



14 September 2021

Agenda Item: 6

## **REPORT OF CORPORATE DIRECTOR – PLACE**

**ASHFIELD DISTRICT REF. NO.: 4/V/2021/0397**

**PROPOSAL: VARIATION TO HOURS OF WORKING AND LIGHTING (CONDITIONS 21 AND 15 OF PLANNING PERMISSION 4/V/2019/0300). MINERAL CONVEYING, PROCESSING/TREATMENT, & SERVICING, TESTING, MAINTENANCE OF PLANT/MACHINERY TO 24 HOURS PER DAY MONDAYS TO SATURDAYS INCLUSIVE. (NO WORKING ON SUNDAYS OR BANK/PUBLIC HOLIDAYS). NO CHANGES TO THE TIMES FOR MINERAL EXTRACTION, SOILS OR OVERBURDEN STRIPPING, OR THE HOURS THAT VEHICLES MAY ENTER OR LEAVE THE SITE. VARIATION TO ALLOW FOR FLOODLIGHTING DURING EXTENDED WORKING HOURS (REVISED PROPOSAL)**

**LOCATION: TWO OAKS QUARRY, COXMOOR ROAD, SUTTON IN ASHFIELD, NG17 5LZ**

**APPLICANT: THE MANSFIELD SAND COMPANY LIMITED**

### **Purpose of Report**

1. To consider a section 73 planning application seeking variations to two planning conditions to enable 24 hour mineral processing between Mondays to Saturdays, together with any necessary servicing and maintenance of plant and machinery during those times, along with extended operation of the site floodlighting, at Two Oaks Quarry, near Sutton in Ashfield. The proposal has been amended during its consideration to remove a proposal to undertake mineral *extraction* over 24 hours. In addition it has been clarified that any night time servicing and maintenance of plant and machinery would be for urgent or emergency situations only, with the more routine maintenance remaining during the existing daytime hours.
2. The key issues relate to the potential impacts on local amenity through night time noise and lighting, and also how this may affect adjacent woodland habitats and the bird and bat populations it supports. The recommendation is to grant section 73 planning permission subject to the conditions set out in Appendix 1.

## The Site and Surroundings

3. Two Oaks Quarry is a silica sand quarry on the corner of the A611 Derby Road and Coxmoor Road, situated between Kirkby in Ashfield and the southern edge of Mansfield. The site lies in open countryside and is designated Green Belt. Thieves Wood (managed by Forestry England) borders the quarry on the south-eastern and north-eastern boundaries and is a Local Wildlife Site (LWS). To the north-west, on the opposite side of the A611, is Coxmoor Golf Club, itself covered by a LWS designation. The woods form part of a wider area covered by a potential prospective Special Protection Area (ppSPA), owing to a population of Nightjar and Woodlark and suitable heathland habitats, but which has not been formally proposed for designation. The site and surroundings are shown on the appended plans 1 and 2.
4. Access is taken from a dedicated access road off Coxmoor Road. Landscaping/screening bunds have been established along the boundaries with Coxmoor Road and the A611.
5. Extraction is currently in the latter parts of phase 1 in the north-eastern quadrant adjacent to Thieves Wood. Future phases 2 to 4 remain in agricultural use at this time. Phases 2 and 3 will take extraction over to the western side beyond the access road and phase 4 is scheduled across the fields to the south.
6. The former farm (in the control of the applicant) is retained vacant to the centre-north. The nearest residential receptors are located at Forest Lodge (550m to the north within Thieves Wood); properties at Stonehills Farm, Derby Road (approx. 250m north-east from the future phase 3 area); Coxmoor House, Derby Road (approx. 300 east of future phase 2) and Forest Farm (800m to the south). The Sherwood Observatory is approx. 1km to the east, alongside residential properties lining this section of Coxmoor Road.
7. After soil stripping, mineral extraction is undertaken generally by a pair of motor-scrappers working within the resulting void space and feeding the processing plant (currently via a conveyor line).
8. A series of temporary silt and clean water lagoons have been created within phase 1, and these are progressively created and filled as part of the extraction progress and will later form part of the site restoration including a shallow lake and areas of heathland. Other areas of the site are earmarked to be restored back to agriculture. Plan 3 illustrates the general arrangement of the site.
9. Within the centre of the quarry is a substantial array of processing plant and stocking areas. (Sand washing plant, Sand drying plant, Fibresand mixing plant, Soil steriliser, Bagging plant, Gravel plant, silos, conveyors etc). In turn this leads to a complex of modular offices, parking and the weighbridges, before the site access road leading out to Coxmoor Road from which minerals products are then delivered by road to customers across the UK.

## Planning history

10. Planning permission (Ref 4/2010/0178) was first granted for the development of the quarry by the Minerals Planning Authority (MPA) in March 2013 following the completion of a s106 legal agreement to secure various planning obligations. The quarry was a replacement for the applicant's site at Ratcher Hill, Mansfield. There have been several subsequent applications to vary planning conditions in the proceeding years, in particular condition 13 relating to the numbers of permitted HGV movements.
11. Permission was granted in April 2016 (Ref 4/V/2016/0062) to vary condition No.13 for a one-off increase to HGV numbers in the peak demand months of May and June of that year without increasing the annual limits.
12. In March 2017 committee resolved to approve a planning application (Ref 4/V/2016/0655) for a permanent variation to condition 13 to increase the annual limits for HGV movements to and from the site from 27,800 to 34,000 (17,000 in 17,000 out), but retaining the separate daily and weekly limits at existing levels. (The May/June peak was discontinued). This was subject to the prior completion of an updated legal agreement which was completed in September 2017 allowing the decision to be formally issued on the 20 September 2017.
13. In March 2018 committee approved an application (ref 4/V/2017/0690) to further vary condition 13 in order to reintroduce a peak May/June increase of 20% to the daily and weekly HGV movements during these months every year (from 200 to 240 movements a day), whilst maintaining the annual limit as approved under planning permission 4/V/2016/0655.
14. In December 2019 committee approved two section 73 applications. The first (ref 4/V/2019/0614) varied conditions 5, 22, 31 and 55 making changes to the layout and numbers of temporary silt lagoons in phase 1, with a consequential change to the restoration plan. This also permitted an additional motor scraper to be operated on site.
15. The second (ref 4/2019/0300) again amended condition 13 to increase the permitted daily, weekly and annual HGV movements with a maximum 380 movements per day during April, May, June and July and maximum 320 per day during remainder of the year. The annual limit was raised to 50,000 movements. This permission was later brought into effect following the installation of traffic monitoring cameras at two nearby junctions, as required by a planning condition.
16. Separately permission (4/V/2015/0589) was granted in 2017 for a 5MW solar farm on phase 4 of the quarry, time limited for 25 years. This was not implemented and has since lapsed.

## Proposed Development

17. This section 73 application seeks changes to the operational hours controlled under planning conditions 21 and 15 of the extant/operational planning permission ref 4/V/2019/0300.
18. The proposal, as amended, now seeks permission to vary two aspects of **condition 21**, as set out in the table below, which sets authorised hours for various activities.
19. Firstly it is proposed to extend the current authorised hours for mineral conveying, processing and treatment to 24-hours for Mondays to Saturdays inclusive (no working on Sundays and Bank Holidays). No change is now proposed to the separately authorised hours for mineral extraction with the initial proposal for 24 hour working now having been withdrawn. Instead it is proposed to create a stockpile of raised material during the current daytime hours which would be fed through the conveyor into the processing plant during the extended processing hours sought (24hrs).
20. Secondly the proposal seeks 24-hour servicing, testing, or maintenance of plant or machinery for Mondays to Saturdays, however the applicant now adds that beyond the current hours this would only be for emergency or urgent repairs/servicing. No change is proposed to the authorised hours for topsoil stripping times or the hours that associated HGVs can run. The changes to condition 21 are set out as follows.
21. Except in the case of an emergency when life, limb or property are in danger (with such instances being notified in writing to the MPA within 48 hours of their occurrence), or with the prior written approval of the MPA, the following shall not take place except within the hours specified below, except as provided for in Condition 22 below:

	Mondays to Fridays	Saturdays	Sundays Bank/ Public Holidays
<b><u>Mineral extraction</u></b>	<b><u>6am to 8pm</u></b>	<b><u>7am to 1pm</u></b>	<b><u>Not at all</u></b>
Mineral extraction, conveying, processing or treatment	<b><u>6am to 8pm</u></b> <b><u>24 hours</u></b>	<b><u>7am to 1pm</u></b> <b><u>24 hours</u></b>	Not at all
Stripping, replacement, regrading or ripping of soils or overburden	7am to 7pm	7am to 1pm	Not at all
Servicing, testing, or maintenance of plant or machinery	<b><u>6am to 8pm</u></b> <b><u>24 hours</u></b>	<b><u>7am to 4pm</u></b> <b><u>24 hours</u></b>	Only with the prior written consent of the MPA
Vehicles entering and leaving the site for the purposes of collecting mineral or delivering soils, compost and synthetic fibres	6.30am to 7.30pm	7.30am to 12.30pm	Not at all

21. A consequential change is sought to the wording of **Condition 15** to enable floodlighting around the processing plant to operate within the extended hours of working, namely 24 hours Monday to Saturday inclusive. An updated lighting scheme has been provided, which could replace the currently approved details, however there are no physical changes proposed to the lighting or any new lighting.
22. Condition 15 requires floodlighting to be *“angled downwards and suitably shielded to ensure that it does not result in glare or dazzle to surrounding land, property and other users and shall ensure that no lighting levels over 1Lux occurs in habitat suitable for nightjar and woodlark during the bird breeding season (February to August)”*. The lighting is currently permitted during the existing authorised hours of operation, outside of which it should only operate on a movement sensor with a maximum lighting cycle of five minutes.
23. The justification put forward for the changes is to support increasing sales and customer demand for mineral product. Over the last 5 years quarry sales have been in the order of 375,000 tonnes to 400,000 tonnes per annum and in order to meet the present and anticipated sales requirements of approximately 450,000 tonnes per annum, the processing plant needs to be run for extended periods during night time hours.

## **Consultations**

24. **Ashfield District Council** - *(Comments based on original proposals including 24-hour minerals extraction. Any further comments stemming from re consultation on the revised proposals will be orally reported). Concerns raised in respect of potential noise and light pollution during night-time hours which may adversely impact the living conditions of neighbouring properties.*
25. *Condition 24 is of particular relevance. Should night-time working hours exceed the permitted maximum between set for 6am to 7am, this is likely to raise significant concerns/adverse impacts.*
26. *The impact of light pollution should be considered on neighbouring properties and the nearby Sherwood Observatory.*
27. **Natural England** – *No objection. The proposal, as amended, will not have significant adverse impacts on designated sites or upon breeding nightjar.*
28. *The proposed development is located in the Sherwood Forest area, which has been identified as important for breeding nightjar and woodlark and which may or may not in the future become a Special Protection Area (SPA). More information is provided in an advice note which outlines Natural England’s recommended ‘risk-based approach’.*
29. *Potential impacts on the breeding nightjar and woodlark population include disturbance, loss/fragmentation of habitats, bird mortality (e.g. from road traffic) and pollution/nutrient enrichment of habitats. The use of appropriate mitigation*

*and/or avoidance measures should be considered to reduce the likelihood of significant adverse impacts.*

30. *The application has been amended; to remove the proposed 24-hour mineral extraction aspect (maintaining the 24-hour processing, along with lighting). Due to this amendment, evidence now suggests that it is unlikely nightjar would be adversely impacted. Therefore no specific mitigation is requested.*
31. *Other advice on biodiversity net gain and standing advice is provided.*
32. **NCC (Nature Conservation)** – *No objection (on revised proposals, and after consideration of the consultation response from the Nottinghamshire Wildlife Trust.) Satisfied that the proposals are unlikely to give rise to a significant ecological impact, particularly in relation to bats and Nightjar, and including as a result of lighting, noise, and air quality.*
33. *The night time operation of the processing plant will not have a significant impact on Nightjar or Woodlark. The current condition (26) is fit for purpose. In the unlikely event that noise levels do exceed permitted levels, such occurrences are evidently unusual, and limited to small areas of the adjacent woodland which are not currently suitable for breeding Nightjar or Woodlark.*
34. *The primary issue of concern is the potential impact of noise on breeding Nightjar (and Woodlark) potentially utilising habitat patches within the adjacent woodland to the north and east.*
35. *Condition 26 of the planning permission currently controls noise, specifically in relation to Nightjar and Woodlark. Under this Annual Reviews are undertaken to identify potentially suitable breeding habitat for these two species, recognising that forestry operations could produce new habitat patches within the woodland.*
36. *No suitable breeding habitat has been identified in the most recent Reviews, and recent data from Birkland's Ringing Group has not identified any breeding Nightjar or Woodlark in proximity to the quarry.*
37. *Noise monitoring on the site boundaries, adjacent to two areas of regenerating forestry (albeit not considered to represent suitable breeding habitat) has confirmed that noise levels are kept within the limits permitted, except for a very small number of generally minor exceedances (which may potentially be a result of non-quarry noise), and that in fact, noise levels are generally comfortably below the maximum levels permitted.*
38. *The modelled noise levels submitted with this application suggest greater noise levels on the eastern boundary, but these are not borne out in real life, as confirmed by the monitoring.*
39. **NCC (Planning Policy)** – *No objection, subject to assessment of environmental and amenity matters.*
40. *Two Oaks Farm quarry is identified in Policy MP8 (Silica Sand) of the Nottinghamshire Minerals Local Plan (March 2021) and is currently the County's*

only quarry extracting silica sand. There are sufficient permitted reserves at the site to ensure a steady and adequate supply throughout the plan period and therefore meeting the NPPF requirement to ensure a 10-year landbank.

41. *The applicant has identified that in order to meet the expected demand for silica sand, particularly from May to June, an increase in output at this time is required. For this to be achieved the site needs to process minerals 24 hours a day, six days a week and so this application seeks to vary the operational hours. This application does not seek to extend the currently permitted area for extraction nor increase the permitted reserves for the site.*
42. *Policy SP1: Minerals Provision and Policy MP8 would be supportive of this application, in order to maintain a steady and adequate supply of mineral to meet current demand.*
43. *Attention is drawn to relevant Development Management policies within chapter 5 of the Minerals Local Plan. The decision maker will need to be satisfied that impacts such as noise, dust, air emissions and lighting, on local amenity and biodiversity, and also cumulative impact of the site overall, will be acceptable, and with suitable mitigations in place.*
44. *Policy SP3: Climate Change should also be considered which outlines how operational practices should minimise impacts on the causes of climate change for the lifetime of the development by being operated to help reduce greenhouse gas emissions.*
45. *Consideration should be given as to how extending the use of floodlighting may affect the site's energy consumption and whether the site could use more energy efficient lighting to support the move to a low carbon economy or whether other measures could be used- such as adding on-site renewable energy generation.*
46. **Nottinghamshire Wildlife Trust** - *Objection due to adverse noise impacts to breeding nightjar. (Comments based on original proposals including 24-hour minerals extraction. Any further comments stemming from re consultation on the revised proposals will be orally reported)*
47. *Agrees that there are unlikely to be significant increased impacts to bats from light or noise.*
48. *Objects however due to impacting on breeding nightjar. In particular the extended hours in the summer would impact the evening and night when nightjar 'chur', as a crucial part of their territorial and breeding behaviour. There is an obligation to ensure that there would be no adverse impacts to this Annex 1 Species classified under the Birds Directive.*
49. *The recorded locations of breeding nightjar since the quarry was established could indicate that they have moved away from noise/disturbance from the quarry. Although there may be other reasons such as habitats changes, the applicant has not assessed this. The applicant cannot therefore conclude that*

*the small local breeding population has not significantly changed over this time and that daytime working has no adverse impact.*

50. *This applicant does not appear to have acknowledged the critical importance of nightjar being active at dusk and night, when the quarry would be working were the hours to be extended. The churring that the nightjar use for attracting mates and asserting their territories only occurs at dusk and in the dark, and so the extension of quarrying noise into this sensitive period could have an impact.*
51. *Birds with lower frequency vocalisations (e.g. churring), and those which eat insects, are more likely to be impacted by anthropogenic noise*
52. *If it cannot be guaranteed that noise levels can be kept below 55dB (at the woodland edge) then extended working hours should not be permitted during the nightjar breeding season, mid-May to end of August. Noise levels should also be subject to continuous automatic monitoring with an alarm system and response triggered if the noise limit is exceeded, along with reporting to the MPA.*
53. *It should also be ensured that the parts of the quarry closest to Thieves Wood are completed and restored first, so that the impacts will reduce in these areas as soon as possible.*
54. **Via (Noise Engineer)** – *No objection subject to the inclusion of an additional noise condition to assess impacts of night-time operations for future extraction Phases 3 and 4, and also an update to condition 24 (noise limits).*
55. *A Noise Impact Assessment has assessed the quarry operation during extended night-time hours for extraction phases 1 and 2 however, the future extraction phases 3 and 4 were not assessed.*
56. *Extraction would be carried out during normal daytime operations, with materials excavated and stored close to the hopper. Overnight, the plant would only be required to operate within the area around the hopper to move material into the hopper/conveyor.*
57. *The modelled noise levels (LAeq,1hour) at the four nearest Noise Sensitive Receptors are at least 6 dB(A) below the recommended upper limit of 42 dB LAeq,1hour, (as set out in Minerals Planning Practice Guidance for the period 10am to 7am) which suggest that no adverse effects should arise from the suggested night-time operations.*
58. *Furthermore, it is anticipated that the proposed night-time operations will operate in compliance with the noise levels stated in Condition 26 to protect breeding birds.*
59. *Results from noise surveys on the woodland edge have confirmed that noise levels are kept within the limits permitted, except for a very small number of generally minor exceedances.*

60. *Due to the proposed reduced operations during the night-time it is anticipated that that the average noise levels will be lower during the night-time when compared to the daytime period, respecting the noise limits established by condition 26.*
61. *A new condition should require an updated Noise Impact Assessment for extraction phases 3 and 4, to be approved in writing by the MPA prior to commencement of each phase.*
62. *In addition, Condition 24 should be amended by updating the receptor names and the respective noise limits for the day, evening, and night periods.*
63. **Environment Agency** - *Does not wish to comment*
64. **Ashfield District Council EHO**- No response received. Any response received shall be orally reported.

## **Publicity**

65. The application has been advertised by a press notice, two site notices and 27 neighbour notifications in accordance with the County Council's Adopted Statement of Community Involvement.
66. Cllr Samantha Deakin has been notified of the application.
67. One objection has been received citing existing issues with noise (the bunding being only partly effective), and light pollution (affecting enjoyment of the night sky) which are likely to be made worse with the proposals. The quarry is having a negative impact in what had been, beforehand, a remote, quiet location.
68. Concerns were initially raised by the Sherwood Observatory (located approx. 1.5km north on Coxmoor Road) that the lighting proposals could affect their activities including outreach events and future plans for a new science discovery centre. Assurances were requested that any lighting will be fit for purpose, will be switched off when not required and only shine where required with no stray light escaping skywards. The Observatory are now content subject to these measures being followed.
69. Re-consultation with the neighbours (and Observatory) was undertaken on the revised scope of the application (removing 24-hour mineral extraction).
70. One further letter of objection (from the same residential address) has been received. The resident notes that it appears no meaningful changes have been made to the application. It states noise is experienced from mobile plant including use of air horns. If approved the disturbance will extend into the evening and night. Despite lights being fitted with cowls, light pollution does occur. The original time limits on lighting was to protect the Sherwood Observatory and should not be changed.

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

## **Observations**

### Introduction

72. This application is being referred to Committee for decision as the proposals would enable an increase in minerals output greater than the delegated decision thresholds as set out in the Committee's Code of Best Practice.
73. As summarised above a series of section 73 applications have been granted in recent years, predominantly relating to the numbers of permitted HGVs serving the site in order to enable increasing rates of mineral extraction/sales. This further section 73 application, with the notable proposition for certain aspects of 24-hour operation, or at the very least un-restricted times of operation, can be seen in the same context of increasing demand and mineral sales.
74. Minerals working over 24 hours is not typical to the quarrying sector and the potential impacts to local amenity and the surrounding environment require careful examination. That assessment is now aided however by the removal of the initial proposal to also undertake 24-hour mineral extraction and instead limiting this to the processing of pre-dug/ stockpiled sand, along with emergency type repairs and plant servicing. The purpose of the 24-hour proposals would appear to be for flexibility and it does not follow that such operations would always run for such time. Nonetheless the assessment of the application has considered the worst-case scenario.
75. As a section 73 application the focus must be on the changes being sought and it must be recognised that there is a full planning permission in place for the quarry- including for three future phases of land, currently in agricultural use. If the changes are accepted a new planning permission is granted carrying forward the existing planning conditions and approved details as varied, and this would effectively take over from the extant permission if then brought into effect.
76. As with any planning application the proposals must be considered against the Development Plan (and in particular the Nottinghamshire Minerals Local Plan 2021) unless material considerations direct otherwise.

### Minerals supply issues

77. The quarry is formally allocated in the Nottinghamshire Minerals Local Plan (MLP) under Policy MP8 (Silica Sand). This states the extraction of remaining reserves at Two Oaks Farm will be utilised to contribute towards the provision of an adequate and steady supply of silica sand sufficient for at least ten years.
78. The ten year reference relates to the requirement under para 214c) and footnote 74 of the National Planning Policy Framework (NPPF) which requires Minerals Planning Authorities to plan for a steady and adequate supply of industrial

minerals including by maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment. Footnote 74 states that these reserves should be at least 10 years for individual silica sand sites.

79. The NPPF advises that a sufficient supply of minerals is essential in order to provide the infrastructure, buildings and goods the country needs. Best use also needs to be made of them to secure their long-term conservation. Paragraph 211 advises that great weight should be given to the benefits of mineral extraction, including to the economy when determining minerals planning proposals.
80. The MLP states that the remaining reserves of around 12 million tonnes are expected to be adequate for around 40 years, thereby satisfying the 10-year landbank per quarry requirement (or 15 years when significant new capital is needed).
81. Originally the quarry was proposed with expected rates of extraction of circa 250,000 to 300,000 tonnes per annum (tpa). The subsequent variations to the permitted HGV movements have enabled increased rates around 400,000 tpa, albeit including a range of other sand and gravel product lines arising from the quarry.
82. The applicant now references anticipated sales requirements for the site of 450,000 tpa. The limiting factor now relates to the internal operating hours for mineral processing, rather than the numbers and permitted times that the HGVs can run. There is no condition specifically limiting rates of output.
83. As the overall permitted area of the quarry has remained unchanged, the effect of increased rates of extraction is a steadily decreasing expected remaining life, however the quarry development still remains within phase 1 of 4 and it is still estimated to have a significant remaining life span (the application stating some 32 years remaining) to satisfy the MLP and NPPF landbank requirements.
84. Local and national planning policy for minerals is clear that supplying sufficient minerals is essential to the economic needs locally and nationally. (Including Strategic Objective 2 and Policy SP1 of the MLP).
85. Over the long lifespan of a site such as this, it is inevitable that there will be peaks and troughs in demand. It is important to recognise that minerals production needs to be responsive to the economic and market demands at the time, and likewise the planning system should be flexible to the needs of the economy, subject to the assessment of environmental impacts.
86. Arguably the need to support the national economic recovery is compelling, and whilst there are high levels of regional housebuilding and construction underway, there is anecdotal evidence of national supply shortages in construction materials, including aggregates.

87. The specialist and value-added silica sand products which are produced are in demand nationally, including in the multi-billion-pound sport sector where the use of natural and well-draining surfaces is required. The economic success and now the recovery of this sector depends on these products being available at the right time. Additionally, it is understood that other sand and gravel products are being sold into the general construction market, thereby contributing towards local needs and economic recovery, supporting local construction projects, contractors, and also ensuring the full utilisation of the minerals resource available for extraction.
88. Great weight should therefore be afforded to the benefits of the increased minerals supply which would be directly enabled by the proposed variations (increased processing hours), as advised by para 211 of the NPPF. The proposal would also support the applicant's business which itself is an important local employer.

#### Local and residential amenity

89. MLP Policy DM1 seeks to ensure that local amenity is protected from the adverse impacts of minerals development. A broad range of such impacts can arise such as noise, dust, air emissions, lighting, traffic, visual impacts etc and these should be avoided or adequately mitigated to an acceptable level.
90. Paragraph 211 of the NPPF directs Minerals Planning Authorities to ensure that there would be no unacceptable adverse impacts on matters including human health, taking into account any cumulative effect of multiple impacts from individual sites or others locally, and should ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source. Noise limits for extraction should also be set for nearby noise sensitive properties. Further technical guidance is contained in the Planning Practice Guidance.
91. The quarry is located in a rural situation, largely away from residential receptors, although there are a number of outlying properties in the area as set out above and on plan 2. The adjacent Forestry England woods are also of local recreational value and served by a dedicated car park further along Coxmoor Road.
92. As the proposed variations relate to the internal operations at the quarry, with no change to the present permitted HGV operations, the potential impacts arising from the extended 24-hour processing (and including on Saturdays) are likely to be of noise, dust and lighting. The programme/phasing of the quarry will not change, and restoration works will start to follow-on from the completion of mineral extraction in phase 1 in due course. Visual (lighting aside) and landscape issues therefore do not arise from the proposals.

#### *Noise*

93. Firstly in terms of noise, this is tightly regulated and monitored under the terms of the planning permission. As well as condition 21 stipulating the hours of operations, a condition (24) sets maximum permissible noise levels at the three closest receptors: Forest House (Thieves Wood Lane), Stoneshill House grouping (including a children's day nursery), and Coxmoor House (both on Derby Road). Noise is also controlled in the interests of biodiversity (condition 26) and this is considered later within the report.
94. During the present day-time hours of 7am to 7pm the limit at all properties is 55dB LAeq measured as an Equivalent Continuous Noise Level for 1 hour. For the hour between 7pm and 8pm this reduces to 52dB, whilst in the first hour between 6am and 7am the limit is 42dB. These levels correspond with the national Planning Practice Guidance for minerals development.
95. In terms of the proposed variations and extended processing hours, the key figure to meet is the 42dB limit which applies for the period 10pm to 7am as set out in the Minerals Planning Practice Guidance.
96. A noise assessment has been submitted and subsequently updated to factor in the future phase 2 area. The assessment models the noise from various activities – including mineral extraction works (which no longer form part of the proposal), the use of a 360 excavator to load a fixed stockpile into the remote hopper and conveyor during the proposed extended hours (24 hrs), and the operation of the processing plant in all its various parts, along with a complement of mobile plant such as a loading shovel and forklift- again over 24 hours.
97. The noise assessment concludes that the predicted noise levels at all the nearest properties, during the extended night time period, would (at 32 to 36dB) remain comfortably below the recommended upper limit of 42dB for the period 10pm to 7am as set out in the Minerals Planning Practice Guidance. Furthermore these calculated levels would result in no observable effects. This conclusion has factored in phase 2 when the conveyor and its feed hopper would be relocated over into the western part of the site.
98. It is therefore considered that the applicant has properly demonstrated that there will be no unacceptable noise impacts at any of the nearest residential properties during the extended hours of operation sought. However this is for phase 1 and 2.
99. As identified by the County Council's noise consultants (Via), the noise modelling has not looked further into future phases 3 and 4. This is understandable because these remain many years away and the details of if and where a conveyor line and hopper would be sited may have yet to be decided. As a safeguard a new condition is recommended to require updated details and noise assessments prior to entering each of phases 3 and 4. This will need to demonstrate that the existing noise limits can be complied with.
100. The limit of 42dB already forms part of condition 24, however it currently only applies to the early morning period (6am to 7am). As advised by Via, it would be

necessary and appropriate to make consequential amendments to condition 24 and in particular to extend the 42dB limit to apply between the hours of 10pm and 7am as per the Minerals Planning Practice Guidance in order to provide an adequate limit and safeguard as required by para 211 of the NPPF, with Policy DM1 following.

101. Other noise conditions should be rolled forward. Planning condition 22 provides added protection to the nearest properties, creating a 400m buffer area in which the mobile plant component cannot operate during the early hours of 06.00 and 07.00. This will come into play when extraction moves over to phase 2, towards the properties along the A611. Condition 23 also requires that all mobile plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the operator) use white noise reversing warning devices. As a further measure to contain noise (as well as dust and visual effects) the perimeter landscaped bunds would remain in place until later stages of restoration.
102. The proposals to enable plant and equipment maintenance on a 24-hour basis should not result in any unacceptable noise impacts, provided that this is limited to urgent and emergency situations only, as opposed to routine works. As such it is considered necessary to stipulate this proviso within the table under condition 21 as varied.
103. The other aspect that needs some consideration is the wider public use and enjoyment of the surrounding area. Coxmoor Golf Club lies to the west, across the A611 and Thieves Wood (together with Normanshill wood) are publicly accessible, managed by Forestry England and feature various public footpaths and other trails. These can be predominantly expected to be frequented during daylight hours, therefore some additional noise and activity may be experienced by recreational users on Saturday afternoons and evenings and on summer weekday evenings under the proposed variations. However now that the extended hours of mineral extraction aspect has been removed, such noise impacts would be limited as arising from the central processing plant area, which is suitably at distance from the edge of the woodlands.
104. It has been noted that the current Saturday hours of working were negotiated at the original planning application stage, specifically in the interests of local amenity and of the enjoyment of the woodland and other local amenities. The current hours (up to 1pm) are typical of the wider industry, however the proposed extended processing hours (without mineral extraction) into the remainder of a Saturday are now considered acceptable because these two aspects would be decoupled. The PPG, in recommending noise limits does so for different times of the day and night and does not differentiate between weekdays and weekends.
105. It should also be noted that at this point in the quarry programme, mineral extraction is starting to move north-west, towards the old farm and then over to phase 2. Restoration works to the series of silt lagoons in phase 1 will follow progressively and thus the overall impact of the quarry upon the woodlands and

its users should start to reduce. The fixed processing plant will however remain for all future phases in the years to come.

106. A planning condition also sets a 55dB limit for the woodland edge in the interests of biodiversity. This will also serve to limit noise to any recreational users as they pass through the area. Noise monitoring is undertaken regularly along this boundary and the results reported to the MPA. The latest data shows the quarry as complying with all noise limits. Therefore in light of the revised proposals, the current state of the quarry programme, together with the retention of noise limits and monitoring, it is considered that extended processing hours including Saturdays, would not unduly affect local recreational amenity.

### *Lighting*

107. The central processing plant area, along with the administration and vehicle areas are externally lit during the current operational hours, when seasonally required. This is governed under condition 15.
108. No physical changes or additions are proposed to the lighting which are all shielded and directed downwards, and the proposal to vary condition 15 simply seeks to change the text (within the condition and the accompanying scheme) so as to allow lighting to be operated during the extended processing hours, i.e. 24 hours Mondays- Saturdays.
109. Notwithstanding these proposed hours, it does not follow that the quarry would always operate full time through these days and so it will be necessary to ensure lighting is still only used as necessary during operational times. Thus the lighting would still be operated on movement sensors with a maximum 5-minute lighting cycle, so that lighting turns off when the site is closed. This is confirmed in the current wording of the condition and this should be retained.
110. There are no immediate properties affected by the lighting. The MPA also has no records of light related complaints or concerns since the quarry was established, however the quarry is only permitted to operate up to 8pm at present. Nonetheless a local resident now raises lighting as of a concern (see above).
111. A response has also been received from the nearby Sherwood Observatory raising some concern over increased lighting hours. Light pollution or sky glow is a material planning consideration and it can clearly affect the extent of astronomical observation. There are also ambitious plans to further develop the Observatory into a regional visitor attraction. The Observatory requests reassurances that lighting will be fit for purpose with no stray light escaping skyward.
112. An updated BREEAM lighting study submitted with the current application does not show any unacceptable levels of sky glow with only 2.7% of total lumens emitted above the horizontal, set against a technical limit of 5%. In other words, 97% of the lighting is correctly being directed only downwards across the areas it is required. The accompanying Lux plot clearly shows lighting is tightly

focussed within the processing plant area and the administrative offices and parking area. The study does not show an overall increase in sky glow and light pollution by running the additional hours at nights.

113. It is considered that the extended lighting hours are necessary for when processing would be undertaken and this should not result in any unacceptable impacts to local amenity including residents or users at the Observatory. This is subject to retaining the requirement for lighting to be turned off when the quarry process is not operating and it is also recommended that an open dialogue is maintained between the company and the Observatory should an issue arise. The liaison committee could also be a suitable forum to resolve such issues.
114. The lighting is not expected to interfere with local biodiversity as further set out below.

#### *Conclusion on amenity issues*

115. Finally in terms of dust generation, increased hours of minerals processing has some limited potential to add airborne emissions, however there is a broad dust control plan in place and the extended processing would be limited to the central processing area of the quarry, as opposed to the outlying extraction areas. Dust monitoring gauges around the quarry would register any increased dust, triggering a mitigation response from the management.
116. Overall the proposed extended hours of mineral extraction, processing and associated plant maintenance are not expected to result in any unacceptable noise, lighting, dust or local amenity issues, considering nearby properties and local recreational users. A range of planning conditions, with appropriate adjustments can continue to provide adequate safeguards. The proposal therefore is considered to accord with MLP Policy DM1 and national planning policy.

#### Ecological Impact

117. MLP Policy SP5 expects mineral developments to deliver a high degree of environmental protection and enhancement, including for nature conservation interests.
118. Policy DM4 supports minerals development proposals where it can be demonstrated that it would not adversely affect a range and hierarchy of designated wildlife sites, from European designated sites down to Local Wildlife Sites. The policy also affords protection to priority species and habitats. Where impacts to these interests cannot be avoided there is scope for mitigation and compensation as a last resort. The ability to balance any benefits of a development against ecological harms varies depending on the importance of the wildlife site, habitats or species. The policy more generally seeks to retain, protect, restore and overall enhance biodiversity, and it promotes, through restoration of minerals sites, the creation of priority habitats and corridors, linkages and stepping stones between such areas.

119. This follows the approach in the National Planning Policy Framework which sets out that planning decisions should protect and enhance sites of biodiversity value (in a manner commensurate with their statutory status or identified quality); minimise ecological impacts generally and provide net gains for biodiversity; and prevent new and existing developments from contributing to unacceptable levels of soil, air, water or noise pollution. Paragraph 180 states that in determining applications, if significant harm to biodiversity cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It goes on to consider the hierarchy of sites.
120. The wider Sherwood area continues to be subject to guidance (2012 and re-issued in 2014) by Natural England in respect of effects from development to populations of breeding Nightjar and Woodlark (Schedule 1 species) and which may, potentially, lead to a Special Protection Area being designated for the area.
121. Suitable habitats are present in Thieves Wood/ Nomanshill Woods bordering the quarry and which are also identified as 'Important Bird Areas' in the Natural England guidance (although not one of the 'Core Areas' for Nightjar/Woodlark). Thieves Wood (and additionally Coxmoor Golf Course) are also denoted as Local Wildlife Sites (LWS).
122. Natural England advises planning authorities to take a precautionary, 'risked-based' approach and to take reasonable and proportionate steps to avoid or minimise potential adverse impacts to these bird populations. Such impacts can be direct, indirect and cumulative and can include disturbance, mortality from road traffic, and air pollution and long-term nutrient enrichment of their habitats.
123. The proposed extended processing hours could generate increased indirect impacts of noise/disturbance, lighting and air emissions, upon the woodlands and bird and bat species it supports. An ecological impact assessment has been submitted with the application to consider these matters.
124. New bat surveys have been undertaken at the quarry indicating generally low activity levels, with some bats commuting through the area rather than foraging (with no suitable foraging habitat within the quarry). The risk of disturbance (and mortality) to bats from the increased processing and lighting hours is assessed as negligible and would not affect the population's favourable conservation status. The various ecological consultees are content with this conclusion.
125. The submitted ecological report rules out any impact to woodlark since none have ever been recorded in the locality since 2014, including pursuant to the surveys under condition 26 of the quarry planning permission.
126. In terms of the main concern- the potential impacts to nightjar from the extended hours, there are thought to be three or so individuals in the 3.1 sq. km around the quarry area- a population which has not significantly changed since the quarry was established in 2014. Since this time all recorded territories have been beyond a 500m distance-being the precautionary distance at which

disturbance could occur- and there has only typically been 0-1 breeding pair in the locality.

127. The ecological report notes that noise would be equivalent to, or less than, during the day, which has had no adverse impact on the small local breeding population. It further notes that planning condition 26 stipulates a noise limit of 55dB LAeq on the woodland edge specifically to control and remove noise impacts to this species (this is roughly the loudness of a low volume TV or a household refrigerator at 1m distance). It therefore considers the risk of noise disturbance to be negligible.
128. In response Natural England and the County's ecologist are both satisfied with the proposals.
129. Nottinghamshire Wildlife Trust however have raised an objection and do not agree with the conclusions on impacts to breeding nightjar. The main concern is to breeding behaviour on summer evenings and nights into which the extended processing hours would extend the hours of noise generation. Nightjar call or 'chur' at a low frequency to defend breeding territories and attract a mate. The noise from the quarry could interfere with breeding and ultimately reduce the available habitats by pushing these birds further away from the quarry. They note the 55dB noise limit as set under condition 26 but seek a guarantee that this would not be exceeded, and for it to be backed up with continuous automatic monitoring.
130. This concern has been considered by the County Council's ecologist and also rebutted by the applicant's ecologist. The MPA has the benefit of the annual reviews and noise survey results that are provided under condition 26.
131. The main reply is that no suitable breeding habitat has been identified in the most recent woodland surveys and the local ringing group has not identified any breeding Nightjar or Woodlark in proximity to the quarry. Noise levels from the quarry are kept comfortably within the specified limits (except for a very small number of minor exceedances, for reasons unknown). There is no evidence to show that nightjar have been forced to relocate because of disturbance from the quarry. It is also noted that disturbance from increasing walkers (and their dogs) through the woodlands poses a particular risk of disturbance to any birds.
132. Therefore the existing controls under planning condition 26, with its constituent annual reviews and regular noise monitoring, are considered to be satisfactory to cover the proposed extended processing hours in order to minimise, as far as possible, any potential adverse effects on breeding nightjar and woodlark.
133. As a further safeguard the recommended future noise assessments prior to entering phases 3 and 4, as requested by Via (noise), would inform a suitable working method and the design/location of any conveyor system serving those areas, which do include areas adjacent to Thieves Wood.
134. The site lighting is not expected to interfere with nightjar in the event they are in the adjacent woodlands. The lighting is focussed to the central processing area

and there is a good buffer to the woodland edge provided by the extraction areas in which mineral extraction, (along with soil stripping and replacement) would now remain within current permitted hours.

135. Air emissions from the processing is separately considered below, however the risk of air pollution degrading the woodland habitats is considered to be negligible.
136. Finally, there are no changes proposed to the site restoration, however the application estimates that speeding up of the production rates/quarry programme, should also enable a speedier delivery of the subsequent restoration of worked out areas (brought forward by approx. 20%). New heathland and wetland habitats would evidently benefit the local bat and bird species. There is however some uncertainty in this statement given the continued reliance on a large number of silt and other water lagoons, with only the initial examples approaching the point where some form of restoration works can start to commence. The phasing plans also show that several lagoons are expected to remain in place when extraction moves over to phase 2. In reality therefore, whilst the MPA will continue to seek restoration works at the earliest possibility, and some will start to be undertaken in the near term, it is likely that parts of phase 1, (alongside the central processing areas) will remain operationally active (for managing silt and water) for the foreseeable future.
137. In conclusion, whilst there are ecological sensitivities around Two Oaks quarry, they are now well understood and appropriate and bespoke controls are built into the current planning permission which should be continued and carried forward. The extended hours of processing and lighting would not lead to harmful ecological impacts and the status of breeding nightjar/woodlark populations would be safeguarded. Policies SP4 and DM4 are therefore considered satisfied.

#### Air emissions

138. The NPPF seeks to ensure that new and existing developments do not contribute to unacceptable levels of air pollution (para 174). Wherever possible proposals should help to improve local environmental conditions including air quality. Planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas (para 186).
139. Policy DM1 of the Minerals Local Plan seeks to protect local amenity from the various impacts of minerals developments including through avoiding unacceptable air emissions.
140. An Air Quality Assessment (AQA) has been submitted which concludes that the proposed operating hours amendments would not lead to any significant adverse impact on local air quality, considering both human and ecological receptors.

141. The AQA focuses on the increased operation of the sand drier and sand washing plant. Stack emissions of Nitrous Oxides (NOx) have been subject to new atmospheric dispersion modelling based upon worst case continued/unrestricted operation. Resulting emissions of NOx are expected to be low (negligible impact) and substantially less than the screening threshold of 1% of the annual mean air quality assessment level (AQAL) of 30 micrograms/cubic metre established to protect ecological sites -in this case the nearby woodland areas forming part of a ppSPA. (Short term impacts would also be negligible).
142. It is noted the modelling is based upon the fixed processing plant and also the minerals extraction aspect. The mobile plant component makes a limited contribution to overall emissions.
143. NOx emissions would not give rise to any significant effects to any nearby ecological receptor (including Coxmoor Golf course LWS) and Natural England have not raised air emission/deposition as a concern in this instance.
144. In terms of particulate emissions, the AQA finds that there would be no additional potential adverse impacts on human health receptors, whether due to disamenity dust or PM10 particles, as a result of the proposed extended operating hours, subject to the continued implementation of the Dust Management Plan under condition 27 of the current planning permission.
145. The drying plant is separately fitted with a centrifuge system to capture particulate emissions and is also covered by an Environmental Permit issued/overseen by Ashfield District Council. Monitoring data included with the AQA shows the system is acting effectively.
146. Given the distance and orientation to the nearest human health receptors, and low background PM10 concentrations, a potential (small) increase in such emissions would not be expected to result in significant adverse impacts.
147. The additional limited use of some mobile plant would give rise to some additional combustion emissions, but these would be very localised and would be considered negligible. This can be further confirmed now that the extended hours for mineral extraction have been withdrawn.
148. Accordingly the application demonstrates with confidence that the extended hours of processing would not give rise to any unacceptable emissions to local residents or ecological interests and as such accords with policies DM1 and DM4, along with national planning policy.

#### Climate change

149. Policy SP3 sets out that all minerals development, including site preparation, operational practices and restoration proposals should minimise impacts on the causes of climate change for the lifetime of the development by being located, designed and operated to help reduce greenhouse gas emissions, and move towards a low-carbon economy.

150. The proposals would entail extended processing and associated floodlighting hours. The processing aspect (and its required energy) would take place in any event during the life of the quarry and is linked to the available minerals reserves within the planning permission boundaries which would remain unaltered. However more processing would likely now take place in hours of darkness, beyond the current 8pm cut off time, requiring more use of the floodlighting. Whilst the application seeks 24-hour processing (Mondays to Saturdays), in practice this is for flexibility purposes and it is unlikely that the quarry would be processing continually for 24 hours. Nonetheless more grid energy will be utilised to operate floodlighting when the site is operating (they will be switched off at other times).
151. The flood lighting has passed a BREEAM standard for minimising sky glow (i.e. light wastage) as all lighting fittings are focussing light only where it is needed. The fittings also appear reasonably energy efficient, although newer LED products with improved energy efficiency are on the market. If the lighting was to be run for 24 hours this would result in approx. 192 tonnes of CO<sub>2</sub> per annum being released through the necessary grid supplied electricity. The previous assessment for when the lighting was originally installed was based on a 12-hour operation, thus on paper this would be a doubling of energy use and CO<sub>2</sub> emissions. Caution should be applied to these figures as in practice 24-hour operation may not necessarily occur. Grid supplied electricity is also increasingly made up from renewable or low carbon sources. Nonetheless an increased reliance on lighting and its consequent emissions contribution, does bring the proposals into some tension with the objectives of Policy SP3.
152. The applicant responds to this matter by advising of the various initiatives under development. This includes a switch to running mobile plant using biodiesel in the 'very near future' which they calculate will reduce carbon emissions by 88% saving an estimated 700 tonnes of CO<sub>2</sub> per annum. Other measures being pursued include incorporation of 40% recycled content into plastic bag/packaging.
153. The initiatives being taken to reduce the quarry's carbon emissions are welcomed, although they do not directly address the floodlighting issue. Therefore the applicant could be asked to review the lighting, along with the availability of more efficient LED lighting products and this could be covered by an informative note. However this does not completely remove the minor level of tension with Policy SP3.

### Conclusion

154. After considering the matters of noise, lighting, and air emissions upon both local and residential amenity and on adjacent woodland habitats, the revised proposals to enable 24 hour processing of minerals (Mondays to Saturdays) along with operation of floodlighting and the ability to undertake any urgent repairs to plant and equipment, are considered acceptable and would enable the quarry to meet an increasing demand for its minerals products. This can be achieved within/without changing the current permitted numbers of HGV

movements and their timings. Cumulatively there has been a recent history of changes to facilitate greater rates of output from this site, however at each planning application stage the total environmental and amenity impacts have been found to be acceptable.

155. It is considered that this further section 73 planning application should be granted in order to support the pressing economic need for mineral products, which is particularly acute at this time. This however would not be to the expense of local amenity or ecology as adequate protections remain in place within the planning conditions, as varied, subject to making certain changes/additions. The site will also continue to be subject to routine monitoring both by the operator and by the Minerals Planning Authority.
156. The proposals are considered to accord with the relevant policies of the Development Plan, particularly Minerals Local Plan policies SP1 (Minerals Provision), MP8 (Silica Sand), SP5 (The Built, Historic and Natural Environment), DM1 (Local Amenity), DM4 (Protection and Enhancement of Biodiversity etc) and DM8 (Cumulative Impacts) and are further supported by national planning policy which affords great weight to the economic benefits of minerals extraction. Together these are considered to outweigh any minor tension with policy SP3 (Climate Change).

#### Updates to conditions

157. If the variations to conditions 21 and 15 are granted, some minor additions and consequential changes are required. A new condition is needed for noise assessments and details of working prior to phases 3 and 4 as advised by Via (noise). Updates to condition 24 and the night time noise limits at the nearest receptors are also needed. Certain other conditions require minor updates to define the scope of the permission and to incorporate previously approved details.

#### Legal Agreement

158. A legal agreement is in place covering the matters listed below and it will continue to have effect should the further s73 application be granted.
- i) HGV routing scheme preventing HGVs travelling up Coxmoor Road, north of the crossroads junction with Derby Road, as well as preventing the use of Little Ricket Lane, Ravenshead and the B6020 east of the A60.
  - ii) Maintenance of the site access.
  - iii) An annual dilapidation survey of the B6139 Coxmoor Road and repair if necessary.
  - iv) Prevention of queueing on the highway prior to site opening

- v) Lizard translocation
- vi) Additional aftercare
- vii) A site liaison committee

### **Other Options Considered**

159. 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**

160. 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

161. The quarry is a secure site and the proposal would entail extended periods of staff presence and operation.

#### Data Protection and Information Governance

162. 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

163. 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.

### Public Sector Equality Duty Implications

164. The report and its consideration of the planning application has been undertaken in compliance with the Public Sector Equality duty.
165. It is considered the changes would not result in any form of unlawful discrimination after considering any potential effects. People with certain protected characteristics, such as children/older aged people, or those with certain disabilities can be disproportionately affected by impacts of quarrying such as noise, dust/combustion emissions. However in this instance any such impacts are considered to be within acceptable planning thresholds and are controlled robustly through planning conditions.
166. The application proposal may not directly advance equality of opportunity between people who share a protected characteristic and those who do not share it, nor foster good relations between people who share a protected characteristic and those who do not. However these objectives are considered satisfied through the Council's approach to consultation and there is also a site liaison committee which can be convened from time to time through which local residents or interested groups can raise concerns with the MPA and the quarry management.

### Implications for Sustainability and the Environment

167. These have been considered in the Observations section above including impacts to habitats and species and climate change implications.
168. There are no implications with regards safeguarding children/adults at risk; finance; human resources; or for service users

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

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

### **RECOMMENDATIONS**

170. It is RECOMMENDED that section 73 planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

**ADRIAN SMITH**

**Corporate Director – Place**

**Constitutional Comments [RHC 1/9/2021]**

Planning & Rights of Way Committee is the appropriate body to consider the content of this report by virtue of its Terms of Reference.

**Financial Comments [RWK 23/08/2021]**

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

**Background Papers Available for Inspection**

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: <https://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4265>

**Electoral Division and Member Affected**

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