application system. In 2011 the Localism Act introduced a new requirement for applicants to engage with local communities before submitting applications. The details about which applications this applies to will follow once announced by the Government.

The Validation Process (including the right to appeal against non-validation)

All applications received by the County Council will be checked against the **Statutory national information requirements**, and the **Local information requirements (Local List)**. Most minor applications will be validated within 3 to 5 working days from the date of receipt and most major applications within 10 working days.

Invalid applications

Where an application does not contain all the information listed in the **Statutory national information requirements** the application will be deemed invalid under the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended. The applicant will be informed in writing the requirements necessary to validate it. There is no right of appeal against the Council's decision to invalidate the application; any challenge to the decision must be made through a judicial review.

Where an application does not include information (in sufficient detail) listed in the **Local information requirements (Local List)** that the Council considers should be provided, then the application will be treated as invalid and the applicant will be informed in writing what information is required to validate the application. In the event of a disagreement with the Council, the applicant may submit a written justification (using an Article 10A Notice, which may be submitted at any time during the course of the application) explaining why the information requested is not required in the particular circumstances of their application. The Council will consider any written justification and either agree that the information is not required and validate the application or invalidate the application where it can be demonstrated that the additional information **is** necessary to determine the application. If the dispute cannot be resolved the applicant has the right of appeal against non determination on grounds of invalidity once the 8/13 week determination period has elapsed. The Planning Inspectorate will determine these cases.

Electronic submission

The County Council's preferred method of receiving applications is electronically via the Planning Portal.

The national standards for on-line submission of electronic planning documents are as follows:

Maximum single file size is 5 Mbytes;

Maximum 25 Mbytes file size (the sum of all document file sizes). Where these maxima are exceeded the information should be submitted off-line using CDROM/DVD;

Portable Document Format (PDF) is the recommended file format to ensure that they are accessible to consultees;

All drawings shall be saved in a single layer;

All drawings shall specify the printing page size for which the scale applies;

All drawings shall be correctly orientated for on-screen display

All drawings shall include a scale bar and key dimensions;

All documents and drawings shall be named in accordance with the Royal Institute of British Architects' naming conventions.

Scanned documents must be a minimum of 200 dpi resolution for black and white and 100 dpi for colour;

All photographs in PDF file format and no larger than 15 cm x 10 cm.

Information required for planning applications

Part One- Statutory national information requirements) that must be submitted with **all** applications, and

Part Two- Local information requirements (Local List) that must be submitted with planning applications depending on their type and scale.

Part One- Statutory national information requirements

The following forms, plans and information are compulsory and **must** be submitted with all applications unless otherwise stated.

The planning application form: Planning applications should be submitted electronically via the Planning Portal at www.planningportal.gov.uk. If you prefer to submit paper copies please provide one original, plus 3 additional copies. All applications (except those for Minerals applications) must be made on the standard planning application form (1APP). Forms must be signed and dated with all relevant sections completed. All planning application forms, including Minerals forms, are also available to download at www.nottinghamshire.gov.uk.

The application fee: cheques should be made payable to "Nottinghamshire County Council". See Nottinghamshire County Council or Planning Portal websites for current fee schedule and exemptions. The Planning Portal's fee calculator can be used to calculate the correct fee.

Ownership certificates: A completed, signed and dated ownership certificate A, B, C or D confirming the ownership of the application site. These certificates are part of

the standard 1APP form. For this purpose an 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years. A notice to owners of the application site must be completed and served in accordance with Article 11 of the Development Management Procedure Order (DMPO), 2010.

Agricultural Land Declaration: A completed, signed and dated Agricultural holdings certificate should be submitted whether or not the site includes an agricultural holding. All agricultural tenants must be notified prior to the submission of the application. This certificate is not required if the application is for reserved matters, renewal of a temporary planning permission, or for the discharge or variation of conditions, a lawful development certificate or a non-material amendment to an existing planning permission.

Location plan: Unless submitted electronically, the original, plus three copies of the location plan are required. The County Council will require 8 copies for all minerals and waste applications for consultation purposes. The location plan should be at a scale of 1:1250 or 1:2500, based on a metric, OS map, indicate north point and give a drawing reference number. In exceptional circumstances, such as a development covering a large area, location plans of a smaller scale may be more appropriate to enable the application site to be identified. The application site should be edged clearly with a red line. It should include all land necessary to carry out the proposed development – for example, land required for access to the site etc. A blue line should be drawn around any other land owned by/under the control of the applicant, close to or adjoining the application site. The location plan should wherever possible show at least two named roads, surrounding buildings and features.

Site Plan: Unless submitted electronically the original, plus three copies of the site plan should be submitted at an appropriate scale for the development proposed. Plans should accurately show the direction of North and the proposed development in relation to the site boundaries and other existing buildings, with written dimensions including those to the boundaries. The site plan should also show the following, unless these would NOT influence or be affected by the proposed development; all the buildings, road and footpaths adjoining the site including access arrangements, all public rights of way, the position of all trees on the site and those on the adjacent land, the extent and type of any hard surfacing and any boundary treatment.

Other plans: Unless submitted electronically the original plus 3 copies of all other plans, the County Council will require 8 sets of plans for all minerals and waste applications. For details of specific plans required see the Guidance notes accompanying the planning application forms. This will vary according to the type of development proposed. All plans should be at an appropriate scale and include a unique drawing reference number and a title. Plans which state do not scale are not acceptable.

Updated and superseded plans: If plans or supporting documentation submitted via the Planning Portal need to be replaced, the updated document should be clearly labelled and the County Council informed of the replacement document.

Design and Access Statement: A Design and Access Statement (DAS) must accompany applications for all **major*** developments (*as defined by the

Development Management Procedure Order, 2010 see the definition towards the end of this document) excluding those for waste development and mining operations. A DAS is also required for applications in Conservation Areas where the floor space created is 100sqm or more.

Design and Access Statements should explain the design concepts and principles that have been applied to the proposed development and demonstrate how context has informed the scheme. Statements should also explain the approach to access and state how any consultation on access issues have been taken into account. (refer to article 8 of the Development Management Procedure Order, Amendment 2013 -SI 1238, for full details of DAS submission requirements). The level of detail required in a statement will depend on the scale and complexity of the application.

Further information

Town and Country Planning (Development Management Procedure) (England) Order 2010, and subsequent amendments

National Planning Policy Framework

DCLG: Guidance on information requirements and Validation, March 2010, and Streamlining the Planning Application Process- Government consultation Jan 2013 and Response June 2013

www.nottinghamshire.gov.uk,
www.communities.gov.uk

www.planningportal.gov.uk

and

Part Two Local information requirements (Local List)

In addition to the national requirements above, the list below sets out further information and assessments that must be submitted with planning applications depending on their type and scale. This information is required to enable the validation of the application. As requirements will vary from case to case you are advised to contact us at an early stage if you are unsure about what information you will need to submit.

If not submitted electronically the original, plus 3 additional copies of all documents should be submitted, although more copies may be requested where a significant amount of consultation is to be carried out. All sections include references where further guidance may be found.

[A checklist is attached which should be completed and submitted with your application identifying the information that has been provided.]

1. Supporting Planning Statement

A statement required for **all** applications explaining the need for the proposed development and demonstrating how it complies with policies in the Development Plan and other relevant documents. Where a proposal does not comply with policy a statement must be provided to justify the need or set out overriding reasons as to why the proposal should go ahead. It should also include details of any consultation with Development Management or other County Council officers and wider community/statutory consultees undertaken prior to submission.

2. Environmental Statement

An Environmental Statement will be required if your proposal is likely to have significant effects on the environment. The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require a developer to prepare an Environmental Statement for all Schedule 1 projects and some Schedule 2 projects. For detailed guidance, including indicative criteria and thresholds for proposals requiring environmental assessment, see documents listed below. A “screening opinion” can be obtained from the County Council as to whether the proposed development falls within the scope of the Regulations. The Regulations provide a checklist of matters to be considered for inclusion in the Environmental Statement and require the applicant to describe the likely significant effects of a development on the environment and to set out the proposed mitigation measures. You are entitled to receive a “scoping opinion” as to the key environmental issues the Environmental Statement should cover. Early consultation with Development Management Officers is recommended prior to making your application.

Further information

The Town and Country Planning (Environment Impact Assessment) Regulations 2011

3. Transport Assessment

A Transport Assessment (TA) will be required for all major developments (see definition at end of this document) and any other application where the proposed development has significant transport implications. The coverage and detail of the TA should reflect the scale of the development and the extent of the traffic implications. Information should include all existing and proposed vehicular and pedestrian movements to and from the site. Loading areas and arrangements for manoeuvring, servicing and parking of vehicles should also be clearly identified. The assessment should describe and analyse existing transport conditions and explain how the development would affect those conditions and measures proposed to overcome any problems. A sustainable approach to transport should be explored for all proposals and the TA should give details of proposed measures to improve access by public transport, walking and cycling.

For smaller developments such as school extensions a TA might still be required because thresholds are not solely based on the size of the proposed development but also the sensitivity of the location; for example development which is likely to increase accidents or conflicts among motorised and non-motorised users, particularly vulnerable road users such as children, people with disabilities and elderly people. Government guidance on the indicative thresholds for carrying out transport assessments has been published by the Department for Transport. Applicants should submit details of employee numbers, an assessment of accessibility by non-car modes and an estimate of both vehicle and cycle parking spaces prior to the submission of an application in order that the County Council can advise on the level of assessment required.

Further information

The National Planning Policy Framework – Promoting Sustainable Transport (paras 29 – 41).

Guidance on Transport Assessment, - March 2007 published by the DfT

Highways 6C Design Guide – November 2011, updated 2012 and 2013
www.nottinghamshire.gov.uk

4. Draft Travel Plans

Where a development will generate a significant amount of movement a travel plan should be provided (NPPF para. 36). A travel plan is a long term management strategy that seeks to deliver sustainable transport objectives. It will normally be prepared alongside the transport assessment (see above). Draft Travel Plans should outline the way in which transport implications of the development are going to be managed in order to ensure the minimum

environmental, social and economic impacts. The draft travel plan should have a strategy for its implementation that is appropriate for the development proposal under consideration. It should identify the travel plan coordinator, the management arrangements and the timetable of the plan.

School Travel Plans will be required for all planning applications involving new schools or significant extensions to existing schools - these should address parent, staff and pupil parking as well as vehicular and pedestrian access. For minerals and waste developments details to be submitted should include the amount of traffic movements that will occur during operating hours etc.

Further information

The National Policy Planning Framework (as above)

Using the planning process to secure Travel plans: Best Practice Guidance for local authorities, developers and occupiers - ODPM and DfT, 2002.

School Travel Plan officers, Road Safety Team, Environment and Resources Department, Nottinghamshire County Council.

5. Planning Obligations – Draft Heads of Terms

Where relevant, the draft heads of terms for a Section 106 agreement or unilateral undertaking should be provided with the submission of the planning application. Applicants should specify the County Council's requirements as established in any pre-application discussions.

Further information

National Planning Policy Framework – Planning Conditions and Obligations (paras 203 – 206)

Planning Obligations: Practice Guidance – July 2006 www.gov.uk

The Planning Inspectorate Advice Note 16 –Submitting Planning Obligations www.planningportal.gov.uk

6. Flood Risk Assessment

Planning applications for proposals for new development in Flood Zones 2, 3a and 3b and for proposals of 1 hectare or greater in Flood Zone 1 should be accompanied by a Flood Risk Assessment (FRA). Information about these zones and their implications for development can be found in the Technical Guidance to the National Planning Policy Framework and on the Environment Agency's website. The FRA should identify and assess all forms of flooding to and from the development and demonstrate how these flood risks will be managed now and in the future, taking climate change into account.

Where a FRA is required this should be prepared by the applicant in consultation with the Local Planning Authority and the Environment Agency.

Further information

National Planning Policy Framework – Meeting the Challenge of Climate Change, Flooding and Coastal Change (paras 93 – 108).

Technical Guidance to the National Planning Policy Framework – Flood Risk (paras 2 – 19).

Flood Risk Standing Advice - [_www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

7. Land Contamination Survey

A desktop survey to establish the extent of contamination and proposed remedial works will be required in support of all planning applications involving sites which have previously been used for industrial purposes, landfill or other potentially contaminating uses. Where contamination is known to exist more detailed investigation will be required this should be able to demonstrate whether the site is suitable for the proposed use taking into account pollution from previous uses and any measures for mitigation.

Further information

National Planning Policy Framework – Conserving and enhancing the natural environment (paras 120 – 122)

Landscape and Reclamation Team – Environment and Resources Department, Nottinghamshire County Council.

A guide to developing land in Nottinghamshire – 2009

8. Tree Survey/Arboricultural Implications

Where a proposal involves works that affect any trees or hedgerows within the application site, the position, species, spread and roots of trees should be illustrated accurately on the site plan. This must indicate any trees which are to be felled or are otherwise affected by the proposed development. For large scale proposals, or those on sites with significant tree coverage, it may be appropriate to submit further information during the course of the application following a detailed tree survey. The location of any trees within adjacent sites, including street trees, which may be affected by the application, should also be shown. Information will be required on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared by a suitably qualified and experienced arboriculturist.

Further information

BS5837; “Trees in relation to design, demolition and construction”, 2012

Nottinghamshire County Council - Tree Conservation and Maintenance Policy- July 2000

9. Heritage Impact Assessment

A Heritage Impact Assessment should be submitted with all proposals affecting Heritage assets. 'Heritage Assets' include Listed Buildings, Conservation Areas, and Scheduled Ancient Monuments, Registered Parks and Gardens and sites of Archaeological Interest and assets identified by the local planning authority.

The Heritage Impact Assessment should describe the significance of the heritage asset affected, including any contribution made by its setting and the effect of the development on the asset. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the Nottinghamshire Historic Environment Record should have been consulted along with specialist officers at the County Council and at the relevant District Council.

Further information

National Planning Policy Framework – Conserving and enhancing the historic environment (paras 126 – 141)

PPS5 Practice Guide (PPS5 itself now replaced by NPPF)

DETR Circular 01/2001.

Conservation Officers – Nottinghamshire County Council and relevant District Council.

www.english-heritage.org.uk

10. Archaeological Assessment

Applicants submitting proposals on sites of archaeological interest will be required to undertake an archaeological assessment and where necessary carry out further archaeological investigations to allow the significance of the archaeology, as well as the impact of the development, to be understood. The results of this work will need to be included in the Heritage statement submitted with the application. The level of assessment required will depend on the archaeological sensitivity of the site. Advice should be sought from Archaeological Officers at the County Council. Documentation to support the application must be submitted in accordance with policy advice set out in the National Planning Policy Framework and PPS5 Practice Guide.

Further information

National Planning Policy Framework – Conserving and enhancing the historic environment (paras 126 – 141).

PPS5 Practice Guide

Archaeological Officer – Nottinghamshire County Council.

www.english-heritage.org.uk

11. Biodiversity and Geodiversity Assessment

Where a proposed development may have potential impacts on biodiversity and/or geodiversity, an assessment of these potential impacts should be carried out. For major development, this should take the form of an Ecological Impact Assessment (EclA).

Such assessments should include a desktop study (to include consultation with the Nottinghamshire Biological and Geological Records Centre) and the results of surveys to determine the presence/absence of notable habitats, protected species or species of principle importance for the conservation of biodiversity in England. Such work must be undertaken by a suitably qualified person, following nationally recognised guidelines.

When considering impacts on biodiversity and/or geodiversity, consideration should be given to both direct impacts (such as habitat loss) and indirect impacts (such as changes to hydrology, air quality, noise and disturbance). Where proposals include mitigation and/or compensation measures, information to support those measures will be needed. Proposals should seek to provide ecological enhancements wherever possible, and make provision for the maintenance and management of retained or created biodiversity/geodiversity features.

In addition, where proposals have the potential to affect a Special Area of Conservation or a Special Protection Area, then a Habitats Regulations Assessment (HRA) must also be undertaken.

For further advice please contact the County Council's Conservation Team.

Further information

National Planning Policy Framework – Conserving and enhancing the natural environment (paras 109 – 125).

Circular 06/2005 Biodiversity and Geological Conservation- Statutory obligations and their impact within the planning system and the accompanying guide- Planning for Biodiversity and Geological Conservation: A Guide to good practice 2006)

BSI: PAS 2010 Planning to halt the loss of Biodiversity

Association of Local Government Ecologists: good practice template
www.alge.org.uk

Natural England - www.naturalengland.org.uk/ (see Standing Advice)
Nottinghamshire Wildlife Trust www.wildlifetrust.org.uk/nottinghamshire

12. Noise Assessment

A Noise Impact Assessment should be submitted with all applications for potentially noisy developments and uses where these are likely to raise issues of disturbance to the occupants of nearby existing buildings. Proposals for noise sensitive uses close to existing sources of noise should also be accompanied by a Noise Impact Assessment. These should be prepared by a suitably qualified acoustician and should include information on existing and

proposed noise levels (including night-time noise levels where relevant) and where appropriate should recommend a scheme of measures to mitigate noise impact. Guidance is provided in the National Planning Policy Framework with specific guidance for minerals development, which can often be used to assess the noise impacts of waste development, in the Technical Guidance to the National Planning Policy Framework.

Further information

National Planning Policy Framework – Facilitating the Sustainable Use of Minerals (paras 142 – 149) and para 123.

Technical Guidance to the National Planning Policy Framework – Noise Emission (paras 28 – 31).

BS4142 Method for rating noise affecting mixed residential and industrial areas 1997.

Noise Policy Statement for England, DEFRA 2010

Environmental Protection Act 1990.

13. Air Quality Assessment

Proposals that impact on air quality or are potential pollutants should be supported by an air quality assessment indicating the change in air quality resulting from the proposed development and outlining appropriate mitigation measures. Specific guidance on the impacts of dust emissions from minerals development, which can often be used to assess the dust impacts of waste development, is provided in the Technical Guidance to the National Planning Policy Framework.

Further information

National Planning Policy Framework– Conserving and Enhancing the Natural Environment (paras 109 – 125).

Technical Guidance to the National Planning Policy Framework – Dust Emissions (paras 23 – 27).

A Breath of Fresh Air for Nottinghamshire- Nottinghamshire Environmental Protection Working Group, 2008.

District Council Environmental Health Officers.

14. Sunlighting/Daylighting/Lighting Assessment

Sunlighting/daylighting assessments are to be undertaken and submitted for all applications where there is a potential adverse impact upon current levels of sunlight/daylight enjoyed by adjoining properties or buildings, including their gardens or amenity space.

Where significant external lighting is proposed as part of a development (for instance, floodlighting of a multi-use games area) the application must include a layout plan with beam orientation, a schedule of the proposed equipment and the proposed measures to reduce any impact on neighbouring sites/properties.

Further information

British Research Establishment (BRE): Site layout planning for daylighting and sun lighting; a guide to good practice 2011

Lighting in the countryside; Towards good practice (1997)

15. Statement of Community Involvement

Where relevant, applications need to be supported by a statement detailing how the requirements for pre-application consultation set out in the Council's adopted Statement of Community Involvement Review has been met. In particular this should demonstrate that the views of the local community have been sought and taken into account in the formulation of development proposals.

Further information

Nottinghamshire County Council Statement of Community Involvement Review – adopted April 2013 (see www.nottscc.gov.uk)

16. Sustainability Appraisal

A statement, proportionate to the scale of the proposal should be submitted for **all** applications setting out the three dimensions to sustainable development; economic, social, and environmental (see NPPF para.7). It should include details of where a development will create jobs, lead to a net gain for nature, deliver better design and improve living conditions. Where relevant, the statement should consider ecology and biodiversity considerations, choice of construction materials, sustainable drainage systems, sustainable waste management, energy consumption - minimisation, supply and generation as well as any other relevant sustainability issues.

Further information

National Planning Policy Framework – Achieving Sustainable Development (paras 6 – 16).

17. Rights of Way (footpaths, bridleways and byways)

Proposals which affect a public right of way, even temporarily during construction phases, within or adjacent to the application site should indicate this on the submitted plans. A statement should be submitted outlining the details, including, where appropriate, the steps to be taken to comply with any legal requirement to stop up or divert the right of way. Early consultation with the County Council's Countryside Access Team is advisable.

Further information

*Countryside Access Team, NCC (countrysideaccess@nottsccl.gov.uk).
Nottinghamshire County Council: Rights of Way Improvement Plan- 2007*

18. Landscape and Visual Impact Assessments (LVIAs)

Landscape and Visual Impact Assessments should be provided for all major developments which are subject to the Environmental Impact Assessment process and for all other development which, in the view of Nottinghamshire County Council, are likely to result in significant adverse effects on the landscape or visual amenity. This applies to applications in both rural and urban settings. This assessment should include photographs and/or photomontages as appropriate. Early consultation with the County Council's Landscape and Reclamation Team is advisable.

Further information

*"Guidelines for Landscape and Visual Impact Assessments" The Landscape Institute and Institute of Environmental Management and Assessment, April 2013
Landscape Institute Advice Note 01/11: Photography and photomontage in Landscape and visual impact assessment.
EIA Regulations, 2011
Landscape and Reclamation Team, Nottinghamshire County Council
Natural England – www.naturalengland.org.uk*

Definitions

Definition of major applications, (based on Town and Country Planning (Development Management Procedure) (England) Order 2010), development involving:

- the winning and working of minerals or the use of land for mineral-working deposits;
- waste development (ie operational development designed to be used wholly or mainly for the purpose of, or material change of use to treating, storing, processing or disposing of refuse or waste materials);
- the provision of a building or buildings where the floorspace to be created by the development is 1,000 sq metres or more; or
- development carried out on a site having an area of 1 hectare or more.

Definition of large-scale major applications, (based on DCLG Guidance issued August 2007 and DCLG Consultation on Planning Performance Agreements issued May 2007), development involving:

- provision of a building where the floorspace to be created is 10,000m² or more,

Contacts

Further information and advice is available from the Development Management Team on 0300 500 80 80 or development.management@nottsc.gov.uk

Useful websites: www.nottsc.gov.uk and www.gov.uk

CHECKLIST			
Planning Application address:			
	Yes	No	Notes/why information is not required for this application

• Essential Information as required by Part One			
1. Supporting Planning Statement			
2. Environmental Statement			
3. Transport Assessment / TAPA			
4. Draft Travel Plan			
5. Planning Obligation – Draft Heads of Terms			
6. Flood Risk Assessment			
7. Land Contamination survey			
8. Tree Survey/Arboricultural implications			
9. Heritage Statement			
10. Archaeological Assessment			
11. Biodiversity and Geodiversity Assessment			
12. Noise Assessment			
13. Air quality Assessment			
14. Sunlighting/daylighting/lighting Assessment			
15. Statement of Community Involvement			
16. Sustainability Appraisal			
17. Rights of Way			
18. Landscape and Visual Impact Assessments			

Please return this checklist with your planning application confirming which documents have been submitted.

12 November 2013**Agenda Item:****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****MODIFICATION TO THE EXISTING SCHEME OF DELEGATION FOR
DECISION MAKING ON PLANNING APPLICATIONS****Purpose of the Report**

1. To seek Members' approval to a modification to the Council's existing scheme of delegation to allow decisions on planning applications which are recommended for refusal on the grounds of insufficient information to be delegated to the Corporate Director Policy, Planning and Corporate Services without referral to the Planning and Licensing Committee.

Information and Advice

2. The Development Management Team, within the Planning Group, deals with the determination of planning applications for minerals and waste development (County matters) and the County Council's own development proposals, along with monitoring and enforcement work. Officers currently operate within an adopted scheme of delegation, enabling officers to determine applications unless one of the following applies:
 - Those involving a site area greater than 15 hectares or extraction/input in excess of 30,000 tonnes per annum or new development with a floor space in excess of 10,000sq m
 - those involving a departure from the Development Plan
 - those accompanied by an Environmental Impact Assessment
 - those which have financial implications for the County, such as those which have an accompanying Planning obligation/S106 agreement
 - those which have received objections from the District or Parish Council or local member
 - those which have been referred to committee by a local member
 - **those which are recommended for refusal**
 - those which have received significant* objections, within the statutory consultation period or other such period as agreed with the County Planning

Authority, from consultees or neighbouring occupiers (* for clarification, 'significant' objections requiring referral must i) raise material planning consideration, ii) be irresolvable by amendment to the scheme or imposition of planning conditions, iii) involve more than three objections from separate properties)

- those which are submitted by the Policy, Planning and Corporate Services Department
 - those which raise issues of regional or national importance
 - those involving the determination of new conditions for minerals sites and those involving the making and serving of orders for revocation, etc where compensation is likely to become payable
3. The current proposal will amend the emboldened criteria above to read;
- **those which are recommended for refusal except those which are recommended for refusal on the grounds of insufficient information.** All applications which are recommended for refusal for any other reason, such as non-compliance with development plan policies, would continue to be referred to Planning and Licensing Committee for a decision. Ratification of these decisions by Members is considered desirable and beneficial in the event of a subsequent appeal. This proposal would have the added benefit of not taking up Members' time in reading papers relating to applications being refused on the grounds of insufficient information allowing them instead to concentrate on more controversial applications. This new provision for delegated refusals will apply to planning applications even where they meet any other criteria within the scheme of delegation, for instance where objections have been received or those accompanied by an Environmental Impact Assessment.
4. It is often the case that planning applications are deemed to be technically valid upon receipt according to the Council's validation criteria, although following detailed consideration of the issues or consultation with statutory or other consultees, further essential information is required before the application can be fully assessed. This might, for instance, be a full flood risk assessment required by the Environment Agency, an ecological survey required by Natural England or the County Council's ecologists, or a traffic assessment sought by Highways (Development Control). The planning application cannot be properly assessed until such information is provided to the County Council's satisfaction and that of the relevant consultee(s). This can sometimes take many months and the application remains on the books as a "live" application which shows up in the statistical returns to DCLG as an undetermined application. This is a very frequent occurrence. In fact, of the 49 County Matter applications determined over a 12 month period ending on 30th June 2013 27 applications had been delayed by awaiting further information. This equates to 55% of all County Matter applications determined within this period.
5. The County Council has always maintained that it is appropriate and professionally responsible to work proactively with applicants and consultees throughout the course of planning applications to enable the "right" decision to be reached even if this takes longer than Government prescribed timescales. These require the determination of minor applications within 8 weeks or 13

weeks for major applications (or 16 weeks where accompanied by an Environmental Impact Assessment). However, the Government is now focussing primarily on the “speed” of planning decisions as a measure of performance of local planning authorities. The only measure of “quality” relates to assess the proportion of decisions for major development overturned at appeal.

6. DCLG has recently published a league table of authorities dealing with County Matter applications and their determination of ‘major major’ applications over a two year period ending on 30th June 2013. The measure used to assess the speed of decisions is the average percentage of decisions on applications for major development made within the statutory determination period or within an extended period agreed in writing between the applicant and the local planning authority. A minimum threshold of 30% was set and, as Nottinghamshire County Council fell just below this, there is the possibility of the County Council being designated as one of the authorities that the Secretary of State considers that there are respects in which the authority is not adequately performing their function of determining applications. The County Council has written to DCLG highlighting its concerns with how the tables have been compiled and referring to exceptional circumstances. A decision on the final designation was awaited at the time of preparing this report. The potential implication for being a designated authority is that applicants for those particular proposals would have the option, should they choose, of applying directly to the Planning Inspectorate although they would forfeit any right to appeal. If designated the County Council will be expected to prepare an action plan of measures to address areas of weakness that it considers as having contributed to its underperformance.
7. A further measure relating to the speed of decisions recently introduced by the Government is the requirement to return the planning fee on applications (received after 1st October 2013) not determined within 26 weeks unless an extension of time has been agreed with the applicant.
8. Notwithstanding the eventual outcome on the ‘designation’ of the authority, the Development Management Team has started to put together a package of measures as part of an action plan to help improve practice. In future there will be greater emphasis on determining applications as they stand, in the light of the penalties set out above rather than the traditional approach of working proactively with applicants to bring about necessary amendments to schemes so as to make development proposals acceptable. The ability to refuse applications on the grounds of insufficient information where applicants, despite repeated requests, have failed to provide the necessary information without having to take the time to prepare and schedule committee reports. Delegated refusals will be used, when appropriate, in cases where planning applications are approaching Government prescribed determination dates and there is no prospect of the applicant providing the information in time.
9. Other measures to improve performance currently being considered include:
 - Updating the County Council’s Guidance on Validation to ensure all necessary information accompanies applications at the time of submission;

- Electronic alerts being set up on the 'back office' system (DefSoft) to prompt case officers to take appropriate action where applications are approaching target dates;
- Routinely agreeing extensions of time with applicants, where necessary; and
- Stepping up regular performance management meetings with case officers to identify work priorities.

These measure will be developed and finalised and will form the basis of an Action Plan submitted to DCLG for approval if it becomes necessary to do so.

Other Options Considered

10. The alternative is to continue to report all applications recommended for refusal on the basis of insufficient information to Planning and Licensing Committee, however the lead-in times and timing of committee meetings will rarely enable decisions on such applications to be made within the statutory timeframes.

Reason for Recommendation

11. It is anticipated that being able to refuse certain planning applications under delegated powers will lead to improvements in planning application performance and will enable the County Council to more frequently meet timescales prescribed by the Government.

Statutory and Policy Implications

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

Financial Implications

13. In the event that Nottinghamshire County Council is designated by DCLG and applicants choose to submit applications directly to the Planning Inspectorate for a decision the County Council would not receive the associated planning fee. Additionally, on applications (received after 1st October) which are not determined within 26 weeks and where the County Council failed to agree an extension of time, the County Council would be required to **return** the planning fee.

Implications for Service Users

13. It is anticipated that the proposed measures set out in paragraph 9 above are likely to improve performance and lead to decisions being made within shorter timeframes. An implication also arises for applicants who may have their application refused on grounds of insufficient information rather than following full consideration of all relevant planning issues.

Equalities, Crime and Disorder Implications

15. There are no equalities or crime and disorder implications.

Human Rights Implications

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

RECOMMENDATION

1) It is RECOMMENDED that Members approve a modification to the currently approved scheme of delegation to allow for decisions on planning applications which are recommended for refusal on the grounds on insufficient information to be delegated to the Corporate Director, Policy, Planning and Corporate Services.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

For any enquiries about this report please contact:

Jane Marsden-Dale

0115 969 6505

Constitutional Comments [NAB 21/10/13]

17. Planning and Licensing Committee has authority to approve the recommendation set out in
this report by virtue of its terms of reference.

Financial Comments [SEM 23/10/13]

18. The financial implications are set out in the report.

Background Papers and Published Documents

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

Electoral Division(s) and Member(s) Affected

All

EP5378.Docx

12 November 2013**Agenda Item:****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****WORK PROGRAMME****Purpose of the Report**

1. To consider the Committee's work programme for 2013/14.

Information and Advice

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

Other Options Considered

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

Reason/s for Recommendation/s

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

Statutory and Policy Implications

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

RECOMMENDATION

That the committee's work programme be noted.

Jayne Francis-Ward

Corporate Director- Policy, Planning and Corporate Services

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

Constitutional Comments (HD)

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

Financial Comments (PS)

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

Background Papers

Relevant case files for the items included in Appendix A.

Electoral Division(s) and Member(s) Affected

All

Committee Work Programme

<u>Date to Committee</u>	<u>Reference</u>	<u>Location</u>	<u>Brief Description</u>
10 th December 2013	4/V/2013/0028	Annesley Road to Station Road, Hucknall	Environmental Improvements to the Hucknall Town Centre, encompassing the demolition & alteration of existing buildings, laying out and construction of a new inner relief road between Annesley Road and the Bolsover Street/Station Road junction. Realignment of existing Linby Road/Ashgate Road junction, provision of new pedestrian & cycle links and other related highway works, enclosures & associated landscaping.
10 th December 2013	3/13/00802/FULR3N	Rufford Abbey, Rufford Country Park, Ollerton	Change (additional) use of Savile Restaurant as a wedding venue. Installation of marquee fixings and realignment of path and erection of a temporary marquee from April to September (inclusive)
10 th December 2013	3/13/00493/FULR3N	Rufford Abbey County Park, Rufford, Ollerton	Retrospective application for permission to install a 20m x 20m sand carpet base with concrete apron and ground fittings for support. Plus application for temporary seasonal erection of a marquee 20m x 20m on this base from April to October each year, until October 2015, for use to provide shelter and wet weather cover for public events at the country park.
10 th December 2013	5/13/00590/CCM	Land off Cossall Road between the villages of Cossall and Trowell, referred to as	Extraction of coal and fireclay by surface mining methods with restoration to agriculture, woodland, nature conservation and public amenity

		the Shortwood Site	
10 th December 2013	1/13/00717/CMA	Lodge Farm, Scrooby Top	Development and use of land for two angling lakes, with access and landscaping with associated excavation and exportation of mineral and surplus soils during construction
10 th December 2013	8/13/01494/CMA	Johnsons Aggregates & Recycling Limited, Loughborough Road, Bunny	Use of land adjacent to the existing site for a 12 month period for temporary storage of reclaimed aggregates and to vary Condition 7 of planning permission 8/96/79/CMA and Condition 9 of planning permission 8/94/00164/CMA to extend working hours.
21 st January 2014	4/V/2013/0499	Leen Mills Primary School, Leen Mills Lane, Hucknall	Retention of existing mobile classroom (building 4)
21 st January 2014	4/V/2013/0498	Leen Mills Primary School, Leen Mills Lane, Hucknall	Retention of existing mobile classroom (building 5)
21 st January 2014	1/13/01144/CDM	Retford Waste Ltd, Access road, Ranskill, Retford	Use of land and premises as Waste Transfer Station, inert materials recycling facility and dismantling of end of life vehicles, and retention of open-fronted roofed and sheeted storage and sorting tray.
21 st January 2014	7/2013/0760NCC	Dorket Head Quarry, Woodborough Lane, Arnold	Eastern extension of the working and extraction of clay and associated minerals with subsequent low level restoration to include landscaping and diversion of public footpaths
21 st January 2014	7/2013/0757NCC	Dorket Head Quarry and Landfill, Woodborough Lane, Arnold	Vary conditions 3, 13 and 50 of planning permission 7/2003/0335 to allow a "pause" in the existing landfill to occur and to provide a revised restoration profile which will tie

			in with the intended low level restoration of the proposed eastern extension
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Other Key Applications/Submissions in system but not timetabled to be reported to committee before February 2014:-

<u>Reference</u>	<u>Location</u>	<u>Brief Description</u>
	John Brooke (Sawmills) Limited, The Sawmill, Fosse Way, Widmerpool	The Erection of 2 New Industrial Buildings and Installation of 7MW (approximate) Wood Fuelled Renewable Energy Biomass Plant, retaining existing wood recycling and composting operations.
4/V/2013/0359	Plots 10, 11, 12, 13, 14 and 16 off Wigwam Lane, Hucknall	Retrospective use of site for recycling of inert materials and construction of 5m high sound attenuation wall.
5/13/00070/CM	Shilo Park, Shilo Way, Cossall	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings
1/13/00809/CDM	Harworth Colliery Spoil Tip, Blyth Road, Harworth	Variation of condition 5 of planning permission 1/66/96/16 to allow for the continuation of spoil disposal operation at Harworth Colliery No 2 spoil heap
	Former Gravel Workings at Gunthorpe	Scheme submitted by Severn Trent Water Limited for the restoration of the former Gravel Workings at Gunthorpe

12 November 2013**Agenda Item:****REPORT OF CORPORATE DIRECTOR FOR POLICY, PLANNING AND
CORPORATE SERVICES****DEVELOPMENT MANAGEMENT PROGRESS REPORT****Purpose of this Report**

1. To report on planning applications received in the Department between 01 September 2013 and 31 October 2013 and to confirm the decisions made on planning applications since the last report to Members on 30 September 2013.

Background

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B highlights applications outstanding for over 17 weeks for the quarter between 01 July and 31 October 2013.
3. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Statutory and Policy Implications

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

RECOMMENDATIONS

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

JAYNE FRANCIS-WARD

Corporate Director for Policy, Planning and Corporate Services

Constitutional Comments

"The report is for noting only. There are no immediate legal issues arising. Planning and Licensing Committee is empowered to receive and consider the report. [HD – 01/11/2013]

Comments of the Service Director - Finance

The contents of this report are duly noted – there are no direct financial implications. [SM – 01/11/2013]

Background Papers Available for Inspection

None

Electoral Division(s) and Member(s) Affected

All

For any enquiries about this report please contact:

Report Author/Case Officer

Ruth Kinsey

0115 9696513

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

1 November 2013

Planning Applications Received and Determined
From 1st September to 31st October 2013

Division	Member	Received	Determined
BASSETLAW			
Misterton	Cllr Liz Yates	Extension to existing Misson Grey Sand Quarry, Misson Sand and Gravel Co. Limited, Bawtry Road, Misson. Received 10/09/2013	
Worksop North East & Carlton	Cllr Alan Rhodes		Proposed change of use of warehouse 5 from storage and distribution (B8) to general industrial (B2) to accommodate internal plant to provide an on site energy from waste facility. Warehouse 5, Carlton Forest Distribution Centre, Blyth Road, Worksop. Granted 20/09/2013
Blyth & Harworth	Cllr Sheila Place		The importation of alkaline/lime rich material to spread on the exposed colliery discard and provide a long term solution to reducing the acidity levels of the surface water run-off from the tip. Harworth Colliery Spoil Tip, Blyth Road, Harworth. Granted 01/10/2013 (Committee)

Applications outstanding over 17 weeks at 31st October 2013

Division	Member	Description	Weeks Out Standing	Comments
BASSETLAW				
Blyth & Harworth	Cllr Sheila Place	Vary condition to allow coal stocking site to be restored in compliance with planning permission, Harworth Colliery, Scrooby Road, Bircotes	327	Application to be withdrawn
Blyth & Harworth	Cllr Sheila Place	Variation of condition to vary the period for the submission of an alternative restoration scheme, No2 Spoil Heap, Harworth Colliery, Scrooby Road, Bircotes	327	Application to be withdrawn
Blyth & Harworth	Cllr Sheila Place	Development and use of land for two angling lakes, with access and landscaping with associated excavation and exportation of mineral and surplus soils during construction. Lodge Farm, Scrooby Top	35	Report being prepared for December 2013 Committee

Division	Member	Description	Weeks Out Standing	Comments
Blyth & Harworth	Cllr Sheila Place	Planning application to vary conditions 7,12,13,14 and 16 of planning permission 1/66/02/00015. Variation of condition 7 to refer to updated plant and machinery details. Condition 12 to allow for an amended restoration scheme, condition 13 to refer to a surface run-off scheme. Condition 14 to refer to foul and surface water details. Condition 16 to extend the time for deposit of waste to 31 December 2017.Styrrup Quarry, Main Street, Styrrup	28	Can be found elsewhere on the agenda
Blyth & Harworth	Cllr Sheila Place	Variation of condition 5 of planning permission 1/66/96/16 to allow for the continuation of spoil disposal operation at Harworth Colliery No 2 spoil heap, Harworth Colliery Spoil Tip, Blyth Road, Harworth	18	Awaiting an ecological survey, which is unable to be completed until Spring 2014. Extension of time agreed with the Applicant
MANSFIELD				

Division	Member	Description	Weeks Out Standing	Comments
Mansfield North	Cllr Joyce Bosnjak Cllr Parry Tsimbirdis	Variation of condition 2 of planning permission 2/2010/0227/WT to allow continuation of crushing and screening plant to recycle building materials for a further 5 years. Cast Quarry, Vale Road, Mansfield Woodhouse.	19	Awaiting a further planning application from the applicant to extend the life of the inert landfill, which would be linked to this application.
NEWARK				
Newark West	Cllr Tony Roberts	Regularisation of use of additional land in connection with scrapyards, Briggs Metals Limited, Great North Road, Newark	145	Agent held meeting with drainage expert to provide flood risk assessment to overcome Environment Agency's objection. Awaiting response to flood issue from applicant.
Rufford	Cllr John Peck	Retrospective application for permission to install base with concrete apron and ground fittings for support and an application for temporary seasonal erection of a marquee on this base from April to October each year, until October 2015, Rufford Abbey County Park, Rufford,	28	Report being prepared for December 2013 Committee

Division	Member	Description	Weeks Out Standing	Comments
Rufford	Cllr John Peck	Change (additional) use of Savile Restaurant as a wedding venue. Installation of marquee fixings and realignment of path and erection of a temporary marquee from April to September (inclusive), Rufford Abbey, Rufford Country Park, Ollerton	22	Report being prepared for December 2013 Committee
ASHFIELD				
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Planning application for the continued use of an Aggregates Recycling Facility at Wigwam Lane for the treatment of waste to produce soil, soil substitutes and aggregates. Total Reclaims Demolition Ltd Wigwam Lane, Bakerbrook Industrial Estate, Hucknall	63	Awaiting NCC Highways comments on lorry routeing details, which are now being looked at in conjunction with another application on Wigwam Lane, listed below

Division	Member	Description	Weeks Out Standing	Comments
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Environmental improvements to the Hucknall Town Centre. The construction of a new inner relief road between Annesley Road and the Bolsover Street/Station Road Junction. Realignment of existing Linby Road/Ashgate Road junction, the provision and laying out of new pedestrian and cycle links other related highways works, enclosures and associated landscaping. Annesley Road to Station Road, Hucknall	42	Can be found elsewhere on the agenda
Kirkby in Ashfield South		Proposed disposal of inert waste material on land adjacent to Shenton Lodge and its restoration to ecological and recreational use. Resubmission of planning application reference 4/V/2012/0127, Land adjacent Shenton Lodge, Derby Road, Kirkby in Ashfield.	25	Can be found elsewhere on the agenda
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Retrospective use of site for recycling of inert materials and construction of 5m high sound attenuation wall. Plots 10, 11, 12, 13, 14 and 16 off Wigwam Lane, Hucknall	19	Awaiting NCC Highway comments, which are being produced in conjunction with the above application on Wigwam Lane

Division	Member	Description	Weeks Out Standing	Comments
Sutton in Ashfield East	Cllr Steve Carroll	Retention of three re-sited storage containers, greenhouse, material storage bays, footpaths and associated works, access to the site from Sutton Lawn via steps and erection of 2.0m high fencing Eastbourne Site, Station Road, Sutton in Ashfield,	18	Delegated report being prepared
BROXTOWE				
Beeston South & Attenborough	Cllr Kate Foale	Variation of condition 3 of planning ref 5/06/01039/CCR to amend the alignment of the weir, associated bridge structure and reduce distance of the diversion to footpath No 69, Land southwest of Attenborough Nature Reserve, Barton Lane, Attenborough	241	Report written but conditions to be finalised
Kimberley & Trowell	Cllr Ken Rigby	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings. Shilo Park, Shilo Way, Cossall	41	Further information is still required on ecology, drainage issues and a landscaping character assessment and land contamination

Division	Member	Description	Weeks Out Standing	Comments
Bramcote & Stapleford	Cllr Stan Heptinstall Cllr Jacky Williams	Planning application to regularise overfilling and to seek consent to import approximately 3000m ³ of restoration material to complete the restoration of two sports pitches. Bramcote Landfill Site (Closed), Coventry Lane, Bramcote	29	Delegated report prepared
GEDLING				
Newstead	Cllr Chris Barnfather	Improvement works to the country park involving the remodelling and partial in-filling of lake 2 for development as a fishery, and wider landscape improvement works and path upgrades, in total requiring the importation of circa 17,000m ³ of inert materials and soils. Newstead and Annesley Country Park, Newstead Village	48	Can be found elsewhere on the agenda
RUSHCLIFFE				

Division	Member	Description	Weeks Out Standing	Comments
Soar Valley	Cllr Andrew Brown	Resubmission of application for the construction of a leisure marina comprising marina basin with 553 leisure moorings and ancillary buildings, associated vehicle parking, landscaping and infrastructure and the incidental excavation and removal of minerals. Red Hill Marina, Ratcliffe on Soar	0	A second request for Further information under Reg 22 has be submitted and re-consultation has taken place – Appeal for Non Determination has been received
Keyworth	Cllr John Cottee	Creation of additional yard area for waste wood storage and erection of screening bund (partly in retrospect) adjacent to existing wood recycling site. John Brooke (Sawmills) Ltd, Broughton Grange, Fosse Way, Widmerpool	17	Awaiting further information from applicant concerning flood risk

