



**18<sup>th</sup> April 2017**

**Agenda Item:**

**REPORT OF CORPORATE DIRECTOR – PLACE**

**BASSETLAW DISTRICT REF. NO.: 1/16/01785/CDM**

**PROPOSAL: VARIATION OF CONDITIONS 2 AND 5 OF PLANNING PERMISSION 1/14/00214/CDM TO EXTEND THE TIMESCALE FOR THE COMPLETION OF SAND EXTRACTION UNTIL 25TH AUGUST 2018 AND RESTORATION BY 25TH AUGUST 2019.**

**LOCATION: CARLTON FOREST QUARRY, BLYTH ROAD, WORKSOP, S81 0TP**

**APPLICANT: TARMAC TRADING LIMITED**

**Purpose of Report**

1. To consider a planning application to extend the agreed date for the completion of sand extraction within Carlton Forest Quarry until 26<sup>th</sup> August 2018 with the completion of restoration by 25<sup>th</sup> August 2019. The development does not raise any significant issues, other than to delay the final restoration of the quarry by a further one year and eight months. The recommendation is to grant planning permission, subject to planning conditions.

**The Site and Surroundings**

2. Carlton Forest Quarry and former landfill is located approximately three kilometres to the north east of the centre of Worksop, approximately 600m from the north eastern edge of the Town. The site lies to the west of, and is accessed directly from, the B6045 Blyth Road. (see Plan 1)
3. The site extends to approximately 18 hectares in area. Most of the site has been worked out and subsequently landfilled with imported non-hazardous waste and replanted with woodland habitat. The western extent of the site has not been restored and incorporates a comparatively small quantity (70,000 tonnes) of un-extracted sand. The overlaying soils have been stripped from the mineral in this part of the site. (See Plan 2)
4. The wider quarry site, including the land which incorporates the un-extracted mineral is located within a designated Local Wildlife Site known as Carlton Forest Sandpit (5/3361).
5. The surrounding area is predominately rural with agricultural fields and pockets of woodland contrasting with relatively small areas of industrial development and agricultural buildings. Peaks Hill woodland lies 250m to the west and Hundred Acre Wood lies 750m to the north east of the site. Agricultural fields lie

directly to the north and north-west. Carlton Forest Distribution Depot abuts the entire southern boundary of the site and the industrial units of Carlton Forest Industrial Estate are located to the north east off Red Lane. Various farm buildings lie to the east of the B6045.

## **Planning History**

6. Planning permission (N/59/59) was first granted in 1952 for the extraction of sand from the northern part of the site, with limited restoration conditions requiring grading of the quarry floor and returning to agricultural use.
7. In 1980 a further permission ref. 1/59/79/67/D was granted to extend workings into the land to the west and south, again envisaging restoration to agriculture by appropriate grading and soil replacement.
8. In 1986 planning permission (ref. 1/59/86/1C) was granted to infill the northern area with waste materials. The supporting restoration scheme provided for the planting of commercial softwoods on the north of the landfill; amenity woodland on the plant-site area; and agriculture on the more westerly extension. The consent was time limited to December 1992.
9. In 1995 permission was granted (ref: 1/59/93/41) to extend the duration of the development to allow mineral extraction until 20 December 2011 and the completion of landfill operations time limited to 20 December 2015, thereby establishing a 4 year offset to allow for the completion of landfill following the completion of extraction.
10. A further planning permission was granted in 2011 (ref: 1/59/11/00069/V) to allow the continuation of sand extraction for an additional one year period until 20 December 2012, but retaining the end date for the completion of landfill.
11. Finally planning permission was granted in 2014 (ref: 1/14/00214/CDM) to further extend the time period for completion of sand extraction up to 20th December 2016. As part of this planning permission the operator altered the restoration scheme for the site, relinquishing the option to restore the site by landfill in favour of retaining the low-level topography of the worked out void and restoring this part of the site to a heathland habitat.
12. The quarry is currently mothballed and no mineral has been removed from the site since before 2014.

## **Proposed Development**

13. The application seeks to vary conditions 2 and 5 of planning permission 1/14/00214/CDM to extend the timescale for the completion of sand extraction until the 25<sup>th</sup> August 2018 and subsequently complete restoration of the site by 25<sup>th</sup> August 2019.
14. The planning application states that sand reserves are in the region of 70,000 tonnes and it will not be possible to complete the extraction by the currently

permitted deadline. The requested deadline ties in with the expiry date of the applicant's lease for the site.

15. There are no proposals to vary any other element of the permitted development and the applicant wishes to maintain all existing environmental protection measures in place. Access to the site will remain unchanged along the existing access off the B6045 Blyth Road. The HGV movements associated with the development would also remain similar with extraction over a 1 year 8 month period equating to an average of 16 HGV movements per day (8 in and 8 out), but with potential for some higher traffic numbers if there was some fluctuation from this average.

## **Consultations**

16. **Bassetlaw District Council:** *Raise no objections.*
17. **Carlton in Lindrick Parish Council:** *No representation received.*
18. **Environment Agency:** *Raise no objections*
19. **NCC (Highways):** *Raise no objections on the basis that the proposals would not create a significant impact on the highway network.*
20. **NCC (Nature Conservation):** *Raise no objections to the planning application to extend the time on the basis that all other details remain unchanged.*
21. **NCC (Landscape):** *Raise no comments from a landscape and visual amenity point of view on the basis that the development relates to an extension of time and does not affect the agreed restoration scheme for the site.*
22. **Western Power Distribution, National Grid (Gas), Severn Trent Water Limited:** *No representations received.*

## **Publicity**

23. The application has been publicised by means of site notice, press notice and neighbour notification letters posted to 9 local properties surrounding the site in accordance with the County Council's adopted Statement of Community Involvement Review. No representations have been received.
24. Councillor Allan Rhodes has been notified of the application.
25. No issues have been raised.

## **Observations**

26. The 1995 planning permission authorised the extraction of approximately 750,000 tonnes of material over a 16 year period at up to 50,000 tonnes per annum. The amount of mineral remaining at the site (70,000 tonnes) is therefore comparatively small compared to the size of the development originally granted planning permission.

27. The application seeks an extension of time to enable the working of this remaining 70,000 tonnes of material. The requested end date (25<sup>th</sup> August 2018) would tie in with the termination of the applicant's leasehold interest in the site. The lease stipulates that the restoration obligations for the site are the responsibility of the landowner FCC Environment.
28. The sustainable development objectives set out in the adopted Minerals Local Plan (MLP) Policies M2.1 and M2.2 are considered to apply in this case. These policies seek to ensure that minerals are worked sustainably and in particular ensure that mineral resources are not unnecessarily sterilised. The merits of this application considered against the above policies are that the site is already fully developed in terms of on-site and access infrastructure. Requiring the early cessation of operations and the restoration of the site – including the removal of infrastructure would effectively sterilise mineral resources and therefore be contrary to the above policies. On this basis, the extension of the timescale to allow the removal of the remaining mineral from the site is considered to comply with the requirements of MLP Policies M2.1 and M2.2. The development would also comply with emerging policy within the Replacement Minerals Local Plan Submission Draft (RMLP), notably Policy SP1 concerning Sustainable Development and paragraph 1.1 which states that 'Sustainability *also means safeguarding mineral resources from unnecessary sterilisation*'.
29. Looking at the wider area under the context of the MLP and RMLP, it should be noted that land directly to the north of the site is allocated for mineral extraction under MLP Policy M7.5 and this has been carried forward into the RMLP within Policy MP3b. No planning application has been submitted for this allocation.
30. The planning application seeks to vary just the deadline for completion of extraction/restoration and does not alter any other element of the permitted development. The environmental effects of the permitted development were assessed in 2014 wherein it was concluded that adverse impact would not occur. This conclusion remains valid. In summary the 2014 planning assessment concluded that:
  - a. Although the Carlton Forest Quarry is designated as a Local Wildlife Site, the area of proposed mineral workings is predominantly clear of habitat with only limited revegetation. The restoration scheme for the site would create new habitat in this area, as well as providing scope to retain areas of ecologically important habitat that have regenerated naturally during the period that the quarry has been mothballed. The approved restoration scheme provides heathland habitat in favour of woodland planting which has been incorporated into previous restoration phases. This approach is consistent with Local Biodiversity Action Plan Targets and MLP Policy M4.13 which prioritise the creation of new heathland habitat in the restoration of Sherwood Sandstone quarries. Overall the delivery of the approved restoration scheme would provide significant ecological benefit, off-setting any short term disturbance which may occur as a result of extracting the mineral. MLP Policy M3.20 and Policy DM4 of the Replacement Minerals Local Plan (Submission Draft) (RMLP) only permit development within Local Wildlife Sites where the importance of the development outweighs the local ecological value of the site, taking account of the measures to mitigate and compensate for the loss of habitat delivered through the restoration of the site it is concluded that these policy requirements are satisfied.

- b. With specific regard to the effect the development would have on any future designation of the Sherwood Forest Area as a Special Protection Area (pSPA), the extraction of the remaining mineral from the site is not anticipated to affect populations of woodlark or nightjar in the surrounding area and therefore no significant harmful impacts are anticipated to any future SPA designation in the area.
  - c. The low level restoration of the site to a heathland habitat would not result in any adverse impacts on visual amenity or landscape quality, provided that appropriate planting and landscaping in accordance with the conceptual scheme submitted with the planning application is undertaken, thus ensuring MLP Policy M4.4 concerning landscape protection and enhancement and RMLP Policy DM5 concerning landscaping character are satisfied.
  - d. To accord with the requirements of MLP Policy M4.9, a condition will be imposed on the permission requiring the site be subject to five years aftercare management.
  - e. A planning condition is present on the existing planning permission preventing quarrying operations going below 34m AOD. The application does not propose to exceed this depth and accordingly the Environment Agency has not objected on the potential impact to ground waters. This existing condition will be rolled forward in accordance with the requirements of MLP Policy M3.8 and RMLP Policy DM2.
31. The site has operated over the past 20 years without complaint and so it is considered that further working to allow the completion of the development should not result in any adverse environmental impacts. The existing conditions attached to the planning permission control operations which have potential to injure local amenity and the environment and it is recommended these are taken forward on any new planning permission.
32. It is therefore concluded that this extension of time request to allow approximately one year and eight months additional time to remove the remaining mineral and restore the site is an acceptable timescale to avoid the unnecessary sterilisation of mineral.

### **Other Options Considered**

33. 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**

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

35. Sustainability and the Environment: These matters are considered within the observations section of the report wherein it is concluded that that development would avoid the sterilisation of mineral and therefore represent a sustainable scheme for working the mineral reserve.
36. Crime and Disorder Implications: The development is for an extension to timescales for the completion of an existing development. There is not considered to be any additional crime and disorder implications arising from this development.
37. Implications for Service Users, Financial Implications, Equalities Implications: Safeguarding of Children Implications, Human Resources Implications: None arising.
38. Human Rights Implications: 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 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

### **Statement of Positive and Proactive Engagement**

39. In determining this application the Mineral 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. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **RECOMMENDATIONS**

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

**ADRIAN SMITH**

**Corporate Director – Place**

### **Constitutional Comments (SLB 27/03/2017)**

Planning & Licensing Committee is the appropriate body to consider the content of this report.

## **Comments of the Service Director - Finance (SES 22/03/17)**

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

### **Background Papers Available for Inspection**

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

### **Electoral Division and Member Affected**

Worksop North East and Carlton: Cllr Alan Rhodes

Report Author/Case Officer

Mike Hankin

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