



19th January 2015

Agenda Item:

REPORT OF CORPORATE DIRECTOR – PLACE

GEDLING DISTRICT REF. NO.: 7/2015/0714NCC

PROPOSAL: IMPROVEMENTS TO SPRINGWATER GOLF CLUB INCLUDING THE CONVERSION OF THE PRACTICE RANGE INTO A 6 HOLE PAR 3 COURSE; RELOCATION AND RAISING OF 10TH TEE AND WIDENING AND LENGTHENING OF THE 17TH FAIRWAY USING SITE DERIVED AND IMPORTED SOILS.

LOCATION: SPRINGWATER GOLF CLUB, MOOR LANE, CALVERTON

APPLICANT: CARL WRIGHT HAULAGE AND PLANT

Purpose of Report

1. To consider a planning application to utilise 85,000 cubic metres (approx. 170,000 tonnes) of imported soils to re-landscape part of Springwater Golf Course at Moor Lane, Calverton. The soils would be used to develop a 6 hole par 3 course and alter the 10th tee and 17th fairway. The key issues relate to compliance with waste management policy, compliance with Green Belt policy and the magnitude of environmental impacts arising from construction activities particularly with regard to HGV movements and noise.
2. The recommendation is to grant planning permission subject to planning conditions and a legal agreement to control vehicle routeing.

The Site and Surroundings

3. Springwater Golf Club is located on the southern side of Bonner Lane and Moor Lane, approximately one mile to the east of Calverton village centre and a similar distance to the north of Woodborough village. The course occupies a total area of approximately 41 hectares, the site is within the Green Belt. (see plan 1)
4. The golf club incorporates an 18 hole golf course, a practice range, four fish ponds, a club house with pro shop, café, conference facilities, toilets, changing facilities and office space. A separate workshop accommodates the maintenance equipment. There is a customer car park accessed from Moor Lane which provides parking for approximately 100 visitor and staff vehicles. (see plan 2) The vast majority of the site is highly maintained grass associated with golf fairways. Mature trees line the western edge of the practice range and the northern boundary of the course. Other mature and semi-mature trees are

sparsely located around the remainder of the course. Areas out of play feature long grass and scrub growth.

5. There is a bridleway (Woodborough Bridleway Number 1) which runs through the golf course adjacent to the practice range in a southerly direction from Moor Lane. The footpath leads to the village of Woodborough which lies to the south of the golf course.
6. The surrounding area is rural in character but interspersed with isolated development (see plan 3) including:
 - A residential park home site (Willow Park) situated immediately to the east;
 - Moor Farm Holiday & Home Park which lies further east along Moor Lane;
 - Severn Trent Sewage Works lie to the north west;
 - The Springwater Chinese Restaurant to the north east;
 - The outskirts of Calverton Village are situated approximately 300m to the west.

Proposed Development

7. Planning permission is sought to improve the golf course to enhance its customer appeal by reconfiguring the existing playing facilities utilising waste soils originating from construction and civil engineering projects within Nottinghamshire and the surrounding areas. A total of 85,000 cubic metres of inert soils (approx. 170,000 tonnes) is required to be imported to the golf course site to undertake these works. The works comprise:
 - The conversion of the existing practice range into a 6 hole par 3 course;
 - The re-location and raising of the 10th tee;
 - The widening and lengthening of the 17th fairway.

The location of the works within the site are identified on Plan 3 and considered in more detail below:

Conversion of existing practice range into a 6 hole par 3 course

8. The club advise that the existing practice range is rarely used and brings little benefit to the club. The proposal therefore is to create a suitable landform to convert this 1.9 hectare parcel of land into a 6 hole par 3 course. The proposed works seek to re-engineer the existing land to break up its uniform slope and would involve a certain amount of excavation (up to 1.2m) but overall would result in a net importation of 27,000m³ of inert soils with the greatest increase in ground level being 5m. Trees would be retained around the perimeter of the area and complemented by new planting between each new hole. A new pond would be formed adjacent to the 1st tee and 6th green which would incorporate marginal planting. The existing range bays will be retained for alternative use by the club, possibly as a small outdoor classroom area.

9. The area is intended to be used by existing course members as a short practice course and as a teaching facility to supplement the existing business and encourage local involvement in the sport, particularly in the younger age groups.

Re-location and raising of the 10th tee

10. The position and height of the existing 10th tee is a safety concern to the club. The club report that golf balls are often driven wide of the fairway, either into the practice range or onto the 11th fairway. The club consider this is due to the existing tee being offset from the fairway and the existing 10th fairway being narrow and falling rapidly towards the green.
11. The proposal is to remove from play the existing tee and construct two new tees up to 5m higher than the existing tee and on a straighter alignment. Both tees would provide line of sight onto the green. By straightening the hole and providing line of sight by elevating the tees the risk to safety is reduced. 14,000m³ of inert soil would need to be imported into this 0.9 hectare area to create the new raised tees.

Widening and lengthening of the 17th fairway

12. The 17th hole occupies the lowest part of the site adjacent to Bonner Lane. The existing 17th tee is situated directly behind the 16th green, approximately 1 metre lower than the said green. This creates an unnecessary risk to the safety of golfers teeing off on the 17th.
13. The proposal is to improve the 17th hole by widening and lengthening the fairway through the raising and levelling of the existing embankment between the 17th fairway and Bonner Lane. The existing tee would be taken out of play and two new tees constructed, lengthening the hole to increase the difficulty of the golfers' game and elevating the tees approximately 2 metres higher than the existing 16th green.
14. These improvement works would require the importation of 44,000m³ of inert soil to a 2.3 hectare area. Levels would be increased by up to 6m. The existing mature trees on the northern boundary would be retained, except a very small number that require removal to form the temporary haul road to the access onto Bonner Lane. Upon completion trees would be replanted.
15. A new wetland area would be created alongside swathes of new tree and shrub planting and wildflower grassland. The deepest part of the wetland area would be 2m with banks no steeper than 20° to attract amphibians, reptiles and wild fowl thus increasing the biodiversity of the area.

Construction works

16. The availability of suitable soils is beyond the control of the applicant (Carl Wright Haulage & Plant) and therefore a definitive timeframe for the construction works is difficult to provide, however it is estimated that the importation would be complete within a 12 to 18 month period.
17. The Transport Statement identifies that the maximum number of HGV deliveries would be 60 per day. All deliveries would be routed via the A6097 Epperstone

By-Pass thus ensuring that deliveries do not travel through the village of Calverton. Two access points on Bonner Lane have been identified to serve the development (See Plan 4):

- Access from the existing clubhouse car park is proposed to be used for the importation of soils associated with the conversion of the practice range to a 6 hole golf course (27,000m³) and the works on the 10th tee (14,000m³).
 - Access from an unused access point on Bonner Lane located to the west of the existing golf course access is proposed for the importation of soils associated with works on the 17th fairway (44,000m³).
18. The Par 3 golf course would be constructed adjacent to bridleway but would not directly affect its route. It is intended to keep the bridleway open throughout the development and minimise potential conflicts between construction activities and bridleway users by the implementation of a bridleway management plan. This management plan incorporates a series of measures to protect bridleway users including the erection of signage, limiting vehicle speeds, maintaining vigilance amongst contractors and giving priority at all times to bridleway users.
19. The developer proposes to restrict the hours that soil imports and construction works are undertaken to between 07:30 – 17:30, Monday to Friday and only then in daylight hours. Saturday working would be limited to 07:30 – 13:00. No Sunday, Public or Bank Holiday working would be permitted unless in an emergency.
20. Upon the completion of the importation of soils seeding and planting works would take place as soon as possible, but within the normal season parameters, that is seeding in spring or autumn and bare root planting in winter.

Ecological Appraisal in Support of Planning Submission.

21. An Extended Phase 1 Habitat Survey has been carried out in support of the planning application. This survey identifies that the character of the site comprises a golf course incorporating managed and rough grassland, shrubs/scrub, and trees of varying maturity. Four ponds are also present on site. The site is not covered by any nature conservation designations, although it does lie within the 5km buffer zone around the 'prospective' Sherwood SPA.

The protected species survey identifies:

- The site is used by foraging bats. No structures or trees suitable for bat roosts are to be removed during the development.
- No evidence of Great Crested Newts or their eggs was discovered in any ponds within 250m of the site during surveying.
- No evidence of reptiles was found during surveys.
- Although there is anecdotal evidence of protected species foraging in the area, the survey finds no evidence of setts or activity.
- Areas of habitat suitable for nesting birds would be affected by the proposals.

Consultations

22. Gedling Borough Council: *Raise no objections, recommending that planning conditions are imposed to ensure that the materials that are imported are suitable for use and a dust management scheme is submitted to and approved by the County Council.*
23. Calverton Parish Council: *Raise no objections to the planning application.*
24. Environment Agency: *Raise no objections to the planning application. The Agency advises that the operator would need to apply for an environmental permit and the works would need to be overseen by a technically competent person.*
25. NCC Highways: *The proposal involves the importation of 85,000m³ of soil to the site. There are 2no access points which are proposed to be used to serve the 32 tonne construction lorries, with a time frequency of approximately 1 every 15 minutes over the year. This is considered a low number of trips over the entire year.*
26. *Delivery vehicles would enter the site from the existing golf club access and a dis-used access point on Bonner Lane which would be re-opened utilising an existing dropped kerb.*
27. *The Highways Authority are satisfied with these access arrangements to serve the development subject to planning controls being imposed requiring the removal of a sign adjacent to the existing golf club car park access to provide adequate visibility and the provision of a construction management plan to include lorry routeing to ensure that access is obtained from Epperstone by-pass and therefore avoids trafficking through Calverton village.*
28. NCC Rights of Way: *Do not object. The development has potential to impact on Woodborough Parish Public Bridleway No 1, which runs alongside the eastern boundary of the site. This path should be kept available during the works and not obstructed in any way unless an appropriate diversion or closure order has been agreed. Paragraph 5 of the Transport Statement incorporates a bridleway management plan; provided this is adhered to there should be no problems with the right of way.*
29. NCC Reclamation: *Raise no objections to the proposals, but recommend that the materials to be deposited at the site are suitable for use at the golf course. Chemical testing to prove the provenance of the soils is therefore required. A materials management plan (MMP) to manage the requirements of any licence requirements from the Environment Agency and provision of chain of custody documentation / testing results and ultimate acceptance at the site would also control the potential contamination risk. The MMP would also include details for managing unsuitable material, should this be delivered to the site.*
30. NCC Landscape: *Raise no objections to the development on the basis that the golf club is existing and this is considered as an artificial landscape in a rural area. Since the proposals do not change the overall character of the golf course they would not be detrimental to the landscape character and visual amenity of the wider area.*

31. NCC Nature Conservation: *Raise no objections to the planning application on the basis that impacts to protected species and nesting birds are not anticipated or can satisfactorily be mitigated. To ensure an ecologically diverse habitat is created it is recommended that the mix of species used within the re-landscaping of the site is regulated through planning condition.*
32. NCC Noise Engineer: *Subject to the imposition of a series of control measures which can be regulated through the planning conditions and legal agreement, the noise emissions from the construction works including the vehicle movements would not generate noise emissions which would have a significant adverse impact to sensitive residential receptors. The suggested planning conditions should control:*
- *The erection of a 2.5m high acoustic barrier to be erected to the east of the haul road adjacent to Willow Park residential site to protect these properties from noise from delivery traffic.*
 - *A noise limit for construction works should be limited to a 5dB increase above pre-construction ambient noise levels at any residential property, subject to a maximum cut-off level of 54dB LAeq, 1hr, with a requirement to mitigate impacts if these levels are exceeded.*
 - *Working hours restricted to 08:00 – 17:30hrs Monday-Friday and 08:00 – 13:00hrs Saturday with no Sundays or Bank Holidays.*
 - *Use of broadband reversing alarms.*
 - *The routing of all delivery vehicles via the A6097 thus avoiding Calverton Village.*
33. Severn Trent Water, Western Power Distribution, National Grid (Gas): *No representations received. Any responses received will be orally reported.*

Publicity

34. The application has been advertised by a press notice and site notice as affecting a public right of way. Neighbour notification letters have been posted to 34 properties along Bonner Lane and within Willow Park in accordance with the County Council's Adopted Statement of Community Involvement Review. No representations have been received.
35. Councillor Boyd Elliott has been notified of the planning application.

Observations

Need for development

36. The applicant states that the development is necessary in order to improve the facilities at the golf club through the creation of an additional 6 hole par 3 course to replace an underused driving range and carry out improvements to the tees, fairways and safety features of the course. The new facilities would also assist the club's professional tuition business which would benefit from the availability of the 6 hole par 3 course. By undertaking the works the club hopes to become

more attractive to prospective members and also assist with retaining existing membership, thereby increasing membership numbers, in what they state is a very competitive market.

37. The economic benefits provided by the development are supported by the National Planning Policy Framework (NPPF). Paragraph 7 identifies the important role that economic development contributes to securing sustainable development, paragraph 18 confirms the Government's commitment to supporting economic growth and paragraph 19 identifies the role that the planning system plays in delivering this growth, stating:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.'

38. NPPF paragraph 28 supports economic growth in rural areas by encouraging the sustainable growth and expansion of all businesses in rural areas, particularly the development and diversification of land based rural business.
39. It is therefore considered that the economic benefits provided by the development should be given significant weight within the planning decision.

Planning Policy relating to the enhancement of golf courses

40. The Springwater Golf course is identified on the Gedling Replacement Local Plan (GRLP) Proposals Map as a protected Golf Course. Saved policy R4 provides specific policy guidance concerning development on protected golf club sites, stating that:

Policy R4 – Golf Courses

Golf courses as defined on the Proposals Map will be protected from development unless equivalent alternative provision can be provided within the locality.

41. The development would contribute towards the aims of this policy by enhancing the existing golf facility at Springwater and therefore assisting with the continued viability of the Golf Club, thus ensuring it continues to be used for this purpose.

Green Belt Policy

42. Policy 3 of the Gedling Aligned Core Strategy (GACS) establishes a Green Belt around Nottingham. The extent of the Green Belt is identified on the Proposals

Map of the Gedling Replacement Local Plan (GRLP). The development site is within the Green Belt. The GACS states that development decisions within the Green Belt should be taken against paragraphs 79-92 of the NPPF.

43. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. To achieve this aim most development within the Green Belt is strictly controlled. The NPPF identifies a number of categories of development which are classed as appropriate development including engineering operations which are listed within paragraph 90, subject to them preserving the openness of the Green Belt and not conflicting within the purposes of including land in the Green Belt.
44. In this instance the imported soils would be used to re-landscape an existing golf course so as to enhance the existing sports facilities and therefore as an engineering operation potentially could be viewed as appropriate development subject to the works preserving the openness of the Green Belt and not conflicting with the purposes of including land within the Green Belt. These matters are considered below.
 - With regard to the effect to the openness of the Green Belt, the landscape and visual assessment section of the report gives more detailed consideration to these matters to conclude that whilst there would be some short term negative impacts during the operational phase of the development, upon completion the visual and landscape impact would be neutral/slightly beneficial following the re-seeding and planting of the site. The development therefore would not affect the openness of the Green Belt.
 - With regard to the purposes of including land within the Green Belt, these are set out within paragraph 80 of the NPPF and are listed below:
 - to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The development would not prejudice any of these objectives.

45. It is therefore concluded that the engineering works proposed as part of the development satisfies the tests set out within NPPF paragraph 90 and thus can be considered as appropriate development in the context of NPPF Green Belt policy.
46. Since the development utilises waste soils to re-engineer the golf course, consideration needs to be given to the policies of the Nottinghamshire and Nottingham Waste Core Strategy (WCS) regarding development in the Green Belt. Policy WCS7 identifies that landfill schemes can potentially be acceptable in Green Belt locations subject to very special circumstances being demonstrated, the policy does not support waste disposal which results in land raising. Paragraph 7.44 of the supporting text explains that:

'Landfill within the Green Belt may be acceptable if very special circumstances can be demonstrated. This could include the restoration of former mineral workings. Land-raise schemes may be appropriate on derelict land where this would provide the best means of reclamation and could be considered on Greenfield sites if there are no other options. However land-raise would not be acceptable within the Green Belt because of the visual impact on the otherwise open character of the landscape'

47. Policy WCS7 therefore assumes all land-raising developments would have visual impacts and result in adverse effects to the open character of the landscape making them inappropriate in a Green Belt. This conclusion is reached without any specific consideration of the actual effects of the development, which in this case shows that the visual impact is neutral/slightly beneficial and there are no adverse effects to the open character of the Green Belt.
48. Nottinghamshire and Nottingham Waste Local Plan (WLP) Policy W3.17: Green Belt remains a saved policy. This policy only permits waste disposal in the Green Belt where it represents the best option for reclaiming mineral workings or other derelict voids to an after-use appropriate to the Green Belt. The policy therefore would not be supportive of the current development.
49. It is therefore evident that there is policy tension between the approach set out within the NPPF regarding engineering operations and the approach set out within the WCS/WLP concerning land-raising. When policies in the development plan pull in different directions a judgement needs to be made regarding which policy takes primacy within the planning assessment. To reach this judgement it is important to give consideration to the main objective of the development which is to facilitate the re-engineering of a golf course and it is considered that the input of waste soils is ancillary to this objective. On the basis that the re-engineering of the golf course is the primary aim of the development it is concluded that primacy should be given to policies concerning engineering rather than waste in the context of Green Belt policy.
50. Specifically in respect of WLP Policy W3.17 it is a matter of fact that the WLP is now a comparatively old development plan. NPPF paragraph 215 gives guidance to the weight that should be given to older development plan policies within planning decisions, confirming that less weight should be given to policies in older plans when they are not consistent with the NPPF. In this instance, policy support for the development to proceed as appropriate development within the Green Belt has been demonstrated within the NPPF.
51. It is concluded that the Green Belt policies incorporated in the NPPF (which is referenced in the GRLP) provides the most relevant policy to assess the merits of the development and on this basis it is concluded the development is appropriate in the context of Green Belt policy.

Government guidance relating to large-scale landscaping development using waste

52. On 20th January 2009 the Department of Communities and Local Government issued a letter titled 'Large scale landscaping development using waste'. The

letter advises planning authorities to question developers about the purposes of importing waste for undertaking landscaping projects (particularly golf courses) so as to ensure that any material is genuinely needed for the development, ensuring that the waste is recovered and not simply disposed of by bypassing other initiatives to recycle and reuse waste. Particular scrutiny should be given to schemes which involve the importation of more than 100,000 tonnes of waste. A copy of the letter is attached as appendix 1 to this report.

53. The improvement works would utilise 85,000 cubic metres of soils (circa 170,000 tonnes) and is therefore of a scale which the DCLG letter advises planning authorities to question how the waste is being used so as to ensure that it is being used beneficially through recovery rather than being disposed of.
54. In accordance with DCLG's advice NCC has requested that the developer to explore various options for enhancing the golf course using different quantities of waste. Four alternatives have been considered as follows:
 - Improve the site with the least possible disruption and with a minimal amount of imported material.
 - Improve the same area with site won material.
 - Improve the whole course with a comprehensive cut-to-fill and landscaping exercise.
 - Undertake the scheme proposed within this planning application.
55. The do nothing scenario was dismissed on the basis that it would not improve the golf course facilities and thus would not enhance the viability of the club. Options to improve the course utilising site won materials or to carry out a larger scheme were dismissed due to the greater disturbance these schemes would create meaning the club could not remain open for business during the construction works with potential to lose members during this period.
56. The applicant therefore favours the current scheme on the basis that it provides benefit to the business whilst minimising disruption. The scheme also ensures the waste materials are used beneficially within the development.

Waste Management Policy

57. The National Planning Policy for Waste (NPPW), the Waste Management Plan for England and the WCS aim to ensure that waste is managed sustainably by moving it up the 'waste hierarchy' of prevention, preparing for reuse, recycling, other recovery with disposal only as a last resort.
58. In the context of the waste hierarchy the permanent deposit of waste soils on land could be classed as either a recovery or disposal activity in the waste hierarchy. The determining factor as to where the process actually sits within the waste hierarchy is based on a legal test derived from the European Waste Framework Directive as to whether or not the waste is being used beneficially as a suitable replacement for non-waste materials. This decision is taken by the Environment

Agency at the permitting stage. At the present time a permit application has not been made and therefore a definitive decision has not been made.

59. To assist the process of determining whether an activity is disposal or recovery the Environment Agency has published a guidance note title 'Defining Waste Recovery: Permanent Deposit of Waste on Land'. This identifies that landscaping of golf courses can be considered as recovery where a number of criteria are met, these include:
 - it is demonstrated that the soils would provide genuine benefit,
 - evidence is provided to demonstrate that excessive soils are not used to achieve the intended landform,
 - materials already on site could not be used,
 - detailed drawings are presented to show how the soils will be used on a site,
 - the soil types are suitable for use, and
 - the soils will provide lasting benefit.
60. It is not appropriate for NCC to make a definitive decision on whether this development constitutes a recovery or disposal operation on the basis that this decision will be taken by the appropriate authority (the Environment Agency) at the permitting stage.
61. Notwithstanding the above, the development offers the potential to use waste soils to undertake improvements to the golf course by engineering a beneficial landform and in the process preserve natural soils that would otherwise have to be used for this purpose. The development does not appear to use excessive soils and there are no soils available on site which could be used. The development would also have a lasting benefit. It is therefore concluded that the golf course improvements have the potential to ensure that waste soils are managed at a higher level in the waste hierarchy in compliance with national and local waste management policy.
62. WCS Policy WCS1 incorporates a presumption in favour of sustainable development. The management of waste within a recovery facility would be more sustainable than within a disposal facility.
63. Policy WCS3 (Future Waste Management Provision) supports recovery facilities where they divert waste that would otherwise be disposed of. If classed as recovery the facility would recover the soils to a beneficial use in accordance with this policy.
64. WCS Policy WCS4 identifies the broad location for waste management facilities, providing support for small-scale waste treatment facilities in all locations where they help meet local needs and fit in with local character. WCS Appendix 2 (Table 8) sets out the size and capacity of different types of waste management facilities in relation to policies WCS4 and WCS7, grouping them into small, medium and large scale facilities according to their capacity and site area. Unfortunately the table does not incorporate a threshold for 'other recovery of soils' on the basis that there is an assumption that any inert waste which cannot be recycled is

disposed of within a disposal facility with no identification in the plan that some of these disposal sites may be classed as recovery operations. If this facility was considered as an inert landfill facility (to best fit the definitions of Table 8) it would be classed as a 'small' waste management facility.

65. Table 4c of the WCS identifies waste management capacity shortfalls for the management of inert waste, the calculations assume that inert waste disposal will reduce to 10% by 2025. Using this projection, a shortfall in provision has been identified and a need for an estimated additional 3.2 million cubic metres of void space is required during the plan period. The golf course re-engineering works at Springwater Golf Course would provide 0.08 million cubic metres of inert waste tipping capacity and therefore would make a small but positive contribution to addressing this shortfall. There is therefore a need for this development if it was classed as a disposal operation on the basis that it helps address shortfalls in disposal capacity.
66. Policy WCS5 (Disposal Sites for Non-Hazardous and Inert Waste) and WCS7 (General Site Criteria) identify the locations where preference will be given to the development of new inert waste disposal facilities. The policies do not differentiate between recovery and disposal operations (for the reasons identified above) but are nevertheless relevant to this planning application.
67. WCS Policy WCS5 states:

Policy WCS5: Disposal sites for hazardous, non-hazardous and inert waste

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

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

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

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

68. Springwater Golf Course is located close to Nottingham and therefore within the main 'shortfall' area favoured by the policy. As a greenfield site, disposal at Springwater Golf Club would be least favoured by the sequential selection criteria

listed in the policy. However, the applicant has demonstrated that there is a specific need for the waste at the application site to enhance the golf facilities and support the economic viability of the club, benefits that would not be derived if an alternative site was developed. The proposal is not inappropriate development in the Green Belt (on the basis that engineering operations are considered appropriate development within the NPPF so long as they preserve the openness of the Green Belt) and therefore there is no requirement to demonstrate very special circumstances under Green Belt policy. The location of the development site therefore is considered appropriate in the context of WCS Policy WCS5.

69. WCS Policy WCS7 has been discussed within the Green Belt section of the report wherein it was identified that the policy is not supportive of 'land-raise' activities involving waste in the Green Belt.
70. Overall it is concluded that the development is supported by waste management policy. Whilst it is preferable in the context of the waste hierarchy and WCS3 for the site to be classed as recovery, there are large shortfalls in disposal capacity which the facility would make a contribution to addressing. The waste management capacity that would be provided by the development would give the local waste industry greater choice of available facilities in comparatively close proximity to the main waste generating areas of Nottingham and Mansfield. The facility would therefore assist in reducing the distance waste is transported in accordance with the objectives of WCS Policy WCS11: Sustainable Transport.

Significance of Environmental Effects.

71. WCS Policy WCS13 supports new waste disposal facilities only when it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby. Wherever possible the policy encourages opportunities to be taken to enhance the local environment through the provision of landscape, habitat or community facilities. The environment effects of the development are considered in the following sections.

Impact on local highway network

72. 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 on the local highway network or where its operation would cause unacceptable disturbance to local communities. The approach is generally consistent with paragraph 32 of the NPPF which states that '*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*'.
73. The planning application is supported by a transport statement to assess the suitability of the access points and the effect that the vehicle movements associated with the development would have on the highway network.
74. The transport statement identifies that waste soils would be delivered to the site in 32 tonne rigid tipper trucks which can typically carry around 8.5 – 10.5 cubic metres of soil or 19 tonnes. At this rate of input 9,400 lorry loads of soil would be required to deliver the required 85,000 cubic metres of material. Over a 12 month

delivery period (250 working days) this equates to 38 lorry deliveries a day, or on average 1 delivery every 15 minutes. If the proposed development was to take 18 months to complete the number of lorry deliveries a day would be 25.

75. Traffic surveys on Bonner Lane/Moor lane identify that existing traffic flows are around 320 vehicles an hour. The addition of a further 38 vehicles per day does not represent a significant intensification in traffic volumes and would not interfere with the passage of vehicles, however to allow for some peaks and troughs in vehicle movements the traffic statement requests indicates that up to 60 deliveries per day would be appropriate in the context of controlling the upper limit of lorry movements within a planning condition, subject to a fortnightly limit which caps the maximum number of lorry movements to an average of 38 deliveries each day (i.e. 418 deliveries every two weeks).
76. Controls over lorry routeing are recommended to ensure that the delivery vehicles avoid travelling through Calverton village centre by requiring all vehicles to approach and leave the site via the A6097 from the east. WLP Policy W3.15 indicates that lorry routeing controls are most appropriately regulated through a legal agreement on the basis that a planning condition can do no more than simply require the operator to post site notices or issue instructions to drivers to avoid certain routes. Whilst these measures would help ensure drivers are aware of routes to avoid or follow, a planning condition has no power to require adherence to any given route. A planning obligation secured through Section 106 of the Town and Country Planning Act 1990 would ensure that the operator provides an undertaking to impose sanctions such as refusing to accept a load from those vehicles that do not comply with a particular agreed route, thus ensuring that routeing controls are rigorously adhered to.
77. The traffic statement also incorporates a review of the visibility at each junction to demonstrate that adequate sight lines can be achieved. This has identified that visibility into the golf club car park is currently obscured by an existing golf club sign. Subject to the removal of this sign which can be regulated by planning condition, adequate visibility is available at the site.
78. The traffic statement has been reviewed by the highways officer who is satisfied that the access arrangements to serve the development meet with the necessary standards for safe visibility and the amount of traffic movements is unlikely to cause a deterioration in the efficiency of Bonner Lane or Moor Lane subject to the imposition of a construction method statement to control contractors' parking, loading, unloading and storage of plant and materials and wheel wash facilities in addition to the controls identified above.
79. Subject to the imposition of the planning conditions and legal agreement identified above, the traffic and highway impacts of the development can be satisfactorily managed and the development would comply with WLP Policies W3.14 and W3.15.
80. The proposed routeing of HGV traffic along Bonner Lane and Moor Lane to the A6097 ensures that HGVs would not travel through Calverton village including its main built up residential areas. It is acknowledged that there are about half a dozen isolated residential properties along Bonner Lane/Moor Lane as well as residential park homes within Willow Park and Moor Farm which the haulage

vehicles would pass. These properties are generally set back a small distance from the road with intervening boundary treatments which assists in minimising the magnitude of any adverse effect from lorries passing nearby on the public highway. The Bonner Lane/Moor Lane access route therefore is considered to represent the best available access route into the site from the strategic highway network in terms of minimising the level of impact to residential amenity from the vehicle movements. .

Impact on Public Right of Way

81. Woodborough Parish Public Bridleway No 1 runs due south from the golf club car park along the boundary of the existing practice range which is to be re-developed into the par 3 course. The bridleway continues south before turning east then south to continue to the village of Woodborough approximately a mile from the entrance to the golf course.
82. The applicant has provided a footpath management plan which confirms that the bridleway would be kept open to the public during the works. A footpath management plan would be implemented to ensure access is retained on the bridleway in a safe manner. The footpath management plan has been reviewed by NCC's Rights of Way team who is satisfied with its arrangements. The implementation of the footpath management plan would ensure that the development complies with WLP Policy W3.26 and can be regulated by planning condition.

Assessment of visual and landscape impacts

83. WLP Policies W3.3 and W3.4 seek to minimise the visual impact of waste developments.
84. The development would have some temporary visual impacts which would occur due to the disturbance of existing areas of grass within the golf course and the placement of soils. These works would be undertaken over a period of up to 18 months and would be phased to minimise the amount of affected land. Following the completion of the works the site would be re-seeded with additional areas of landscape planting provided in the site. Although parts of the re-contoured site would have slightly elevated ground levels, these changes would be carried out on a gently sloping site and would blend into the varied topography of the golf course with none of the works extending above any ridgeline or high ground level in the area. Once the site is re-seeded and landscaped the visual impact from the changes to the ground level would be negligible although the additional landscaping would have some beneficial visual effects. WLP Policies W3.3 and W3.4 are therefore satisfied.
85. With regard to the effect on the landscape there would be a slight change to the landscape character for the duration of the construction works however following completion of the development the site would continue in use as a golf course and therefore landscape effects would be neutral.

Ecology

86. NPPF paragraph 118 requires planning authorities, when determining planning applications, to conserve and enhance features of biodiversity interest.
87. The ecological assessment submitted in support of the planning application identifies that the site has a comparatively low ecological value consisting of predominantly intensively managed grassland used for recreational purposes. The assessment identifies the ecological features within the site and the measures to be put in place to conserve and enhance them. The following mitigation is proposed.
- With regard to bats it is suggested that a planning condition is imposed to ensure no works are conducted on any mature trees unless a full bat roost survey has been conducted by a suitably qualified ecologist.
 - The absence of Great Crested Newt and reptiles on the site means that no specific mitigation for impact to these species is required.
 - Reasonable Avoidance Measures (RAMs) are proposed to ensure that no protected species are harmed during the construction period. These measures may include regulations on construction times and storage of materials.
 - To ensure nesting birds are not adversely affected a planning condition is suggested to control vegetation clearance during the bird nesting season and thus avoid impact.
 - Existing areas of habitat should be retained wherever possible. The details of the means of protection should be approved by planning condition.
 - A condition should be imposed to require the submission of a detailed landscaping scheme to include seed mixes for wildflower areas and species mixes for trees/shrubs, establishment methods, and maintenance regimes.
88. The nearest area of habitat forming part of the Indicative Core Area and Important Bird Area, which together are likely to form the basis of any possible future SPA designation in Sherwood, lies some 3.2km to the north-west, (the other side of Calverton). The only likely indirect impact which could occur on habitat such as this would arise as a result of increased traffic associated with the development causing nitrogen deposition. It is noted that all traffic would be routed along the Epperstone Bypass (not coming through Calverton), and that proposals will result in a maximum of 60 lorry movements per day. The Design Manual for Roads and Bridges ((Volume 11 – Environmental Assessment, Section 3 Environmental Assessment Techniques, Part 1, HA 207/07 Air Quality) identifies 200m as the distance beyond which the contribution of traffic emissions to local pollutant concentrations is considered to be negligible. Natural England has also confirmed that assessments of Development Plans should focus on European sites within 200m of an affected road. An affected road is defined as one where, amongst other things, Heavy Duty Vehicle (HDV) flows will change by 200 Annual Average Daily Traffic (AADT) or more. As this will not be the case, no likely significant effects on habitats within the ‘prospective’ SPA appear likely (noting that in any event, the additional vehicle movements are temporary in nature).

89. Overall it is concluded that, subject to use of appropriate working practices and planting, the new habitats that would be constructed including wetland areas, swathes of new tree and shrub planting and wildflower grassland would result in improvements to the ecology of the site in accordance with the policy and objectives of the NPPF.

Contamination Issues

90. The soils used within the re-engineering of the golf course would originate from construction sites, many of which may be brownfield in character. The use of these materials raises potential that these soils may contain contamination with potential risks to human health and the local environment.
91. Management of these risks would primarily be exercised through the permitting regulations imposed by the Environment Agency. These regulations control the quality and type of materials which the site is permitted to accept so as to ensure they fall into acceptable categories that do not give rise to contamination.
92. To supplement the controls imposed under the permitting regulations it is also proposed to regulate the risks from contaminated soils by planning condition to ensure that all soil importations onto the site are supported by documentation incorporating a chain of custody and where appropriate the results of chemical testing to demonstrate that the soils are fit for purpose. To provide enforceability to these controls it is also recommended that the planning condition incorporates controls to require the operator to undertake further chemical testing of soils, if it appears that soils have been imported to the site which are not suitable for use, and if the soils are unsuitable, to require the removal of the soils.
93. Subject to compliance with the materials acceptance methodologies imposed through the Environment Permitting regulations and the planning permission, it is concluded that contamination risks can be appropriately controlled.

Noise

94. The re-engineering of the golf course would utilise plant and machinery including excavators, bulldozers and haulage vehicles which would generate noise emissions. The magnitude of these noise emissions and their impact to surrounding sensitive receptors has been assessed as part of a noise assessment prepared by the developer. This assessment utilises methodology set out within BS5228-1:2009 (Code of practice for noise and vibration control on construction and open sites – Part 1: Noise).
95. BS5228-1:2009 is the generally accepted industry best practice for controlling noise and vibration from works on construction sites and contains methods for estimating construction noise levels as well as recognised methods of mitigating excessive noise levels. Annex E of the standard considers the 'significance of effects' of construction noise and identifies that noise generated by construction activities to be significant if the total noise (pre-construction ambient plus construction noise) exceeds the pre-construction ambient noise by more than 5 dB(A) up to a maximum level of 65dB LAeq,1hr during the daytime period.
96. The noise assessment identifies that the total predicted noise levels (LAeq,1hr) when working at the nearest approach to the closest receptors as follows:

Total		
Receptor Location	Construction Activity	Predicted noise level $L_{Aeq,1hr}$ dB
L1. Moor Lane	Site Landscaping	59.0
L2. Rose Hill	Site Landscaping	54.0
L3. Bonner Hill	Site Landscaping	47.0
L4. Bonner Lane	Site Landscaping	61.0

97. These predicted levels are all less than the 65dB $L_{Aeq,1hr}$ level set out within BS5228-1:2009. Notwithstanding the above noise data, construction activities would be likely to be audible for the periods when works are closest to the receptors but not to an excessive level. For the majority of the time however works will be much further away and therefore noise levels correspondingly much lower.
98. The main exception to the above findings is at Willow Park residential park home site. In this location the haul route directly passes the park homes in this location and therefore the noise environment would be most notably affected by HGV's accessing the site in this location during the 6-9 month that delivery vehicles would utilise this route rather than the construction works themselves. Without mitigation noise emissions from haulage vehicles would exceed 65dB. To reduce the magnitude of impact it is proposed to install a noise barrier adjacent to the haul road, this would reduce the predicted level of noise to 59dB. It is also recommended that deliveries are not permitted to commence until after 8am so as to avoid the potential for impact from early morning deliveries at these premises.
99. WLP Policy W3.9 encourages planning conditions to be imposed when permission is granted for waste developments to reduce the potential for noise. In accordance with the approach set out within this policy it is recommended that noise emissions are regulated to an appropriate level by imposing the following planning conditions:
- The erection of a 2.5m high acoustic barrier to be erected and maintained throughout the life of the construction works to the east of the eastern haul road access in accordance with a design which shall have been agreed with the planning authority.
 - The total free-field noise level including noise from construction activities on site, measured as an $L_{Aeq,1hr}$ shall not exceed the pre-construction ambient noise level by more than 5dB subject to a minimum cut-off level of 65dB $L_{Aeq,1hr}$ when measured at the nearest receptor together with a requirement to provide further mitigation in the event that this noise level is exceeded.
 - Working hours to be restricted to 08:00 -17:30hrs Mon-Fri and 08:00-13:00hrs Sat. No working on Sundays or bank holidays.
 - All vehicles under the operators control to be fitted with broadband reversing alarms.

- e. All HGVs to be routed via A6097 and not permitted to travel through Calverton Village.

Flood Risk and Surface Water Drainage.

100. The proposed development is supported by a flood risk assessment report which identifies that there is a low risk of flooding to the site from fluvial and tidal flooding and a low risk of groundwater flooding due to low permeability of the site.
101. The majority of the golf course is considered to be at a 'very low' risk of surface water flooding however small areas of 'low' and 'high' risk do exist. With the exception of the pre-existing ponds and depressions on the site, the flow depths following heavy rainfall would be shallow, with no significant overland flow paths other than on the undeveloped very northern site boundary.
102. More localised on site flows are in the most part unaltered in principle as there are no significant bunds or channels created which could otherwise direct flow elsewhere. Some benefit is derived through the creation of a new pond and wetland immediately north of the 17th fairway, and also on the northern area of the new par 3 course where a new pond and land basin is formed. The water compatible nature of the areas subject to the proposal means that there would be little or no adverse effect on the operation even in the instance of flooding on the site and as such no flood resistant or resilient measures are proposed. No adverse effect to the surrounding area is anticipated as a result the re-contouring works.
103. The proposal is therefore considered to comply with the objectives of the National Planning Policy Framework by not worsening onsite flood risk or increasing it elsewhere.

Dust

104. To minimise dust releases a planning condition is recommended requiring a dust management scheme to be submitted for approval and then implemented prior to the commencement of the works in order to ensure that dust does not cause any unacceptable impacts to sensitive receptors. This approach would be in accordance with Policy W3.10 of the WLP.

Other Options Considered

105. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. During the preparation of the planning application the developer has considered a number of options for improving the golf club, including
- Do nothing.
 - Improve the site with the least possible disruption and with a minimal amount of imported material.
 - Improve the same area with site won material.
 - Improve the whole course with a comprehensive cut-to-fill and landscaping exercise.

106. The current scheme has been selected on the basis that it provides benefit to the business whilst minimising disruption. The scheme also ensures the waste materials are used beneficially.

Statutory and Policy Implications

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

108. There are no implications for service users, equality implications, safeguarding for children implications or human resources implications.

Financial Implications

109. A legal agreement would be required to secure the HGV routing agreement. However, the applicant would pay all reasonable costs incurred during the preparation of the legal agreement.

Crime and Disorder Implications

110. The development would be undertaken within the site of an established golf club and benefits from the existing security provided on the site.

Implications for Sustainability and the Environment

111. With regard to sustainability and the environment, the development will assist the waste management industry by providing an additional local facility to manage waste soils, potentially putting these materials into a recovery facility and diverting them from landfill disposal.

Human Rights Implications

112. 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 vehicle movements and activity from general site activities. The proposals have the potential to introduce impacts such as noise and dust upon the local area. These potential impacts are considered to be comparatively minor and have been balanced against the wider benefits of the proposals which would improve the facilities within the golf club and provide additional waste management capacity for waste soils. Overall it is considered the benefits outweigh the potential impacts.

Implications for Sustainability and the Environment

113. These are considered in the Observations Section above.

Conclusion

114. The development would enable the Springwater Golf Club to re-engineer/re-design its existing golf course to improve the attractiveness of its facilities to existing and future club members helping to secure the long term viability of the business. The NPPF requires the planning system to give significant weight to the economic benefits provided by the development.
115. The developer has provided a detailed golf course design to create a new 6 hole par 3 course as well as alter the 10th tee and 17th fairway. Materials are not available within the golf course to engineer the required landform and therefore it is necessary to import materials to the site to carry out these works. The use of surplus soils originating from construction projects provides the most cost effective solution to sourcing suitable materials to undertake these re-landscaping works.
116. The planning merits of using waste soils to carry out these works has been assessed against the planning policies of the WCS where it is shown that the development would provide the local waste industry greater choice of facilities in comparatively close proximity to Nottingham and Mansfield to manage residual soils from construction projects and therefore make a contribution to addressing a shortfall in disposal capacity. If the site was classed as a recovery facility it would also assist with the movement of waste management up the waste hierarchy.
117. The engineering works associated with remodelling of the golf course is appropriate development in the context of NPPF Green Belt policy. Although this conclusion creates some tension with WCS Policy WCS7 which assumes all land-raising developments would have visual impacts and result in adverse effects to the open character of the Green Belt, in this instance the NPPF policy takes primacy in the policy assessment.
118. The environmental effects of the development have been assessed against WCS Policy WCS13 and the saved policies of the WLP. Significant environmental impacts are not identified although some specific mitigation measures have been identified including controls on lorry routeing secured through a Section 106 agreement, the installation of acoustic screens to protect nearby properties from vehicular noise and measures to protect/enhance ecology within the site in addition to the standard operational controls regarding pollution, hours of operation, dust emissions, noise emissions and the amenity of surrounding land users in general.
119. Overall the balanced assessment of the planning application supports a conditional grant of planning permission, subject to legal controls to regulate lorry movements.

Statement of Positive and Proactive Engagement

120. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material

considerations; consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATION

121. It is RECOMMENDED that the Corporate Director – Place be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 to impose controls over lorry routeing so as to ensure HGV's do not enter or leave the site from Calverton village towards the west.
122. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 31st March 2016 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 2 of this report. In the event that the legal agreement is not signed by the 31st March 2016, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

TIM GREGORY

Corporate Director – Place

Constitutional Comments

Planning & Licensing Committee is the appropriate body to consider the content of this report. SLB 03/12/2015

Comments of the Service Director - Finance

To be reported orally

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Calverton – Councillor Boyd Elliott

Report Author/Case Officer

Mike Hankin

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