

Planning and Rights of Way Committee

Tuesday, 18 July 2023 at 10:30

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

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|---|--|--------------|
| 1 | Apologies for Absence | |
| 2 | Declarations of Interests by Members and Officers | |
| 3 | Declarations of Lobbying | |
| 4 | Minutes of the Last Meeting held on 6 June 2023 | 3 - 10 |
| 5 | Annual Report of the Licensing Work carried out by the Trading Standards and Communities Service | 11 - 16 |
| 6 | Planning Permission for The Yard, Newark-on-Trent | 17 - 60 |
| 7 | Variation of Planning Conditions for Calverton (Burntstump) Quarry, Arnold | 61 - 114 |
| 8 | Development Management Progress Report | 115 -
124 |

Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.

- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

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

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Adrian Mann (Tel. 0115 804 4609) or a colleague in Democratic Services prior to the meeting.

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

- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>

Meeting: Planning and Rights of Way Committee

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

Membership:**County Councillors**

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

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

Substitute Members

Pauline Allen for Paul Henshaw

Officers and colleagues in attendance:

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

Public speakers in attendance:

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

1. Appointment of the Chairman and Vice Chairman

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

2. Membership

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

3. Apologies for Absence

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

4. Declarations of Interests

No declarations of interests were made.

5. Declarations of Lobbying

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

6. Minutes of the Last Meeting

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

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

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

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

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

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

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

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

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

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

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

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

Resolved (2023/011):

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

8. Planning Permission for Gateford Primary School, Gateford

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

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

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

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

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

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

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

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

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

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

Resolved (2023/012):

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

9. Development Management Progress Report

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

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

Resolved (2023/013):

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

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

Chairman:

18 July 2023

Agenda Item 5

REPORT OF THE SERVICE DIRECTOR FOR PLACE AND COMMUNITIES

**ANNUAL REPORT OF THE LICENSING WORK CARRIED OUT BY THE
TRADING STANDARDS AND COMMUNITIES SERVICE**

Purpose of the Report

1. To update the Committee on work carried out by the Trading Standards & Communities Service on behalf of the Committee.

Information

2. The Service has an involvement in a number of licensing and registration schemes designed to ensure the safety of our communities. In some cases, the authority is responsible for issuing licences and ensuring safety standards are met through inspections and other activity. Each of the licence types and associated activities carried out by the Service are covered in more detail below.
3. From the 1 April 2022 until 31 March 2023, the Service received a total of **£17,736.00** income from licences, registrations, and other related fees, broken down in the table below. This figure includes licences issued that cover more than one year.

Explosives	£ 2,591.00
Petroleum	£ 13,140.00
Petroleum Record Searches	£ 2,005.00
Total	£ 17,736.00

Explosives storage

4. The Service has responsibility for issuing explosives licences for the storage of explosives such as fireworks, safety cartridges and airbag detonators, for quantities of up to 2000kg of 'Net Mass.' The Health & Safety Executive (HSE) are responsible for quantities above 2000kg.

5. There are currently two 'bands' of licences, determined by the Net Mass of explosives being stored. Since the Explosives Regulations 2014 came into force, both 'bands' are now known as an Explosives Licence. The bands are:-

- 5kg to 250kg – Explosives Licence up to 250kg's Net Mass
- 251kg to 2000kg – Explosives Licence over 250kg's Net Mass

Explosives Activity between 1 April 2022 and 31 March 2023

6. A total of 22 licences were issued in this period comprised of renewal and new applications.

7. In addition to the above, there are also 'All Year Round' licences for businesses that wish to supply fireworks all year round, or outside the restricted periods that correspond to specific Chinese New Year, Diwali, Bonfire Night and New Year. In this category, 1 licence was issued in between these dates.

8. In 2022, Officers undertook a programme of inspections in the run up to bonfire night regarding the storage and sale of fireworks. A total of 64 inspections, conducted by Trading Standards Officers, took place across the County, which included 'high risk' premises, 'medium risk' premises and new premises. Premises within all 7 different Districts or Borough Councils areas in Nottinghamshire were inspected.

9. The firework inspections we conduct look at different aspects of firework storage and sales, including ensuring the safe storage of them and checks / advice that no premises sell to under 18's. Advice is given during the visit to businesses around Challenge 25 / 30, till prompts, a refusal register and staff training for example. Businesses are also asked about the system that they have in place to prevent the overstocking of fireworks.

10. During inspections in 2022, businesses were found to be generally compliant. A common issue found during inspections is the proximity of combustible items with live fireworks. Officers provided advice in relation to any issues identified and observed corrective actions being taken to ensure that businesses were brought in to compliance before the end of their visit.

Explosives Activity for 2023

11. Trading Standards Officers will undertake a programme of visits to both existing high risk premises and new licence holders. Officers propose to use media coverage this year, to publicise the results of the inspections.

Petroleum Storage Certificates (previously known as petroleum licences)

12. The Service certifies any premises that store petrol in a tank or bowser for delivery into the fuel tank of a vehicle or other internal combustion engine. The most common premises covered are retail petrol stations that supply fuel to motorists.

13. There are three bandings of certificate which are as follows:

- Petroleum up to 2500 litres;

- Exceeding 2500 litres but not exceeding 50,000 litres; and
- Exceeding 50,000 litres.

Petroleum Activity for 1 April 2022 – 31 March 2023

14. The following is a breakdown of the types and numbers of each category:-

Categories	Licences / Certificates issued 2022/23
Petroleum under 2,500 litres	1
Petroleum 2500 litres - 50,000 litres	21
Petroleum exceeding 50,000 litres	25

15. The Service also received approximately 37 enquiries from businesses, operators & contractors for advice on petroleum storage related issues. In order to reduce the burden of red tape on business, The Petroleum (Consolidation) Regulations 2014, provides that petroleum storage certificate (PSC) holders only have to make us aware of material changes, regarding the petrol stations that they operate.
16. As the Service holds detailed records of the petroleum storage facilities at new and historic sites, it also receives requests for historical and / or current environmental searches, particularly in respect of locating disused tanks. 17 such requests have been dealt with between 1 April 2022 and 31 March 2023. These searches are charged for and generate income for the Service.
17. During the period, some examples of enquiries dealt with related to electric vehicle charging installation, a brand new petrol filling station and what is known as “knock down re-build” to renew pumps and pipework.
18. The primary focus for the Service for its enforcement activity is on the smaller independent retailers. They generally don’t have the benefit of nationally agreed procedures, and are less likely to have benefited from investment in modern technology, such as double skinned storage tanks or third party wet stock monitoring to check for fuel leaks on petrol tanks.
19. Tanks at independent sites are often the older, single skin type, so it is very important that the operator is diligent in their manual dipping of the tanks, to check for unusual losses of fuel that might indicate a leak. Trading Standards Officers also check that the site and equipment is properly maintained and that important control systems are in place. This would be demonstrated by documentation such as risk assessments, staff training records and equipment test certificates.

Performing Animals

20. The licensing function for Performing Animals has now been moved from the County Council to the function of the District/Borough Councils.

Licence Fees

21. The current fees are set out in the table below:-

Explosives	£
New Licence up to 250kg for 1 year	113.00
for 2 years	147.00
for 3 years	181.00
for 4 years	215.00
for 5 years	248.00
Renewal Licence up to 250kg for 1 year	56.00
for 2 years	90.00
for 3 years	125.00
for 4 years	158.00
for 5 years	193.00
New licence up to 2000kg for 1 year	193.00
for 2 years	253.00
for 3 years	317.00
for 4 years	390.00
for 5 years	441.00
Renewal licence up to 2000kg for 1 year	90.00
for 2 years	153.00
for 3 years	215.00
for 4 years	277.00
for 5 years	340.00
All year round firework licence	500.00
Transfer or Replacement of licence	38.00
Petroleum	
Up to 2500 litres (per year for up to 10 years)	46.00
2500 to 50,000 litres (per year for up to 10 years)	62.00
Exceeding 50,000 litres (per year for up to 10 years)	131.00

22. The fees for petroleum and explosives licensing are set nationally via The Health and Safety and Nuclear (Fees) Regulations 2016, which state the fees that can be charged for a period of 5 years from those regulations coming into force.

Statutory and Policy Implications

23. 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, safeguarding of children and adults at risk, service users, smarter working, 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.

Financial Implications

24. During the period 1st April 2022 – 31st March 2023, the Service received a total of £17,736 income from fees. This being £2,591 from explosives, £13,140 from petroleum and £2,005 from petroleum searches. This takes into account the licences covering more than one year.

RECOMMENDATION/S

- 1) That Members consider the updates and highlight any actions required.
- 2) That Members agree to the appropriate use of the media to highlight the results of the fireworks safety inspections programme for the coming licensing period (October/November 2023).
- 3) That Members agree to receive a further update report at the meeting of the Committee in July 2024.

Mark Walker

Service Director, Place and Communities

For any enquiries about this report please contact:

Trish Hennessy, Interim Team Manager for Trading Standards (0115 8040047)

Fiona Needham, Interim Head of Trading Standards (0115 9773046)

Constitutional Comments [KK 28/06/2023]

25. The proposals in this report are within the remit of the Planning and Rights of Way Committee

Financial Comments [PAA 27/06/2023]

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

Background Papers and Published Documents

27. Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All



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 (4,500m³ 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 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 L_{ar} , T_r 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 scrapyards, including tracks coming from the scrapyards, 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 scrapyards 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 an 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. It 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 throughput 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 throughput 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 in 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

Farndon & Trent

Councillor Mrs Sue Saddington

Report Author/Case Officer

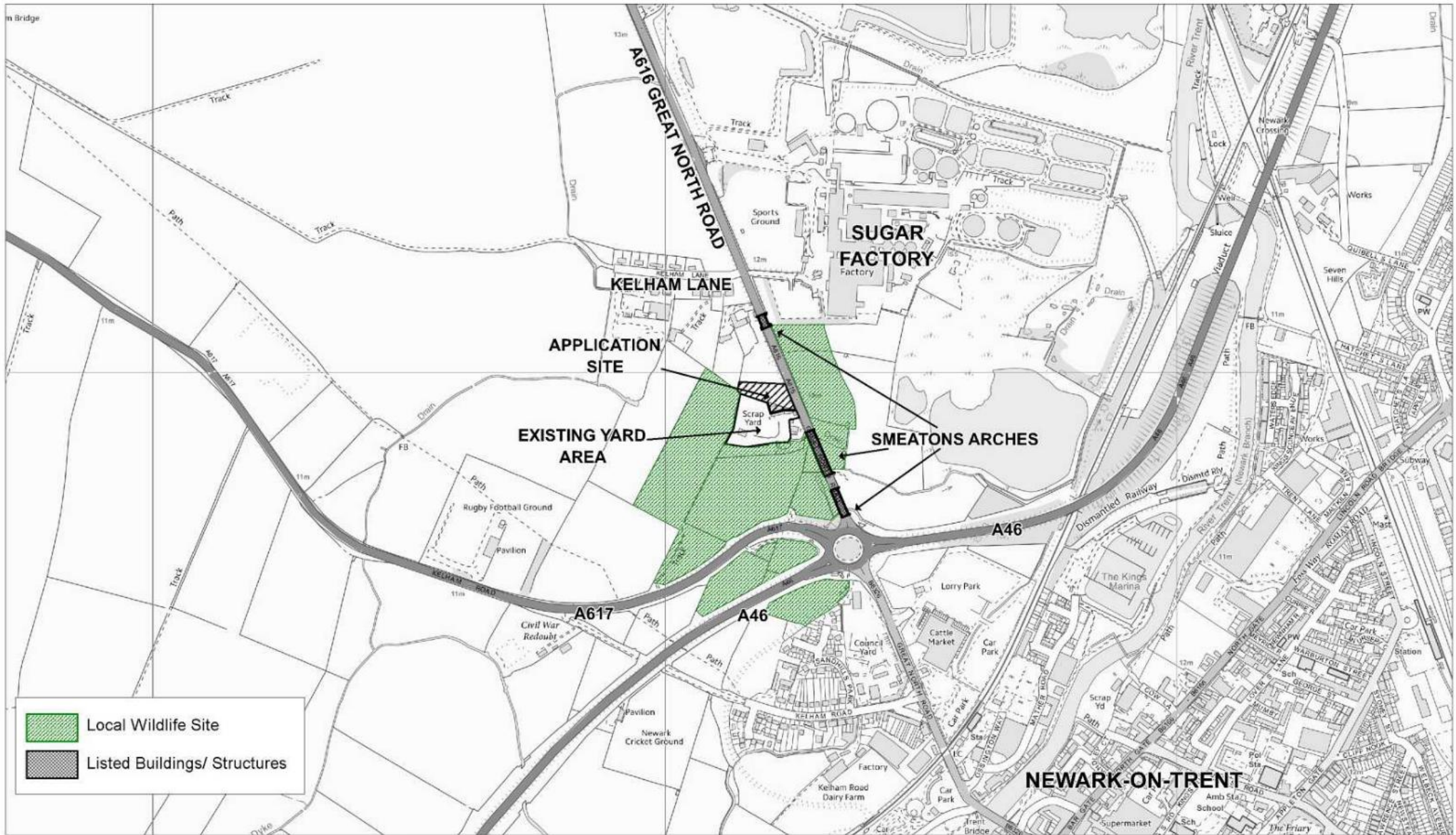
Joel Marshall

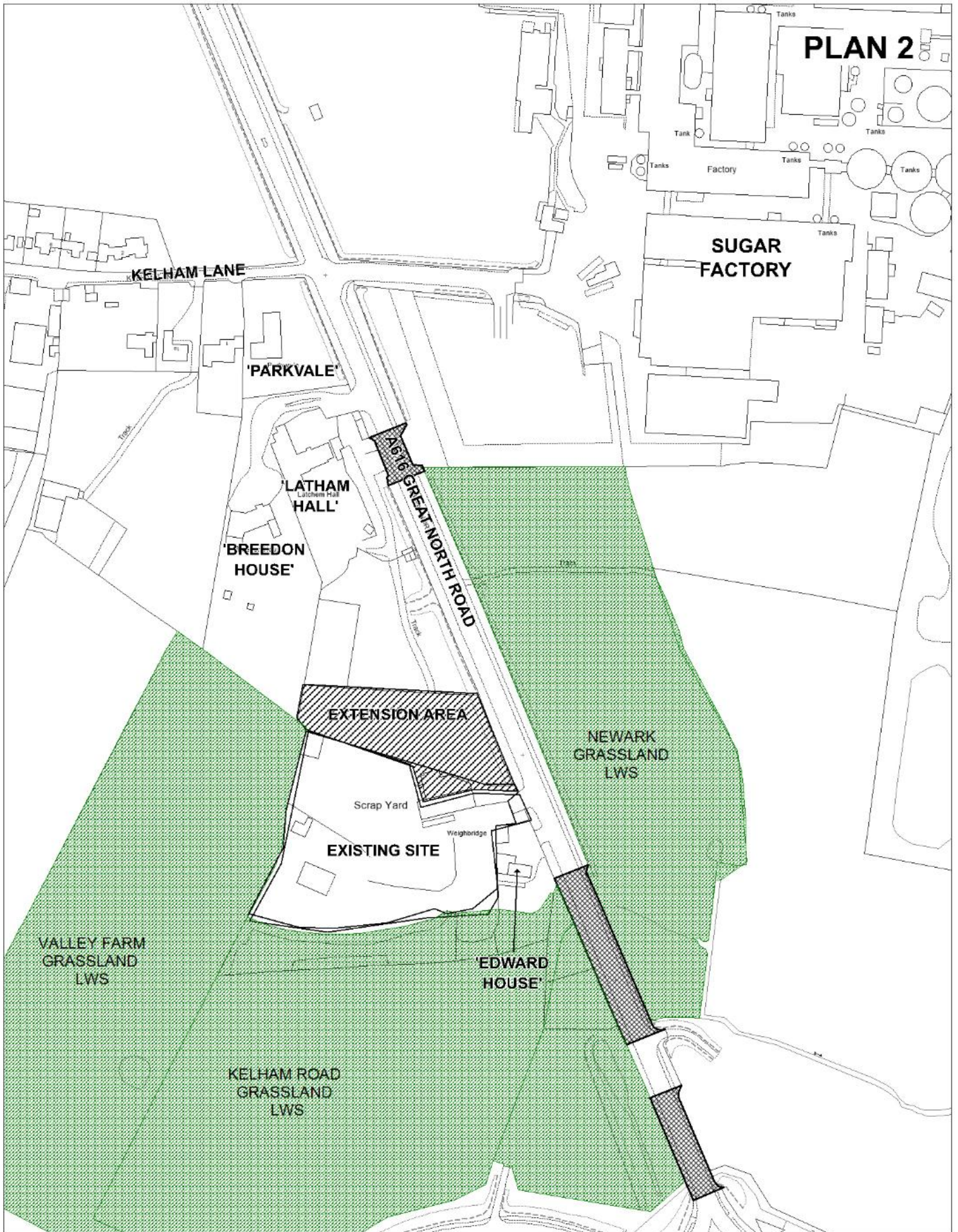
0115 9932578

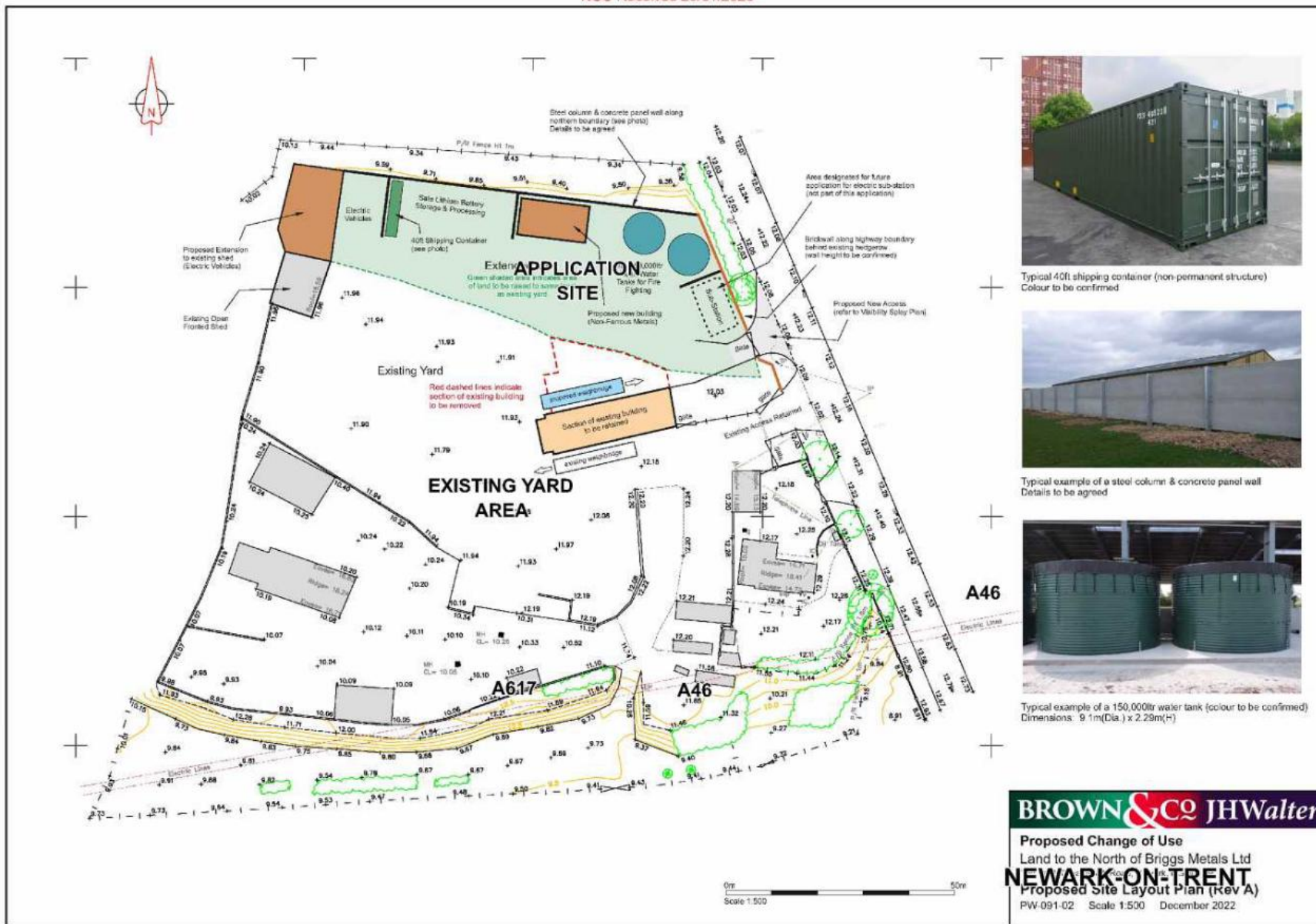
For any enquiries about this report, please contact the report author.

RECOMMENDED REASONS FOR REFUSAL

1. The proposed site lies within the functional floodplain for the River Trent (Flood Zone 3b) and the Planning Practice Guidance (Table 2 – Flood Risk and Coastal change) advises that only water compatible uses and essential infrastructure are potentially appropriate in flood zone 3b and that all other development categories should not be permitted. Annex 3 of the National Planning Policy Framework advises that waste management facilities dealing with non-hazardous or hazardous wastes, are considered ‘less vulnerable’ or ‘more vulnerable’ respectively, with the consequence that such uses of land are in principle incompatible and not appropriate to areas at the highest level of flood risk. The application also fails the sequential test as other more sequentially appropriate locations are considered to be available in the Newark area to which the proposed development should be directed, including vacant industrial land and sites allocated in the Newark and Sherwood Local Development Framework. The application is therefore contrary to Policies WCS8 and WCS14 of the Nottinghamshire and Nottingham Waste Core Strategy, saved Waste Local Plan Policy W3.5, Newark and Sherwood Amended Core Strategy Core Policy 10, Policy DM5 of the Newark and Sherwood Allocations and Development Management Policies Development Plan Document and chapter 14 of the National Planning Policy Framework (particularly paragraphs 159 and 162) as guided by the Planning Practice Guidance (Table 2 – Flood Risk and Coastal change paragraph 079. Ref ID: 7-079-20220825. Revision date: 25/08/2022).
2. The site lies outside of the defined Newark urban area, within the countryside for planning purposes. Extensions to existing waste management facilities can be supported by Waste Core Strategy Policy WCS8 and proportionate expansions to rural businesses may be appropriate under Newark and Sherwood Policy DM8. However the context for Policy WCS8 makes clear that extensions to existing waste management facilities will not always be appropriate or sustainable. The incompatibility with the high level of flood risk is pertinent in this respect. Waste Core Strategy Policies WCS4 and WCS7 also do not support this proposed type of waste management development in a countryside location. All material considerations having been considered, the benefits which would arise are not considered to outweigh the Development Plan strategy. The application proposal is considered contrary to Policies WCS4, WCS7 (and WCS8) of the Nottinghamshire and Nottingham Waste Core Strategy, Core Policy 3 of the Newark and Sherwood Amended Core Strategy, and Policy DM8 of the Newark and Sherwood Allocations and Development Management Policies Development Plan Document. It is further considered unsustainable development against Waste Core Strategy Policy WCS1 and contrary to the Development Plan read as a whole.







Typical 40ft shipping container (non permanent structure)
Colour to be confirmed



Typical example of a steel column & concrete panel wall
Details to be agreed



Typical example of a 150,000ltr water tank (colour to be confirmed)
Dimensions: 9.1m(Dia.) x 2.28m(H)

BROWN & CO JHWalter
Proposed Change of Use
Land to the North of Briggs Metals Ltd
NEWARK-ON-TRENT
Proposed Site Layout Plan (Rev A)
PW-091-02 Scale 1:500 December 2022





18 July 2023

Agenda Item 7

REPORT OF THE INTERIM CORPORATE DIRECTOR FOR PLACE

REF. NO.: 7/2022/0752NCC

PROPOSAL 1: VARIATION OF CONDITIONS 7, 8 AND 50 OF PERMISSION 7/2005/0263 SO TO EXTEND THE TIME TO WORK THE REMAINING MINERAL RESERVES UNTIL 7 JAN 2042 WITH RESTORATION BY 7 JAN 2043

REF. NO.: 7/2022/0751NCC

PROPOSAL 2: VARIATION OF CONDITION 2 OF PERMISSION 7/2003/1323 TO RETAIN THE WEIGHBRIDGE, ASSOCIATED BUILDINGS AND SOIL MOUND FOR THE PROPOSED DURATION OF MINERAL EXTRACTION OPERATIONS TO 7 JAN 2042

LOCATION: CALVERTON (BURNTSTUMP) QUARRY, OLLERTON ROAD (A614), ARNOLD, NG5 8PR

APPLICANT: TARMAC TRADING LIMITED – MR JOHN BRADSHAW

Purpose of Report

1. To consider two applications to vary conditions so to permit and facilitate a further 20 years in which to complete mineral extraction and restoration thereafter at Burntstump Quarry. The key issues are whether the environmental and amenity impacts from the continued operation of the quarry, along with its intended restoration, remain acceptable when assessed against up to date planning policy. The recommendation is to grant both planning applications subject to the conditions set out in Appendices 1 and 2.

The Site and Surroundings

2. Calverton (Burntstump) Quarry is an active Sherwood Sandstone quarry situated between the A614 Ollerton Road and the B6386 Oxton Road, 2.5km north of Redhill (Arnold) and 2.5km west of Calverton village. First permitted in 2001 as an extension to a then existing quarry (which became the landfill site) the site covers some 25 hectares, although the authorised extraction area is more limited. Production rates and general extraction progress in recent years

has been very limited compared with the initial years after first opening and significant mineral remains to be worked. Parts of the site therefore remain in arable farm use until future phases of extraction. The 20-year time limit for mineral extraction expired in January 2021 and completion of final restoration was required by January 2023 (this is discussed further below).

3. The site lies within the Green Belt and the surrounding land cover includes woodland, arable farmland, pasture, and sports uses. In particular directly to the north, and sharing access infrastructure, is the restored landfill site (and former quarry) incorporating woodland blocks which is under continued environmental management that includes a methane gas capture/utilisation plant.
4. To the south, across Oxton Road is Arnold Town Football Club, residential and farm buildings at Ramsdale House (also Grade II listed) which are circa 200m from the site boundary and Ramsdale Park Golf Course. The local topography is framed by Ramsdale Hill further to the south-east.
5. Abutting the site planning boundary to the east are three properties at Ramsdale Cottages, Oxton Road and their rear gardens. A rear annex to no. 3 Ramsdale Cottage has been constructed in recent years and abuts the site. The authorised extraction area commences approximately 100m to the west of the annex and 200m from the main cottages with some woodland blocks and horse paddocks intervening. A further nearby property, Robin Hood Farm, is 180m to the west across the A614. These are shown on Plan 1.
6. The site is generously screened alongside the A614 and Oxton Road by tall hedgerows and trees behind which are screening bunds/soil stores generally 3-4m high.
7. The quarry has an access road leading directly from a junction with the A614 and partly shared with the restored landfill. The road commences at 111m AOD and is initially metalled before it descends as a general haul road into the quarry void with the floor at/around 88m AOD. The quarry is currently in phase 3 of 5 working north to south. Processing is undertaken within the current phase of working using mobile screening plant. The current situation is illustrated on Plan 2.
8. The unworked/future area to the south (currently in arable cropping use) has a separate farm access from the A614. This field has a small slope to the south-east from 107m AOD down to 100m AOD near to Oxton Road. Mapping indicates that this field has been surveyed and classified as grade 3b agricultural land (moderate quality), with a strip alongside Oxton Road classified as grade 3a (Best and Most Versatile agricultural land / good quality).
9. The groundwater environment is sensitive being part of the Principal Aquifer and is in a Source Protection Zone (SPZ) 3. A SPZ 2 lies within 70m to the south west and is associated with a SPZ 1 (Most vulnerable) which is within 750m of the site. At surface level the site is at low risk of flooding being in Flood Zone 1.
10. The closest designated wildlife site is Fox Covert Local Wildlife Site, 850m north of the extraction area and 550m from the site access. There is an intervening

woodland at Gravelly Hollow some 630m north of the extraction area and 350m north of the site access which is identified as an Important Bird Area associated with a possible, potential Special Protection Area (ppSPA) for the Sherwood area.

11. The nearest Listed Building is Ramsdale House and Stables (Grade II) some 200m to the south-east of the red line boundary. The County Council has also identified this as having a park/garden of associated (but non designated) historic interest. The Grade II Cockliffe House and Granary is approximately 350m to the north-west of the site access. Woodland 330m to the west is mapped as being of historic interest, again non-designated park/garden associated with Sherwood Lodge.

Planning history

12. Historically since the 1980s mineral extraction in the area was closely tied to plans for landfilling general/municipal waste. Land to immediate north has been developed in this way and the now restored landfill remains under long term management. Around the turn of the new millennium extensions to the south, onto the current site area, were proposed including once again for subsequent waste landfilling, but the latter aspect raised controversy and instead proposals later came forward for purely mineral extraction purposes (restoration without fill) including a small 1.2ha southern extension in 2000 (ref 7/2000/0353).
13. Permission for the current quarry area (incorporating the earlier extension) stems from a 2001 planning permission (Ref: 7/2000/1522) for an 'Extension to Existing Quarry' across some 24.4ha of farmland to the south of the then quarry and later landfill site. Of the 60 planning conditions attached, condition 1 confirmed this was for the extraction of some 2.67 million tonnes of sandstone and 267,000 tonnes of sand and gravel, together with the formation of temporary soil banks and other overburden stores, and also including a sand processing plant within the same area along with the retention of a haul road with access to the A614. Restoration is to a mix of agriculture and woodland. Condition 3 defines the actual extraction area which is more limited than the red line boundary. By virtue of condition 7 the permission was limited to 20 years from the date of commencement which results in a cease date of 7th January 2022. Under condition 8 restoration of the site is required to be completed 12 months later.
14. A section 73 variation application was approved in 2005 (Ref 7/2005/0263) which allowed for the use of mobile fuel storage. A non-material amendment was approved to the phasing plans in 2014 (NMA/3172). Together these form the current/extant permission for the quarry. The restoration has however recently been amended in a minor way by virtue of a section 106 obligation in connection with the extension of nearby Bestwood 2 quarry. The Burntstump quarry restoration plan has been required to provide an additional area of sloping heathland to compensate for habitat losses associated with the extension of Bestwood 2 Quarry. Other than that the current authorised restoration scheme is unchanged from the original permission.

15. Associated with the primary planning permission is a separate time-limited planning permission (tied to the life of mineral extraction) for retention of a weighbridge, offices/cabins (which previously served the landfill site) and a soil mound (Ref 7/2003/1323). This permission was also as a result of a section 73 variation of an original permission ref 7/2000/1522. By virtue of condition 2, the weighbridge, offices/ associated buildings and soil mound are required to be removed and these areas restored by the 20th December 2021 (or within 3 months of cessation of mineral extraction if earlier).

Proposed Development

16. There are two applications; 1) seeking to extend the life of the primary mineral extraction and 2) to retain the associated weighbridge, offices etc. They were received as invalid in December 2021 owing to a deficient Environmental Statement and it was not until June 2022 that they became valid following the submission of a revised Environmental Statement. Mineral extraction has continued (still at low rates) in breach of the 20-year time limiting planning conditions. Enforcement options have been under continued consideration whilst the present applications have been progressing, wherein there has been some substantial delays on the applicant's part whilst Officers have sought further and revised information, including a necessary review of the restoration scheme, however the applications can now be brought to committee for decision.

Proposal 1: 7/2022/0752NCC – extended life for primary mineral extraction

17. Permission is sought under section 73 of the Town and County Planning Act 1990 to extend the time to work the remaining mineral reserves by a further 20 years until 7th January 2042 with restoration complete within a further 12 months. This would involve textual variations to the terms of conditions 7 (date for completion of mineral extraction), 8 (date for completion of final restoration) and 50 (use of processing plant) of planning consent 7/2005/0263. There are no proposals to vary any other element of the development, including working plans, and all existing environmental protection measures would remain in place. However as discussed further in the report the applicant has agreed to revise the site restoration plan to increase the balance for biodiversity and this effectively now forms part of the application.
18. The revised restoration plan (Plan 3) seeks to make minor changes to the final topography (compared with the extant scheme) in order to retain an area of broadleaved woodland planting in the eastern corner which was formally scheduled for removal but is now of value and worthy of saving. Generally as with the extant scheme there would still be a central low level area where two medium sized rectangular fields would be created on the floor area and bounded with new native hedgerows. The fields would be seeded with species diverse conservation grassland suitable for agricultural (hay or grazing) use. On the surrounding slopes the majority of the steeper areas to the north and west would now be restored to heathland reflecting its ecological priority locally. There would also be areas of dry and acid grassland, native species scrub and

two wetland or pond areas in the corners of the floor area (likely to be ephemeral). On the more gradual slopes up the eastern side of the site additional areas of new broadleaved woodland would be planted, supplementing the existing planting blocks which would now be retained. The hedgerows and landscaped strips around the boundaries of the quarry would also remain in place.

19. The applicant advises that the quarry has proven mineral reserves of approximately 1.5 million tonnes of sand remaining and it anticipates this will require a further 20 years of operations to complete its extraction. The applicant advises that the Sherwood Sandstone is a significant mineral reserve within Nottinghamshire and is an important aggregate mineral and source of soft building sand. Sherwood Sandstone production accounts for approximately one-third of the County's total sand and gravel production. In addition to producing sand for asphalt and mortars, it also can be used for specialist aggregate and non-aggregate uses. The yellow building sand produced at Calverton is notable for its consistent golden-yellow colour, which makes it ideal for a number of decorative uses. As such the reserves are worked and sold in a way that optimises their use in premium products such as colour sensitive mortars and specialist products where consistent colour is of particular importance.
20. This application is supported by an Environmental Statement pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The scope of this has been determined by the Minerals Planning Authority and a limited range of environmental topics have required assessment in this case, including ecology, landscape and visual impacts, noise and sustainability. Further information (under Regulation 25) has been secured from the applicant to ensure complete and necessary information is available to inform the decision. This information includes an addendum to the Landscape and Visual Assessment, the revised restoration plan and phasing plans, and an updated Ecological Impact Assessment and Biodiversity Net Gain calculations.

Proposal 2: 7/2022/0751NCC – weighbridge, offices and soil mound

21. Permission is also sought under a section 73 planning application to vary condition 2 of permission 7/2003/1323 in order to retain the associated weighbridge, offices and soil mound for the proposed extended duration of mineral extraction operations to 7th January 2042. It is expedient and necessary to consider this associated application alongside the main proposal, but the report will focus on Proposal 1.

Summary of working methods and restoration

22. The planning permission details five phases of extraction, not including the completion of restoration. Currently the site remains in phase 3. Future consented phases 4 and 5 would extend mineral extraction onto the current arable field to the south. There are several soil stores and bunds in place including along the perimeter.

23. The quarry operates with a relatively low output (circa 30,000 to 40,000 tonnes per annum) and operations are known to be intermittent.
24. Extraction is typically undertaken using mobile plant such as an excavator, dump truck, dozer and loading shovel. The latter is used to feed mineral into a mobile based sand processing plant sited within the active quarry void and then to load processed product directly into HGVs at this point. These vehicles access the void using the internal haul road/ramp and upon exiting there is a wheel wash at the top of the access ramp before the access road exits onto the A614. All HGV loads are also required to be sheeted on exit.
25. Permitted hours of operation are 07.00 to 19.00 Monday to Friday and 07.00 to 13.00 on Saturdays (no work on Sundays or public holidays). HGVs are however permitted to access the site until 16.00 on Saturdays and the servicing of plant/machinery is permitted within the hours of 07.00 to 17.00 Mondays to Saturdays.
26. In total there are currently 60 planning conditions providing various environmental protections including the aforementioned measures as well as for archaeology, noise limits and monitoring, storage of fuels, dust management and monitoring, soils handling and storage, hedgerow/tree management, restoration and planting operations and 5 years of aftercare.
27. The approved restoration currently details low-level agricultural grassland with fringing woodland planting and heathland or grass slopes. The current approved restoration does not require any importation of materials.

Consultations

28. Two rounds of consultation have taken place on Proposal 1 (initial consultation and on Reg 25 further information) with the full set of consultees as summarised below. The only response to report in relation to Proposal 2 is from Gedling Borough Council.
29. **Gedling Borough Council** – *No objections (both applications).*
30. **Calverton Parish Council** – No responses received.
31. **NCC (Nature Conservation)** – *No objections subject to conditions.*
32. *The Ecological Impact Assessment has been updated (23rd March 2023) and continues to demonstrate that the site is of overall low ecological value, with the potential for improvements to be delivered through site restoration.*
33. *A number of proposed mitigation measures in relation to vegetation clearance, mammals and reptiles should be secured through conditions. A condition should also require an ecological walkover survey to be completed in advance of each phase of extraction commencing.*

34. *Satisfied with the changes made [during consideration of the application] to the restoration scheme and a condition should require the submission of a detailed restoration and aftercare scheme.*
35. *The Biodiversity Net Gain calculation has been updated and properly applied and demonstrates there would be a 38.95% increase in habitat units and a 61.65% increase in hedgerow units from the current baseline as a result of site restoration.*
36. *An appropriate aftercare period, of at least 20 years, will be required, particularly for the heathland.*
37. **Natural England** – *has no comment.*
38. **The Environment Agency**– *does not wish to comment.*
39. **NCC (Highways)** – *No objection or concerns.*
40. **NCC (Archaeology)** – *No objection subject to condition.*
41. *The requirement for professional archaeological monitoring of the topsoil strip of each phase of the quarry should continue and can be achieved by a condition requiring a written scheme of investigation to be submitted and approved in advance of the work commencing.*
42. **NCC (Built Heritage)** – *No objections.*
43. **NCC (Lead Local Flood Authority)** – *No objections.*
44. **NCC (Planning Policy)** – *Supports, as the site is allocated in the Minerals Local Plan and the output from this site supports the existing landbank for Sherwood Sandstone.*
45. *National planning policy is clear in that in determining applications for minerals development, great weight should be given to the benefits to be derived from extraction, including to the economy, whilst ensuring that there are no unacceptable adverse impacts (both individually and cumulatively on the natural and historic environment, human health and aviation safety). Securing of restoration and aftercare at high environmental standards at the earliest opportunity is also mentioned.*
46. *The site is allocated in the MLP (under MP3a), though the application seeks to extract a lower total remaining tonnage of mineral than stated in the MLP.*
47. *Given the current position of the Sherwood Sandstone landbank and the fact the proposal is for an extension of time to allow for the existing permitted reserves to be extracted, the proposal is supported subject to assessment of environmental and amenity impacts.*

48. **Via (Landscape)** – *No objections. Conditions suggested: 1) to require accelerated tree and scrub planting earlier in the operational stages where practicable and 2) measures to control invasive species/pernicious weeds.*
49. *[Detailed comments were initially provided which confirmed that the submitted Landscape and Visual Impact Assessment (LVIA) had thoroughly considered impacts. A number of the findings were later found to be based on incorrect working plans which identified changes to the perimeter bunds during the mineral extraction phase. Subsequently comments have been made against the submitted LVIA Addendum and against the revised restoration plan.]*
50. *Landscape and Visual Impacts have been clearly stated within the LVIA documents and affect a limited area of PZ03 and a limited number of properties in the immediate vicinity of the application area. There will also be visual effects on a short section of Calverton Footpath 21 and users of Ramsdale Hill Golf Course.*
51. *The LVIA has considered the visual effects of the proposed works on 6 representative viewpoints, including on the closest residential properties. It concludes that there are visual effects on Ramsdale House and Ramsdale Hill Farm and the external surrounding of Ramsdale Cottages during the operational period of the works (20 years) and the time taken for vegetation to mature will be longer than 15 years.*
52. *Considering the extension of time and the relative visual impact upon the three residential receptors, it would be advantageous to accelerate the planting of the proposed broadleaf woodland and native species scrub wherever possible. There are two locations shown on the Landscape Restoration Proposals that could serve to earlier mitigate the visual impact upon the identified receptors to the east and southeast of the site, provided it is practicable to do so. These locations would be:*
- *A block of proposed broadleaf woodland approximately 100m to the west of Ramsdale Cottages between contours 92m AOD and 96m AOD that remain unaffected by the operation of the minerals site.*
 - *A 5m by 50m strip of land between T2 and S1 to be planted with native species scrub and broadleaf woodland at approximately 100m AOD that potentially could be planted and left undisturbed by the later phased workings and subsequent restoration of the site.*
53. **Via (Noise Engineer)** – *No objection subject to conditions being carried forward.*
54. *A Noise Impact Assessment has been prepared and noise monitoring surveys have been carried out. The acoustic environment in the vicinity of the site predominantly comprises noise from distant and local road traffic using the A614 and B6386.*
55. *Measurements were made continuously and simultaneously at 3 locations selected to represent the closest noise-sensitive premises. These are Robin*

Hood Farm, Ramsdale Farm and Ramsdale Cottages. The results of the noise monitoring demonstrates that for worst-case noise the quarry complies with the existing conditions 21 (normal operations) and 22 (temporary operations). These should be carried forward.

56. **Via (Geo Environmental)** – *No objection subject to updated environmental management conditions.*
57. *The proposed extension of time should not result in any additional significant effects in relation to land contamination issues (including soils and hydrogeology), compared with the existing situation. However it would be useful to see a summary of the soil quality, hydrology and hydrogeology at the site, as recommended by the MPA in the scoping response. This is to confirm that any mitigation measures in place to protect these resources will be suitable for the continuation of operations.*
58. *The summary should include reference to the former landfill site immediately to the north, to confirm that the proposed time extension would not have any significant effects on (or be affected by) any ongoing management of the landfill over the next 20 years.*
59. *It is recommended that the planning conditions are amended to request updated environmental management plans (including the schemes for dust and pollution control). This is to reflect the possible changes in practice since the original documents were submitted circa 20 years ago.*
60. *Under the existing terms of the planning permission, the operator is not permitted to use any imported fill materials within the restoration works. This should perhaps be clarified within the updated planning conditions.*
61. **Nottinghamshire Wildlife Trust** and **Western Power Distribution** have not responded. Any response received will be orally reported.

Publicity

62. Both applications have been publicised by means of site notices, and a press notice. For proposal 1 (the application to extend the life of the quarry) neighbour notification letters have been sent to 24 of the nearest occupiers, whilst for proposal 2 (the associated application to retain ancillary offices etc) the adjacent landfill operator has been notified. The arrangements accord with Statutory requirements and the County Council's Statement of Community Involvement.
63. Proposal 1 was afforded a period of re-consultation and readvertisement with site and press notices upon receipt of the revised restoration scheme and updated biodiversity and landscape reports.
64. No representations have been received, however an issue with one of the plans was initially brought to the MPA's attention by a member of the public and has been resolved with the submission of a revised plan. No further response has been received.

65. Councillor Boyd Elliott has been notified of the applications.

Observations

Introduction

66. The applications are submitted under Section 73 of the Town and Country Planning Act 1990 (commonly known as a variation of conditions) in order to allow the continued operation of the quarry for a further 20 years. The report will focus on Proposal 1 (the quarry itself) whilst Proposal 2 is a minor ancillary proposal which raises no notable planning issues other than its acceptability is dependent on the outcome of Proposal 1.
67. Under the section 73 procedure the decision maker is required to focus on the changes to the conditions being sought. Usually this does not entail reconsidering afresh the overall acceptability of the development for which the original planning permission has established. Nor is it usually an opportunity to re-write or fundamentally alter an existing permission/development. It is however nonetheless a planning application and as such has to be determined against the Development Plan and material considerations as they stand today, with factors which will have inevitably changed or moved on since the original planning permission was granted, in this case over 20 years ago. If a section 73 application is granted, a new planning permission is issued containing the conditions varied as sought, along with any persisting conditions that remain necessary to regulate the development, sometimes subject to a limited review and update. If section 73 permission is refused, the existing planning permission remains intact, along with its original conditions and requirements such as for restoration.
68. The fundamental matter to consider in this case is whether further time should be afforded to complete mineral extraction and the site's restoration thereafter. The proposed variations are arguably substantial in their nature but are focussed on time/duration and are not uncommon for minerals development.
69. It is pertinent to note that the original planning permission was time-limited to 20 years and that as the current application was in the process of being submitted that period expired. Upon receipt, the application could not be validated and a delay was caused whilst noise and flood assessments were undertaken and incorporated into an updated Environmental Statement. Subsequently due to further delays in processing the planning application the secondary date for completing restoration expired in January 2023. There has therefore been a period whereby the quarry has been operating in breach of the main time limit conditions. Officers are however satisfied that the proposals fall within the scope of section 73 and that the applications can be considered and determined accordingly.
70. Clearly whilst the principle of the quarry has been established by virtue of the planning consents detailed above, these were both time limited and have now expired and there has since been a significant passage of time during which

circumstances in planning policy and other ‘facts on the ground’ will have changed. In this situation and in light of the nature of the time extension being sought, it is right that consideration is given to whether the continued operation of this quarry conforms to the current Development Plan, particularly the Nottinghamshire Minerals Local Plan which was adopted in 2021, and therefore after the original Burntstump planning permission, and whether the environmental and other impacts are, or remain acceptable, including particularly the restoration strategy.

71. The Development Plan in this case comprises the Nottinghamshire Minerals Local Plan (MLP) (adopted 2021) and the Gedling Local Plan in two parts comprising the Gedling Aligned Core Strategy (ALC) (2014) and the Local Planning Document (LPD) (2018). The Calverton Neighbourhood Plan (2017) also forms part of the Development Plan but is of limited applicability. The most important policies for determining this application are found within the MLP and include all Strategic Policies 1-7, Minerals Provision Policies MP1 and MP3 (Aggregate Provision and Sherwood Sandstone) and Development Management Policies DM1-12 (save DM7 (public access and DM10 airfield safeguarding).
72. The National Planning Policy Framework remains an important material consideration, along with technical guidance in relation to minerals development within the National Planning Practice Guidance.
73. As the application is submitted with an Environmental Statement pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the MPA must be satisfied that it has sufficient information from which to identify the proposed development’s likely significant environmental effects before granting planning permission. The MPA must take this environmental information, along with the further information and the responses and submissions into account as part of this process and has done. Officers are now satisfied that there is sufficient information in this case to proceed to a recommendation.

The need for minerals

74. Minerals, including building sands, are essential to the development needs of society. National planning policy highlights that it is important that there is a sufficient supply to provide for the infrastructure, buildings, energy and goods that the country needs. There is also a recognition that this is a finite resource which needs to be used and managed sustainably.
75. The County Council’s Minerals Local Plan (MLP) 2021 also seeks to ensure the supply of minerals locally and includes a number of site allocations. Policy MP3 is pertinent as it seeks to secure an adequate supply of Sherwood Sandstone to meet expected demand over the plan period (2018-2036). The requirement for the County is for some 7.03 million tonnes (mt) in order to maintain a minimum 7-year landbank as part of maintaining a steady and adequate supply as stipulated in the overarching aggregate Policy MP1 and national planning policy. It does so via placing a large dependence on completing the extraction of

remaining reserves at three existing quarries – including site MP3a Burntstump – where, according to the Plan, some 1.88mt are estimated to remain (this figure dates from the Plan-making period). A further 2.73mt exists at nearby Bestwood 2 quarry and 0.60mt at Scrooby Top. The policy also provides for extensions at the latter two quarries in order to meet and exceed the 7.03mt requirement.

76. In relation to Burntstump, the MLP notes that its planning permission runs to the end of 2021 and given the high level of permitted reserves the operator may apply for an extension of time, as it has now done so. It further states that restoration will be to agriculture and woodland, without giving further details. The MLP contains a number of site development briefs, but not for existing sites such as Burntstump. It is estimated to provide a steady output of 30,000 tpa throughout the plan period (delivery schedule – MLP Appendix 1) and is annotated on Inset map 13 as an ‘Existing Minerals Extraction Site’ (the outline of the area roughly corresponds with the areas of remaining permitted reserves rather than the entire quarry site).
77. Essentially therefore the existing minerals extraction site at Burntstump quarry is allocated in all but name and forms an integral part of the MLP and its strategy for the steady and adequate supply of Sherwood Sandstone. As anticipated by the MLP the operator wishes to continue to work the remaining reserves and as such has requested a further 20 years in which to complete the extraction. Consequently Proposal 1 is entirely in accordance with Policy MP3 and this site is required for at least the Plan period which runs up to 2036.
78. The two proposals however seek time extensions until 2042 and the applicant states that some 1.5 million tonnes are remaining (less than the 1.88mt stated in the MLP). It states that it estimates that 20 years will be required in order to fully extract the remaining reserves (with a further year to complete restoration). It is reasonable to accept the lower and more up to date estimation of remaining reserves but even so, in order for this to be a viable proposition, the rate of extraction would need to rise significantly.
79. It is understood that output has averaged approximately 39,000 tpa in recent years which explains the assumption in the MLP delivery schedule of continued rates of extraction at/around 30,000tpa for the Plan period, i.e. it assumes there would be no notable change in the intensity of quarrying operations which would remain at a relatively low output. However extracting 1.5 million tonnes over 20 years would require a rate of extraction of some 75,000 tpa- 2.5 times the recent steady average. This is not explored in the application and the applicant does not explain how the proposed 20 years has been reached.
80. It is understood that prior to the 2008 economic downturn Burntstump regularly extracted around 80,000 tpa, therefore it would appear feasible for the operator to raise output over the next 20 years and there is nothing in terms of planning conditions expressly limiting rates of output. Clearly if the current lower rates of extraction persisted then by 2042 there would still be reserves remaining which could be sterilised if no further planning permission was sought.

81. Given i) that it appears technically possible to extract the mineral in the additional 20 years sought planning permission for and ii) the existing planning permission/conditions would allow for this and iii) there are no unacceptable environmental issues bearing on the current decision (as considered below) and iv) that the MLP is not dependent on a higher rate of extraction being achieved and v) that the minerals industry is highly sensitive to economic conditions which will inevitably vary over 20 years, it appears reasonable to permit the 20 years sought permission for and this does not undermine the compliance with Policy MP3.
82. In order to allow the functioning of the quarry it follows that Proposal 2 relating to the associated retention (until 2042) of the ancillary offices, weighbridge and a screening/soil bund is also justifiable and accords with Policy MP3 as well as Policy DM16 which permits associated development such as plant and buildings which are demonstrably related to mineral extraction including by being linked to the life of the site.
83. The fullest weight can be afforded to the proposal's compliance with MLP policies MP3 and DM16, which is an up to date plan consistent with the NPPF including paragraph 211 directing that 'great weight' should be given to the benefits of mineral extraction, including to the economy.
84. The contribution this site makes to maintaining a landbank also supports the NPPF objectives at para 213 of planning for a steady and adequate supply of aggregate minerals and maintaining a 7 year land bank for this type of sand. (A separate 7 year landbank is needed for general sand and gravel). As minerals are finite, the alternative cessation of working and enforced restoration would amount to sterilisation of the resource which would be contrary to local and national minerals planning policy, particularly in light of the subsequent findings on the acceptable nature of the environmental impacts.
85. The sand produced from this site has its own unique golden-yellow character which lends itself to more specialist sales and uses such as for colour-sensitive mortars. This only adds to the finite nature of the reserve and explains why extraction is undertaken sparingly in order to ensure best use is made of these minerals. With no significant environmental or amenity indicators advising against the continuation of this quarry, Officers are satisfied that this represents sustainable mineral extraction and the applications are supported. The report will now consider the remaining relevant matters.

Green Belt

86. The quarry lies entirely within the Green Belt as confirmed in the Gedling LPD. Policy SP6 of the Nottinghamshire Minerals Local Plan sets out that proposals for mineral extraction and associated development will be supported where this maintains the openness of the Green Belt and also the purposes of including the land within it, of which there are five as replicated from chapter 13 of the NPPF (i.e. this would be appropriate development in the Green Belt). Inappropriate development on the other hand will not be approved except in very special circumstances. It adds that site restoration proposals

should seek to enhance the beneficial afteruse of the Green Belt. SP6 is entirely in line with the NPPF on this matter. Gedling LPD policies LPD12 - LPD17 are not relevant to this form of Green Belt development and therefore defer to national policy.

87. The policy position confirms that there is nothing inherently inappropriate about mineral extraction taking place in Green Belt locations. Furthermore it is clear that some level of operational development such as soil stores/bunding, ancillary buildings and processing plant which are reasonably necessary and for which minerals extraction could not otherwise practically take place, is also not necessarily inappropriate.
88. The quarry site continues to be a contained site in its Green Belt context, spatially and from a visual perspective. Extraction of the mineral reserve at Burntstump creates a circa 20m deep void space with the processing also being undertaken at the quarry floor. As per the phasing plans this void moves progressively on to unworked areas allowing some interim re-sculpting and restoration of the preceding worked out phase.
89. Several temporary soil and overburden stores are present at a higher level. These include a perimeter bund alongside the A614 and Oxton Road and stores in the north-east corner of the site. All of these are standard, typical features of quarrying, and are temporary in nature as the materials will be required to complete the phased restoration. They are not considered to be excessive or to breach a 'tipping point' as to their effect. Furthermore the perimeter bunds have, and continue to effectively screen the quarry from passing road traffic. In more recent years the frontage hedgerows have been allowed to grow up to the extent that the perimeter bunds themselves are now well screened.
90. The final restoration would be of a low level form – i.e. the land would be left at lower than pre-extraction levels and it would be put to agricultural and biodiversity uses – all appropriate and compatible with this Green Belt location. The sand processing plant together with the site offices and other infrastructure would be removed, although the access from the A614 and the separate landfill site infrastructure may be needed for the foreseeable future in order to manage the former landfill to the north.
91. It is therefore considered that the continuation and completion of mineral extraction from this site would preserve the openness of the Green Belt, both during and after the development has taken place.
92. In relation to maintaining the purposes of the land's inclusion in the Green Belt, it is again clear that there would be no conflict and that mineral extraction and the site's final restoration would actually support the purposes/objectives of the Green Belt by keeping the land permanently open.
93. Officers are satisfied therefore that both proposals – the continuation of mineral extraction, along with the supporting infrastructure – are appropriate forms of development in the Green Belt and are not harmful to its planning objectives. The proposals accord with Policy SP6 and national planning policy on this matter. As an added safeguard, conditions removing permitted development

rights should enable the MPA to control any further site infrastructure, should this be required in future.

94. Finally, Policy SP6 also seeks restoration proposals that enhance the beneficial use of the Green Belt, which could include opportunities for biodiversity gains, or public access for example. There are no proposals for the latter, but biodiversity gains have been demonstrated in the revised restoration scheme as further considered below. Again, therefore the policy aims are considered met.

Landscape and visual impact

95. Strategic Policy 5 of the MLP requires minerals proposals to deliver a high standard of environmental protection and enhancement to ensure there are no unacceptable impacts on the built, historic and natural environment. It advises that mineral working has the potential to change the landscape, but sensitive, high quality, restoration can also help to improve existing landscapes, especially those which may be of a lower quality.
96. MLP Policy DM5 (Landscape Character) provides the basis for assessing impacts. Proposals are supported where they will not adversely impact on the character and distinctiveness of the landscape. However in cases where there would be an unacceptable impact the proposal will only be permitted where there is no available alternative, the need for development outweighs the landscape interest and adequate mitigation can be provided. Restoration proposals should take account of the local landscape character assessments.
97. MLP Policy DM1 (Amenity) provides consideration of impacts including landscape and visual impacts.
98. The present situation is evidently a half worked out quarry including a large void space and surface level soil stores and bunds. There is ongoing arable farming taking place across the future areas of extraction. Planning permission to continue extraction has though now lapsed and the site should have been restored in accordance with the restoration scheme or an alternative scheme as could be approved by the MPA.
99. A detailed Landscape and Visual Impact Assessment (LVIA) has been undertaken by the applicant and subsequently accompanied with an addendum making clear that there are no proposals to vary the approved phasing and working plans. The addendum has helpfully considered the revised restoration scheme that has been negotiated from the applicant.
100. The LVIA (and addendum) considers that the prolonged presence of the quarry will result in result in *moderate adverse* effects to the local landscape character (and policy zone 3) by virtue of its semi-industrial character bearing upon the area for a further 20 years.
101. Upon its restoration, employing the revised restoration scheme that has been negotiated with the applicant, which employs a greater focus on biodiversity, including increased heathland, dry and acid grassland, as well as conservation

grassland which would support limited agricultural land use, along with the retention of an area of semi-mature broadleaved woodland in the north-eastern corner of the site previously earmarked for removal, the effects will reduce to a *slight adverse* effect.

102. The LVIA addendum states that by Year 15 post-restoration, the proposed amended restoration design changes would result in improvements beyond those anticipated under the approved restoration scheme and these would help to reduce the adverse effects of the delayed restoration of the site. The overall effect on the character of the local area, would also be reduced to *Slight Adverse* in the longer term as the benefits of the retention of the woodland and a greater amount of habitat creation mitigate for the delays imposed by the extension of time.
103. The visual effects of the quarry are limited due to the extensive site screening. Road users in passing the site boundaries see very little if anything of the site however the LVIA and its addendum have considered a number of fixed viewpoints including those representative of the nearest residential properties in the area.
104. A *Large Adverse* and Significant visual effect is still predicted during operation in relation to Viewpoint 3 at Oxtan Road and specifically Ramsdale Cottage Farm where views from upper storey windows of mineral extraction and progressive restoration would be prolonged for a further 20+ years. Extraction in phases 4 and 5 would be in closer proximity to the receptor however still at or over 200m distant and was previously approved.
105. In the longer term the effect on this visual receptor would be reduced to *Slight Adverse* and not significant. As part of the revised restoration design, additional broadleaved woodland planting is proposed along this part of the site behind Oxtan Road which would help to screen the interior of the site in views from Ramsdale Cottage Farm.
106. The retention of the semi-mature broadleaved woodland to the north-east corner is also beneficial in screening visual effects of the quarry at Ramsdale Cottages to the east.
107. The MPA's landscape advisors (Via) have further suggested that, given the prolonged quarrying stage, it would be beneficial to deliver some of the final tree and scrub infill planting in this eastern area in advance of the final restoration stage, since this area is unaffected by mineral extraction or soiling works and is currently grazing land. The possibility of some linear planting alongside soil store S1 is also raised. There is clear merit in pursuing the planting in the eastern corner in the next few years rather than in circa 20 years' time and details and a programme for this work can be conditioned.
108. The identified landscape impacts in terms of a moderate adverse significance of effect to local landscape character during a further 20 years of mineral extraction (and to a lesser degree the slight adverse to slight neutral effects once restored) should be acknowledged. This does not necessarily result in a conflict with Policy DM5 as the test under para 2 is whether the impact would be

unacceptable. This may be because quarries invariably result in landscape impacts, particularly whilst active, and that minerals, as essential to society, can only be worked where they are geologically found.

109. The significance of the landscape effects is not considered to be so elevated as to result in an unacceptable impact in this case and, furthermore, given the quarry's *de facto* allocation in the MLP, it should not be necessary to consider alternative sites. In terms of mitigation, the phased working and restoration plans ensure that worked out areas start to be restored, eventually joining up into a cohesive site restoration for agriculture and biodiversity assimilating the site back into its rural context. Perimeter bunding and roadside planting also would continue to very effectively screen the site during the active extraction period. The semi-mature woodland that was due to be removed under the existing restoration scheme will now be permanently retained. Finally the restoration scheme takes account of the local landscape character. Consequently the proposed continuation of mineral extraction and the delay in the site's restoration is considered acceptable in order to deliver the MLP and improve the standards of restoration. Policy SP5 is also satisfied in this respect.
110. The identified significant visual impact at Ramdale House Farm and Ramsdale Cottage Farm should not be dismissed but appears to be a conservative finding based on a roadside viewpoint and an assumption that views may be possible from upper storey windows looking north towards the quarry over the top of the perimeter bunds and roadside hedgerows along Oxton Road. The properties are 200m distant and there are numerous barns, outbuildings and tree screens which could prevent or limit the views. If any views were possible generally the impacts could be expected when the quarry is undertaking surface level works such as initial soil stripping but it is thought that once extraction is ongoing the depression or void space should limit the visual activity that could be appreciated from these properties.
111. There are no visual impact concerns at Ramsdale Cottages, particularly now that the woodland area would be retained, thus in reality this quarry is affecting two farm based properties at most and it is not discernible to the road users which pass along its boundaries. Therefore Officers consider the visual impacts of prolonged mineral extraction and restoration to be acceptable and compliant with MLP Policy DM1 (amenity).

Biodiversity issues and restoration design

Operational impacts

112. Policy DM4 of the Minerals Local Plan is supportive of minerals extraction where it can be demonstrated that there will not be unacceptable adverse effects to a hierarchy of designated nature conservation sites, from European designated sites through to Local Wildlife Sites (different tests apply when considering impacts versus benefits). The policy also seeks to ensure that minerals development does not result in the loss of populations of priority species or priority habitats, except where the need for and benefits of the development outweigh the impacts. The policy goes on to seek overall enhancements and

net gains for biodiversity, including appropriate management so to contribute to the Nottinghamshire Local Biodiversity Action Plan. Policy SP2 (Biodiversity-Led Restoration) as discussed below is also relevant.

113. The Preliminary Ecological Appraisal submitted with the Proposal 1 section 73 application shows that the site is of relatively low ecological value – part an active quarry and part arable farmland (the future phases). Perimeter hedgerows and an area of advanced tree and shrub planting at the north east corner have developed into habitats of high ecological value. However, these are to remain in place as part of the revised restoration proposal and do not form part of the permitted extraction area.
114. No concern is raised in terms of any adverse or prolonged impacts to the nearest Local Wildlife Site (Foxcovert Plantation, some 850m the north of the working quarry area) subject to continued adherence by the operator to the various environmental management and monitoring conditions, for example controls for dust and noise. There is also no concern in terms of impacting the wider possible potential Special Protection Area for the Sherwood area and no objection has been raised by Natural England.
115. The Preliminary Ecological Appraisal did not find evidence of any notable protected species including newts, badger, bat roosts (although there is moderate potential for foraging and commuting bats along hedgerows) and the site is considered to provide low potential for reptiles and amphibians. A number of common bird species were recorded on site. The report makes a number of standard mitigation recommendations relating to vegetation clearance and species and the NCC Natural Environment Manager concurs with the conclusions and recommends that the mitigation measures are secured by planning condition, which is accepted.

Restoration design issues

116. The Nottinghamshire Minerals Local Plan (Strategic Objective 6 and Strategic Policy SP2- *Biodiversity-Led Restoration*) aims to conserve and significantly enhance the County's diverse environment and biodiversity. MLP Policy SP2 therefore seeks to maximise biodiversity gains from the restoration of mineral sites and achieve a net gain in biodiversity (in accordance with Nottinghamshire Local Biodiversity Action Plan targets and opportunities). Policy DM4 (Protection and Enhancement of Biodiversity and Geodiversity) also makes this clear. Policy SP2 and the way it flows through the Plan as a whole, marks a clear change in priorities when compared against the policy framework which existed at the time of the original permission (this included the 1996 Structure Plan Review and the 1997 MLP).
117. Policy DM12 (Restoration, aftercare and after-use) states that minerals development must include an appropriate scheme for the restoration, after care and long term after use to enable long term enhancement of the environment. It should be in keeping with the local character and contribute to the delivery of local objectives for habitats/biodiversity, landscape, the historic environment etc. Restoration plans as a minimum need to show an overall concept detailing

sufficient information (such as contours and landscaping) to demonstrate its technical and economic feasibility as well as its consistency with the Council's biodiversity-led restoration strategy.

118. The main application seeks an additional 20 years in which to complete extraction and then a year to complete restoration. Initially no changes were proposed to the restoration design. Following an initial objection from NCC's Natural Environment Manager to the continued adherence to this restoration scheme, the question arises as to whether it is permissible and correct in planning terms to seek changes to the restoration design in order to improve the outcomes for biodiversity and to maximise net gains as per Policy SP2.
119. Planning Officers are of the opinion that it is possible and justifiable to seek such changes in order to render the application for 20 further years of working acceptable. This is because the Development Plan as it stands today has changed significantly since the original grant of planning permission with a focus on biodiversity gains reflecting today's environmental priorities. Whilst Policy SP2 advises that restoration schemes for allocated sites should be in line with the relevant Site Allocation Development Brief (contained in Appendix 2 of the MLP), no such brief exists for operational sites including Burntstump Quarry. In the supporting text for Policy MP3 (Sherwood Sandstone) there is a brief mention (para 4.51 – site information for Burntstump) that the restoration will be to agriculture and woodland. However this is merely stating the facts as they were at the time and it is not a statement of policy that the site has to be or should continue to be restored to 'agriculture and woodland'. The proposed variations would result in significant delays to achieving the restored habitats and planting and it is clear that the initial objection from the Natural Environment Manager was justifiable. The current restoration design is no longer appropriate and therefore the MPA has requested details of a revised restoration design and calculations to demonstrate a biodiversity net gain.
120. Following significant delays on the applicant's part, the MPA is now in receipt of a suitable revised restoration concept plan (Plan 3), along with supporting Biodiversity Net Gain calculations. Changes to the design are focused on achieving a better balance between agricultural and biodiversity afteruses with only minor changes to the final topography compared with the extant plan. The retention of an area of planted broadleaved woodland towards the eastern corner of the site and Ramsdale Cottages is welcomed and it was not clear why it was previously scheduled for removal. Furthermore the revised restoration plan seeks to supplement this with further tree and scrub planting. The additional areas of sloping heathland and dry and acid grassland are appropriate for the local context. The new hedgerows and other planting would provide connectivity across the site and beyond for wildlife. The plan is considered to be of sufficient detail as required by Policy DM12 and deliverable.
121. The revised restoration will deliver a 38.95% net gain in biodiversity units and a 61.65% gain for hedgerow when compared with the existing situation. This will be a moderate positive outcome replacing the existing mainly low ecological value habitats with higher value habitats and with a net gain well over 10% which will be the statutory minimum in due course. The level of net gain shows

there is a balanced restoration in this case but that biodiversity has been built into all elements of the scheme including the grassland fields which can serve a useful agricultural after use.

122. The County Council's Natural Environment Manager is content with the revised restoration plan and which responds appropriately to the change in planning policy circumstances. Restoration works would be progressed in a number of phases and the exact details, including planting and establishment details, will need to be submitted to the MPA for its prior approval to ensure the overall restoration vision is successfully delivered in practice.
123. Policy DM12 specifies that as a minimum there should be five years of aftercare, but noting that biodiversity features/areas may justify a longer period of management. No further details in relation to aftercare have been provided by the applicant. Conditions on the quarry currently specify a 5-year aftercare period for the agricultural areas whilst the heathland slope is subject to 25 years aftercare by virtue of a more recent legal agreement to extend the heathland area, to offset that lost from Bestwood 2 quarry.
124. The County Council's Natural Environment Manager requests an extended aftercare period of up to 20 years (heather will take 20 years to reach its target condition), noting that in future once Biodiversity Net Gain is a legal requirement pursuant to the Environment Act 2021, this period will be 30 years. However this may not apply to all section 73 variations. For consistency the aftercare for heathland slopes should remain stipulated at 25 years unless otherwise agreed by the MPA and it is practical to also take in the immediate area of dry acid grassland, scrub and woodland areas. The two central fields of conservation grassland suitable for agricultural grazing would benefit from 5 years of aftercare.
125. Access to these fields would be via the former quarry access road with scope to potentially downgrade parts of this to a trackway, details of which can be conditioned. However, no public access is planned in this instance and nor was this originally envisaged.
126. In summary the revised restoration scheme is now acceptable, is a marked improvement for biodiversity over the extant requirements, whilst providing a balance for some agricultural grazing, and is considered compliant with the adopted Minerals Local Plan and in particular Policies SP3 and DM12. Planning conditions and the regular system of monitoring by the MPA can ensure this is successfully delivered in the future years.

Noise and amenity

127. MLP Policy DM1 (Protecting Local Amenity) supports minerals development proposals where it can be demonstrated that any adverse impacts on amenity, including noise, are avoided or adequately mitigated to an acceptable level.
128. Para 211c) of the NPPF states that when considering minerals development proposals MPAs should ensure that unavoidable noise is controlled, mitigated or

removed at source, and it should establish appropriate noise limits for extraction in proximity to noise sensitive properties. National Planning Practice Guidance provides further technical guidance including maximum acceptable noise levels.

129. Existing Conditions 13 and 20 to 24 regulate hours of working (7am to 7pm Monday-Friday and 7am to 1pm on Saturdays) and control noise from the quarry, including setting noise limits at the three closest residential receptors – Robin Hood Farm, Ramsdale Farm and Ramsdale Cottages – and also requiring periodic noise monitoring and reporting. No changes to any of these conditions have been sought, however due to the passage of time since the original permission was granted along with other factors including the de-trunking of the A614 and the introduction of a lower 50mph speed limit, an updated noise assessment has been required from the applicant to consider whether the existing noise controls and limits remain acceptable for a further proposed 20 year operational period.
130. This work, which has included new background noise surveys, has found that no new residential receptor locations have been introduced in the immediate surrounding area (though see below) and that the local noise environment is influenced by traffic using the A614 and Oxtan Road. It has modelled predicted noise at the receptors taking into account the plant contingent, vehicle movements and the phasing of the extraction areas and has concluded that resulting noise levels will remain well below the existing noise limits – between 6 and 12dB below the limits of 52 and 53 dBLAeq for regular working and also well within the 70dB limit for short term works. The existing noise limits are therefore appropriate and in line with the Planning Practice Guidance for mineral working and should be carried forward unchanged. The MPA's noise consultant agrees (see Via Noise comments above).
131. Planning Officers have noted a recent planning permission (2021/1449) issued by Gedling Borough Council at No.3 Ramsdale Cottage to the north-east corner of the quarry site. This permits the conversion of an existing detached outbuilding into 'a self-contained annex'. The building in question is an L-shaped single-storey building some 80m back from No.3 within an extensive rear curtilage. It is sited tightly against the boundary of the north-eastern corner of the quarry site, but against the landscaped corner of the site which is excluded from the extraction area. The landscaped area is operationally separate and in use as paddocks which are screened from the quarry area by a block of tree planting. Whilst this is a new building closer to the quarry and which now has an authorised residential use, Planning Officers do not consider this to be a new stand-alone residential receptor owing to the terms of the permission and condition no. 3 which restricts its occupation only as ancillary to No. 3 Ramsdale Cottage.
132. All of Ramsdale Cottages will continue to be buffered from quarrying impacts by the retained north-east corner (subject to carrying forward phasing plans) and the tree planting areas. In addition the extraction area will not move any closer to these properties than at present. However a large soil store will need lifting as part of the restoration of the quarry. The higher 70dB limit would be applicable to such short term and necessary activities.

133. In conclusion, there would be no unacceptable noise impacts to the limited number of nearby residential receptors. There are also no public rights of way or accessible land likely to receive noise impacts. Noise levels have been monitored and results over recent years have shown generally low noise effects which reflects the limited means of working that has been the trend in recent years at this site. There is also an absence of noise complaints on the record. The applicant's updated noise assessment is robust to predict noise emissions should the site be fully working and as it moves onto new phases. The existing noise controls remain appropriate and these conditions should be carried forward as part of any grant of permission under section 73. It should be noted that the properties could continue to experience some minor levels of noise emissions – and in particular from temporary operations to move soil stores – but that planning policy and guidance allows acceptable noise levels in order to facilitate essential minerals working.

Agricultural land and soils

134. This matter was scoped out of the EIA but some implications arise which could affect the planning balance.
135. Minerals Local Plan Policy DM3 relates to best and most versatile agricultural land (grades 1, 2 and 3a) as well as general soil management during the course of mineral extraction. Proposals affecting best and most versatile land can be supported subject to not affecting the long-term agricultural potential of the land/soils or, alternatively, where there is no alternative and the need for the mineral is considered to outweigh the impact on agricultural land quality.
136. The NPPF advises that the wider economic benefits of the best and most versatile agricultural land should be recognised and favours the use of areas of poorer quality land where significant land take is required.
137. It is understood from previous surveys in 1990 that the majority of the site (65%) comprises Grade 3b agricultural land with smaller areas of better quality Grades 2 and 3a which fall into the BMV classification. Mapping indicates that the better quality land (which is less stony) may follow a strip along Oxtan Road and at the eastern corner near to Ramsdale Cottages. It is noted that the permitted extraction area (which is smaller than the site red line area) largely avoids these areas and the eastern corner comprises an area of advance landscaping which will remain in place.
138. Prior to the quarry development the site comprised two large arable fields. The eastern corner was used to create the advance tree planting behind Ramsdale Cottages. Today the southern portion of the site remains in arable use but will shortly be needed for phase 4 of mineral extraction.
139. The extant site restoration masterplan is largely agricultural in design and shows the quarry floor restored as two pasture fields, the eastern one with a rising slope. The steeper peripheral slopes would be restored with grassland, heathland and tree planting. The baseline therefore is already an expected loss of arable farmland from the previous grants of planning permission.

140. As explored above the current Minerals Local Plan favours a biodiversity-led approach to site restoration and this is considered to carry more weight than the desirability of restoring agricultural land which under the extant restoration scheme would be created as general grazing pasture and mostly not involving best and most versatile soils. As such a revised balance between agricultural and biodiversity after uses has been negotiated as detailed in the revised restoration scheme now forming part of the main application.
141. The soils will still be required to create these after uses (except areas of heathland) and so the conditions relating to their management (stripping, storage and reinstatement) need to be carried forward. The soils currently stored in the peripheral landscape bunds will need to be gradually removed as restoration progresses, starting with those alongside the A614 at the north-west corner and lastly those along Oxton Road.
142. To conclude, although a further area of arable farmland would be permanently removed, the loss was previously approved and expected, and the impact is not considered significant given the limited coverage of BMV quality soils. It is the case that these soils can still be put to a form of agricultural after use as now shown on the revised restoration masterplan. The increased balance that would now be reallocated to a biodiversity after use is considered to be appropriate when seen in the context of the Minerals Local Plan overall, including the site's *de facto* allocation and thus there is a demonstratable need to complete the mineral extraction which outweighs impacts to the soil resources, following Policy DM3.

Other matters (scoped out from requiring detailed assessment)

Hydrology/ hydrogeology and flooding

143. New hydrological and hydrogeological assessments have not been required on the basis that these matters were assessed in the original application and the current planning application does not seek to alter the development previously granted. The applicant has however proceeded with producing a proportionate flood risk assessment which includes comments in terms of ground waters. The findings are entirely reasonable and notwithstanding the comments from Via (Geo Environmental) as summarised above, there does not appear to be any need for further information on these matters.
144. In summary the quarrying activity comprises a water compatible land use that is entirely appropriate in Flood Zone 1 – the lowest risk land. At the strategic level the site is also included in the Minerals Local Plan. There are no nearby watercourses that would raise fluvial flooding risks. The main flood risk, albeit low, is in terms of surface water flooding through changes to surfaces (exposed quarry) and high rainfall events. The quarry void provides a large area for flood storage and it is common for minerals operators to manage this on site. It is a known risk to the operator, but a low risk (particularly when compared with sites in river valleys) that can be locally managed with safe systems of working practice. If necessary staff and plant and equipment can be relocated to the higher ground or up to the office/administration area beside the haul road. There

will be no consequential increase in flood risk elsewhere both during extraction and at the completion of restoration. The afteruses retain a void space and return the land to greenfield condition. No objection is raised by the County Council's flood risk management team.

145. Whilst the site is situated overlying the Principal Aquifer, the Environment Agency, as statutory consultee in this matter, has not raised any concerns including at the earlier Scoping stage. The applicant states that ground water monitoring has determined that the water table sits at depth, well below the mineral horizons being worked.
146. Via Geo Environmental recommends a review of the pollution control measures to ensure they remain adequate to protect water resources. It is noted that planning conditions are in place preventing discharge of foul or contaminated drainage and concerning the safe and secure storage of fuel and the means of refuelling plant and machinery. These conditions appear adequate and should be rolled forward. For clarity it is considered necessary to add a condition that no waste materials can be imported for restoration purposes.
147. Notwithstanding the further comments from Via Geo Environmental, the continued quarrying and restoration operations should not affect, or be affected, by the ongoing management of the restored landfill site to the north as this will be fully regulated by an Environmental Permit overseen by the Environment Agency and in any event the active extraction area has and is moving southwards and away from the landfill site.
148. Overall Officers consider the proposed continuation of quarrying is compliant with MLP Policy DM2 (Water Resources and Flood Risk) as there would be no unacceptable impacts.

Traffic and transport

149. There are no Highways objections or concerns to the continuation of mineral extraction. The quarry is favourably located with direct access to the A614 via a dedicated priority junction that includes wide geometry and inter-visibility as well as a ghost right turning lane upon entry. Whilst the A614 is no longer a Trunk Road, it forms part of the Major Road Network for the County and is an important route for commerce. The quarry's location near to the Greater Nottingham market area may also assist in limiting delivery distances.
150. Traffic levels serving the quarry are likely to have been very low of late due to the reduced rates of extraction in recent years, however there are no concerns should the higher rate of extraction be reached again due to the good/direct access to the major road network. It can also be noted that the adjacent landfill site, which share the access with Burntstump quarry, has since been closed and restored thus removing that traffic contribution, apart from some occasional service vehicles.
151. Condition 10 (to become C8) relating to access to the A614 only via the existing haul road and entrance, Condition 11 (to become C9) requiring the maintenance of wheel cleaning facilities for which all HGVs need to use before exiting, and

Condition 12 (to become C10) requiring all vehicle loads to be sheeted upon exiting the site should be carried forward on any grant of section 73 permission.

152. The allied section 73 planning application (Proposal 2) seeks to retain the ancillary weighbridge and offices. These are operationally needed as part of maintaining the existing access arrangements and they do not raise any additional planning concern.
153. Therefore continued mineral extraction and its export via HGV is in accordance with MLP Policy DM9 (Highways Safety and Vehicle Movements/Routing) as the traffic movements can be safely accommodated on the highway network and will not cause unacceptable environmental or local amenity issues. No vehicle routeing scheme is necessary in this case, but controls for mud and dust can be kept in place.

Dust control

154. Conditions on the quarry permission require dust to be managed and monitored in accordance with an approved dust management scheme which stipulates a number of standard industry techniques including taking into account weather conditions when deciding to undertake certain operations. Dust measurements and monitoring is stipulated as to be undertaken on a monthly basis between May to September, and between December and March. Subsequently the MPA did agree to a reduced frequency of monitoring to three times a year based upon a reduced level of quarry operations and the lack of dust instances or complaints.
155. The dust management and monitoring scheme is over 20 years old and in light of the comments from Via Geo Environmental as well as the history of informal variations to monitoring, would benefit from a refresh to ensure there will be high standards of dust control for a further 20 years of operation. As such Conditions 25 and 26 are recommended to be replaced (as new C24) to require the provision of an updated dust management and monitoring scheme. Subject to this requirement the proposals should not result in any significant or unacceptable emissions of dust, thereby satisfying MLP Policy DM1 (Amenity). It should also be noted that Condition 10 will continue to require sheeting of all vehicles transporting minerals from the site.

Built heritage

156. There are a small number of listed buildings on outlying farms in the local area, the nearest being Ramsdale House and Stables (Grade II) 200m to the south-east and Cockliffe House and Granary (Grade II) 350m to the north-west of the site access (See Plan 1). From a review of the original planning application and Committee reports it would appear that there were no concerns in relation to the quarry affecting their continued conservation and this issue was not considered further. Conditions were put in place to regulate potential indirect effects including noise and dust.
157. By way of brief reappraisal, the late C18 and early C19 Ramsdale House and adjoining stables lies within a grouping to the south of Oxton Road that includes

Ramsdale Farm and Ramsdale Cottage Farm. The listed Ramsdale House and Stables however sit behind a cluster of farm and other buildings and do not appear to have the open aspect that Ramsdale Cottage Farm has. There is also a line of trees around the farm. Intervisibility between the listed house and the quarry is therefore either minimal and restricted to rear second storey windows or not possible. Given the separation provided by fields and Oxton Road and the distance to the House and the fact that the quarry will continue to have its own screening by what is now a well grown-out hedgerow along Oxton Road, behind which is the screening bund, it is reasonable to conclude that there will be no harm caused to the significance of the listed buildings at Ramsdale House including indirectly through setting taking into account views and emissions such as noise. As set out above the existing noise and dust controls can still be complied with and no change is proposed to the methods of operation.

158. The early 18th Century and c.1800 Cockcliffe House and granary may have some intervisibility across the fields to the A614 and the site entrance. This is not considered to form part of the setting to the listed building and no visual or other impacts are considered to arise. The hedgerow along the western side of the quarry and former landfill has been allowed to grow and provides an extremely effective screen.
159. There are other designated sites in the wider area including a scheduled monument at Cockpit Hill in Ramsdale Park 1km to the south east. However, no indirect impacts are considered to arise.
160. Consequently the earlier position that no concerns arise in relation to impacts to built heritage assets and their settings can be confirmed and this presents no barrier to a further period in which to complete mineral extraction. MLP Policy DM6 (Historic Environment) is therefore satisfied.

Archaeology

161. Existing Condition 17 (new C13) provides mitigation for any potential archaeology that might be encountered in advance of the extraction of the underlying mineral. It requires a detailed, phased scheme of archaeological investigation and treatment to be in place prior to soil stripping. Schemes have subsequently been agreed for the current phases of quarrying and the County Archaeologist is content that the requirements for archaeological monitoring can continue to be required for the future/remaining phases of the quarry. This will ensure there is provision for archaeological supervision and suitable contingency measures should remains be discovered (this could range from recording and excavating finds through to preservation in situ in extreme cases of high significance).
162. Subject to slightly amended wording to this condition, archaeology is afforded appropriate safeguards in light of the likely low significance of any finds. This overall approach could aid our understanding of the historic environment and again accords with MLP Policy DM6.

Review of conditions

163. Proposal 1 if granted sees conditions 5 (existing condition 7), 6 (existing condition 8) and 48 (existing 50) varied to extend the life of the quarry as per the application.
164. In addition:
- a) An updated scheme (new condition 12) is required to manage and supplement hedgerow and woodland planting, incorporating the requests from Via (Landscape) to secure earlier planting of woodland where practicable.
 - b) New ecology conditions (C14-17) are included as recommended by NCC Ecology.
 - c) Two noise mitigation conditions can be merged and updated (C23).
 - d) There is a requirement for an updated dust management and monitoring scheme to be submitted for approval (C24).
 - e) Various changes are needed to the restoration and aftercare conditions reflecting a mixed restoration for biodiversity, woodland and agriculture after uses. Further restoration details are to be required at the appropriate point.
 - f) Aftercare is required of 5 and 25 years for agricultural and biodiversity/woodland areas respectively.
 - g) A number of minor textual updates and insertions are also drafted for conditions 1, 4 (new condition 2), 5 (new C3), 6 (new C4), 9 (new C7), 27 (new C25), 28 (new C26), 36 (new C34), 38 (new C36), 49 (new C47), 52 (new C50) and 58 (new C55). Certain other conditions can be deleted or merged.
165. Proposal 2 seeks to amend the removal date on a single condition (2). However, it is evident that the date should also be updated on Conditions 4 and 5. An update to Condition 3 has been included to remove permitted development rights in order to assess any proposals and their impacts to the Green Belt and bringing this permission in line with the main quarry permission.

Legal agreement implications

166. As part of a previous grant of permission for an extension to nearby Bestwood 2 quarry there is a legal agreement/requirement to provide a small additional area of compensatory heathland within the restoration of Burntstump Quarry. This can still be delivered within the revised restoration scheme now under consideration and no changes to that legal agreement are required. There is no legal agreement directly related to Burntstump Quarry. All other matters relating to the regulation of the quarry are controlled via planning conditions.

Other Options Considered

167. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. A 'do nothing' approach, or a refusal of the application would effectively lead to sterilisation of the remaining mineral which is not considered to be sustainable or in line with Minerals Local Plan requirements.

Statutory and Policy Implications

168. 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

169. None directly arising. The quarry has a range of security measures in place including perimeter fencing, security lighting and CCTV coverage.

Data Protection and Information Governance

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

Human Rights Implications

171. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to the position of a small number of rural properties in the vicinity of the quarry. The proposals have the potential to give rise to dust, noise and visual impacts. However, these potential impacts are subject to conditions and controls and need to be balanced against the wider benefits the proposals would provide in terms of maintaining a steady and adequate supply of mineral to the wider region, and of the biodiversity enhancements from the site's eventual restoration. 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

172. The report and its consideration of the planning applications has been undertaken in compliance with the Public Sector Equality duty and there are no identified impacts to persons/service users with a protected characteristic.

Implications for Sustainability and the Environment

173. These have been considered in the Observations section above, including all the environmental information contained within the EIA submitted with the application.
174. There are no implications in relation to Finance, Human Resources, Safeguarding of Children/Adults at Risk, or for Service Users.

Conclusion and planning balance

175. Permission is sought to vary conditions to allow for an additional 20 years in which to complete mineral extraction at Calverton Burntstump Quarry followed by a further year to finish restoration. Associated with this the operator seeks to temporarily retain the weighbridge, offices and a soil bund near to the main entrance. An updated Environmental Assessment has been undertaken on a select number of topics and the applications fall to be assessed against up to date Development Plan Policy which has moved on since the original grant of planning permission.
176. Extraction of the remaining reserves is fully supported by the current Minerals Local Plan as the site is effectively allocated within the plan and the reserves form part of the County's landbank. The proposals have also been assessed as being appropriate development in the Green Belt. Officers have however considered it necessary to secure a revised restoration plan in order to satisfy the Minerals Local Plan's Biodiversity-Led Restoration strategy. The revised restoration scheme provides a number of improvements for biodiversity but a balanced approach remains, including grassland suitable for agriculture.
177. Updated ecological surveys have found the site to be predominantly of low ecological value whereas the revised restoration scheme is predicted to deliver a 38.95% gain in biodiversity units and a 61.65% gain for hedgerows.
178. In terms of other environmental issues, no local objections have been received. However, the continued presence of the quarry for a further 20 years beyond that originally approved would inevitably result in prolonged effects to the local landscape character, assessed as moderate adverse but reducing to a slight adverse impact once restored. In visual terms however the site is very well screened, including along its roadside boundaries.
179. A large adverse and significant visual effect is still predicted during operations at Oxtan Road and specifically Ramsdale Cottage Farm. However, this appears to be a worst case assessment and screening from the roadside hedgerows and soil bunds would remain in place and reinforced as may be required. An area of advance planted woodland to the east near to Ramsdale Cottages will now

remain in place as part of the final restoration scheme thereby protecting the amenity of these properties.

180. The site has favourable access directly onto the A614 and no traffic or highways concerns are raised. Existing noise controls remain acceptable to safeguard the amenity of the nearest residential properties. Pollution control measures remain acceptable subject to requiring an updated dust management and monitoring scheme by condition. Matters such as archaeology are regulated by conditions. The site will also continue to be subject to routine monitoring from the Minerals Planning Authority.
181. Further areas of arable farmland, including a limited Best and Most Versatile area, would be removed for the next phases of mineral extraction. However, this was previously approved and the need for the mineral, as identified in the current Minerals Local Plan, justifies its removal. The soils can however be utilised in the site restoration which include areas of grassland suitable for hay and grazing. A range of planning conditions regulate the management of soil.
182. Overall, now with the revised restoration scheme that has been secured, there are clear policy reasons for supporting the proposed extension of time and there is substantial compliance with planning policy, notably Minerals Local Plan Strategic Policies 1 to 7, Minerals Provision Policies MP1 and MP3 (Aggregate Provision and Sherwood Sandstone) and the following Development Management Policies: DM1 (Protecting Local Amenity); DM2 (Water Resources and Flood Risk); DM3 (Agricultural Land and Soil Quality); DM4 (Protection and Enhancement of Biodiversity and Geodiversity); DM5 (Landscape Character); DM6 (Historic Environment); DM9 (Highways Safety and Vehicle Movements/Routeing); and DM12 (Restoration, aftercare and after-use). The allied retention of the necessary site infrastructure for the life of the quarry is also deemed appropriate when considering Policy DM16 (Associated Industrial Development) amongst others. No other policies at the local level affect these conclusions.
183. In accordance with national planning policy great weight should be afforded to the benefits of minerals extraction, including to the economy. The combined benefits, including from the amended restoration scheme, are considered to outweigh the largely limited and temporary adverse impacts to the local landscape and views. It is therefore considered that both applications be approved subject to updated conditions.

Statement of Positive and Proactive Engagement

184. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant including by the scoping of the application. The proposals and the content of the Environmental Statement have been assessed against relevant Development Plan policies, the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The Minerals Planning Authority has identified all material considerations; highlighted consultation responses that may have been received in a timely manner; and liaised with consultees to resolve issues. Issues of concern have been raised with the applicant and have been

addressed through negotiation and acceptable amendments to the restoration proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

185. It is RECOMMENDED that:

- (a) Section 73 planning permission is granted for the variation of conditions 7, 8 and 50 of permission 7/2005/0263 so to extend the time to work the remaining mineral reserves until 7 Jan 2042 with restoration by 7 Jan 2043 (Proposal 1) subject to the conditions set out in Appendix 1;
- (b) Section 73 planning permission is granted for the variation of condition 2 of permission 7/2003/1323 to retain the weighbridge, associated buildings and soil mound for the proposed duration of mineral extraction operations to 7 Jan 2042 (Proposal 2) subject to the conditions set out in Appendix 2.

186. Members need to consider the issues set out in the report and resolve accordingly.

DEREK HIGTON

Interim Corporate Director – Place

Constitutional Comments [JL 06/06/23]

187. 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]

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

Background Papers Available for Inspection

189. The application files are 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=V/4383
www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4384

Electoral Division and Member Affected

Calverton - Councillor Boyd Elliott

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RECOMMENDED PLANNING CONDITIONS FOR PROPOSAL 1-VARIATIONS TO EXTEND THE TIME TO WORK THE REMAINING MINERAL RESERVES UNTIL 7 JAN 2042 WITH RESTORATION BY 7 JAN 2043 (APPLICATION REF 7/2022/0752NCC)

Approved Plans and Scope of Planning Permission

1. Permission is granted for the continued extraction of sandstone and sand and gravel, its stockpiling, processing and export via HGV, along with the formation of topsoil banks and subsoil/overburden mounds, without compliance with the end dates specified under planning permission 7/2005/0263, until 7 January 2042 to be followed by restoration to a mix of biodiversity, agriculture and woodland no later than 7th January 2043. This permission comes into immediate effect.

Reason: To define the development as permitted and as varied under s73 of the Town and Country Planning Act 1990.

2. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application (as amended), documents and recommendations of reports, and the following plans:
 - (a) Dwg No. B038-00100-2A 'Extension of Time Company Landholding Plan' dated 21/07/22 received by the MPA on 02/05/23.
 - (b) Dwgs SK04 'Illustrative Phase 3 Development', SK05 'Illustrative Phase 4 Development' and SK06 'Illustrative Phase 5 Development' all dated May 2023 and received by the MPA on 16/05/23.
 - (c) Dwg SK03 Rev B Landscape Restoration Proposals dated March 2023 and received by the MPA on 22/03/23.

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

3. No removal of sand for processing shall take place outside the extraction area as shown on Dwg No. B038-00100-2A 'Extension of Time Company Landholding Plan' dated 21/07/22 (condition 2a).

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

4. From the commencement of the development to final restoration, a copy of this permission, including all plans and documents, and any schemes or details subsequently approved in accordance with this permission, shall always be

available at the site and the terms and contents thereof shall be made known to supervising staff at the site.

Reason: To ensure site operatives are conversant with the terms of the planning permission.

Duration

5. All mineral extraction shall cease by 7th January 2042, unless otherwise agreed in writing beforehand by the MPA.

Reason: To reflect the proposed timescales for completing the remaining mineral extraction and to secure a timely restoration of the site thereafter.

6. All restoration operations in accordance with conditions below shall be completed by 7th January 2043, or within 12 months of the completion of mineral extraction, whichever is the sooner, unless otherwise agreed in writing by the MPA.

Reason: To reflect the proposed timescales for completing the remaining mineral extraction and to secure a timely restoration of the site thereafter.

Buildings, Fixed Plant and Machinery

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, replacing or re-enacting that Order), no buildings, fixed plant or machinery, structures, lights, fences or private ways shall be erected, installed or otherwise replaced within the application site without the prior written approval of the MPA.

Reason: In the interests of minimising impacts to the Green Belt and to enable the MPA to control development.

Access

8. There shall be no direct vehicular access to the A614 from the site other than via the existing quarry/landfill access road from the weighbridge/reception area.

Reason: In the interests of highway safety in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.

9. All vehicles leaving the site shall use the wheel cleaning facilities which shall be maintained in an effective state for the duration of the development so that no vehicle shall leave the site in a condition whereby mud or other deleterious material is carried onto the public highway.

Reason: In the interests of highway safety in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.

10. The loads of all vehicles transporting minerals from the site shall be fully covered by sheeting prior to leaving site.

Reason: In the interests of highway safety in accordance with Policy DM9 of the Nottinghamshire Minerals Local Plan.

Hours of Working

11. Except in emergencies when life, limb or property are in danger and which are to be notified to the MPA within 48 hours of their occurrence, or with the prior written agreement of the MPA, the following shall not take place except within the hours specified below:

	Mondays to Fridays	Saturdays	Sundays and Public Holidays
Mineral extraction, processing or treatment	7 am to 7 pm	7 am to 1 pm	Not at all
Stripping, replacement, regrading or ripping of soils or overburden	7 am to 7 pm	7 am to 1 pm	Not at all
Servicing, testing, or maintenance of plant or machinery	7 am to 5 pm	7 am to 5 pm	Not at all
Heavy goods vehicles entering and leaving the site	7 am to 7 pm	7 am to 4 pm	Not at all

Reason: To minimise impact on the amenity of the local area, in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Planting

12. Within 6 months of the date of this decision an updated scheme setting out details for the management of, and for supplementing the hedgerows and trees on the boundaries of the site and the advance tree planting area adjacent to Ramsdale Cottages, shall be submitted for the written approval of the MPA. The scheme shall consider:
- The potential need for hedgerow reinforcement or ‘gapping up’ along the southern boundary with Oxtan Road or along other site boundaries.
 - The provision of woodland and shrub planting in the eastern parcel of the site (as shown on Dwg SK03 Rev B Landscape Restoration Proposals dated March 2023) in advance of the final restoration stage and at the earliest possible stage.

Aftercare arrangements shall be in accord with conditions 49-52 below.

Reason: In the interest of visual amenity and landscape protection and in accordance with policies DM1 and DM5 of the Nottinghamshire Minerals Local Plan.

Archaeology

13. No stripping of soil shall take place on any phase or sub phase of the quarry until a detailed scheme of archaeological investigation and treatment, covering all of the areas to be stripped, has first been submitted to, and approved in writing by the MPA. Thereafter the scheme(s) shall be implemented as approved.

Reason: To ensure that that adequate archaeological investigation and recording is undertaken prior to the development taking place, in accordance with Policy DM6 of the Nottinghamshire Minerals Local Plan.

Ecology

14. Site clearance operations that involve the removal or destruction of vegetation including felling, clearing or removal of trees, shrubs or hedgerows or the removal of any standing crops shall not be undertaken during the months of March to August inclusive except with the prior written approval of the MPA and following the carrying out of a search by an appropriately qualified person for nesting birds. In the event that nesting birds are present, clearance works shall not proceed in the affected area until a follow up survey finds the nest is found to no longer be in use and any mitigation measures that may be necessary shall be agreed with the MPA.

Reason: To ensure that breeding birds are not adversely affected by the development in accordance with Policy DM4 of the Nottinghamshire Minerals Local Plan.

15. In advance of each subsequent phase of mineral extraction commencing, an ecological walkover survey shall be undertaken for protected species which might have colonised that part of the site and the findings, along with any recommendations for avoidance or mitigation of impacts to these species shall be submitted for the written approval of the MPA.

Reason: To ensure that protected species are not adversely affected by the development in accordance with Policy DM4 of the Nottinghamshire Minerals Local Plan.

16. Works shall cease if mammal (Badger) burrows are encountered during the works and shall not recommence in the affected areas until ecological advice is sought and any mitigation strategy has been agreed in writing by the MPA.

Reason: To ensure that protected species are not adversely affected by the development in accordance with Policy DM4 of the Nottinghamshire Minerals Local Plan.

17. Works shall cease if reptiles (Common Lizards) are encountered during the works and shall not recommence in the affected areas until ecological advice is sought and any mitigation strategy has been agreed in writing by the MPA.

Reason: To ensure that protected species are not adversely affected by the development in accordance with Policy DM4 of the Nottinghamshire Minerals Local Plan.

Pollution Prevention

18. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaway.

Reason: In the interest of groundwater protection, in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

19. No fuels, oils or chemicals shall be stored within the site, except for the storage of fuel within self-contained safe bunded bowzers. Refuelling of plant and machinery within the site shall only be undertaken using this bowser.

Reason: In the interest of groundwater protection, in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

Noise

20. The free field noise levels associated with the development, when measured at any of the noise-sensitive properties listed below, shall not exceed the following limited measured as Equivalent Continuous Noise Level and 1 hour LAeq:

Criterion Noise Levels 0 LAeq, 1 hour

<u>Location</u>	<u>LAeq</u>
Robin Hood Farm	52
Ramsdale Farm	53
Ramsdale Cottages	53

Reason: To minimise impact on the amenity of the local area, in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

21. For temporary operations such as soil stripping, replacement and bund formation, the LAeq 1 hour level at any noise sensitive properties shall not exceed 70 dB(A). Temporary operations which exceed the normal day to day criterion shall be limited to a total of eight working weeks in any twelve month period at any individual noise sensitive property.

Reason: To minimise impact on the amenity of the local area, in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

22. Noise monitoring shall be carried out in accordance with the noise monitoring scheme submitted by Entec and dated 9th June 2000. Unless otherwise agreed in writing sample measurements shall be taken from the three properties identified within Condition 20 on an annual basis. The measurements shall comprise LAeq and L90 data and shall also note the date, time, prevailing weather conditions and comments on any significant noise sources which are audible. These results shall be maintained by the applicant for the life of the site and shall be made available to the MPA on request. Should these results indicate that Conditions 20 and 21 have not been complied with, then the report shall contain an explanation as to why noise levels have been exceeded, including where appropriate, an identification of the steps to be taken to ensure future compliance. If locations vary from the agreed criterion locations, the same acoustic modelling procedure shall be used to calculate the levels at the agreed locations which are consistent with achieving the criteria in conditions 20 and 21.

Reason: To minimise impact on the amenity of the local area, in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

23. All mobile plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the operator) used on the site shall incorporate white noise reversing warning devices and be fitted with silencers maintained in accordance with the manufacturers' recommendations and specifications to minimise noise disturbance to the satisfaction of the MPA.

Reason: To minimise impact on the amenity of the local area, in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Dust

24. Dust emissions shall be controlled and monitored in accordance with an updated dust management and monitoring scheme which shall be submitted for the written approval of the MPA within 6 months of the date of this permission. Should at any time the scheme prove ineffective such that a dust nuisance occurs, then upon the written request from the MPA such other measures or changes in working practice as may be reasonably agreed with the MPA shall be undertaken to remedy the nuisance, including, when appropriate, the temporary suspension of mineral extraction, soil and overburden stripping and replacement operations during periods of unfavourable dry and windy weather conditions.

Reason: To minimise impact on the amenity of the local area, in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Phasing

25. Soil and overburden stripping and replacement and extraction and restoration operations shall progress sequentially in accordance with the updated Phasing

Drawings SK04, SK05 and SK06 (dated May 2023) inclusive and the amended Landscape Restoration Proposals SK03 Rev B dated March 2023 (condition 2), together with the details set out within the Landscape and Visual Impact Assessment – Addendum March 2023, received by the MPA on 22/03/23.

Reason: To ensure that mineral extraction and restoration works are carried out in a phased manner in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Soil Stripping, Handling and Storage

26. All soil and soil forming materials shall be handled in accordance with The Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings, using the 'Bed/strip' excavator and dump truck' methods contained in Sheets A–D and Sheet K, where the modified method of topsoil replacement using low ground pressure bulldozers is being used.

Reason: To conserve and manage soil resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

27. All topsoil, subsoil and overburden shall be stripped separately to their full depths. The topsoil shall be stripped to the full depth generally 300mm, and all subsoil shall be stripped to a depth of not less than 1000mm.

Reason: To conserve and manage soil resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

28. All stripped topsoil and subsoils shall be permanently retained on site for subsequent use in the restoration.

Reason: To conserve and manage soil resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

29. No plant or vehicles shall cross any area of unstripped topsoil or subsoil except where such trafficking is essential and unavoidable for purposes of undertaking permitted operations. Essential trafficking routes shall be marked in such a manner as to give effect to this condition. No part of the site shall be excavated or traversed or used for a road, or storage of subsoil or overburden or waste or mineral deposits, until all available topsoil and subsoil to a minimum depth of 1000mm, has been stripped from that part.

Reason: To conserve and manage soil resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

30. The MPA shall be notified in writing at least 5 working days before soil stripping is due to commence on any phase.

Reason: To conserve and manage soil resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

31. Soil stripping shall not commence until any standing crop or vegetation has been cut and removed.

Reason: To conserve and manage soil resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

32. Topsoil, subsoil, and soil making material shall only be stripped when they are in a dry and friable condition and movements of soils shall only occur:

- (a) During the months of April to October inclusive, unless otherwise approved in writing by the MPA and
- (b) when all soil above a depth of 300mm is in a suitable condition that it is not subject to smearing;
- (c) when topsoil is sufficiently dry that it can be separated from subsoil without difficulty.

Reason: To conserve and manage soil resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

33. All topsoil, subsoil, and soil making materials shall be stored in separate mounds which:

- (a) shall not exceed 3 metres in height for topsoil and 4.5 metres for other types;
- (b) are constructed with only the minimum amount of soil compaction to ensure stability and so shaped as to avoid collection of water in surface undulations;
- (c) shall not be traversed by heavy vehicles or machinery except where essential for purposes of mound construction or maintenance;
- (d) shall not be subsequently moved or added to until required for restoration unless otherwise agreed by the MPA;
- (e) have a minimum 3.0 metre undisturbed stand off around each storage mound.

Reason: To conserve and manage soil resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

34. All storage mounds that will remain in situ for more than 6 months, or over winter, shall be seeded within 3 weeks of their construction. Details of the seed mix (and application rates) and maintenance and weed control arrangements shall first be submitted to the MPA for its written approval.

Reason: To conserve and manage soil resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

35. Within three months of completion of soil stripping operations in any one year, the MPA shall be supplied with a plan showing:
- (a) the area stripped of topsoil and subsoil;
 - (b) the location of each soil storage mound and
 - (c) the quantity and nature of material therein.

Reason: To conserve and manage soil resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

Soil Replacement

36. Except where otherwise agreed with the MPA, the graded overburden material shall be replaced and levelled so that:
- (a) after replacement of topsoil and subsoil and after settlement, the contours conform with those shown on amended Restoration Drawing No SK03 Rev B 'Landscape Restoration Proposals' dated March 2023 and received by the MPA on 22/03/23.
 - (b) there is satisfactory site and surface drainage, and water collection.

Reason: To conserve and manage soil resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

37. The MPA shall be notified in writing at least 5 working days before each of the following:
- (a) overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out, and
 - (b) when soil making material or subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out, and
 - (c) on completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operation.

Reason: To conserve and manage soil resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

38. Subsoils or soil making material shall only be replaced when they and the ground on which they are to be placed are in a dry and friable condition and no movements, respreading, levelling, ripping or loosening of subsoil or topsoil shall occur:

- (a) during the months November to March (inclusive), unless otherwise agreed in writing with the MPA;
- (b) when it is raining;
- (c) when there are pools of water on the surface of the storage mound or receiving area.

Reason: To conserve and manage soil resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

39. Where wet weather conditions render it impractical to complete topsoil reinstatement and it becomes clear that operations cannot be completed before winter then the surface of the reinstated soil shall be temporarily seeded (by hand if necessary) to provide some ground cover and aid drying out the soil in the spring. Details of how the vegetation should be treated the following spring shall be agreed in writing by the MPA before restoration resumes the following season. Also necessary precautions should be undertaken to control surface water run-off and prevent soil erosion.

Reason: To conserve and manage soil resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

40. Plant and vehicles shall not cross any area of replaced and loosened ground, replaced soil making material, subsoil, or topsoil except where essential and unavoidable for purposes of carrying out ripping and stone picking or beneficially treating such areas. Only low ground pressure machines should work on prepared ground. Soils shall be lifted into position and levelled by equipment that is not standing on re-laid topsoil or subsoil.

Reason: To conserve and manage soil resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

Agricultural restoration

41. Subsoil and any soil making materials shall be levelled to provide an even depth across the re-laid area so that the total thickness of settled subsoil is no less than 1.2 metres.

Reason: To conserve and manage soil resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

42. Each subsoil layer placed shall be cross-ripped:
- (a) to provide loosening to a minimum depth of 450mm with tine spacings no wider than 1.5m, and
 - (b) any non-subsoil making material, rock, boulder or larger stone greater than 200mm in any dimension shall be removed from the loosened surface before further soil is laid. Materials that are removed shall be

disposed off-site or buried at a depth not less than 2 metres below the final pre-settlement contours.

Reason: To ensure proper restoration of the site, and to conserve and manage all available soil resources, in accordance with policies DM3 and DM12 of the Nottinghamshire Minerals Local Plan.

43. Topsoil shall be evenly respread to achieve at least a minimum of 300mm settled depth.

Reason: To ensure proper restoration of the site, and to conserve and manage all available soil resources, in accordance with policies DM3 and DM12 of the Nottinghamshire Minerals Local Plan.

44. Only low ground pressure machines shall work on re-laid topsoil or subsoil to replace and level topsoil. Topsoil shall be lifted onto subsoil by equipment that is not standing on either re-laid topsoil or subsoil.

Reason: To conserve and manage soil resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

45. The respread topsoil shall be rendered suitable by loosening and ripping:

- (a) to provide loosening equivalent to a single pass at a tine spacing of 1.5 metres or closer;
- (b) to full depth of the topsoil plus 100mm;
- (c) and any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth not less than 2 metres below the final settled contours.

Reason: To conserve and manage soil resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

46. Any part of the site which is significantly affected by differential settlement that occurs during the restoration and aftercare period, and would interfere with agricultural operations, shall be filled. The operator shall fill the depression to the final settlement contours specified with suitable soils to a specification to be agreed in writing with the MPA. Topsoil, subsoil and other overburden moved in the course of the work shall not be mixed and shall be handled and replaced in accordance with the above conditions.

Reason: To conserve and manage soil resources in accordance with Policy DM3 of the Nottinghamshire Minerals Local Plan.

Restoration details including for biodiversity and woodland afteruses

47. For those phases or part phases to be restored to heathland, grassland, woodland/scrub, details of the restoration of those areas and timescales for

undertaking the works, shall be submitted to the MPA for its approval in writing. The details shall be in general accordance with Dwg SK03 Rev B 'Landscape Restoration Proposals' dated March 2023 and received by the MPA on 22/03/23. The details shall include but not be limited to the following:

- i) Ground and substrate preparation for all the particular habitats and after uses to be provided;
- ii) Details of all tree and hedgerow planting (taking into account the species list for the Sherwood Landscape Character Area and the use of Ash should still be avoided), including species, numbers, proportions, size, spacing, positions, densities, establishment methods and timescales;
- iii) Details relevant for the creation of dry acid grassland and conservation grassland including seed mixes, and, all relevant ground preparation, proportions, sowing rates, sources (which should be of local provenance), methods of establishment and timescales;
- iv) All details for the creation of heathland slopes (including use of local heathland litter/brush) if different to those contained within the Heathland Management Scheme dated August 2019 (report ref B038/2019/A1) submitted pursuant to the Section 106 agreement required by Planning Permission Ref. 7/2017/1491NCC for Bestwood 2 Quarry, in which case this scheme shall be employed for all heathland areas to be created;
- v) All fencing (either temporary or permanent) and means of access.

For the avoidance of doubt restoration is to be achieved using only soil materials originating from the quarry unless otherwise approved by the MPA.

The restoration of the site shall be completed in accordance with the approved details.

Reason: To secure restoration of the site within an acceptable timescale and in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Processing Plant

48. Within three months of completion of mineral extraction or not later than 7th January 2042, whichever is the sooner, the use of the processing plant site shall cease, and all plant, machinery, buildings, conveyors and associated structures shall be removed from the quarry, unless otherwise agreed in writing beforehand by the MPA. All areas of hardstanding, including those around the offices, weighbridge and areas used for stockpiles, shall be broken up and removed from the site.

Reason: To secure restoration of the site within an acceptable timescale and in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Aftercare

49. All areas restored largely for agricultural purposes (within the central fields as shown on Dwg SK03 Rev B 'Landscape Restoration Proposals' dated March 2023) shall undergo aftercare management for a 5 year period and other areas restored for biodiversity shall undergo aftercare management for a 25 year period unless otherwise approved by the MPA.

Prior to any area being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the MPA. The 5 year and 25 year aftercare periods shall run from the agreed dates.

Reason: To provide for aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

50. An aftercare scheme outline strategy for each phase or sub-phase shall be submitted for the approval of the MPA no later than 3 months before spreading of subsoil commences. This strategy shall outline the steps to be taken, and the period during which they are to be taken, and who will be responsible for taking those steps to ensure the land is restored and brought back to its intended restored afteruse. The aftercare scheme(s) shall map the areas/phases subject to aftercare management and include but not be restricted to details of the following:

- (a) cultivations;
- (b) weed and scrub control;
- (c) sowing of seed mixtures;
- (d) soil analysis;
- (e) keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the MPA between 31 March and 31 May each year;
- (f) drainage amendments;
- (g) management practices such as the cutting of vegetation;
- (h) tree protection;
- (i) remedial treatments;
- (j) irrigation; and
- (k) fencing.

Reason: To provide for aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

51. Site management meetings shall be held with the MPA each year to assess and review the detailed annual programmes of aftercare operations referred to in Condition 50 (e) above, having regard to the condition of the land; progress in its rehabilitation and necessary maintenance.

Reason: To provide for aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

52. The aftercare programme for each phase of the site shall be implemented in accordance with the details approved under Condition 50 above, as amended following the annual site meeting referred to in Condition 51 above.

Reason: To provide for aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Alternative Restoration

53. Should, for any reason, mineral extraction from the application site cease for a period in excess of 6 months, then within three months of the receipt of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted to, for approval in writing by, the MPA. Such a scheme shall include a schedule of timings, final contours, provision of soiling, sowing of grass, planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these conditions.

Reason: To secure restoration of the site within an acceptable timescale and in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

54. The revised restoration scheme shall be implemented within 12 months of its approval by the MPA and shall be subject to the aftercare provisions of Conditions 49-52 above.

Reason: To secure restoration of the site within an acceptable timescale and in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Removal of Infrastructure

55. In accordance with the restoration requirements, all areas of hardstanding, including those around the site offices, weighbridge and areas used for stockpiling or occupied by processing plant and haul roads, shall be broken up and removed from the site unless there is a clear requirement for retaining elements for reasonable agricultural and land management access purposes in which case a scheme detailing the access infrastructure to be retained, downgraded and/or removed shall be submitted for the written approval of the MPA.

Reason: To secure restoration of the site within an acceptable timescale and in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

56. In accordance with the restoration requirements, all soakaways and drainage channels shall, unless to be retained in accordance with approved plans, be filled with dry inert material and restored.

Reason: To secure restoration of the site within an acceptable timescale and in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

57. In accordance with the restoration requirements, all fixed equipment, machinery, and buildings shall be removed from the site.

Reason: To secure restoration of the site within an acceptable timescale and in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

End of conditions.

RECOMMENDED PLANNING CONDITIONS FOR PROPOSAL 2-VARIATION TO RETAIN THE WEIGHBRIDGE, ASSOCIATED BUILDINGS AND SOIL MOUND FOR THE DURATION OF MINERAL EXTRACTION OPERATIONS TO 7 JAN 2042 (APPLICATION REF 7/2022/0751NCC)

1. Permission is granted for the further temporary retention of the weighbridge and office, associated buildings and soil mound until 7 January 2042 in line with the approved duration of mineral extraction at the quarry. This permission comes into immediate effect and the development shall be maintained in accordance with the following details, unless otherwise agreed in writing by the Minerals Planning Authority (MPA):

- a) Planning application forms and supporting statement received on the 17th June 2003.
- b) Plan reference B38/86 detailing the boundary on the planning application site, the location of the soil mound, weighbridge and associated buildings received on the 17 June 2003.

Reason: To define the development as permitted and as varied under s73 of the Town and Country Planning Act 1990.

2. The weighbridge, offices, associated buildings and soil mound shall be removed by the 7th January 2042, or within 3 months of cessation of mineral extraction, whichever is the sooner, unless otherwise agreed in writing by the MPA.

Reason: To secure proper restoration of the site within an acceptable timescale and in accordance with policies SP2 and DM12 of the Nottinghamshire Minerals Local Plan.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, replacing or re-enacting that Order), no buildings, fixed plant or machinery, structures, lights, fences or private ways shall be erected, installed or otherwise replaced within the application site without the prior written approval of the MPA.

Reason: In the interests of minimising impacts to the Green Belt and to enable the MPA to control development.

4. A scheme for the restoration of the application site shall be submitted for the written approval of the MPA within 3 months of the cessation of mineral extraction, or by 7th January 2042, whichever is the sooner. The site shall thereafter be restored in accordance with the approved scheme.

Reason: To secure proper restoration of the site within an acceptable timescale and in accordance with policies SP2 and DM12 of the Nottinghamshire Minerals Local Plan.

5. All restoration operations shall be completed on or before a date one year from the cessation of mineral extraction, or by 7th January 2042, whichever is the sooner.

Reason: To secure proper restoration of the site within an acceptable timescale and in accordance with policies SP2 and DM12 of the Nottinghamshire Minerals Local Plan.

6. Following restoration the site shall undergo aftercare management for a 5 year period. This aftercare shall commence on the date that restoration is completed to the satisfaction of the MPA.

Reason: To secure proper restoration of the site within an acceptable timescale and in accordance with policies SP2 and DM12 of the Nottinghamshire Minerals Local Plan.

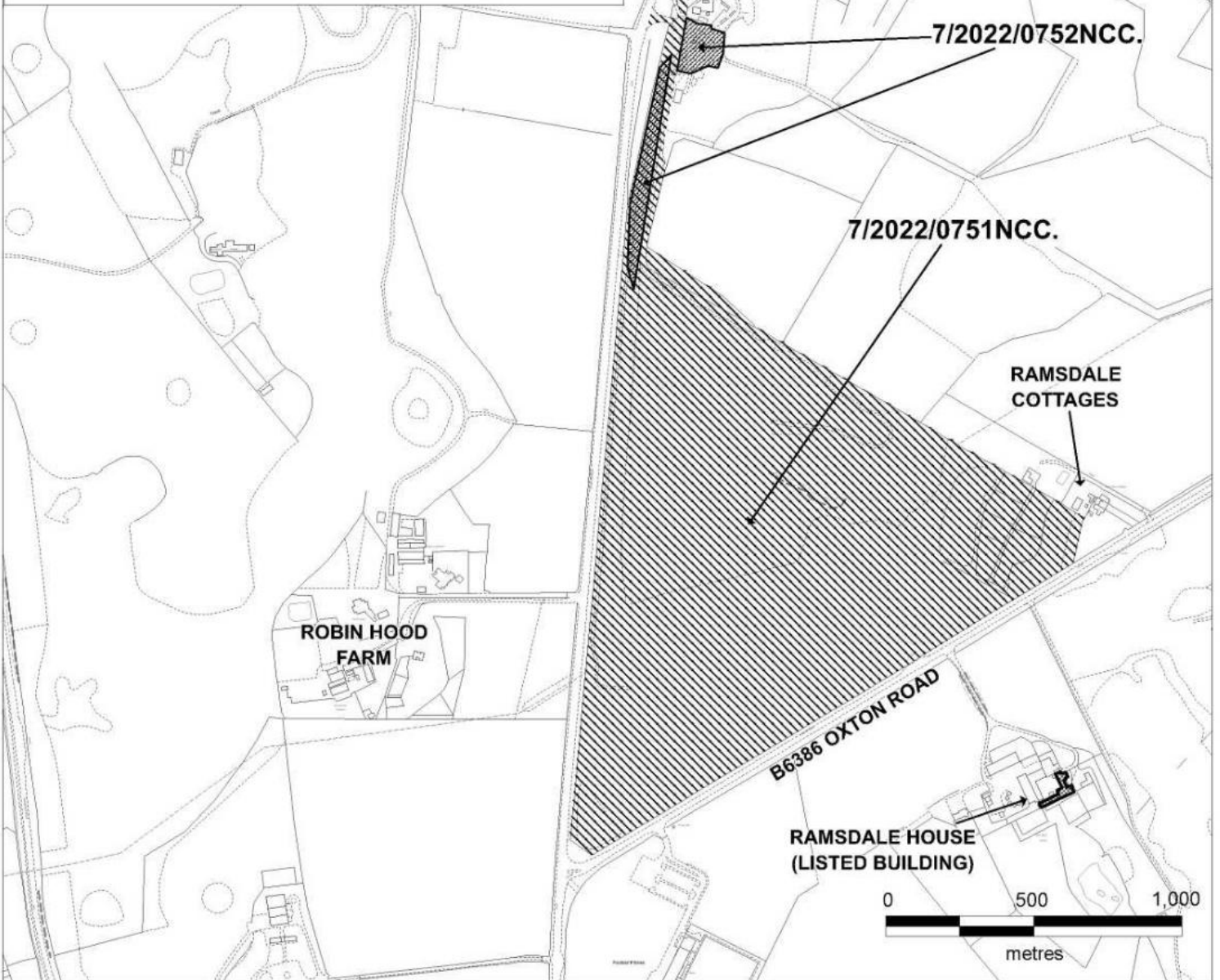
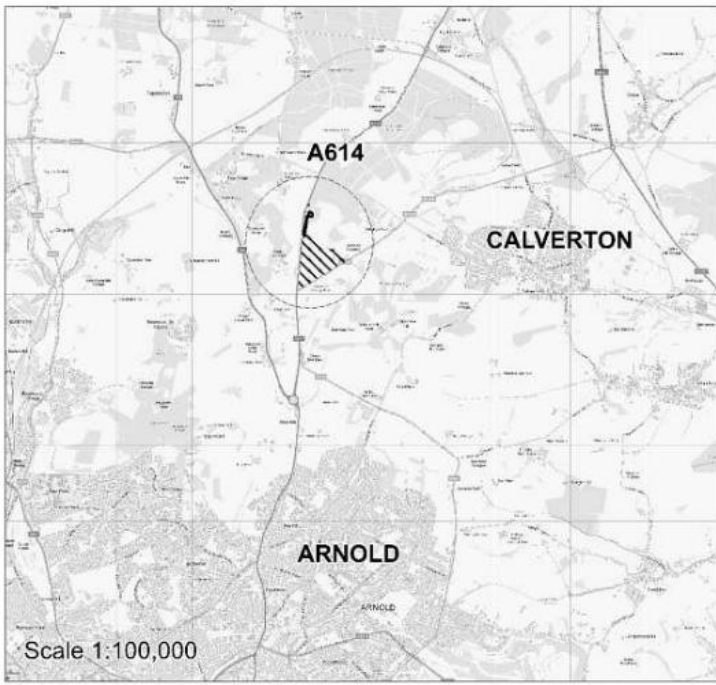
7. An aftercare scheme outline strategy shall be submitted for the approval of the MPA no later than 3 months before the spreading of subsoil commences. The strategy shall outline the steps to be taken, the period during which they are taken, and who will be responsible for taking those steps to ensure the land is restored and brought back to a satisfactory condition. The aftercare scheme shall include but not be restricted to details of the following:

- a) Cultivations
- b) Weed control
- c) Sowing of seed mixtures
- d) Soil analysis
- e) Keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the MPA between the 31st March and 31st May each year.
- f) Drainage amendments
- g) Management practices such as the cutting of vegetation
- h) Tree protection
- i) Remedial treatments
- j) Irrigation, and
- k) Fencing

Reason: To secure proper restoration of the site within an acceptable timescale and in accordance with policies SP2 and DM12 of the Nottinghamshire Minerals Local Plan.

End of conditions

PLAN 1

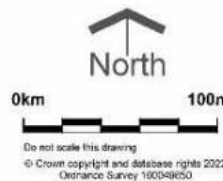






KEY

- Site Boundary
- External contours (5m intervals, OS 1:25,000)
- Proposed contours (2m intervals)
- Retained access track
- Existing native species hedgerow
- Existing semi-mature broadleaved woodland
- Proposed native species hedgerow
- Proposed standard trees
- Proposed broadleaved woodland
- Proposed native species scrub
- Proposed wetland
- Proposed wetland vegetation / grassland
- Proposed heathland
- Proposed dry acid grassland
- Proposed conservation grassland



Project	Calverton Quarry		
Title	SK03 revB Landscape Restoration Proposals		
Scale	Date	Reference	
1:2500 (A3)	March 2023	1037/GAD/SK03revB	



Variation of condition 2 of permission 7/2003/1323 to retain the weighbridge, associated buildings and soil mound for the proposed duration of mineral extraction operations to 7 Jan 2042. Planning Application No. 7/2022/0751NCC. Variation of conditions 7, 8 and 50 of permission 7/2005/0263 so to extend the time to work the remaining mineral reserves until 7 Jan 2042 with restoration by 7 Jan 2043. Planning Application No. 7/2022/0752NCC. Calverton (Burntstump) Quarry, Ollerton Road, Arnold, Nottinghamshire.

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Not to scale
 for illustration only
 Produced by: JW
 Date: JULY 2023



REPORT OF THE INTERIM CORPORATE DIRECTOR FOR PLACE DEVELOPMENT MANAGEMENT PROGRESS REPORT

Purpose of the Report

1. To report on the planning applications received by the Development Management Team between 12 May 2023 and 30 June 2023, to confirm the decisions made on planning applications since the last report to members on 6 June 2023, to report on the Council's current performance, and to detail the applications likely to come before the Committee in the coming months.

Information

2. **Appendix A** highlights the applications received and those determined since the last report to members on 6 June 2023. **Appendix B** reports on the Council's performance against statutory targets for the speed and quality of decisions. **Appendix C** sets out the Committee's work programme for forthcoming meetings and members are asked to give consideration to the need for any site visits that would be beneficial on any application scheduled to be reported to Committee in the near future.

Other Options Considered

3. To not produce a progress report and work programme for the Committee: this option is discounted as the progress report and work programme are important in keeping members fully informed on Planning matters, particularly where a site visit for an upcoming application may be beneficial in advance of the Committee meeting where it will be considered.

Reasons for Recommendations

4. To keep members informed of Planning activity and to assist the Committee in carrying out its responsibilities and preparation its future work effectively.

Statutory and Policy Implications

5. 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, safeguarding of children and adults at risk, service users, smarter working, 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.

RECOMMENDATIONS

- 1) That the Committee reviews the Development Management Progress Report and considers whether any further actions are required, including the arrangement of any site visits.

Derek Higton
Interim Corporate Director for Place

For any enquiries about this report, please contact:

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Constitutional Comments (JL, 03/07/2023)

6. The Planning and Rights of Way Committee is the appropriate body to consider the contents of this report.

Financial Comments (PAA29, 04/07/2023)

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

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None.

Electoral Divisions and Members Affected

- All.

Planning Applications Received and Determined

From 12th May 2023 – 30th June 2023

Division	Member	Received	Determined
BASSETLAW			
Worksop West	Cllr Sybil Fielding		Construction of new 315 (1.5FE) place primary school with 26 place nursery over two phases (1st phase 1FE 210 place with 26 place Nursery) associated playing fields, car parking (including lighting columns 4m high), lit service areas and sprinkler tank, hard surfaced outdoor play and footpaths. Solar panels to school building roof (Phases 1 and 2). Associated landscaping and covered areas to nursery/reception classes, sun canopies, fenced sprinkler tank and bin store, 3.0m and 2.4m high perimeter/internal fencing. At Land off Gatekeeper Way, Gateford. GRANTED on 06/06/2023.

Division	Member	Received	Determined
MANSFIELD			
Mansfield North	Cllr Anne Callaghan BEM/Cllr Ben Bradley MP	Existing condition to be extended to allow continuation of the crushing and screening operations to produce recycled aggregates for a further 6 years, at Cast Quarry, Vale Road. Validated on 26/06/2023.	

Division	Member	Received	Determined
NEWARK & SHERWOOD			
Muskham and Farnsfield	Cllr Bruce Laughton		To allow an update to the method of working plans and the retention and use of the plant site, access, haul road and silt lagoons in order to work a proposed extension at Ness Farm. At Cromwell Quarry. GRANTED on 06/06/2023.
Muskham and Farnsfield	Cllr Bruce Laughton		To allow for amendments to the working scheme and restoration plan, to facilitate working a southern extension at Ness Farm. At Cromwell Quarry. GRANTED on 06/06/2023.
Muskham and Farnsfield	Cllr Bruce Laughton		Proposed southern extension to the quarry for the extraction of approximately 550,000 tonnes of sand and gravel with restoration to agriculture and nature conservation. At Ness Farm and Cromwell Quarry. GRANTED on 06/06/2023.

Division	Member	Received	Determined
ASHFIELD			
Selston	Cllr David Martin		Installation of 1 No. TSR Motor Control Centre (MCC) Kiosk and 1 No. FST Motor Control Centre (MCC) Kiosk, at Pinxton Sewage Works. GRANTED on 07/06/2023.
BROXTOWE - NONE			
GEDLING - NONE			
RUSHCLIFFE			
Leake and Ruddington	Cllr Matt Barney/Cllr Reg Adair	Proposed installation of 2 no. new kiosks to house Motor Control Centre equipment within the existing operational Sewage Treatment Works site, at Gotham Sewage Treatment Works. Validated on 13/06/2023	

Statutory Targets

Local Planning Authorities are monitored by the Department for Levelling Up, Housing and Communities (DLUHC) on their performance in terms of the speed and quality of decision-making.

Planning Authorities which under-perform against any of these criteria may be deemed as poorly performing and risk 'designation' by the Secretary of State which then allows applicants the option to directly apply to the Planning Inspectorate (on behalf of the Secretary of State) rather than the Local Planning Authority.

Performance figures for Quarter 1 – 1 April 2023 to 30 June 2023 – will be reported at the next Committee meeting.

Schedule of future planning applications to be reported to Planning and Rights of Way Committee

(Please note: The committee dates identified are for guidance only. A final decision regarding the committee date is not made until shortly before the agenda is published).

Target Committee	Planning App No.	Location	Development	Current Progress
19th September 2023	4/V/2022/0643	Parts Emporium Ltd, Sidings Road, Kirkby in Ashfield, Nottinghamshire, NG17 7JZ	Part retrospective change of use of land and buildings for the acceptance, storage and treatment of end-of-life vehicles including ancillary storage of salvaged parts	Further information received regarding ground remediation mitigation. Currently out for re-consultation. Following re-consultation further noise survey work has been requested to address concerns that the noise impact assessment does not provide a representative assessment of the noise impacts associated with operations.
19th September 2023	4/V/2023/0279	32 Sudbury Drive, Huthwaite, Sutton in-Ashfield, NG17 2SB	Removal of condition 10 of planning permission 4/V/2021/0386 to allow continued use as a small (2-bed) home for children in the care of the local authority	Report targeted for next available planning committee. Officers are considering issues raised through the planning consultation responses which may require some further discussion with the applicant and consultees.

Planning Applications currently being processed by the County Council which are not currently targeted to a specific meeting of the Planning and Rights of Way Committee.

Planning Application: 3/19/00100/CMM
 Location: Cromwell North Quarry, Land Between Carlton on Trent and Cromwell, Newark
 Proposal: Proposed extraction of 1.8 million tonnes of sand and gravel together with the erection of mineral processing plant and associated ancillary infrastructure. the provision of a new access, and the progressive restoration of the site to nature conservation over a period of 9 years.
 Current Progress: A request for the submission of supplementary environmental information was made under Reg. 25 of the EIA Regs in May 2019. This request for information covered air quality, transport, access, quarry dewatering, floodlighting, landscaping, ecology, noise, protection of River Trent, contaminated land and archaeology. The planning application raises key planning issues in respect of need and mineral supply within Nottingham. The applicant initially delayed

their response to the Reg 25 request to allow decisions to be made regarding site allocations as part of the review/examination of the Replacement Minerals Local Plan. The Cromwell North site has not been allocated as part of this process. Officers have recently met with the applicant who has confirmed that they are reviewing whether they are going to progress the submission of this additional information or withdraw the planning submission.

- Planning Application: 3/20/01244/FULR3N
Location: British Sugar Corporation Ltd Sports Ground, Great North Road, Newark On Trent, NG24 1DL
Proposal: Change of use from former sports field to land to be used for conditioning (drying by windrowing) of topsoil material recovered from sugar beet delivered and excavated from soil settlement lagoons onsite, and engineering works to construct an internal access route to serve the soil conditioning area and excavate a flood storage compensation area.
- Current Progress: A supplementary flood risk assessment has been requested from the applicant. Officers have recently met with British Sugar who confirm they have instructed consultants to carry out a further review the flooding issues with the conclusions from this process informing whether British Sugar progress the planning application submission further.
- Planning Application: 3/22/00059/CMM
Location: Land south of Church Street, Southwell, Nottinghamshire, NG25 0HG
Proposal: Flood alleviation works including construction of an earth bund, flow control structure, and related ground works, landscape planting, boundary works including fencing, and ancillary operations.
- Current Progress: Revisions to scheme have been made and the applicant is currently preparing a revised flood risk assessment to consider the flood impacts of this revised scheme and officers are reviewing the need for further archaeological consideration of the development.
- Planning Application: 1/23/00410/CDM
Location: Former ash disposal lagoons south of Lound, Retford. DN22 8SG
Proposal: The extraction, processing and export of pulverised fuel ash from former ash disposal lagoons and their progressive restoration, and associated development including earthworks, dewatering and soil storage, ponds and excavations, hard and soft surfacing and landscaping and boundary treatment, buildings and structures, plant, conveyors, utility connections, roadways, parking, drainage, and ancillary development.
- Current Progress: Requests for further information being made on several topics in response to consultee requests. Meetings also being arranged as required.