Nottinghamshire County Council

Report to the Planning and Rights of Way Committee

18 July 2023

Agenda Item 6

REPORT OF THE INTERIM CORPORATE DIRECTOR FOR PLACE

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/23/00239/CMW

PROPOSAL: **RECONFIGURATION AND EXTENSION OF EXISTING RECYCLING YARD INCLUDING RAISING GROUND LEVELS, NEW/EXTENDED BUILDINGS, WEIGHBRIDGE, EXTERNAL WALLS AND NEW ACCESS**

LOCATION: **THE YARD, GREAT NORTH ROAD, NEWARK ON TRENT, NOTTINGHAMSHIRE, NG24 1DP**

APPLICANT: **BRIGGS METALS LTD**

Purpose of Report

1. To consider a planning application for a northern extension to the Briggs Metals recycling/scrap yard, Great North Road, Newark, including new/extended buildings, weighbridge, boundary walls and new access. This is a revised proposal to a previously withdrawn application in 2020. The key issues remain the same and relate to whether the proposed development is appropriate and sustainable, having regard to its location within the functional floodplain and open countryside, visual and local amenity impacts, access and highways issues, and consideration of the benefits for the safe operation of the facility and its contribution to the local circular economy.

2. As the site lies within an area at high risk of flooding and outside of the urban area the application has been treated as a 'departure' from the Development Plan. The recommendation is to refuse planning permission as the proposed development is considered to be inappropriate in this location and the benefits do not justify departing from planning policy.

The Site and Surroundings

3. The Briggs Metals site is a long-standing scrap metal recycling facility situated beside and west of the A616 Great North Road, 200m north of the A46 Newark Cattle Market roundabout and opposite the extensive British Sugar factory site. It specialises in traditional scrap metal collection and processing including vehicle depollution / End of Life Vehicle (ELV) recycling and supports 20 full time employees.

4. The current facility covers approximately 1 hectare and sits on elevated, made ground surrounded by lower level grazing pasture and other fields all forming a part of the functional floodplain (Flood Zone 3b) forming an 'island' between the two branches of the River Trent at Kelham and Newark. The adjacent Great North Road (A616) is carried over these washlands by means of a raised causeway and a series of 18th century arched viaducts ('Smeaton's Arches'). Surviving sections are Grade II listed including at 60m south east of the site (see Plans 1 and 2).

5. The low-level grasslands which surround the scrap yard to the west, south, (and also over the road to the east) are designated Local Wildlife Sites for their damp and/or unimproved grasslands, although the field to the south is degraded by occasional storage and driving of plant and vehicles from the applicant's yard.

6. The existing scrap yard has a single point of access from Great North Road and a weighbridge on entering. Sheet metal fencing encloses the existing scrap yard site along three sides and a bund and planting area forms the southern boundary. The entranceway is gated and has a brick wall on one side and sheet metal fencing on the other. The site also has a residential property ('Edward House') which is owned by the site operator and is located behind the brick wall frontage. Various structures on site include a 10m tall shredder/fragmentiser with cyclonic system and several steel framed buildings and storage bays. A large stockpile of scrap metal is usually present in the centre and a range of mobile grabs/cranes and other plant are employed to move materials.

7. Immediately north of the existing yard is an area of private amenity land in the applicant's ownership at lower level and in Flood Zone 3b. This is separated from the A616 by a continuous hedgerow, including an occasional semi mature tree within. Some 0.4 ha of this 0.8 ha area forms the application site for the proposed yard extension and is demarked internally by post and rail fencing across the field. The application red line area also extends south into the existing facility to incorporate a building which is proposed to be partially demolished. There is currently some ad hoc storage of plant and machinery on the land and potential evidence of previous soil tipping/raising, however it is still 1 to 2m lower than the existing scrap yard and separated by sheet metal fencing and several self-set trees and scrubby vegetation.

8. Beyond this area to the north is a small residential area and a farm complex (there are about 15 properties on or just off Kelham Lane). The two closest of these properties are accessed from Great North Road including one ('Breedon House') housing an established children's day nursery which is 90m to the north-west (as measured from the corner of the proposed site extension to this physical property). Its extensive garden area (also used by the nursery children) extends up to the corner of the proposed site extension save for a field access and a dense line of coniferous trees. The second closest property ("Latham Hall') is the applicant's residence (see Plan 2).

Planning history

9. The current scrap yard is long established, and possibly dating back more than 50 years. There is no record of a planning permission ever having been granted for its creation, instead its existence and continued operation was formalised through the grant of a Lawful Development Certificate (LDC) by Newark and Sherwood District Council in 1998 (ref. 95/51085/LDC). There are limited planning controls attached to this LDC which primarily sets out the extent of the site and what broad types of recycling can be undertaken.

10. Since then the site appears to have expanded beyond the area demarked under the LDC by incorporating the main buildings at the north-east (previously excluded) and in more recent years there is evidence of some expansion along the southern boundary.

11. Planning permission was refused by the Waste Planning Authority (WPA) in 2016 for the retrospective use and incorporation into the scrap yard of this additional strip of land to the south, along with the retrospective erection of various plant and structures and building extensions within the yard. Permission was refused due to an inadequate flood risk assessment resulting in an objection from the Environment Agency. This went unresolved for several years leading to the eventual issuing of the refusal. The potential for ground contamination was a further concern. Due to the passage of time, these developments which have remained in place will be outside the time limit for taking any enforcement action, but nonetheless the current yard and its operations extends beyond that permitted by the 1998 LDC and no other formal permission or LDC has ever been granted.

12. Planning application 3/20/00641/FULR3N (Change of use of land to allow for the extension of the existing yard including the raising of ground levels, new external walls and new additional highway access) sought permission for a similar development to that now proposed (and on the same parcel of land) but was withdrawn in November 2020 after the Planning Officer's report recommending refusal was published.

Proposed Development

13. This is a revised/second application seeking permission to develop a northern extension to the established scrap metal recycling yard. The current proposals are very similar to the original submission but include additional aspects in terms of the alteration, extension and erection of buildings. As with the earlier application, permission is sought for a 0.4 hectare northern extension to the current scrap yard including a new vehicular access which would serve as the site exit (the existing access would become the entrance). The extension would be created by means of land raising using imported fill materials (4,500m^3 of inert waste/aggregate) to bring the ground up by 1 to 2m to the existing yard level and lifting this out of Flood Zone 3b. The existing self-set trees and fencing would first be removed/felled.

14. As shown on Plan 3, the yard would extend north by circa 45m on its eastern end, beside the Great North Road and by 20m at its western end beside a field access. The land raising would take 4 weeks and an average of an additional 25 HGV loads per day to source the materials. The extension would be hard surfaced with concrete and with provision for capturing surface water drainage. A new concrete sectional wall, or alternatively concrete 'Lego' block wall, would be built along the new northern boundary. In a change to the former proposals, the new eastern wall boundary would comprise a red brick wall (height stated as to be confirmed) running partly behind the roadside hedgerow and partly exposed around the new access/exit. The application envisages a landscaping/planting scheme to help screen the concrete wall and to replace trees that would be removed.

15. The creation of a new, second vehicular access onto Great North Road, (same position as proposed before) would involve removal of a section of roadside hedgerow to create acceptable visibility (in addition the report later identifies a need to fell four highway trees). This would become the site exit for the enlarged facility, whilst the current access would be made the site entrance thereby creating a circular route for HGVs around the site. Barrier controls and signage would be installed. A second outgoing weighbridge would also be added.

16. In a change since the earlier application, it is proposed that the northern bay/section of the non-ferrous building would be demolished to facilitate a revised location for the new weighbridge upon exit. The resulting building would be enclosed along its new northern elevation with a mix of corrugated steel shedding, and existing block and brickwork. Ground floor windows appear to offer a means of overseeing the proposed new weighbridge. The maximum heights of this smaller building would be between 5.8 and up to 7m high where at the western end there is a two -storey office.

17. The application also now proposes to erect a new/replacement Non-Ferrous metals shed/building sited inside/against the proposed new northern boundary wall. Plans show this would be of concrete block construction measuring 15m long by 8m deep and 6m high to eaves, with a steeply pitched roof of grey corrugated metal sheeting, with a maximum ridge height of 9m. There would be a 5.5m high opening on its southern elevation for access. The plans also indicate the roof being fitted with solar photo-voltaic (PV) panels.

18. The application also seeks permission to extend the existing open fronted shed (ELV depollution building) at the site's north eastern corner with two further steel portal bays up to the corner of the extended yard site. The extension would be to the same height – approximately 6.6m and the external elevations would match the existing shed. It is proposed that the extended building would be used for end of life vehicle recycling and depollution for hybrid and Electric Vehicles (EVs) for which there is an increasing demand.

19. Also proposed to be sited inside the expanded yard are two 150,000 litre water tanks for fire fighting (nominally 2.3m high) and a 40ft shipping container as part of the storage for lithium battery storage and processing.

20. The application is accompanied with several resubmitted reports including a Flood Risk Assessment, Transport Statement and a Noise Impact Assessment. A new Planning Statement sets out the applicant's case in more detail and a flood risk sequential test exercise has also been undertaken to consider the availability of reasonably alternative locations. Options to improve the site's visual impacts on the 'gateway' approach to Newark have been illustrated for discussion and consideration, including the potential installation of some wall mounted artworks from cut scrap metal depicting historic local connections.

21. The applicant's case and justification for the need for the expanded facility has moved on and in particular there is a need for the site to increasingly handle and recycle hybrid and electric vehicles including their battery packs in a safe manner. The plans include a dedicated depollution area as well as a safe battery storage area. In summary the applicant believes the proposed extension would deliver the following benefits:

- Increased service provision. This includes a statement that waste processing would rise from around 40,000—60,000 tonnes per annum (tpa) towards the maximum Environment Agency (EA) permit level of 75,000 tpa. Also a wider set of services would be offered e.g. EV recycling or large commercial vehicles/buses.

- Safer service, including better management of vehicles on site through the creation of the dedicated one-way system (and second weighbridge), to address current conflicts and concerns over the mix of general public and large commercial vehicles vying for space around active waste processing and movements of plant/machinery. Also improved access for emergency vehicles and better fire prevention.

- Improved access from and egress to the Great North Road creating safety improvements on the A-road itself.

- The creation of a Gateway to Newark through a public art project.

- Support for the existing 20 full-time equivalent (FTE) staff and leading to the employment of 6-8 more FTE staff.

- A 'Green Strategy' to move the site operation fully to electric. Initially the proposals are to fit solar PV panels on the roofs of all new buildings, eventually on all site buildings. Space is also earmarked for a future substation. The applicant is also considering a replacement electric shredder (though not part of the current application).

Consultations

22. **Newark and Sherwood District Council –** *No objection/ but raises comments.*

23. *The site is located within Flood Zone 3b, which is functional flood plain. Only water-compatible uses or essential infrastructure that has passed the Exception Test should be permitted in functional flood plain. With reference to Annex 3:*

Flood risk vulnerability classification as set out in the PPG, the proposed development falls within neither category, but is instead categorised as a form of 'less vulnerable' development, which should not be permitted in functional flood plain.

24. *Planning permissions referred to in Section 6 of the Planning Supporting Statement are not directly comparable to the site or proposed development nor do they set a precedent for permitting development in functional flood plain or any other area at risk of flooding.*

25. *The submission also fails to refer to plans to improve the A46 between Farndon and Winthorpe Roundabouts and should be referred to Highways England for comment.*

26. *Finally, Section 4 of the Planning Supporting Statement refers to a Gateway Art Project and an art installation to partially mitigate the visual impacts of 5-6m boundary walls along the road frontage. To clarify, the site is not considered to represent part of the 'Newark Gateway' which is to the south of the A46.* [This is understood to be a term used by NSDC for their separate redevelopment plans at the former Cattle market site and lorry park].

27. **Newark Town Council –** *No objections.*

28. **South Muskham and Little Carlton Parish Council –** *Comments regarding concerns about the risk of potential flood displacement on the South Muskham and Little Carlton communities from the extended development***.**

29. **Environment Agency –** *Object and recommends refusal.*

30. *The proposed development falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework (NPPF) and planning practice guidance (PPG).*

31. *The development is classed as 'less vulnerable' in accordance with Annex 3 of the NPPF. The majority of the site lies within Flood Zone 3b – the functional floodplain, which is land defined by the Strategic Flood Risk Assessment as having a high probability of flooding. Table 2 of PPG makes it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted.*

32. The EA ask to be reconsulted if the planning authority considers the development proposal no longer falls within the functional floodplain or if it considers that the development is classed as 'water compatible'.

33. *A variation to the operator's permit would be required if permission were to be granted.*

34. **NCC (Lead Local Flood Authority) –** *No objection and no further comments.*

35. **NCC (Highways) –** *Support subject to conditions.*

36. *The principle of the proposal is supported. The application includes a secondary access which will enable a one way in / one way out operation, improving issues which it is understood are experienced and impacts on highway. There are a number of matters which can be addressed either within a Section 278 or by condition.*

37. *For the proposed new access/exit a setback for the junction visibility of 4.5m as indicated on submitted drawing, number 023.00/01/P/Design rev A should be conditioned (not 2.4m as per the Transport Statement).*

38. *Some hedging to the north of the proposed access and four highway trees to the south (which create an unacceptable obstruction to visibility) would need to be removed to achieve the suitable splays. The applicant should prepare a scheme of planting elsewhere to replace the loss of trees.*

39. *The new access involves re-siting a lamp column and a telegraph pole. It may be worth considering locating the access to the northern end of the site to avoid these and may also have a positive impact on the visibility splay / loss of highway trees previously highlighted.*

40. *A barrier is proposed on exit which is acceptable, but there appears to be a barrier/gates on the entrance. It is not clear whether this is proposed or existing and/or its intended operation but it should be conditioned that the entrance gates / barriers are kept open during opening hours to ensure that the highway is not obstructed.*

41. *The proposed signing is incorrect and would need to be designed to accord with the Traffic Signs Regulations and General Directions. Internal signing would also need to be amended/increased/re-sited as by the time a driver would see that proposed, they would already be obstructing the access.*

42. *The new exit would need to be constructed as industrial road construction as per the Nottinghamshire Highway Design Guide as opposed to concrete as indicated, but this would be a matter which can be dealt with at technical approval.*

43. *Confirms that the additional staff parking spaces (and cycle storage) have been shown on the revised layout plan and this provision will cater for increase staff numbers and should be required by planning condition.*

44. **Highways England** – *No objection.*

45. *The proposal is to reconfigure the existing site layout with extensions to existing buildings, which will greatly improve the operational area of the site, including a new direct access from the A616, improving safety and efficiency. There will be no change to the operation of the site in terms of traffic generation and as such the A46 trunk road will not be adversely impacted.*

46. *A total of 5000m³ of material will be imported over a 4 week period generating a total 50No HGV vehicle movements per day (25 in & 25 out) which is not expected to impact the safe operation of the Strategic Road Network (A46).*

47. *The proposal will have no impact on the proposed A46 Newark Northern Bypass scheme.*

48. **NCC (Built Heritage) –** *No objections with recommendations.*

49. *The site is immediately adjacent to the 'Great North Road', a historical routeway of very considerable significance. The C18th improvements to the road undertaken to the designs of John Smeaton included a set of causeways (Smeaton's Arches). These arches are all grade II listed designated heritage assets and the closest one to the proposal site is within a few meters to the south of the main entrance.*

50. *Advice is offered to help mitigate the potential for harmful impacts on the setting to Smeaton's arches. Impacts are the result of increasing urbanisation (a new entrance and signage) and associated highway requirements. Recommends the least amount of signage possible to reach required highway safety standards. Recommend materials (bricks etc) are chosen to match those of Smeaton's arches, to harmonise with the heritage asset. Recommends that to mitigate the visual impact of the concrete wall this should be kept to the minimum height necessary (5m is preferred) and screened by a substantial scheme of landscaping, hedge enhancement and appropriate native tree planting.*

51. *There is no objection to the proposed artwork as an enhancement to the site, but it is not likely to be an effective 'gateway artwork' to Newark itself.*

52. **NCC (Archaeology) –** *No objection subject to a written scheme of investigation by way of condition.*

53. Advises that the comments remain unchanged from the response to the earlier application. It is unclear how the development would be undertaken and engineered without first removing top soils. Previous comments:

54. *The archaeological potential of the site is far from clear. It is in relatively close proximity to the Grade II Listed Smeaton's Arches, and is adjacent to a stretch of embankment and an associated channel which was dug either side of the structures, possibly used as the material for the embankment but also acts as flood storage.*

55. *The proposed extension to the scrap yard is at the original 18th Century ground level, and at least part of the site is beyond the channel. The lidar imagery suggests there has been some dumping in the southern half of the site, although this is not clear. No information suggests that the area has been otherwise damaged, and therefore archaeology may survive here – noting that this part of the Trent Floodplain has a complex and intensive archaeological resource.*

56. *It is assumed that topsoil and organic rich materials would be first stripped before the ground level is raised to match that of the current scrap yard. If there is archaeology present, it will be exposed by such work, and is likely to be damaged by vehicle movements and the import of the inert materials.*

57. *It is recommended that an archaeological investigation known as "strip, map and sample" be conditioned if the proposal is granted consent.*

58. **NCC (Nature Conservation) –** *No objection subject to conditions.*

59. *The application is not supported by any ecological assessment, but aerial photos suggest the land in question is disturbed and unlikely to be of high quality, and it is stated that it has previously been used for the storage of spoil and hardcore. However, the possible presence of protected species close to the application site is an unknown.*

60. *A Local Wildlife Site (Valley Farm Grassland LWS 5/3401) abuts the south-west corner of the application site. Whilst it should not be affected, measures will need to be put in place to prevent inadvertent damage through the use of temporary protective fencing.*

61. *Existing vegetation should also be protected during works (where this is to be retained), and new landscaping provided along the northern boundary of the application site to screen the proposed panel wall. Details should be conditioned for approval and this should include a band of native shrub planting, comprising species such as Hawthorn, Hazel, Goat Willow and Field Maple.*

62. *A standard condition should be used to control vegetation clearance during the bird nesting season.*

63. *If lighting is required for operational reasons then a lighting scheme should be conditioned so as to be sensitive to nocturnal wildlife and in accordance with industry best practice.*

64. **Via (Landscape) -** *Unable to support unless the proposed wall is lowered to 5m and screened with layered tree and shrub planting. Details of roadside hedgerow removal should also be finalised.*

65. *Comments on the previously withdrawn application were reviewed and it appears little has been done in response to the original comments:*

66. *• "The proposal would be harmful to the visual amenity of the area.*

67. *• The large wall would not contribute positively to the character of the area as it would interrupt and jar with the verdant nature of the mature hedgerows and trees which line both sides of the Great North Road at this point.*

68. *• Any existing or proposed landscaping or external treatment is unlikely to be effective given the position and scale of the proposed wall.*

69. *• The existing hedgerow is also likely to be harmed in order to provide junction visibility".*

70. *The proposed wall remains a large and visually intrusive feature at 6m high. Acoustic information suggests the wall could be lowered to 5m without reducing the noise control features. The height of the wall should therefore be reduced to*

5 metres to provide sufficient noise control and limit the area over which visual effects would be experienced.

71. *A roadside hedgerow (relatively low and in poor condition) will need to be removed for visibility splays. Full details of the amount of hedgerow to be removed should be supplied and agreed with NCC Highways and the agreed solution submitted to the landscape team.*

72. *Further thought should be given to screening the proposals, as adverse effects are currently likely to be experienced over a wide area. Several suggestions are made within the application in relation to mitigating effects:*

73. *Artwork near the site entrance would not be effective in any way at screening the visual impact of the wall. Artwork at the roadside is also likely to be a distraction to passing motorists.*

74. *Painting the wall green is likely to increase its visibility of the structure as the top of the wall is likely to break the skyline and as such would introduce an extensive block of unnatural colour against the sky. Neutral colours are more successful at 'blending in' to their surroundings.*

75. *Overall, it is considered that soft landscaping is likely to the be the most effective means of screening the site as it will filter and soften views of the wall. This screening will be most effective if it is applied in layers creating overlapping filtration of views.*

76. *The applicant's landownership would allow for a reasonable depth of planting to be achieved alongside the existing highway hedgerow, thickening it up and increasing its height. In addition, a band of tree and large shrub planting should be implemented immediately to the north of the proposed new wall adding the second layer screen filter. The selection of plant species should be appropriate to this Landscape Character Area and planted using a diverse range of ages, (e.g.,1+1 transplants for hedging through feathered trees to a handful of semi-mature trees). Proposal plans should be submitted showing species, planting specification, planting schedule, drawn planting details (such as tree pits) and a Maintenance specification and schedule for successful establishment.*

77. **Via (Noise Engineer) –** *No objection subject to conditions. Confirms that a 5m high concrete wall would be acceptable for noise screening purposes.*

78. *The rating levels calculated at NS Receptor 1 and 2* [see Figure 1 below] *are below the background noise levels, indicating a low impact (-5.0 dB below the background level at the NSR1 location, and -13 dB below the background levels at the NSR2 location) with a 6m high concrete blocks fence being installed. The noise emissions of the proposed site with a 5m high concrete blocks fence also shows that also low impact is expected, the rating level falls 3 dB and 13 dB below the prevailing background sound level at NSR1 and NSR2 respectively. Therefore, the lower height of 5 m concrete wall indicates Lar,Tr noise levels within acceptable limits.*

79. *Conditions are recommended including a noise limit associated with the wider site operations of 54.0 dB(A) at any NSR; a complaints process whereby the WPA is able to require further noise mitigation; technical details of the 5m wall construction; the use of white noise/broadband reversing alarms on vehicles under control of the operator; and the submission of an operational noise management plan.*

80. **Via (Geo Environmental) -** *Assessment requested. Recommends that the applicant submits a Phase 1 Geo-environmental Desk Study prior to determination of the application. This should include recommendations for further investigation of the extension land, which could be conditioned.*

81. *The application does not include sufficient supporting evidence to show that the land on which the extension would be constructed is not contaminated land. There is potential for soil tipping or tipping of other wastes to have occurred in this area. Satellite mapping also shows heavy disturbance across the proposed extension area. There is also evidence of vehicle disturbance on the field to the south of the existing scrapyard, including tracks coming from the scrapyard, and a possible large waste stockpile within the field.*

82. *The site overlies a Secondary A Aquifer, which could be impacted by existing ground contamination, if present.*

83. *It is considered unlikely that the application site can be developed without first stripping back vegetation, topsoil and any other unsuitable materials. Therefore, ground disturbance and possible waste soils should be expected. Soils requiring disposal should be appropriately tested for waste classification.*

84. *Although outside my remit for this type of application, it should also be noted that the proposed extension would bring the operational area of the scrapyard closer to the children using the day nursery to the north-west and to residential receptors to the north. It appears that the extension would be directly adjacent to a residential garden and the garden area of the day nursery. This could increase the risks to these receptors from pollution incidents and fire hazards, as well as reduced air quality and migration of dust.*

Publicity

85. The application has been publicised by means of site notices, a press notice and 15 neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.

86. One letter has been received from a nearby resident raising concerns over the increased risk of flooding to nearby properties from the raising of ground levels and whether the proposed A46 bypass scheme has been taken into account in flood modelling. A farm/haulage yard has also created additional hardstanding in the floodplain in recent years.

87. One representation in support has been received from Newark Business Club.

88. Mark Spencer MP for the neighbouring Sherwood constituency has also written in support of the application particularly in terms of creating growth and local employment:

- The applicant is long established in this location, is an important local employer supporting 20 full time employees, and as the business thrives, it requires appropriate expansion. The site is a principal centre for metal recycling in the East Midlands.

- On site Health and Safety will be greatly improved with the new in and out vehicle access arrangements. This will negate the need for reversing.

- Relocating the business is not appropriate or sustainable and there are no other appropriate sites in the Newark vicinity, the main operating area.

- Whilst the Environment Agency have lodged a policy objection, flood modelling shows the impact would be negligible/almost imperceptible in such an enormous floodplain and there would be no increased flood risk created elsewhere. It would be appropriate to depart from rigid EA policy and support the extension as a unique situation.

- Planning permissions have been granted elsewhere despite the EA being concerned. The impression is given that small businesses that are vital to the local economy are rejected.

89. Cllr Mrs Sue Saddington does not object and notes that an extension to the scrap yard could offer an improvement.

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

Observations

Introduction

91. In accordance with the statutory requirements, this planning application must be determined in accordance with the Development Plan (read as a whole), unless there are material considerations which indicate otherwise.

92. The Development Plan in the context of this proposal is unchanged from the former withdrawn proposal and comprises:

- The Nottinghamshire and Nottingham Waste Core Strategy (2013) (WCS)

- The Nottinghamshire and Nottingham Waste Local Plan (saved chapter 3 policies) (2002) (WLP)

- The Newark and Sherwood Amended Core Strategy (2019) (N&S ACS), together with:

- The Newark and Sherwood Allocations and Development Management Policies Development Plan Document (2013) (N&S A&DMP)

93. The County and City Councils are formulating a replacement Waste Local Plan which is planned to replace both the Waste Core Strategy and saved aspects of the Waste Local Plan in due course. However, no weight can be given to the policies incorporated in the current draft version of this document given its stage of development.

94. The following material considerations should be taken into account:

- The National Planning Policy Framework (NPPF) and associated online Planning Practice Guidance (PPG). (The NPPF was updated in June 2021 and the PPG has been substantially updated in relation to flood risk in August 2022).

- The National Planning Policy for Waste (NPPW).

Assessment against key locational policies

95. The main issue to consider remains the key concerns around the site's location within the functional floodplain/washlands for the River Trent, and this is where the assessment must begin, but thereafter consideration should also be given to the other locational and strategic planning policies.

Summary of policy position (focus on flood risk)

96. WCS Policy WCS14 (Managing Climate Change) requires all new or extended waste management facilities to be located, designed and operated so to minimise any potential impacts on, and increase adaptability to, climate change. The supporting text states that inappropriate development in the floodplain should be avoided, including waste management developments which can also pose a potential pollution risk from flooding and storm events.

97. WCS Policy WCS8 which deals specifically with extensions to existing waste management facilities is a supportive policy where such proposals would increase capacity or improve existing waste management methods, and/or reduce existing environmental impacts. It recognises that extending existing waste management facilities is likely to be more economic and result in less environmental impact than building a new one. However the supporting text advises that an extension may not always be the most sustainable option if an existing site is poorly located (such as where there is a heightened flood risk) or where it lies close to sensitive uses.

98. WLP Policy W3.5 (water resources – pollution issues) states that planning permission will not be granted for a waste management facility where there is an unacceptable risk of pollution to ground or surface waters or where it affects the integrity or function of floodplains, unless the harm can be mitigated by engineering measures and/or operational management systems.

99. WLP Policies W3.6 (water resources – planning conditions) and W3.13 (Flood Defences) enables planning conditions to be imposed to protect such interests such as requiring sealed drainage systems and impermeable surfacing.

100. N&S ACS Core Policy 10 (Climate Change) seeks to steer new development away from areas at highest risk of flooding, applying the sequential approach to its location. Reference is made to applying the Sequential Test and Exception Tests in line with national guidance. This links with N&S A&DMP Policy DM5 (Design) which amongst other matters states that new development will be steered away from areas at highest risk of flooding and that proposals within Flood Zones 2 and 3 will only be considered favourably where it constitutes "appropriate development" and it can be demonstrated that there are no reasonably available sites in lower risk Flood Zones (the Sequential Test). Where development is necessary within areas at risk of flooding, the Exception Test will also then need to be satisfied by demonstrating it would be safe for the intended use and would not increase flood risk elsewhere. Core Policy 10 and Policy DM5 are in line/up to date with chapter 14 of the NPPF on this matter.

101. NPPF para 154 states that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change, and when new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures. Para 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future) but where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Para 162 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

102. NPPF para 163 states that where it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.

103. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification as set out in Annex 3. Annex 3 classifies land uses into the following classes: Essential Infrastructure; Highly Vulnerable, More Vulnerable, Less Vulnerable, and water compatible development. It is not a definitive list, but sites used for the management of hazardous waste are deemed 'more vulnerable' whilst other waste treatment facilities are deemed 'less vulnerable'. Examples of 'essential infrastructure' are given as essential transport routes, utilities which have to be located in a flood risk area for operational reasons including electricity supply infrastructure, water treatment works, and wind and solar farms.

104. Para 164 states for the exception test to be passed it should be demonstrated that: a) the development would provide wider sustainability benefits to the

community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

105. Para 167 states that: *development should only be allowed in areas at risk of flooding where, in the light of [a site specific flood risk assessment] (and the sequential and exception tests, as applicable) it can be demonstrated that:*

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

106. The Planning Practice Guidance relating to flood risk has been substantially redrafted and strengthened in many respects following a national review of the effectiveness of the planning system in responding to this increased climate driven risk to people and property. Tables 1 and 2 remain key to determining the compatibility of the proposed scrap yard extension in the high risk flood zones.

Assessment

107. The site is deemed to fall within Flood Zone 3b as confirmed by the Environment Agency and has not been challenged by the applicant. The site is located in the Trent floodplain around Newark where the 'island' is subject to regular winter flooding, most recently in 2020, 2021 and 2022 including it has been observed, the low level fields around the scrap yard, and the proposed site extension land itself. The threat of flooding now and into the future (as influenced by climate change) is real and there are a number of nearby properties off Kelham Lane also vulnerable to changes in flooding conditions as highlighted by the local representation.

108. Flood Zone 3 is high risk and the PPG advises that the sub class 3b, is considered to be the functional floodplain (defined as 'land where water from rivers or the sea has to flow or be stored in times of flood'). Table 2 (reproduced below) then shows that a more vulnerable or less vulnerable land use (such as is the case with a waste management facility) is incompatible with the land's flood risk and should not be permitted. Only 'essential infrastructure' and 'water compatible' uses are potentially compatible in this most at risk flood zone after considering the sequential test, the exception test as appropriate, and subject to

meeting a number of further criteria. It is the view of Planning Officers that a scrap metal recycling facility does not fall into either of these categories.

Table 2: Flood risk vulnerability and flood zone 'incompatibility'

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✔	✔	✔	✔	✔
Zone 2	✔	Exception Test required	✔	✔	✔
Zone 3a †	Exception Test required †	X	Exception Test required	✔	✔
Zone 3b *	Exception Test required *	X	X	X	✔ *

Key:

✔ Exception test is not required

X Development should not be permitted

109. It should be noted that the PPG is guidance not policy, but it is clearly designed to work with the policy contained within the NPPF and the fact that both have been subject to recent updates ensures these are powerful material considerations to inform whether the development and its use of land would be an appropriate one for the purposes of the Development Plan policies referenced above.

110. As the statutory consultee in relation to main river flooding the Environment Agency have (again) raised an in-principle objection to the proposed development. Officers afford this very significant weight and it has not been challenged by the applicant as part of the planning application process, although it is noted that Mark Spencer MP has received a reply from the responsible Defra Minister on this issue (the contents support the EA position). It should be noted that the NCC Lead Local Flood Authority has not objected, however this issue of main river flooding is not within their remit.

111. The application is supported by the previous Flood Risk Assessment and associated modelling and also now by a Sequential Test assessment. This has investigated whether there are suitable/reasonably available alternative locations in and around the Newark urban area which are at lesser flood risk and to back up the contention that it is unfeasible to relocate either in full or in part. This sequential test assessment does not overcome the in-principle incompatibility of less/more vulnerable development in Flood Risk 3b, the highest possible level of flood risk and in any event the proposal is considered to fail the test.

112. Officers note that the applicant's sequential assessment of possible alternative sites (either to move the facility as a whole or in part) discounts the entire Newark Industrial Estate (Brunel Drive) policy area (NUA/E/1 as allocated in the N&S A&DMP, seemingly for reasons of surface water drainage and traffic. This position is considered to be untenable and the Waste Core Strategy (as further considered below) considers such employment and industrial areas to be suitable for recycling facilities (and conversely does not support them in countryside situations).

113. N&S A&DMP site allocation NUA/E/2 which lies within the wider Newark Industrial Estate policy area has also been discounted too readily. This has two large remaining parcels available for development beside the A1. Plot A3 is 1.4ha and plots A6-A16 in total covers up to 4.2ha and can be subdivided as suited. Both are large enough and sequentially favourable in terms of fluvial flood risk and are being actively marketed for commercial, industrial, manufacturing uses. Surface water flood risk is capable of being mitigated and managed through design and landscape planting could be provided alongside the A1.

114. In terms of some of the other sites considered, the proximity to housing is likely to prove too much of a sensitivity with regards to NUA/E/4, the former Highways Depot on Great North Road, and NUA/E/3 which backs onto housing on Middleton Road. Other sites looked at are not sequentially better or simply not available.

115. A new site which has not been included in the applicant's assessment is the former Goodlife/Daloon food factory on Brunel Drive. The factory buildings have recently been demolished to slab level and this circa 1.6 ha site (2.4 ha if including and adjacent unit which has been retained standing and vacant) is being marketed for industrial and manufacturing uses. Again it is sequentially favourable to the current scrap yard site and set within the industrial estate policy area. Parts of the playing fields to the west are subject to an outline planning permission for housing, however the final plans took into account the presence of the former factory in terms of noise and emissions by moving the dwellings to the south. Therefore this site has potential to successfully accommodate the scrap metal recycling facility.

116. The applicant's assessment has not considered Fernwood business park (only small parts built out), nor the extensive employment allocation as part of the Sustainable Urban Extension South of Newark (land off Staple Lane – not

commenced). There are also land allocations at Newark Showground (part developed). A number of smaller commercial premises and buildings are also being marketed on the Brunel Drive Industrial Estate.

117. Contrary to the applicant's contention, Officers consider there are reasonably available sites in the Newark urban area which would be sequentially superior to the existing site within the functional floodplain and appear to be suitable in planning terms for other reasons. The planning system has an important role in shaping and delivering sustainable development and whilst the relocation of a business (either whole or part) is inevitably a large step to take for an applicant, and a significant investment, the planning allocations, together with the commercial property market is not a barrier to this and is able to facilitate sustainable business growth in appropriate locations. This could also offer a future proofed solution and tie into the applicant's stated plans to replace and electrify the processing plant. Alternatively a satellite facility could be established allowing the existing yard to remain and be improved within its current footprint. If on the other hand an extension to the existing yard was developed contrary to planning policy, this could create a precedent for future expansion attempts.

118. The applicant considers that it has passed the sequential test and again contends that the proposed land raising works (needed to lift the extended yard above future flood events) would result in no discernible rise in flood risk elsewhere, through displacement of flood water, owing to the comparative vastness of the floodplain and that the extended site itself would be safe from flooding. In particular the applicant's Flood Risk Assessment and modelling does not indicate that the displaced water would lead to any significant increased flooding to the nearby properties to the north, including after taking into account the future effects from climate change. No compensation for the loss of flood plain storage is therefore proposed and the modelling actually predicted an increased risk of off-site flooding if such volumetric compensation was to be provided. The applicant states that this is a case where pragmatism should be employed and that planning permission ought to be granted for a modest extension and that it is impractical to accommodate the additional space elsewhere.

119. The finding in relation to likely residual effects can be a material consideration to take into account. However, Officers afford this limited weight, concluding that it is appropriate to manage flood risk on a site by site basis, acknowledging that although an individual development may only have a minor negative effect on flood storage capacity across the wider catchment, these negative impacts will cumulatively add up over time to result in more significant effects if appropriate controls are not imposed on each individual development. Officers therefore conclude it is correct and appropriate that flood risk is managed on a site by site basis and afford full weight to the principal conflict with planning policy as backed up by the Environment Agency's objection.

120. In conclusion it is Officers position that it is not appropriate to extend the current scrap metal recycling yard which exists though historical development in the functional floodplain around Newark. Notwithstanding the applicant's assessment of possible alternative sites for relocation, there is commercial

development land available in the Newark urban area which is at lower risk of flooding and which could be suitable for metal recycling. The application therefore fails the sequential test and Officers are not satisfied that the development would not result in increased flood risk elsewhere, thus failing the exception test, noting that the development will remove flood water storage capacity in the functional flood plain with no arrangements for compensating this loss. This is in the context of a restrictive suite of local and national planning policies and guidance.

121. After considering all the matters, the proposed site extension is not considered appropriate on flood risk grounds and is considered contrary to WCS Policies WCS8, WCS14, WLP Policy W3.5, N&S ACS Core Policy 10, N&S A&DMP Policy DM5, and chapter 14 of the NPPF, particularly paragraphs 159, and 162, together with the PPG. This finding would justify a refusal of planning permission however it does feed into planning balance once all matters have been considered.

Other locational policies

122. The strategic and locational criteria for waste management developments are set out in Waste Core Strategy Policies WCS4, WCS7 and, specifically for site extensions, Policy WCS8 (as covered above).

123. WCS Policy WCS4 looks at the broad locations for waste management facilities to ensure there is a network of appropriately sized facilities to serve different communities and areas around the County. The policy supports the development of smaller to medium sized waste management facilities in, or close to, the County's built-up areas including Newark. The existing scrap metal recycling facility and its proposed extension would align with this first aspect. It then states that the development of facilities within the 'open countryside' will be supported only where such locations are justified by a clear local need, particularly where this would provide enhanced employment opportunities and/or re-use existing buildings. On this matter the site is considered to be positioned in the 'open countryside' for the purposes of this policy as it lies outside of the Newark Urban Area which can broadly be taken to be around the A46 bypass. The Newark and Sherwood Allocations and Development Plan Policies Document also confirms this conclusion. Whether there is a clear local need for the development is further considered below, however the application does envisage some growth in employee numbers and increase in waste throughout.

124. WCS Policy WCS7 then considers the suitability of a range of land types/uses for differing types of waste management development. Metal recycling facilities are only expressly supported on employment land and industrial estates and not in countryside locations. However this is a non-definitive guide and both policies WCS4 and WCS7 are perhaps more aimed at the development of completely new facilities as opposed to site extensions, however the Strategy makes clear that all policies are to be read together.

125. In the Newark and Sherwood Local Plan Documents, the approach of Spatial Policy 3 (Rural Areas) of the Amended Core Strategy and Policy DM8 of the A&DMP DPD, is to afford strict controls to development in the open countryside. Core Policy 3 states that uses will be restricted to those which require a rural setting. This is further expanded upon in Policy DM8 which states that development away from the main built up areas of villages, in the open countryside, will be strictly controlled and limited to a select form of development. These include agricultural/forestry, tourism/leisure, equestrian uses, certain dwellings and re-uses of existing buildings and rural diversification proposals which should be complimentary and proportionate in nature and scale to the existing business. In relation to employment uses there is some support in DM8 for the proportionate expansion of rural businesses where they can demonstrate an ongoing contribution to local employment:

> *"small scale employment development will only be supported where it can demonstrate the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs in accordance with the aims of Core Policy 6. Proposals for the proportionate expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment. Such proposals will not require justification through a sequential test."* [The sequential test here being un-related to the separate sequential test which seeks to direct development away from high flood risk areas].

126. Paragraph 84 of the NPPF also supports, amongst other matters, the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. The inclusion of the term *sustainable* (in land use terms) is considered pertinent.

127. The applicant submits that the proposals comply with the above planning policies, and in particular it considers the discussion around open countryside to be irrelevant as the proposal is not for 'new development' but for an extension to a long established facility, that is situated close to Newark and near to other local industries. The applicant believes that as a rural based business any expansion would have to be within a rural setting. The applicant also places a greater emphasis on WCS Policy WCS8 (Extensions) as key to determining the application.

128. The proposed extension would appear to be of proportionate scale in terms of footprint expansion and new building works, as well as in terms of potential growth in waste throughout (towards the Permit limit) and the retention and expansion of employee numbers. However the policy context is one of overall restraint in countryside locations and this promotes the recycling/redevelopment of existing employment land and the build out of allocated land in sustainable and plan led locations.

129. Ordinarily a scrap metal recycling facility would struggle to demonstrate a requirement for a rural location, but there are examples in the county where they exist through historic development, as is the case here. The applicant's need for facilitating an expansion of the existing facility, whilst also addressing

constraints with the current site layout forms the basis for a potential need for the proposed extension. It is also their position that it is unfeasible to completely relocate the facility to a larger site elsewhere and that there would be a number of benefits created.

130. It is understandable, when a business has been firmly rooted at a particular site for so long that its first preference is to expand the current site. Indeed there are often good sustainability reasons for preferring such an approach and retaining and adapting existing site infrastructure as per WCS Policy WCS8. There are however situations where expansion cannot or should not be facilitated as first desired and the considerable constraint that is the functional flood plain obviously justifies the need for an alternative approach. In the wider context therefore, reading all policies together, the above policies are considered unsupportive of the proposed development which lies within the open countryside and functional floodplain.

Need for and benefits of expanded scrap metal recycling capacity/business and employment growth

131. WCS Policy WCS3 effectively brings the waste hierarchy into planning policy and seeks to support the Plan's overarching ambitions to recycle or compost 70% of the County's and City's waste through greatly expanded capacity, particularly with respect to commercial and industrial waste and construction and demolition wastes. Thus it gives priority to the development of new or expanded waste recycling (and composting/AD) facilitates over energy recovery, or lastly disposal solutions which form the bottom of the hierarchy.

132. There is no express requirement to demonstrate a need for additional recycling capacity in this part of the Strategy as effectively all forms of recycling are prioritised. There is a need for commercial and industrial waste processing capacity however there is already a high level of scrap metal recycling capacity in the County and City areas such that it was discounted from the calculations of need within the WCS. Whether there is a need for additional metal recycling capacity is therefore unclear however this should not detract from the merits of the proposals.

133. In an apparent change from the earlier withdrawn application, the current submission discusses expanding the business and increasing waste processing throughput (closer to the limit in the Environmental Permit), as well as the enhancement in capabilities with the introduction of EV (and battery) recycling, all enabled by the proposed physical site extension works and new and modified buildings. The earlier proposal appeared more focussed on simply enabling increased scrap storage (together with the access).

134. Throughput could rise by around 10,000tpa from 40,000-60,000tpa towards the 75,000tpa Permit limit and so potentially there could be a modest rise in the facility's contribution to the County's recycling capacity and to the recycling targets. It could also mean that excess scrap (for example cars) that might be having to be processed further away could be processed, treated and recycled closer to the area where the waste has first arisen, or it could cater for increased

waste streams arising from the Newark area through economic development and housing growth.

135. The applicant asserts that there is a clear local need for the expansion and that there is substantial demand for its services from 500 trade customers and 1800 other regular clients including scrap collectors, farmers and general public.

136. In terms of capabilities, the creation of a facility within the expanded yard to treat and process Electric Vehicles, hybrids and their batteries, would be a further benefit. The proposals include an additional open fronted bay/building for this purpose, along with an area to separately and safely store batteries. There is little doubt that recycling solutions are going to be needed for these vehicles going forwards and this would be a useful addition to the services the yard can provide to local customers and traders.

137. The applicant also refers to expanding employee numbers (6-8 more staff) which is an additional, modest, benefit to the local economy to take into account. There would also be secondary benefits in terms of the transactions and spend into the local economy. These benefits to this local business and to the local economy attract support from Core Policy 6 of the Newark and Sherwood Amended Core Strategy which seeks to support small and medium-sized enterprises, as well as the NPPF (para 81) which states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. It further advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

138. However Core Policy 6 also states that sustaining and providing rural employment should meet local needs and be small scale in nature to ensure acceptable scale and impact. It also refers to the planned provision of suitable sites and plan allocations to meet the needs of traditional and emerging business sectors, including land for starter units, live-work units, and 'grow on' graduation space so that small firms can be established, expanded and retained within the District. To this end significant new and existing employment land is allocated in/around Newark as part of the Allocations & Development Management DPD, and as noted above remains available to support sustainable economic growth.

139. Overall there are a number of potential benefits to have regards to in terms of the ability to increase capacity and capability for metal recycling, and supporting a locally based and established business and its contribution to the economy. A further benefit pertaining to access is considered below. The proposal received full support from Policy WCS3 and the benefits from enabling increased/enhanced metal recycling can be given modest positive weight. There is also support from Core Policy 6 and the NPPF, the latter advising significant weight should be afforded to the need to support economic growth and productivity. The benefits need to be considered in the overall planning balance.

Decarbonisation

140. The proposals include measures to start to decarbonise the current processing operations, initially with the installation of solar PV panels onto the roofs of the new and existing buildings. Space is also apparently earmarked within the new extension for a future substation which would be needed as part of a future project to replace the current diesel processing facility with an electric one. Such proposals would be for a future planning application to consider. The plans respond to the need to address climate change and WCS Policy WCS14 in this respect (though not in terms of flood risk) but at this stage the benefits in terms of decarbonising operations are considered to be very limited and could probably be achieved without the proposed site extension.

Highways, access and parking

141. WLP Policy W3.14 states that planning permission will not be granted for a waste management facility where the vehicle movements cannot be satisfactorily accommodated by the highway network or would cause unacceptable disturbance to local communities.

142. Newark and Sherwood Core Strategy Spatial Policy 7 seeks to encourage sustainable transport. All major developments should be well located for convenient access by non-car modes and include safe, convenient and attractive access for all. Locations should be appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure the safety, convenience and free flow of traffic are not adversely affected. Appropriate and effective parking provision and vehicular servicing arrangements should be provided in line with Highways Authority best practice. Development proposals should also avoid highway improvements which harm the environment and character of the area. (N&S Policy DM5 (Design) also includes similar access requirements including reference to cycle parking.

143. The NPPF seeks to ensure that developments have safe and suitable access, including opportunities to promote sustainable travel depending on the type of development and location (para 110). Proposals should also allow for the efficient delivery of goods, and access for emergency services (para 112).

144. The existing scrap yard is situated beside the A616 Great North Road and its junction with the A46(T) (Newark bypass) is some 250m to the south. This part of the A616 is straight and mostly rural in nature (with exceptions including the sugar factory) but is lit, and limited to 50mph. The opposite, eastern side features a wide shared cycle and footway continuous between the A46 roundabout (and from there into Newark town centre via a controlled set of crossings – a distance of circa 1km) and South Muskham, 2km to the north. Evidently the adjacent road network is most suitable for HGV and other mixed commercial traffic that might frequent the scrap yard and this avoids disturbance to local communities. The site can also be accessed by cycling to/from the local population centres, providing an alternative for staff, although if using the shared cycle/footway this does involve crossing the road outside the site entrance as there is no footway provision on the scrap yard frontage.

145. As with the previous application the proposed development specifically seeks to address an operational constraint that is the site's current, single vehicular access point. This is not wide enough for HGV traffic to arrive and leave simultaneously and there is limited space at the weighbridge (and within the site more generally) which can lead to HGVs and other commercial vehicles waiting in the highway or creating internal congestion issues, which pose a safety concern for the operator. The submitted planning statement advises that on a typical day the site will serve between 50 and 100 customers. The Transport Statement meanwhile advises that the site sees around 20-30 HGVs visiting the site each day (40-60 2-way movements) and between 80 and 140 other waste carrying vehicles such as LGVs and vans. This gives some illustration of the types of traffic and the current access constraints. How frequent the off-site queuing issue occurs is not clear, although vehicles have in the past been seen to park on the shared cycle/footway opposite, but again whether this is symptomatic of site congestion again is not clear.

146. The plans seek to create an additional vehicular access point through the northern extension area and out on to the A616, currently where a species poor roadside hedgerow runs. This new access would form part of a new one-way circulatory system with it being the yard's exit, whilst the current access would become the entrance. The new exit would also feature a second weighbridge as part of this new system.

147. The new access arrangements have the support from NCC Highways Development Control subject to a number of details being conditioned. These relate to:

- securing the dimensions and visibility as set out on the detailed plans;

-a requirement that the entrance gate is kept open during opening hours to prevent vehicles waiting in/obstructing the highway;

-details of all signage for vehicles as part of the new access arrangements;

-details of replacement planting;

- securing additional on-site staff parking (and cycle storage).

148. It is also considered that some construction and traffic management details would need to be controlled under condition.

149. The new access would require removal of a section of the hedgerow as well as up to four highway street trees situated in the grass verge fronting the existing scrap yard (to the south of the new access) in order to provide acceptable junction visibility. The closest of these trees is now evidently dead. It is unusual for the Highways Authority to agree to the removal of highway/street trees however the advice is that replacement tree planting should be required, the locations of which can be agreed under the condition.

150. A number of utilities would need to be relocated, a street light would require replacement and also a highway drainage gully would need to be moved and

replaced. Such works in the highway as part of creating the new exit bellmouth would require separate technical approval from the Highway Authority and potentially a section 278 agreement. This is a separate matter to the planning application.

151. In can be concluded therefore that the new access details are acceptable or can be made acceptable through details to be approved via routine planning conditions. There would be operational and safety benefits to the operator, to the multitude of waste carriers/customers to the site, and to general highway users by maintaining the flow and safety of the public highway. These benefits are considered to weigh moderately in favour in the overall planning balance.

152. In an apparent change from the previous withdrawn application the current submissions envisage the site extension facilitating an overall growth of the business, including increased throughput of waste, new capabilities to recycle EVs, further jobs, and thus increased traffic movements to/from the yard. The expansion of the site could enable the operator to increase waste throughout closer to the 75,000 tpa limit as allowed by the site's Environmental Permit, whereas at present it is understood to be operating at circa 60,000 tpa.

153. The application also states that the increased waste throughout would only result in a 'de minimis increase' in traffic visiting the site. The Transport Statement (resubmitted from the previous application) is based on a fall back premise that throughput could already legitimately run at 75,000tpa and that there would be nil detriment in traffic generation terms (although 50 HGV movements per day would be required for material importation during the construction period – 500 loads in total). Whether the claim of a 'de minimis' increase in traffic is accepted or not there does not appear to be any highway capacity concerns as a result of the potential growth of the business over time and the safety issue would be addressed by the new more efficient access arrangements. Peak time queuing is often witnessed on the southbound approach to the A46(T) junction and Highways England are proposing a major scheme to dual the A46 bypass and replace the current roundabout with a grade separated flyover. This has not yet reached the formal planning stage and the emerging plans for this scheme do not affect the proposed yard extension and Highways England have raised no objection.

154. Potential increases in staff numbers would require additional car parking spaces and cycle storage provision. The applicant has now submitted a layout showing 26no. parking spaces, two of which are disabled, as well as a cycle parking area. Six of the car spaces would be within the extension area near to the space identified for a future substation. NCC Highways are satisfied that sufficient additional parking can be provided within the expanded facility and requests this be conditioned.

155. Overall the proposals comply with the transport and highways policies; WLP Policy W3.14, Newark and Sherwood Spatial Policy 7 and Policy DM5 (Design), and national planning policy and there are benefits to consider in the overall decision.

Local and residential amenity

156. WCS Policy WCS13 supports proposals for waste management development where it can be demonstrated that there would be no unacceptable impact on the quality of life of those living or working nearby, including cumulative effects.

157. Waste Local Plan Policies W3.7, W3.9 and W3.10 seek to ensure associated odour, noise and dust are appropriately controlled and mitigated.

158. NPPF paragraph 185 sets out that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Decisions should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

159. Although the site is in a predominantly rural situation, beyond the Newark urban area, as noted above there are a small number of residential and other properties close to the north. This includes an established day nursery and its large rear garden/play area. Noise impact assessment is therefore again required.

160. The previous noise assessment has been submitted in support of the present application. Although there have been changes to the proposed layout in terms of now including some new building structures, the fundamentals are the same – the extension area, the position of the new access point and the provision of a concrete boundary wall along the northern boundary. There have been no apparent changes to the context to affect the background noise or to the sensitivity of receptors.

161. The closest noise-sensitive receptors (NSR) to the proposed site are located in the Kelham Lane area. Children 1st Day Nursery (NSR1) is located approximately 100m north with opening times of 07:30 to 18:30, Monday to Friday and closed on weekends and bank holidays. The nearest residential property is discounted as a NSR as it is owned by the applicant. The closest residential NSR is therefore 180m North (NSR2).

Figure 1 - Proposed Site, NSRs, and survey measurement position locations.

162. The assessment predicts that the resulting noise (rating level) as would be experienced at the NSRs would be below the background noise levels (-5.0 dB below the background level at the NSR1 location, and -13 dB below the background levels at NSR2) after taking into account both the cumulative noise of the extended yard (and also applying a large penalty factor to take into account the character of working activities) and the inbuilt mitigation, primarily comprising the concrete boundary wall.

163. The County Council's noise advisors (Via) agree with the conclusions of the assessment, however it is notable that whilst the noise assessment recommends a 6m high concrete wall is provided, Via are satisfied that a 5m high wall would still provide satisfactory noise mitigation to the nearby NSRs. Furthermore it can be confirmed that this does not need to return along the eastern boundary beside the road and that a lower, brick boundary wall can be provided, as is proposed. This is pertinent to the consideration of landscape and visual appearance below.

164. Subject to the imposition of a number of planning conditions it would appear that noise can be controlled to within acceptable levels. The required conditions would include a noise limit of 54.0 dB(A) at any NSR; a complaints process; technical details of the 5m wall construction; the use of white noise /broadband reversing alarms on vehicles under control of the operator; and an operational noise management plan. These are considered to be necessary and reasonable requirements should planning permission be granted, in order to ensure the enlarged recycling facility would safeguard amenity in accordance with the above policy requirements. The inclusion of a noise limit would apply to the wider site for the first time, thereby providing some planning control of the facility for the first time (beyond the very basic terms of the site's Lawful Development Certificate) and it could also be possible to consider whether matters such as the hours of operation would benefit from regulation, although no changes are expressly proposed to the current opening hours which are stated as Monday to Friday 08:00 – 17:00, and Saturday 08:00 – 12:00.

165. In terms of other emissions, the site extension would not add any new fixed plant or machinery and the movement of mobile plant and HGVs in and around the extension are unlikely to result in material changes to air quality, nor is odour expected to increase. Beyond this current proposal, the applicant is considering electrifying the main processing plant which would benefit local air quality (and the environment more generally) and the proposed layout plan demarks a space for an electrical substation to enable this in the future. The site emissions would also be regulated under an Environmental Permit overseen by the Environment Agency.

166. Overall whilst the site is situated close to sensitive receptors, and scrap and car recycling operations would be brought closer, the in-built mitigation measures, together with potential planning conditions and regulation from an Environmental Permit is considered to adequately contain and reduce emissions from an expanded scrap metal recycling operation. Residual noise impacts and air emissions cannot be ruled out from time to time and would also arise temporarily during construction and land raising works, however the amenity conditions of neighbouring and nearby land uses would not be subject to unacceptable impacts in accordance with policies WCS13 and W3.7, W3.9 and W3.10 together with national planning policy.

Visual Impact, design and landscaping

167. WCS Policy WCS15 seeks to ensure new and extended waste management development is of high quality design and well landscaped.

168. The National Planning Policy for Waste also seeks to ensure that waste management facilities are well-designed, so that they contribute positively to the character and quality of the area in which they are located.

169. Policies W3.3 and W3.4 of the Waste Local Plan seek to limit the visual appearance of waste management facilities and their associated plant, buildings and storage areas including through screening and landscaping. All plant, buildings and storage areas should be located so to minimise impact to adjacent land, kept as low as practicable, utilise appropriate cladding or treatment and where possible grouped together to prevent sprawl. Screening and landscaping should retain, enhance, protect and manage existing features of interest and value for screening purposes and further measures such as fencing, walling or landscaped bunds may be required to reduce a site's visual impact.

170. N&S A&DMP Policy DM5 (Design) considers a range of impacts including visual amenity, landscape, local character and trees. N&S ACS Core Policy 13 (Landscape Character) states that new development should positively address the implications of the relevant landscape Policy Zone(s), consistent with the conservation and enhancement aims for that area.

171. Officers previously raised concerns regarding the visual prominence of the new concrete boundary wall as well as the removal of hedgerow vegetation for the new site access. Such impacts remain from the current proposal however a number of changes have been made in the current plans.

172. The site context remains unchanged. The existing yard is in a semi-rural setting with surrounding low level pasture and arable fields, but adjacent to the A616 Great North Road north of the A46 roundabout. The sugar factory is a dominant presence for passing traffic although roadside mature hedgerows and trees provide some screening.

173. The existing scrap yard is also visible in passing from Great North Road and to a lesser extent from the A46 roundabout area. Views from fixed locations such as the properties to the north appear to be limited by intervening vegetation. The grasslands to the south of the scrap yard provide a more open landscape setting and also illustrate the elevated nature of the A616 as it traverses the flood arches below, and the raised scrap yard site itself. There has been encroachment and degradation of the field through ad-hoc storage of vehicles and plant from off the authorised scrap yard. The roadside boundary at the existing yard is formed partly of a circa 2m high brick walling forming part of the on-site residential property and sheet metal at the site entrance set back behind a grass verge. Four highway trees are also present in the verge. The land to the immediate north, subject to this application, is more enclosed in nature than the south and is bounded by a mature roadside hedgerow which provides screening of the application site land.

174. The proposed works would involve raising the land to the immediate north and hard surfacing to tie into the existing scrap yard levels. A concrete wall would then stand on this elevated area to enclose its new northern boundary, and it is agreed that this can now be 5m high rather than 6m, without detriment to noise reduction qualities.

175. A lesser brick wall would now form the eastern boundary. The height of this wall has not yet been defined, however an illustration within the application depicts this at circa 2-3m high which could be acceptable. The plans show that this brick wall would sit behind much of the existing roadside hedgerow except where forming the new site exit. There is scope here to improve the condition of the remaining hedgerow as part of a site landscaping scheme. The employment of the brick wall is a change to and improvement over the earlier application design, which envisaged a continuation of the large concrete wall, and more in keeping with the walling to the south and also as seen at the parapets to the listed flood arches. Further details of this and of the new gateway could be reserved under planning conditions.

176. The identified removal of up to four highway trees within the verge fronting the existing yard would be unfortunate, although the closest tree appears dead. Replacement planting would need to be secured.

177. The proposed buildings and the modification to the main building are of functional design and appearance and would sit inside of the boundary wall. However the pitched roof (likely with PV panels fitted) of the proposed new non-ferrous metals building would exceed and be seen above the top of the 5m concrete wall, thus adding a further industrial feature. It is not clear why such a large pitched roof is required for this building, but there may be potential to explore a reduced roof line in line with the requirements of WLP Policy W3.3.

178. The 5m high concrete wall would still be an industrial feature and visible to southbound highway users over the roadside hedgerow. This wall may screen some of the taller features of the current yard including stockpiles, as well as most of the new and existing buildings. This northern boundary would require robust screening and landscaping to break up and filter its visual appearance. The delivery of such landscape screening and its likely effectiveness has been further considered by Officers and Via's Landscape advisors.

179. There is space and land within the applicant's ownership to provide a multi-layered area of tree planting in front of/north of the new concrete wall and given time this could provide good screening of the extended scrap yard for passing highways users and also additional screening from the nursery. A detailed and comprehensive scheme of planting and management would be critical to secure. Further details have not been sought at this stage owing to the recommendation, however a full landscaping scheme could be required by planning condition if permission was to be approved.

180. Overall it is considered that harm to visual amenity would still arise, albeit now to a lesser degree and to mainly moving highway users, and given time and appropriate management a landscaping scheme could mitigate the impact to an acceptable level. Details for the brick wall running along the eastern boundary could also be secured under condition, however the installation of artwork as suggested is not considered necessary to render the development acceptable but could remain as an option. As such the proposed development can now be made acceptable against WCS Policy WCS15, WLP Policies W3.3 and W3.4 and N&S ACS Core Policy 13 and Policy DM5.

Archaeology/Heritage

181. This section of the A616 Great North Road is a notable C18th causeway engineered by John Smeaton (cited as the 'father of civil engineering') to raise the road above the Trent floodplain. Although modified and widened in the 1920s there remains a number of sections of surviving brick flood arches that are Grade II listed and which still allow flood waters to pass across the fields and below the road. The nearest group of such arches lie 60m to the south of the scrap yard and feature a parapet wall at road level. A further set of arches lie further to the north (115m). Further information on this overlooked and important example of historic public works can be found from the National Transport Trust: (www.nationaltransporttrust.org.uk/heritage-sites/heritage-detail/smeaton-s-arches---newark).

182. Some concern has been raised by NCC Built Heritage, in terms of the potential further industrialisation of the area and in particular in relation to the highway works including signage and the need for a well designed brick wall frontage. Planning Officers believe these matters could be resolved through details reserved under planning conditions and so there should not be any harm likely to be caused to the designated heritage assets (and the wider causeway) by the proposed development, either directly or indirectly in terms of setting. Whilst the road as a whole is of historic interest, the site extension would not affect its

overall elevated character and, given the distances to the listed flood arches and in particular the primary means by which they can be appreciated from below road level in the surrounding fields, it is considered that there would be no or negligible inter-visibility or other factors to affect their continued preservation and the way they can be experienced in the surrounding landscape. The proposals therefore are considered to not adversely affect the setting and significance of these designated heritage assets (subject to details to be approved, including for the wall) and the applicant also considers this to be the case.

183. The proposition for the installation of some heritage themed scrap metal artwork panels on the site boundary does not appear to have support from the consultees and would not realistically add any form of interpretation to enhance the understanding of the historic environment. Planning Officers are however not adverse to the idea and are neutral in this respect.

184. In terms of below ground, the Trent valley does hold potential for archaeology across a wide range of ages and the 'island' between Kelham and Newark was also an important location for encampments and fortifications during the Civil Wars. It is likely that the works to raise the land area would first require stripping of soils and so although the development area is small, it is considered reasonable to require an archaeological scheme of treatment to ensure any archaeological knowledge or deposits are recorded/recovered or preserved as appropriate. This is line with the request by NCC Archaeology who maintain the position from the earlier withdrawn application.

185. Relevant policies seeking to conserve the historic environment; WLP Policies W3.27 (Archaeology) and W3.28 (Listed Buildings and Conservation Areas) together with Newark and Sherwood Core Policy 14 are satisfied.

Biodiversity

186. The proposed site area appears to have very limited biodiversity value, largely within the surrounding vegetation, as the land appears to currently be used for ad hoc storage of surplus plant from the applicant's business. The bare ground shows signs of disturbance and potentially some historic tipping/land raising.

187. The nearest designated areas for biodiversity include the grasslands which lies to the immediate south and west of the yard and which have a Local Wildlife Site designation for their botanic interest. These should not be further impacted by the proposed development however NCC Nature Conservation recommends protective fencing or similar during construction. Their condition is currently being adversely affected by further overspill storage of plant and vehicles from the applicant's yard and from waste wood stockpiles (and potentially burning). These matters can be investigated separately.

188. The extension of the site would require removal of a line of scrubby trees and vegetation currently along the yard's northern boundary. A section of the roadside hedgerow would be removed for the new site exit and subsequently it

has emerged that the four highway trees along the yard's eastern frontage may also have to be removed for access visibility reasons.

189. Planning Officers have not requested tree or habitat surveys in this case, partly because the trees and hedgerows directly affected are appreciably of poor quality and are capable of being replaced with a landscaping scheme. The line of trees and vegetation along the yard's northern boundary currently help screen the perimeter fencing (sheet metal) and if permission was granted for the extension, the new northern boundary would require a full landscape planting scheme (see below). The roadside hedgerow appears to be poor quality Hawthorne, which has been overtaken by ivy. In terms of the highway trees, the County Highways Authority/Via would need to approve their removal, but it is evident that none exhibit high quality amenity or biodiversity benefits and one is certain to have now died.

190. Planning officers therefore consider the limited removal of vegetation to be acceptable and if permission was granted it would be subject to usual conditions regarding the timing and methodology for these works and crucially that a beneficial replacement landscaping scheme is secured utilising locally native species such as those suggested by NCC Nature Conservation.

191. It is not clear if external lighting would be required for the extended yard, and for various reasons, including limiting this impact to biodiversity, details would need to be approved under a planning condition.

192. Therefore there is no conflict with the planning policies on this matter including WLP Policy W3.22 which seeks to protect habitats and species of county importance, WCS Policy WCS13 which supports proposals where there would be no unacceptable environmental impacts, whilst seeking to maximise opportunities to enhance the local environment including landscapes and habitats, and Newark and Sherwood Core Policy 12 which seeks to conserve and enhance biodiversity including through expecting proposals to take into account the need for continued protection of the District's ecological, biological and geological assets.

Ground conditions and pollution

193. There is a possibility of contamination being present within the application site, owing to its location adjacent to a historic scrap yard, the highway, from soils/materials which may have previously been tipped across this area and from its current ad hoc usage for storage of plant and machinery. The intended use of the land as a scrap yard (extension) would not be of high sensitivity from possible existing contamination but given the situation within the floodplain any existing pollution or contaminants within the ground or leaching into it from the existing yard could be mobilised by the works and could pose a risk to surface and groundwaters.

194. Notwithstanding the advice from Via and a request to undertake a phase 1 desktop report, this has not been requested to date owing to the recommendation to refuse on more primary matters. Given the likelihood that a

programme of more detailed intrusive testing would be required in any event (and then potentially remediation and verification), if planning permission was to be granted it is considered that a set of standard conditions could ensure that any contamination issues are suitably controlled and dealt with during the development, thus ensuring the construction works do not risk the surrounding environment.

195. It should also be noted that the site would need to be constructed with an appropriate sealed or treated drainage system to prevent polluted site surface waters being discharged into the surrounding ground and surface water environment (infiltration whilst preferable on many developments would not therefore be appropriate). This would also require details to be approved under planning conditions. This would also need to conform with Environment Agency Permitting requirements which would thereafter regulate the enlarged recycling operations. The applicant would most certainly have to apply for and secure either a variation or new Permit from the Environment Agency.

196. The potential existing and future contamination and pollution issues could therefore be controlled through conditions and via the separate regulation of the Permitting system. However, it needs to be noted that a scrap metal recycling yard in a seasonal/functional floodplain still poses a residual pollution risk to the water environment.

197. Relevant policies on these matters are considered to be satisfied including WLP Policies W3.5 and W3.6 which require measures to protect surface and ground water resources from pollution and Newark and Sherwood Policy DM10 which requires proposals involving hazardous materials or which have potential for pollution, to take account of and address their potential impacts, including ground and surface waters and the wider environment.

Overall planning balance and conclusion

198. Officers assess the proposed development to be contrary to local and national planning policy in respect of the location of development and flood risk. Notwithstanding the presence of the existing facility and the usual advantages to favour extensions (and adaptations) to such facilities, this is an instance where this solution is not considered appropriate nor sustainable owing to the location within the functional floodplain (Flood Zone 3b) and the general incompatibility of this type of waste management facility in this high risk flood area, having regard to the Planning Practice Guidance. The proposed development is contrary to Waste Core Strategy policies WCS14, WCS8, Waste Local Plan Policy W3.5, Newark and Sherwood Core Policies 10 and DM5, and the National Planning Policy Framework and is this is underlined by the in-principle objection from the Environment Agency. Significant and very considerable weight should be afforded to this policy conflict.

199. Following in this context, Officers have gone on to conclude that the proposals also fail to comply with other locational planning policies that guide waste management and other economic development towards employment land and site allocations in sustainable locations, whilst seeking to restrict development in

the open countryside as is the case here. The proposed development is considered contrary to Waste Core Strategy Policies WCS4 and WCS7, and Newark and Sherwood Core Policies 3 and DM8.

200. In terms of the benefits, the proposed new site access and in/out circulatory system would improve the safety both within the site and potentially to users on the public highway by ensuring the free flow of traffic (unimpeded by any vehicles waiting to enter) and safe access and egress arrangements. The enhanced access arrangements are supported by Policies W3.14 and DM5 along with national planning policy and can be given moderate weight in favour of the proposed development.

201. The extension of the metal recycling facility would enable the facility to increase waste processing throughout by around 10,000 tpa from circa 60,000 tpa at present and the plans also include new buildings and facilities to treat and recycle electric and hybrid vehicles (and batteries). The increased capacity and capabilities this site would then offer to the local circular economy and to the objectives of the Waste Core Strategy for increased commercial and industrial recycling capacity is a further, albeit modest, benefit and material consideration weighing in favour. However more broadly in terms of supporting the local economy, including the creation of 6-8 new jobs, substantial weight should be afforded to these economic benefits as required by national planning policy. There is also a minimal benefit to decarbonisation objectives from the installation of solar PV panels.

202. Impacts in relation to ecology, heritage, ground conditions and residential amenity are neutral considerations and could be subject to planning conditions if permission was granted. Landscape and visual impacts could also be addressed through a robust site landscaping and planting scheme to screen and mitigate the visual impacts of the new concrete boundary wall.

203. In the overall planning balance that is required, Officers consider that the clear conflict with the key locational planning policies of the Development Plan, taken as a whole and as informed by national guidance, clearly outweigh the identified benefits. Planning permission should consequently be refused in line with the Development Plan (and WCS Policy WCS1 – Sustainable Development).

Other Options Considered

204. 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

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

Crime and Disorder Implications

206. If permitted the development would form a secure extension to the existing metal recycling yard, which has on-site security measures.

Data Protection and Information Governance

207. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

Human Rights Implications

208. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected. Notwithstanding the mitigation and potential planning controls, the proposals have the potential to introduce impacts such as additional noise and airborne emissions upon the nearby properties to the north, including a children's day nursery. These potential impacts need to be considered in the planning balance alongside other impacts, and against the benefits the proposals would provide in terms of expanded recycling capacity/capability, employment and improved site safety and access. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Public Sector Equality Duty Implications including Safeguarding of Children

209. The report and its consideration of the planning application has been undertaken in compliance with the Public Sector Equality duty.

210. The proximity of an established day nursery has been noted. Its rear grounds/gardens are used for outside play and learning and the north-western corner of the proposed yard extension would be adjacent to the bottom corner of the grounds/gardens. The new boundary wall would help to contain noise and

other emissions and an existing mature tree line provides visual screening which could be supplemented by further landscape planting.

Implications for Sustainability and the Environment

211. These have been considered in the Observations section above, including the key issue around flood risk and the influence from climate change. Although the proposed development would provide some benefits in terms of increased metal recycling capacity and capabilities, the location, in the functional floodplain, is not considered to be sustainable, notwithstanding the pre-existing facility.

212. There are no finance or human resource implications arising, or implications for NCC service users.

Statement of Positive and Proactive Engagement

213. 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; 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 reasons for refusal.

RECOMMENDATIONS

214. It is RECOMMENDED that planning permission be refused for the reasons as set out in Appendix 1 to the report. Members need to consider the issues set out in the report, and resolve accordingly.

DEREK HIGTON

Interim Corporate Director - Place

Constitutional Comments [JL 06/07/23]

215. Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference set out in the Constitution of Nottinghamshire County Council.

Financial Comments [PAA 04/07/23]

216. There are no specific financial implications arising directly from the report.

Background Papers Available for Inspection

217. The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at: www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=F/4483

Electoral Division and Member Affected

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