

Planning and Licensing Committee

Tuesday, 13 March 2018 at 10:30

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

- 1 Minutes of Previous Meetings:
 - (a) Minutes of the last Meeting 30 January 2018 3 - 6
 - (b) Meeting held on 11 July 2017
- 2 Apologies for Absence
- 3 Declarations of Interests by Members and Officers:- (see note below)
 - (a) Disclosable Pecuniary Interests
 - (b) Private Interests (pecuniary and non-pecuniary)
- 4 Declarations of lobbying
- 5 Chris Allsop Business Park - Colwick Industrial Estate, Private Road No 2, Nottingham 7 - 52
- 6 Wellsite 4, Farley's Wood, West Markham, Newark 53 - 76
- 7 Two Oaks Quarry, Coxmoor Road, Sutton in Ashfield 77 - 114
- 8 Maun Valley Cycle Route, Maun Valley Country Park 115 - 142
- 9 Development Management Progress Report 143 - 156

None

Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

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

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Peter Barker (Tel. 0115 977 4416) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.
- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>

Meeting **PLANNING AND LICENSING COMMITTEE**

Date **Tuesday 30 January 2018 (commencing at 10.30 am)**

membership

Persons absent are marked with 'A'

COUNCILLORS

Chris Barnfather (Chair)
Jim Creamer (Vice-Chair)

Pauline Allan
Andy Brown
Neil Clarke MBE
Sybil Fielding - A
Paul Henshaw
John Longdon

Rachel Madden
Sue Saddington
Tracey Taylor
Keith Walker
Andy Wetton

OFFICERS IN ATTENDANCE

Pete Barker – Resources Department
Rachel Clack – Resources Department
Sally Gill – Place Department
Jane Marsden-Dale – Place Department
Jonathan Smith – Place Department
Claudine White – Place Department

1. MINUTES OF LAST MEETING HELD ON 12 DECEMBER 2017

The minutes of the meeting held on 12 December 2017 having been circulated to all Members were taken as read and were confirmed and signed by the Chair.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Sybil Fielding

3. DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

None

4. DECLARATIONS OF LOBBYING OF MEMBERS

None

5. ADOPTION OF THE COUNTY COUNCIL'S LOCAL REQUIREMENTS FOR THE VALIDATION OF PLANNING APPLICATIONS

Mr Smith introduced the report and explained that the current Validation Guidance was adopted in February 2016 and now needed replacing to ensure that the Authority has an up to date Local List against which it can validate incoming planning applications. The main changes are as follows:

- Changes to the requirements for the electronic submission of planning applications to reflect the increased use of this method for the submission and subsequent consultation and assessment of applications
- Amendments to the text within various sections to provide increased clarity as to when the submission of information is required
- Inclusion of Transport Statements within the existing Transport Assessments section to reflect the “lighter touch” transport evaluation required for some planning applications
- Changes to departmental names reflecting a move of functions from within the County Council to joint venture partnerships such as to Arc and Via
- Proposed new criteria relating to agricultural land classification
- Amendments to relevant sections to make reference to updated guidance in several sections

Mr Smith informed Committee of recent developments:

- The Government has published advice regarding the reclamation of mineral extraction and landfill sites to agricultural use that also includes the obligation for planning authorities to consult Natural England on applications which affect best and most versatile agricultural land. The validation guidance would benefit from reference to this guidance
- A further requirement is proposed to be added to the guidance requiring applicants who submitted plans electronically to set the document size so that it corresponds with the scale detailed on the plan.

Following Mr Smith's introduction members debated the item and the following comments and questions were responded to:-

- Although the number of responses overall was low the breadth of those responses was reassuring
- Only one district council responded. However, the guidance is only relevant to applications received by the County Council. District Councils have their own guidance and the County Council has never commented on any of the district councils' draft guidance
- A reference to the new Natural England advice will be included in the guidance which will encourage applicants to consider all possible options

On a motion by the Chair, seconded by the Vice-Chair, it was:-

RESOLVED 2018/001

That Nottinghamshire County Council's 'Guidance Note on the Validation Requirements for Planning Applications' be approved.

6. UPDATE REPORT ON THE LICENSING WORK CARRIED OUT BY THE TRADING STANDARDS & COMMUNITY SAFETY SERVICE

Ms White introduced the report which detailed the recent firework inspections carried out by the Trading Standards & Community Safety Service. Following Ms White's introduction members debated the item and the following comments and questions were responded to:-

- Advice is available to retailers on how to dispose of fireworks safely though most are aware already
- It is the responsibility of the manufacturers of fireworks to ensure they are transported safely
- The changes in categories have confused some retailers who have consequently mis-ordered. Non-compliant retailers have been spoken to and all retailers have been written to regarding the volume and type of fireworks they can store

On a motion by the Chair, seconded by the Vice-Chair, it was:-

Resolved 2018/002

That Committee receive a full year-end update report for 2017/18 licensing activities in October 2018.

7. DEVELOPMENT MANAGEMENT PROGRESS REPORT

On a motion by the Chair, seconded by the Vice-Chair, it was:-

RESOLVED 2018/003

That no further actions are required as a result of the contents of the report.

The meeting closed at 10.51am

CHAIR

13th March 2018**Agenda Item: 5****REPORT OF CORPORATE DIRECTOR – PLACE****GEDLING DISTRICT REF. NO.: 7/2017/1147NCC**

PROPOSAL 1: RETENTION OF UNDERGROUND DRAINAGE STORAGE TANKS, ABOVE GROUND STORAGE TANKS, EMERGENCY GENERATOR, SUBSTATION BUILDING AND NOISE SCREEN STRUCTURE OUTSIDE ORIGINAL SITE AREA.

GEDLING DISTRICT REF. NO.: 7/2017/1144NCC

PROPOSAL 2: VARIATION OF PLANNING CONDITIONS 3, 7, 10, 16, 17, 21 AND 25 IMPOSED UNDER PLANNING PERMISSION 7/2011/0548NCC IN RELATION TO CONFIGURATION OF SITE LAYOUT, AMENDED DRAINAGE SCHEME, ALTERATION TO CAR PARKING FACILITIES, ALTERATION TO PLANT AND MACHINERY USED ON THE SITE, INCREASE TO STORAGE HEIGHTS AND PHASING FOR PROVIDING BOUNDARY ENCLOSURES.

LOCATION: CHRIS ALLSOP BUSINESS PARK, COLWICK ESTATE, PRIVATE ROAD NO 2, NOTTINGHAM, NG4 2JR

APPLICANT: BENTARKA LIMITED

Purpose of Report

1. To consider two planning applications which seek retrospective planning permission to regularise alterations which have been made to the approved site layout and working arrangements at the waste processing facility within the Chris Allsop Business Park, Colwick Industrial Estate.
2. The key issue therefore with the determination of these planning applications is whether the proposed changes to the working practices and new structures would have no unacceptable environmental impacts.
3. The recommendation is to grant planning permission for each planning application subject to the conditions set out within the appendices of the report.

The Site and Surroundings

4. The application site is located within the Chris Allsop Business Park, which is situated on the western edge of Colwick Industrial Estate in the Borough of Gedling (see Plan 1). Colwick Industrial Estate is extensive and incorporates a variety of uses including light and general industrial, warehousing and waste related facilities.
5. The Chris Allsop Business Park historically formed part of a sugar beet processing factory which was originally developed in the 1930's and closed in the 1970's.
6. Since the closure of the sugar beet factory most of the former factory buildings have stood vacant, but other parts of the site have been used for open storage, lorry parking and workshops. Industrial warehouses were also developed on part of the site in the 1980's. (see Plan 2). The applicant purchased the freehold of the entire former sugar beet site around 7 years ago.
7. The planning application site incorporates approximately 40% of the Chris Allsop land ownership. The boundaries of the site have been drawn to include the north-eastern part of the applicant's land ownership incorporating 3.5 hectares. The main body of the planning application site is rectangular in shape and measures 240m by 150m with access to Private Road No.2 to the north-west.
8. Vehicular access to the site is obtained via Private Road No.2 which in turn links to the A612 via either Private Road No. 1 or Mile End Road. Mile End Road has a one-way environmental weight restriction which restricts vehicles with a gross vehicle weight exceeding 7.5 tonnes from obtaining access to the A612 from the industrial estate.
9. In terms of the relationship of the operational waste transfer facility to adjoining land:
 - Beyond the northern boundary towards Private Road No. 2 and properties within Colwick Manor Farm there are intervening industrial uses incorporating open storage and commercial vehicle parking and a strip of tree/landscaping planting. The site is set back approximately 150m from the Private Road No. 2 and over 250m from residential properties in Colwick Manor Farm.
 - Beyond the western boundary towards residential properties on Fox Covert and Cottage Meadow the waste site is separated by two large industrial buildings which provide a visual screen of waste operations and an area of open storage as well as a landscape bund. The nearest residential properties are at a distance of approximately 110m from the waste facility.
 - Beyond the southern boundary there is the River Trent with Holme Pierrepont Country Park beyond.
 - Beyond the eastern boundary there is a large waste transfer building operated by Biffa Waste.

Planning history

10. In 1987 planning permission was granted by Gedling Borough Council for the use of the land which now forms the Chris Allsop Business Park for storage and distribution. The development provided for the demolition of some of the sugar beet factory buildings.
11. In 2011 the County Council granted planning permission for the change of use of land and buildings as identified on Plan 3 for the development of a waste management facility. The key features of the development granted planning permission are set out below and identified on Plan 3:
 - The facility would handle a variety of wastes including metals, end of life vehicles and their associated parts including plastics and waste electrical components, aggregates and non-hazardous wastes.
 - Building 1 is in use and accommodates the non-ferrous metal processing/recycling operations, the end of life vehicle de-pollution area and the main site office.
 - Adjacent (south-east) of building 1 is the metal shredding facility which is in use. The activities are undertaken in the open air.
 - Building 2 would accommodate the waste electrical storage and treatment facilities and a plastic shredder/granulator and is not in use.
 - Building 3 would accommodate a non-hazardous waste transfer station and is not in use.
 - The aggregates recycling area has been developed and is undertaken in the open air towards the rear of the site.
 - Scrap metal would be stored in the open air at the rear of the site and also along the side (north-eastern) boundary adjacent to Biffa Waste.
 - Two weighbridges have been installed at the front of the site.
 - Vehicle parking was also proposed to be provided for 24 cars at the front of the site.
 - 5m high concrete walls were proposed around the perimeter of the waste site
 - The site was to be surfaced with concrete and served by a drainage system installed across the entirety of the site prior to it first being brought into use.
 - A maximum storage of height of 5m was permitted for aggregates and a 3m storage height limit elsewhere was imposed.

Proposed Development

12. Two planning applications have been submitted to regularise a series of alterations that have been made to the operation of the waste processing facility at the Chris Allsop Business Park.

13. Planning Application 1 (Ref: 7/2017/1147NCC) seeks full planning permission for a number of building works which have been developed outside the original boundaries of the approved waste processing site. The alterations are constructed on land immediately to the west of the originally approved boundary for waste processing and comprise:
- The retention of underground drainage storage tanks: The tanks comprise a series of three linked underground storage tanks providing 195,000 litre water holding capacity, a pumping station and a 74,000 litre capacity interceptor tank. In combination the tanks provide holding capacity and a pollution filter for surface water discharging from the site prior to it entering the public drainage system at a controlled run off rate not exceeding 1 litre/second.
 - The retention of an above ground water storage tank: Comprising a vertically mounted silo externally coloured red. The silo holds water collected from the site drainage and for use within dust control.
 - The retention of an electrical substation building: Recently installed to provide a housing for an electrical substation as part of the upgrading of the electrical supply into the site. The substation is housed within a rectangular shaped building constructed from concrete blockwork and a pitched tiled roof.
 - The retention of an emergency electricity generator: The diesel powered electricity generator was installed prior to the electrical upgrade of the site and has been retained to provide a back-up power supply.
 - The retention of a diesel storage tank: The diesel tank is horizontally mounted and externally finished in a blue colour.
 - The retention of an acoustic barrier: The acoustic barrier comprises three metal containers which have been stacked on top of each other. The containers are mounted to the west of the site and have been installed to reduce operational noise passing through the existing gap between two buildings.
14. The second planning application (Ref: 7/2017/1144NCC) is a Section 73 (minor material amendment) submission which seeks to modify a number of the planning conditions imposed under planning permission 7/2011/0548NCC. The alterations are set out below:
15. Condition 3 - Schedule of Approved Plans: Condition 3 sets out a schedule of the approved plans and documents. This planning application seeks permission for a revised site layout drawing incorporating:
- The repositioning of the fence line at the frontage of the site to exclude the car parking area from the fenced off operational land.
 - The minor relocation of the fence line on the western boundary of the site resulting in a reduction to the size of the operational waste area.
 - The minor relocation of the fence line on the eastern boundary of the site adjacent to Biffa Waste Services resulting in a reduction to the size of the operational waste area.

- Repositioning of the metal and aggregate recycling facilities within the rear part of the site.
 - Confirmation of the position of the aggregates crusher/screen and metal shredder within the site.
 - The identification of a three phased development programme for the site.
16. Condition 7 - Implementation of Surfacing and Drainage: Condition 7 imposes an obligation to impermeably surface and install drainage across the entirety of the site prior to any part of the site first being brought into use for waste processing.
- Retrospective planning permission is sought to develop the site over three phases instead of a single phase. Surfacing and drainage would be undertaken on a phase by phase basis prior to the phase being brought into use. Currently only Phase 1 has been implemented.
 - Retrospective planning permission is also sought to agree a revision to the drainage of the impermeable areas. The scheme previously agreed incorporated drainage gullies which would have been constructed within the waste storage area. From an operational point of view this would have created maintenance issues because the storage of waste would have restricted access to the drainage gullies. The drainage arrangements for the site have therefore been amended to slope the site gently towards the perimeter boundary allowing surface water run off to pass under the stored materials and flow into a drainage channel located outside the waste storage compound and thus allow easier access for maintenance purposes. Collected water would flow through the holding tanks and interceptor prior to release from the site.
17. Condition 10 - Access and Parking: Condition 10 requires off-street car parking to be provided in accordance with approved drawing CH/SP/1.
- Although the location of the car parking facilities has not significantly moved, alterations have been made to the fence line at the frontage of the site which removes the car park area from the confines of the operational site. The submission seeks retrospective planning permission for this change which the operator states has been made on the grounds of operational safety.
18. Condition 16 and 17 - Noise: Condition 16 and 17 impose a duty to operate the site in accordance with the specification of plant, machinery and layout which was submitted to the Council in support of the 2011 planning application.
- Retrospective planning permission is sought to regularise the use of a different metal shredder within the operation of the site. The submitted details are supported by a noise assessment to quantify the level of noise emissions from this new piece of plant.
 - Permission is also sought to agree the modified site layout under condition 17 including the relocation of the inert waste processing facility.
19. Condition 21 - Storage Heights: Condition 21 limits the maximum storage height of inert waste to 5m and other materials to 3m.

- Planning permission is sought to increase the maximum storage height to 8m in the open areas of the site, except for those sections within 5m of the perimeter boundaries of the site where the maximum height of storage would be 5m.
20. Condition 25 - Boundary Enclosures: Condition 25 requires the erection of a 5m high concrete wall around the perimeter of the site prior to the site first receiving any waste.
- Retrospective planning permission is sought to allow the development of the boundary wall on a phase by phase basis. The operator undertakes to complete the installation of the boundary wall prior to the commencement of operations in the phase adjacent to the boundary wall.
 - Retrospective planning permission is also sought to regularise an amended boundary wall design at the front of the site. The amended design incorporates a 1.8m concrete panel fence with a 1.8m high wire mesh fence over providing an overall height of 3.6m. 2.4m high metal gates would be provided across the site entrance.
21. Following the initial round of planning consultation a number of objections were received to the planning application which resulted in NCC requesting additional information from the developer regarding the following matters:
- i. Noise Assessment: The developer was asked to carry out a noise assessment from a second noise monitoring location on the path at the rear of properties on Fox Covert. This noise assessment concludes that noise levels are higher in this location (but not excessive) and concludes that this is because there is a gap between the end elevation of the building and the steel containers which allows noise to penetrate to this location. The developer has agreed to provide an additional noise barrier/acoustic screen to close this gap and reduce noise levels further. Concerns were raised that the original noise assessment assumed the aggregate processing plant would operate for 70% of the time in any hour. The assessment has been recalculated on the basis of operation 100% of the time in any hour, this shows that noise emissions would be 1dB higher than originally calculated, but would not be intrusive at residential properties. The operator has also reviewed their site operations and cannot find any operations which give rise to the release of loud bangs alleged by local residents.
 - ii. Phasing of Development: Clarity was sought from the developer regarding the programme for the phased implementation of the development. In response the operator has confirmed that to date only Phase 1 of the scheme has been implemented, the remaining section of wall/fence along the rear (River Trent) boundary enclosing phase 1 is to be installed by 30th March 2018. Within Phase 1 aggregates recycling has been undertaken infrequently (20 days over 6 months). Phase 2 has not been implemented - metals stored in this area originate from the demolished building that previously stood on this area rather than waste imported to the site and the majority of the area designated as Phase 3

continues to be used for overnight lorry parking and not waste metal storage.

- iii. Dust Emissions: The developer was requested to provide more detailed information regarding their dust management controls. The operator has confirmed that both the metal and aggregate recycling facilities incorporate dust suppression facilities which limit dust emissions at source through the use of water sprays in accordance with industry standard practice.
- iv. Hours of Operation: The Company was questioned about alleged breach of operating hours. The company has replied by stating it is compliant with the operating hours detailed within Condition 13 of the planning permission and that compliance is controlled via a clock in/out system for all employees. In addition machine operational time is monitored with all operating hours logged on the machines diarised on a daily basis.
- v. Floodlighting: Local residents have raised concerns regarding light pollution from floodlighting within the site. The applicant confirms that no floodlighting has been installed on the operational area of the site, that mobile plant and lorries have lighting but this is not likely to affect the neighbours as these operate within the confines of the site. The applicant states that complaints in respect of floodlighting are likely to be as a result of floodlighting attached to the operation of the adjacent large warehouse building which is outside of the application site area and situated directly adjacent to the housing estate.
- vi. Use of adjoining industrial land: The operator considers the most likely cause of complaints with regards to hours of operation and floodlighting may be from the adjacent document storage facility. With regards to dust and noise, the operator states the houses are directly adjacent to a large heavy industrial estate which by its very nature will generate noise and dust.
- vii. Control of Pollution: In terms of pollution control:
 - All motor vehicles for recycling are drained of fluids prior to their dismantling/fragmenting. The fluids are stored in bunded tanks.
 - Batteries are removed and stored in acid resistant bunded containers, the maximum available battery storage at the site is 5-6 tonnes and not 3,000 tonnes which is allowed in the permit.
 - Asbestos was banned in brake and clutch linings post 1985. The Environment Permit requires the removal of break and clutch linings from vehicles registered pre 1985 prior to shredding.
 - The developer has provided copies of their fire management plan.
 - The control of traffic entering and leaving the site is by way of guidance supplied to the vehicle operators using the site. In addition Mile End Road has a statutory weight limit restriction. At

the exit of the Allsop site road signs signalling right turn only have been installed.

Consultations

22. The two planning applications have each been subject to separate publicity and consultation but most consultees have provided a joint response for both planning applications.
23. **Gedling Borough Council:** *Have acknowledged receipt of the two planning applications but have raised no representations.*
24. **Colwick Parish Council:** *Object to the planning application*
25. *The Parish Council is concerned that the original planning permission has not been adhered to and this has resulted in complaints being raised over the intervening years. The concerns relate to:*
 - *Traffic – The Parish have been advised that vehicles use Mile End Road to access the site despite controls imposed under Condition 12 which require the operator to instruct drivers to access via the Private Road No1 Junction. The Parish ask how this condition is policed.*
 - *Hours of Operation – The Parish have also been advised that the approved hours of operation imposed under Condition 13 have not been complied with.*
 - *Surfacing and Drainage – The site has not been surfaced and drained in accordance with the requirements of Conditions 7 and 8 and concerns are raised about the pollution risk this is creating.*
 - *Noise – Residents report to the Parish that the site is excessively noisy and that the screening in place is not adequate (Conditions 16, 17, 18, 19 and 20). The placing of metal containers to provide supplementary screening is a cheap way of trying to minimise noise and the Parish are concerned that the containers echo noise instead of buffering it.*
 - *Litter, dust and mud – The 5m concrete panel wall around the perimeter of the site has not been erected (Condition 25). Residents have reported excessive amounts of dust from activities, increasing storage heights will add to this problem. The Parish question whether the dust controls (use of dust suppression system, ceasing operations in dry and windy weather and preparing supplementary dust management plans) have ever been undertaken.*
 - *Health and Safety - Residents have raised concerns with regards to the composition of waste that is handled at the site, in particular the possibility of asbestos, concrete and metal dust releases.*
 - *Size of Site – Concerns are raised that the site is far bigger than was originally permitted.*
26. *The Parish Council have been re-consulted in connection with the supplementary information which has been submitted. The Parish maintain*

their objections to the planning application and re-emphasise their concerns regarding breaches of planning control at the site. The parish remain concerned about noise, dust and silica particles and their potential effects on amenity and health.

27. **Environment Agency:** *No objections*

28. *The EA has provided some specific advice in connection with pollution control and permitting regulations, as follows:*

- Flood proofing measures should be incorporated in the site design to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.*
- Fuel oils such as diesel should be stored in line with the Oil Storage Regulations and steps should be taken to ensure the possibility of spills is minimised.*
- The suitability of the acoustic barrier will be reviewed by the EA as part of on-going regulation and in response to any noise complaints the EA may receive from members of the public.*
- Interceptors are generally a good option for the management of run-off from waste management facilities but access to and maintenance of the interceptor is vital to its successful operation.*
- The proposed reduction in the operational area is believed to coincide with the site's intention to partially surrender their permit which will result in a new permit being issued under the Industrial Emissions Directive.*
- Any repositioning of waste storage and treatment areas within the permitted area is acceptable but the operator must ensure that the waste types are permitted under the permit and requirements for surfacing, drainage, storage and treatment are still met in the new area of the site.*
- A sloping site draining to a centralised point and interceptor would be acceptable under the permit as long as dust, litter and mud are adequately controlled, the capacity of the bunded area, drainage channels and interceptor is sufficient to handle the volume of water and flood conditions are considered in order to ensure that contaminated water can be contained on site in the event of a flood.*
- Waste storage must also consider and prevent the ingress of water into hazardous wastes such as batteries.*
- Removing the car park from the operational area is acceptable as long as no end of life vehicle storage is carried out in this area.*
- Noise from the shredder will be reviewed through permitting regulation but potential amenity issues of noise and dust should be identified and managed through the Environmental Management System.*
- All aspects of the site should consider the requirements of a Fire Prevention Plan and recommended best practice.*

- *The management of dusts and particulates from on-site processes must be managed appropriately and explained within the Environmental Management System as part of the permitting process.*
 - *In terms of silica and other releases, the permit expects the operator to consider and manage all risks of pollution and manage them appropriately.*
29. **NCC (Highways):** *No Objections*
30. *The modifications sought planning permission would have no impact on the highway network.*
31. **NCC (Noise Engineer):** *Raise no objections*
32. *The applicant has provided additional noise data to address a series of queries that were raised regarding the methodology used to carry out the noise assessment. The updated noise assessment adequately assesses the noise impacts from the operations on site in accordance with BS4142:2014 and the proposed alterations to the existing shipping container noise barrier will offer sufficient protection to neighbouring residential receptors reducing noise emissions to an acceptable level. The existing operational noise limits will ensure ongoing protection from noise impacts from future operations on the site. Therefore, no objections are raised to the proposals subject to the extension of the existing noise barrier to infill any gaps between the containers and the adjacent buildings and the ground and thereafter its retention for the life of the development.*
33. **Canal and River Trust:** *Raise no observations.*
34. **Western Power Distribution, Cadent Gas Limited, Severn Trent Water, Via (Reclamation):** *No representations received. Any comments received will be orally reported.*

Publicity

35. The two planning applications have been separately publicised by means of the posting of three site notices, the publication of a press notice in the Nottingham Post and the posting of 7 neighbour notification letters sent to the nearest residential properties within Cottage Meadow and Fox Covert as well as the adjoining commercial site occupied by Biffa Waste in accordance with the County Council's adopted Statement of Community Involvement Review.
36. Nine letters of representation have been received from the local community which raise the following objections:

Location

- The facility is too close to residential property and not a suitable location for a waste processing facility.

- The residents note that the operator also has a facility in a rural location remote from residential property. Residents consider this is a much more appropriate location for a waste facility.

Boundary Wall

- The planning assessment for the original planning application identified that a 5m wall around the perimeter of the site would provide visual and acoustic screening of the site. Residents therefore question why the site has been allowed to operate without the wall being in place and request the Council take action to ensure the wall is now constructed in accordance with the approved scheme.

Noise

- The lack of boundary walls around the site fails to screen noise emissions from the site in a north-west direction towards residential properties in Colwick Manor Farm. A resident of Colwick Manor Farm states that they experience noise disturbance from the site including whining/droning as well as banging and clattering. These noise emissions have been recorded at more than 5dB above background noise by the resident and can be heard in bedrooms with the windows shut.
- Concerns are raised that the noise assessment is not representative and fails to comply with BS4142. It focuses on the Zato metal shredder and does not incorporate measurements of the concrete crusher, it was undertaken by Chris Allsop's employees and the time period (four lots of five minute sessions on one day) are not adequate to fully assess the impact. A more independent noise survey should be carried out by the Council over a longer period, with no notification to Chris Allsop that this is being undertaken to avoid the risk of the business reducing noise levels for the purpose of the survey.
- Are existing noise controls being complied with?
- Concerns are raised that NCC have historically failed to fully investigate noise complaints and that site visits to investigate noise complaints are not undertaken at the time the complaint is made. Concern is also raised that officers investigating noise complaints do not use appropriate noise monitoring equipment.

Dust

- Concerns are raised about the level of dust emissions from the site. Residents report they have noticed a considerable amount of dust settling on windows and cars.
- Residents ask whether the site has ever had to stop working due to dust emissions.

Pollution and Health

- Questions are raised about the potential for dust to contain hazardous substances, particularly asbestos from the inert waste crushing.
- Concrete dust generated by crushing and screening potentially incorporates silica which could have health effects.

- Are brake and clutch linings (which may potentially contain asbestos) removed before vehicles are shredded?
- Concerns are raised that contamination of the surrounding area could occur in the event that the site flooded.
- A fire at the site could result in air pollution and questions are raised as to whether the storage containers are fire resistant?

Visual Impact

- The site is visible from Mile End Road.
- The shipping containers along the boundary look appalling.

Traffic

- Colwick PC raised concerns about the amount of additional traffic that would be created in the area when they responded to the planning consultation in connection with the original planning application in 2011.
- Colwick PC request that controls be put in place to require all vehicular accessing the site to travel from the A612 and Private Road No. 1, and thus avoid trafficking past residential properties on Mile End Road.

Breaches of Planning Control

- Noise has been heard outside the approved working hours on several occasions.
- The operators have flouted planning law for the last six years.
- Residents state that any future breaches of planning conditions (which they consider is highly likely) could potentially cause harm or damage to people or the environment.

Inaccuracies incorporated within the Original Planning Application Submission

- The planning application forms state that hazardous waste is not stored within the site, however the waste permit issued for the site by the Environment Agency allows the storage of up to 3,000 tonnes of batteries which are classified as hazardous waste.
- The applicants have wrongly identified the flood zone of the site in their planning application.

Issues with the Original Planning Permission for the Site.

- Concerns are raised that there was a lack of publicity in connection with the original planning application for the use of the site in 2011. This lack of publicity effectively meant that residents were not able to make any objections to the original planning application.
- During the original planning application, Colwick PC raised a concern about the amount of additional traffic that would be created in the area, but presumably that concern was dismissed by the NCC Highways Dept. At the moment lorries are allowed to enter Mile End Road from the A612 in one direction only (passing residential areas). Should this not be changed to access only from A612 Private Road No 1 end so as not to disturb these areas?

- The applicant should not be allowed to reduce or cut back on any of the environmental controls that were originally put in place.
37. In addition a petition has been received signed by 174 people objecting to the planning application due to concerns that it could cause harm to human health and/or the environment by reason of:
- i. Air Pollution – from the chemicals and elements released during the vehicle depollution and concrete recycling activities.
 - ii. Noise Pollution – which residents consider is in excess of the conditions applied in the original 2011 planning permission.
 - iii. Ground Pollution – and the release of potentially hazardous waste from recycling operations. Residents seek assurances that the site is regularly monitored by the appropriate authorities.
 - iv. Water Pollution – concern is expressed that the operation of the site could release hazardous waste to the local waterways.
 - v. Site Monitoring – residents want to know what monitoring has been carried out at the site since 2011.
38. Councillor Nicki Brooks has been notified of the application.
39. The issues raised are considered in the Observations Section of this report.

Observations

40. The two planning applications seek retrospective planning permission to regularise a series of alterations which have been made to the approved site layout and its working arrangements, and also to retain a number of structures/containers that have been installed on land immediately adjacent to the waste processing facility within the Chris Allsop Business Park, Colwick Industrial Estate.
41. The planning consultation process has resulted in a number of objections being raised from Colwick Parish Council and local residents concerning both the suitability of the location of the site for the waste use particularly in relation to its proximity to residential properties, alleged breaches of existing environmental controls and concerns regarding the environmental impact from the changes proposed in these planning applications.
42. The assessment of the planning merits of the modifications sought in these planning applications does not necessitate a full re-examination of the principle of using the site for waste management since this has been established through the original planning permission. Nevertheless, the report incorporates a review of planning policy to explain why the officers consider the use of the site for waste management continues to be appropriate and this is relevant in the overall balanced planning assessment.
43. The key issue however with the determination of this planning application is whether the proposed changes to the working practices and new structures sought planning permission would have acceptable environmental effect.

Existing Use of Site: Compliance with waste planning policy and the appropriateness of location.

44. Waste metal scrapyards and waste transfer stations play an important intermediate role between the collection and final management point for waste, providing a facility to separate and bulk together waste at a local level until sufficient quantities are accumulated to merit transportation to the relevant waste processing facility which can involve longer distance haulage. Scrapyards and waste transfer stations therefore assist in achieving a more environmentally sustainable system of waste management, contributing towards ensuring a greater proportion of the waste stream is recycled, treated and/or recovered and assisting in reducing the overall transport distances associated with the management of waste and their development is supported in principle by Nottinghamshire and Nottingham Waste Core Strategy (WCS) Policies WCS2 (Waste awareness, prevention and re-use) and WCS3 (Future waste management provision) which promote the development of waste management facilities in accordance with the waste hierarchy.
45. The WCS does not allocate specific sites for waste management facilities, but Policy WCS7 (General Site Criteria) establishes the broad principles that will be used to assess whether a particular location is likely to be suitable in principle for a waste management facility and identifies that metal and aggregate recycling/processing facilities are most appropriately located on employment land including areas which are already used for, or allocated for employment uses such as industrial estates, business or technology parks etc. They are not normally favoured in rural areas. The site selection approach set out within Policy WCS7 reflects policy within the National Planning Policy for Waste (NPPW) which gives preference to industrial sites and previously developed land for the development of waste infrastructure.
46. Colwick Industrial Estate is identified within the adopted Gedling Local Plan (GLP) under saved Policy E3 as a designated employment site. The use of the Chris Allsop Business Park for waste management purposes therefore continues to be supported in principle by planning policy subject to the activities on the site resulting in no unacceptable environmental impacts. The magnitude of the environmental effects resulting from the amendments sought planning permission are considered below.

Phasing of development and unauthorised works

47. At the time planning permission was originally sought (over 6 years ago) the operator envisaged the development of the waste site would be undertaken in a single phase prior to any waste being brought to the site. The planning conditions were therefore drafted on the basis that the site would be developed on this basis.
48. In practice only part of the site has been developed for waste management purposes with the remainder of the site either vacant or continuing to be used for its previous lorry trailer storage use. The applicant states that the change to a phased development at the site has occurred primarily due to the high capital cost associated with developing a large area of land in a single phase. The operating company is a family owned business and there is an understandable

need to balance the level of capital costs against revenue receipt to ensure it continues to be viable. The company has sought to do this by phasing the development.

49. The change to a phased implementation of the development however creates a number of tensions with the existing planning permission and its planning conditions. In particular it creates an issue with Condition 7 which imposes an obligation to impermeably surface and install drainage across the entirety of the site prior to any part of the site first being brought into use for waste processing and Condition 25 which requires the erection of a wall around the full perimeter of the site prior to its use. Other changes that are sought planning permission in these two applications are as a direct result of the operator not deciding to build the site in accordance with the scheme originally granted planning permission.
50. The Parish Council have raised concerns regarding the frequency and adequacy of the site monitoring undertaken by the County Council. In terms of the monitoring frequency, the County Council's policy is to visit operational waste transfer facilities at least once a year with supplementary visits made in response to any complaints that are made.
51. The application site has received 20 visits since 2012 comprising 8 monitoring visits and 12 visits in response to complaints. These planning applications have been submitted as a direct result of discrepancies identified through the site monitoring. The operator did not notify the Council of the changes that were being made to the approved scheme, the Council only becoming aware of these changes following its monitoring of the planning permission.
52. Upon becoming aware of the inconsistencies between the approved scheme and the development as constructed the developer was requested to retrospectively regularise the unauthorised development through the submission of these planning applications.
53. It is unfortunate that the operator has allowed the development to progress with so many differences to the approved scheme. The alterations were not shown on the original approved plans and therefore do not currently have planning permission.
54. The decision of officers to request planning applications in an attempt to regularise unauthorised works on the site is consistent with the approach set out in the Government's Planning Practice Guidance (PPG) 'Ensuring Effective Enforcement'. This document sets out national policy and expectations in terms of planning enforcement policy. It advises that planning authorities have discretion to take enforcement action when they consider it is reasonable to do so and any action taken should be proportionate to the breach of planning control. Paragraph 011 of this PPG states that *'local planning authorities should usually avoid taking formal enforcement action where.... development is acceptable on its planning merits...and in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.'* This approach is reflected in the County Council's adopted Local Enforcement Plan (May 2015) which identifies retrospective planning

applications as being an appropriate method of dealing with breaches of planning control to regularise unauthorised works.

55. The submission of a planning application to regularise unauthorised development gives no guarantee that a planning permission will be forthcoming. The planning application needs to be considered on its own merits and follow the same procedures as a normal planning application. However, it is also clear that the fact the planning application is retrospective should not therefore affect the judgement of the Council in this case.
56. The National Planning Policy Framework (NPPF) (paragraph 18) requires the planning system to '*do everything it can to support economic growth*', requiring planning to operate '*to encourage and not act as an impediment to sustainable growth*', and requiring significant weight to be placed on the need to support economic growth through the planning system. The economic arguments put forward by the operator for their decisions which have led to these planning applications are therefore a material planning consideration in support of the planning application, but need to be balanced against any resultant adverse environmental effects.

Assessment of environmental effects resulting from the amendments sought planning permission.

57. The policy support for the development provided by WCS Policy WCS7 is conditional upon the operation of the site resulting in no unacceptable environmental impacts. These impacts are considered below:

Traffic and Highways

58. WLP Policy W3.14 states that planning permission will not be granted for a waste management facility where the vehicular movements likely to be generated cannot be satisfactorily accommodated by the local highway network or would cause unacceptable disturbance to local communities. WLP Policy W3.15 encourages the imposition of planning conditions to regulate the routing of lorries associated with the operation of waste transfer facilities. NPPF paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
59. Colwick Parish Council and the local community have raised objections that the development would increase traffic in the area.
60. These planning applications do not alter the level of traffic associated with the operation of the site from the levels agreed in 2011. At this time it was identified that the operation of the site would generate a maximum 100 vehicles (200 two way movements) on a normal working day, 17 of these vehicles being heavy goods vehicles (HGVs), the remainder (83 vehicles per day) being light goods vehicles (skip lorries) under 7.5 tonnes. Saturday morning vehicle movements would be substantially lower at 46 vehicles (92 two way movements), 5 of these vehicles being HGVs. It is recommended that planning conditions are re-imposed as part of this decision to regulate the number of vehicle movements.

61. This development alters the location of the off-street car parking facilities within the site. The amended location is considered acceptable and maintains an acceptable number of spaces for the off-street car parking of staff and visitor vehicles.
62. With regard to the access arrangements into Colwick Industrial Estate from the A612, this is obtained via one of three routes from the A612, either via Mile End Road to the west, or one of two dedicated industrial access roads to the east. (see plan 1). The Mile End Road access into the industrial estate passes a number of residential properties and is regulated by a one-way environmental weight restriction which prohibits HGVs (vehicles over 7.5 tonnes) exiting the industrial estate to the A612. The TRO does not regulate the movement of light goods vehicles along Mile End Road.
63. As part of the existing planning conditions, controls have been imposed on the applicant's delivery vehicle routeing for both light and heavy goods vehicles requiring all such vehicles to access and depart the site from the east thus avoiding trafficking along Mile End Road. Signage has been erected on site and instructions are given to direct drivers to ensure this route is followed. It is recommended this planning condition be re-imposed within this decision.
64. The development site is predominantly hard surfaced with vehicles entering and leaving the site using demarcated roadways therefore minimising the potential for mud and detritus to get dragged onto Private Road No. 2. The regular sweeping of haul roads is controlled by planning condition with a requirement to impose further management measures in the event that these controls do not satisfactorily control mud and detritus.
65. It is therefore concluded that the access to the site is satisfactory and its use by the numbers of vehicles associated within the development would not result in any significant highway capacity impacts of disturbance to the local community subject to the imposition of conditions as identified above. The development therefore complies with WCS Policies W3.14 & W3.15 and NPPF paragraph 32.

Visual Impact

66. WLP Policy W3.3 seeks to minimise the visual impact of waste management facilities by locating the facilities in appropriate locations which minimise impact on adjacent land, keeping development low in height, grouped together, and satisfactorily maintained. WLP Policy W3.4 identifies the importance of screening to reduce visual impacts.
67. The planning consultation responses from the local community have raised a number of objections to the development based on its visual impact.
68. The visual impact and proximity to residential properties of the waste facility was carefully considered at the time the original planning application in 2011 to provide separation between the waste site and nearby residential properties. The process resulted in the selection of a site within the south eastern corner of the applicants larger land-holding benefitting from being remote from residential properties, public viewpoints and existing screening as noted below:

- Beyond the northern boundary towards Private Road No. 2 and properties within Colwick Manor Farm there are intervening industrial uses incorporating open storage and commercial vehicle parking and a strip of tree/landscaping planting. The site is set back approximately 150m from the Private Road No. 2 and over 250m from residential properties in Colwick Manor Farm.
 - Beyond the western boundary towards residential properties on Fox Covert and Cottage Meadow the waste site is separated by two large industrial buildings which provide a visual screen of waste operations and an area of open storage as well as a landscape bund. The nearest residential properties are at a distance of approximately 110m from the waste facility.
 - Beyond the southern boundary there is the River Trent with Holme Pierrepont Country Park beyond.
 - Beyond the eastern boundary there is a large waste transfer building operated by Biffa Waste.
69. The physical separation and intervening uses between the waste facility and the road frontage/residential properties provide screening of the site, ensuring that there is minimal visibility between the consented waste activities and residential properties in accordance with the objectives of WLP Policy W3.4.
70. The current planning applications seek to alter the arrangements for the provision of a boundary wall around the site perimeter and to allow an increase in the storage heights within the site. Planning permission is also sought for a number of new structures including a water storage tank, diesel tank, electrical substation, generator equipment and retention of acoustic barrier.
71. In terms of the boundary walls, the approved development scheme for the site incorporated 5m high concrete walls to be erected around the entire perimeter of the waste site prior to it being used for waste processing. The decision to install these walls came from the developer with the objective of securing the site rather than a requirement made by the County Council to visually screen operations. The separation of the site from sensitive visual receptors and the screening provided by intervening uses and buildings means that the operation of the site without the presence of the boundary walls has no significant greater visual impact to sensitive visual receptors. The amended boundary enclosures and phasing proposed in this planning application therefore would result in no significant change to the visual prominence of site activities.
72. Planning permission is also sought to increase storage heights within the site to 8m in the open areas of the site, except for those sections within 5m of the perimeter boundaries of the site where the maximum height of storage would be maintained at 5m. Again the separation of the site from sensitive visual receptors and the screening provided by intervening uses and buildings means that this increase in storage heights would result in no significant greater visual impact to sensitive visual receptors.
73. The application also seeks to retain a number of ancillary structures including a water storage tank, diesel tank, electrical substation and generator and acoustic

barrier. These structures are comparatively low in height, extensively screened by existing structures and result in minimal visual impacts.

74. With particular reference to the acoustic barrier, the materials used in this structure comprise three stacked shipping containers with the gap between two buildings infilled with acoustic panels coloured white. The visual appearance of the acoustic screen is functional rather than attractive, however its location between two buildings with physical separation from residential properties and intervening landscape screen bund minimises the visual prominence of the acoustic screen and it is not considered visually intrusive.
75. It is therefore concluded that the revisions to the boundary treatments, storage heights and supplementary structures proposed in this planning application are visually acceptable and the development is compliant with WLP Policies W3.3 (Plant and Buildings) and W3.4 (Screening) which seek to ensure visual impacts from waste development are minimised and screened as far as practical.

Noise

76. WLP Policy W3.9 seeks to ensure that when planning permission is granted for waste management facilities conditions should be imposed to reduce potential noise impacts. Such conditions may include the enclosure of noise generating uses; stand-off distances between operations and noise sensitive locations; restrictions over operating hours; using alternatives to reversing beepers and setting maximum noise levels.
77. The noise assessment undertaken in 2011 informed both the site selection and the site design. The original design assumptions remain valid. In particular the site is located within an industrial estate, surrounded by industrial land and the River Trent to its rear boundary and therefore does not directly adjoin noise sensitive development. The nearest residential properties are sited approximately 120m to the south/south-west with intervening buildings which assist in screening noise emissions. The operational design ensures that the noisier features of the site are undertaken within buildings or in locations on the site which benefit from the screening provided by existing buildings.
78. These planning applications incorporate a number of alterations to the site layout which have potential to effect noise emissions including the use of a different metal processing plant with differing noise emissions and an alteration to the boundary enclosures of the site. To assess whether the alterations sought planning permission significantly alter the noise emissions from the site a noise impact assessment has been undertaken which has been prepared in accordance with the methodology set out within BS4142:2014.
79. The noise assessment demonstrates that emissions from the amended site layout would not be intrusive at residential properties subject to the existing shipping container noise barrier being extended to ensure there is no gap between the containers and the adjacent buildings and the ground so as to fully screen noise emissions. NCC's Noise consultant recommends the existing noise controls are re-imposed on the site, these provide for:

- A restriction of the operating hours to control site opening times as follows:
 - Between 07:00 to 18:00 Monday to Friday.
 - On Saturdays between 07:30 and 12:30 for the delivery of materials and associated sorting using forklift trucks, guillotine, bailer and granulator. The metal and aggregate recycling operations would not be carried out.
 - On Sundays operations would be limited to the receipt of incoming waste only between 07:00 to 13:00.
 - Up to six delivery vehicles are permitted to enter and leave the site outside these hours in the event of haulage delays and to meet early morning delivery/ferry deadlines. These vehicles would be loaded/unloaded within the core business hours and therefore the only activities outside the approved hours of the site would be the vehicle being driven on/off the site.
 - A control over the location of waste activities on the site to ensure the plant and machinery benefits from the noise screening assessed in the noise report.
 - A limit to the level of noise output at residential properties.
 - The use of silencers on mobile plant, and
 - Controls over reversing warning devices
80. Whilst officers acknowledge the concerns of local residents regarding general noise and in particular loud banging noises in the area, site inspections and noise monitoring indicate that these noises do not originate from the operation of the waste site. The intermittent character of these loud noises makes it difficult to identify their precise source but it is believed they originate from other industrial activities within Colwick Industrial Estate.
81. Subject to the imposition of the planning conditions identified above, it is concluded that noise from the operation of the site would be satisfactorily controlled to ensure it is not intrusive at surrounding residential properties, in accordance with the objectives of WLP Policy W3.9.

Air Quality, Dust, Pollution and Health Issues

82. Concerns relating to deterioration in air quality, dust, pollution and associated health impacts are one of the main areas of concern raised through the planning consultation responses from the local community.
83. The operation of the facility is regulated by the Environment Agency through an environmental permit. The purpose of the permit is to ensure the operation of the waste facility is undertaken to a satisfactory standard to protect the environment by using measures to prohibit or limit the release of substances to the environment to the lowest practicable level, ensure that ambient air and water quality meet standards that guard against impacts to the environment and human health and thus prevent pollution.
84. The Environment Agency have confirmed in their consultation response that the permit for the site incorporates controls to protect air quality and health, and minimise dust and pollution.

85. Government policy concerning the relationship between the planning system and the pollution control regime is set out within both the National Planning Policy for Waste (NPPW) and the supporting Planning Practice Guidance (PPG) concerning waste. PPG paragraph 50 states that:

'Waste planning authorities should assume that pollution control regimes will operate effectively.'

And advises that:

'The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.'

86. No objection has been received from the Environment Agency in respect of the planning application. The operation of the site benefits from an environmental permit issued by the Environment Agency. Since the facility is operated under an environmental permit, the planning authority can be satisfied in this instance that its operation would be appropriately regulated to ensure that it meets air quality, dust, pollution and health controls. In terms of the specific environmental concerns that have been raised by the local community:

- The release of chemicals and elements to air, water or the ground from the concrete recycling activities and vehicle depollution is regulated through the permit thus ensuring these processes meet relevant air quality, pollution and health controls thus providing controls over safety.
- Permit controls require all end of life vehicles to be drained of liquids prior to them being broken up and defragmented.
- All metal processing is undertaken from concrete surfaced areas which are impermeable. These areas are engineered with appropriate falls to direct water to sealed drainage systems and interceptors to ensure potentially contaminated liquids do not enter the watercourse.
- Asbestos removal controls are in place for the breaking of motor vehicles registered before 1985. Vehicles registered after this date do not incorporate asbestos.
- Fire avoidance and evacuation strategies are regulated through the permit.

87. With particular reference to the concerns that have been raised regarding dust emissions, the plant operated at the site incorporates dust abatement controls:

- With regard to the metal processing facility two types of dust suppression systems are used. One is a dust suction and suppression system that is built into the plant and is used when humidity is low, collecting and filtering dust by suction. When humidity is higher a water suppression system is used.

- The aggregate recycling facility has a water sprinkler system fed via a mobile bowser and is engaged during dry or windy periods.
88. The applicant has installed a water collection system and storage tank within the site to ensure there is a supply of water available for the operation of the sprinkler systems. The dust control measures installed on the plant and machinery are considered appropriate under the Environmental Permit.
 89. Notwithstanding these dust controls, residents have raised a number of concerns regarding dust levels in the area which have been taken up with the waste operator. In response the operator has identified that the residential properties are adjoined by a large industrial estate. The operator considers the dust levels in the local area originate from the general industrial character of the industrial area rather than a specific source within the waste operating yard. Officer's inspections of the site have not identified any significant level of dust emissions from the waste processing activities, but have noted there are large areas of crushed stone roadways and open storage areas in the area surrounding the development site which give rise to dust from wind blow and the passage of vehicles. Since these areas are outside the boundaries of the planning application and relate to longstanding established uses of land, they cannot be regulated within this planning permission.
 90. In accordance with WLP Policy W3.10, it is recommended that a planning condition is imposed requiring the dust abatement measures installed within the plant and machinery to be utilised. The planning condition can also ensure that the stockpiles/haul roads are dampened with water in the event that they give rise to dust emissions, and impose a requirement to temporarily suspend waste processing operations during excessively dry or windy periods.
 91. Taking into account the advice in the NPPW and the PPG, the planning authority must assume that the pollution control regime will operate effectively and that a refusal of planning permission on grounds of impact of pollution of air and water quality and associated health concerns could not be substantiated.

Surfacing and Drainage

92. WLP Policy W3.5 and W3.6 seek to avoid pollution of ground and surface water through implementing engineered solutions including impermeable surfacing to operational areas, use of appropriate drainage systems and control over waste types.
93. Alterations are sought to the drainage arrangements as part of these planning applications, the alterations include:
 - The implementation of the development over three phases (instead of a single phase) with the surfacing and associated drainage provided in each phase prior to the phase it serves first being brought into use;
 - The repositioning of the drainage gullies in the phase 1 (metals) area;
 - The installation of water holding tanks.
94. The alterations to the surfacing and drainage have been approved through the permitting process and are acceptable from a drainage point of view. Phasing

the implementation of the site and provision of the associated drainage/surfacing would not increase pollution risks and can be regulated by planning condition. The operation of the inert facility from a permeable base would not give rise to any pollution issues. The amended drainage gullies in Phase 1 are functioning satisfactorily and the installation of the water holding tanks ensure that the surface water run-off from the site does not exceed the rate of flow of an equivalent green field site and thus result in no increased flood risks.

95. The development is therefore considered to be compliant with WLP Policies W3.5 and W3.6 since the design of the site satisfactorily safeguards against water pollution.

Litter

96. Due to the nature of wastes to be managed at the facility, which generally are heavier materials and therefore not particularly vulnerable to wind blow, significant nuisance from litter is not anticipated. A planning condition is suggested to require the sheeting of lorries servicing the site in accordance with the WLP Policy W3.8.

Odour

97. The site has the benefit of planning permission as a waste management facility. The modifications to the operation of the site which are sought within these planning applications will not change the operational characteristics of the site in terms of waste management streams which are handled by the facility or odour management controls that are in place and primarily regulated through the waste permit.
98. It is recommended that the exiting planning condition which requires the operator to inspect all incoming loads and remove any putrescible or potentially odorous waste immediately upon receipt, to store this material within a sealed skip/container and remove this material from site within 72 hours is re-imposed to ensure that odour emissions are satisfactorily controlled and do not result in disturbance to the amenity of local residents.

Flooding

99. The application site is identified on the Environment Agencies flood map as being within an area classified as a flood zone 3 (an area at highest risk of flooding) but also protected by flood defences (constructed in 2012) which means that the actual level of flood risk is now much lower.
100. The Environment Agency have not objected to the development of the waste facility in this location. They recommend flood proofing measures are incorporated in the buildings (such as barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels). The applicant can be informed of these suggestions through an informative note as part of the planning decision.

101. Local residents have raised concerns that, if the site were to flood, floodwaters could potentially act as a pathway for contamination. The applicant states that operational controls regarding potentially hazardous materials are regulated through the permitting process and ensure that any risk of pollution at a time of flooding is not significant. These controls ensure that fluids are drained from vehicles prior to processing and stored in bunded sealed tanks and batteries are stored in bunded containers. Significant pollution risks from flooding events therefore are not anticipated.

Floodlighting

102. Local residents have raised concerns that floodlights installed on the applicant's land shine towards residential properties on Fox Covert and Cottage Meadow.
103. The investigation of these concerns has identified that no floodlighting has been installed on the operational area of the site. There is lighting attached to mobile plant and lorries but this is not likely to affect local residents because of the screening provided by the site boundary and adjoining warehouse buildings.
104. There is floodlighting installed on the west facing wall of adjacent warehouse buildings used for document storage which is outside the operational waste site. Although these buildings are owned by the applicant they are located outside the planning application site and not connected to the waste uses on the site and therefore cannot be regulated through this planning decision. Nevertheless, officers have written to the applicant to request the floodlights be re-angled and switched off outside business hours to reduce any nuisance to local residents.
105. It is recommended that a planning condition should be imposed to require prior agreement of any floodlighting installation. This control would ensure that any floodlights are appropriately sited, angled and shielded to avoid dazzle to surrounding property. It is also suggested that the hours of floodlight operation be restricted in line with the operating hours of the site.

Ecology

106. The site is not designated for its nature conservation interest, is generally hard surfaced with very small areas of vegetation offering negligible habitat for protected or notable species. Significant ecological impacts are not therefore predicted as a result of the development.

Other Options Considered

107. 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

108. 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

109. The development would be located within an established industrial park benefiting from perimeter security fencing along its boundaries.

Data Protection and Information Governance

110. All members of the public who have made representations on this application are informed that copies of their representations, including their names and addresses, are publically available and are retained for the period of the application and for a relevant period thereafter.

Human Rights Implications

111. 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. The proposals have the potential to introduce increased levels of noise, dust, light pollution and traffic. Mitigation for these potential impacts is provided within the development to ensure they would not be significantly intrusive and any residual impacts would need to be balanced against the wider benefits the proposals would provide including the contribution the facility makes towards a network of waste management facilities. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Public Sector Equality Duty Implications

112. Potential impacts to the amenity of the occupiers of nearby residential properties have been considered. The working methodologies operated within the site seek to minimise and mitigate environmental emissions from the site. Planning conditions together with waste permitted regulations ensure that these environmental controls are implemented.

Implications for Sustainability and the Environment

113. These have been considered in the Observations section above.
114. There are no financial, human resource, safeguarding of children and young adults at risk or implications to service users.

Conclusion

115. The operation of the site and its location continue to benefit from planning policy support from Nottinghamshire and Nottingham Waste Core Strategy Policies WCS2 (Waste awareness, prevention and re-use), WCS3 (Future waste management provision) and its location is supported by Policy WCS7 (General Site Criteria) and Gedling Local Plan saved Policy E3.
116. The existing planning permission for the site incorporates a detailed methodology for the development and operation of the waste management facility based on the site being constructed in its entirety over a single phase prior to any waste being brought to the site. In practice modifications have been made to the plant, machinery and structures on the site including its development on a phased basis. These modifications have created a number of tensions with the existing planning permission and its planning conditions which these planning applications seek to address. The key issue therefore with the determination of this planning application is whether the proposed changes to the working practices and new structures sought planning permission would have acceptable environmental impacts.
117. It is clear from the planning consultation process that the Parish Council and local residents have concerns regarding the operation of the site, but the analysis of these concerns by the case officer and informed by the responses received from technical consultees concludes that there would be no significant harmful impacts to the environment or the amenity of the local community, and environmental emissions are capable of being regulated through planning condition and the environmental permitting processes regulated by the Environment Agency.
118. It is therefore concluded that, subject to the imposition of the conditions listed within Appendices 1 and 2, the overall balanced conclusion is to support the granting of planning permission for each planning application.

Statement of Positive and Proactive Engagement

119. 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. 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

Recommendation 1

120. It is RECOMMENDED that planning permission be granted for planning application 7/2017/1147NCC subject to the conditions set out in Appendix 1.

Recommendation 2

121. It is RECOMMENDED that planning permission be granted for planning application 7/2017/1144NCC subject to the conditions set out in Appendix 2.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [RHC 15/2/2018]

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

Comments of the Service Director - Finance [RWK 15/02/2018]

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.

Electoral Division(s) and Member(s) Affected

Carlton East

Councillor Nicki Brooks

Report Author/Case Officer

Mike Hankin

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

APPENDIX 1

GEDLING DISTRICT REF. NO.: 7/2017/1147NCC

PROPOSAL 1: RETENTION OF UNDERGROUND DRAINAGE STORAGE TANKS, ABOVE GROUND STORAGE TANKS, EMERGENCY GENERATOR, SUBSTATION BUILDING AND NOISE SCREEN STRUCTURE OUTSIDE ORIGINAL SITE AREA.

RECOMMENDED PLANNING CONDITIONS

1. This permission is for the retrospective retention of works carried out to provide underground drainage storage tanks, above ground storage tanks, an electrical generator, substation building and noise screen structure on the land edged red on Drawing No. J1472 008 Rev 1: Chris Allsop Holdings Ltd – Location Plan dated 27/07/17 and received by the Waste Planning Authority (WPA) on 19th September 2017.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be retained in accordance with the following documents, unless amendments are made pursuant to the other conditions below:
 - a. Planning application forms, Noise Assessment Report received by the WPA on 19th September 2017.
 - b. Drawing No. J1472 008 Rev 1: Location Plan dated 27/07/17 and received by the WPA on 19th September 2017.
 - c. Drawing No. J1472-006: Sub-station elevations dated 08/12/16 and received by the WPA on 19th September 2017.
 - d. Drawing No. J1472-007: Plan view and section through dated 08/12/16 and received by the WPA on 19th September 2017.
 - e. Photo's 1 and 2 showing elevations of noise barrier received by the WPA on 19th September 2017.
 - f. Plan showing cross Section through infill panel of acoustic barrier and photograph received by the WPA on 1st February 2018.

Reason: For the avoidance of doubt

3. The infill panel on the acoustic barrier shall be installed within two months of the date of this planning permission and it shall ensure that it fully encloses the gap between the two existing warehouse buildings. The acoustic barrier shall thereafter be retained throughout the operational life of the adjacent waste management facility provided consent under planning permission

7/2017/1144NCC and any subsequent amendment made to this planning permission.

Reason: To ensure residential properties are satisfactorily screened from noise emissions in accordance with Policy W3.9 (Noise) of the Nottinghamshire and Nottingham Waste Local Plan.

GEDLING DISTRICT REF. NO.: 7/2017/1144NCC

PROPOSAL 2: VARIATION OF PLANNING CONDITIONS 3, 7, 10, 16, 17, 21 AND 25 IMPOSED UNDER PLANNING PERMISSION 7/2011/0548NCC IN RELATION TO CONFIGURATION OF SITE LAYOUT, AMENDED DRAINAGE SCHEME, ALTERATION TO CAR PARKING FACILITIES, ALTERATION TO PLANT AND MACHINERY USED ON THE SITE, INCREASE TO STORAGE HEIGHTS AND PHASING FOR PROVIDING BOUNDARY ENCLOSURES.

RECOMMENDED PLANNING CONDITIONS

Commencement

1. This permission is for the continued operation of the waste management facility comprising metal recycling facility, end of life vehicle de-pollution centre, aggregate recycling facility, non-hazardous waste transfer facility, plastic recycling facility and a waste electrical and electronic equipment (WEEE) facility subject to a variation of planning conditions 3, 7, 10, 16, 17, 21 and 25 imposed under Planning Permission 7/2011/0548NCC in relation to the configuration of the site layout, amendments to the drainage scheme, alterations to the car parking facilities, alteration to the plant and machinery used on the site, an increase in the storage heights, and phasing for providing boundary enclosures at Chris Allsop Business Park, Private Road No 2, Colwick Industrial Estate, Nottingham.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.

Schedule of approved plans

2. The development hereby permitted shall be retained in accordance with the following documents, unless amendments are made pursuant to the other conditions below:
 - a. Planning application forms received by the Waste Planning Authority (WPA) on 15th September 2017, supporting statement (revised) received 21st December 2017 and letter from S R Cuthbert (dated 20th December 2017) received by the WPA on 21st December 2017.
 - b. Site Plan (identifying extent of planning application site) received by the WPA on 15th September 2017.
 - c. Drawing No. J1472 005 Rev 1: General Arrangements Plan received by the WPA on 15th September 2017.

- d. Noise Assessment Report prepared by P M Dyson, received by the WPA on 15th September 2017.
- e. Drawing No. 1472-05: Details of existing and proposed fencing/boundaries (showing phasing) received by the WPA on 21st December 2017.
- f. Drawing No. 1472-05 Rev P1: Proposed_Perimeter_Fence received by WPA on 15th September 2017.
- g. Drawing No. J1472-06: Fencing/boundary detail to River Trent Elevation received by WPA on 21st December 2017.
- h. Photo illustrating site road signage received by the WPA on 21st December 2017.
- i. Tree survey report submitted to the WPA on 3rd May 2011 as part of planning permission 7/2011/0548NCC.

Reason: For the avoidance of doubt.

Surfacing and Drainage

- 3. Surfacing and drainage within Phase 1 shall be maintained throughout the operational life of the site to ensure that all metal processing and storage activities in this area are undertaken from a concrete surfaced impermeable base draining to gullies and holding tanks/oil interceptor tank prior to final discharge from the site at a rate not exceeding 1l/s. Aggregates recycling shall be undertaken from a crushed stone surfaced area.

Reason: To protect ground and surface water from pollution in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

- 4. Waste storage/processing activities shall not commence within either Phase 2 or Phase 3 until the following details have been submitted to and approved in writing by the WPA:
 - a. The means of construction of the ground surfaces including materials which shall provide an impermeable surface where this is required to satisfactorily manage potentially polluted run-off;
 - b. The means of construction of the internal surfaces within the buildings which are used for the receipt and processing of waste;
 - c. Drainage plans identifying the location of the drainage systems within the site including the specific details in relation to the location of any sealed sump to collect contaminated liquids;
 - d. Drainage proposals including calculations where appropriate to ensure the surface water run-off rate is no greater than the equivalent green-field run-off rate;

- e. A maintenance scheme to ensure the satisfactory continued operation of the drainage system.

The drainage scheme shall be implemented in accordance with the approved details before the phase it serves is first brought into use, and thereafter maintained to ensure the drainage system continues to operate for the life of the development.

Reason: To protect ground and surface water from pollution in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

5. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of the aggregate storage capacity of all storage containers. All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or wall.

Reason: To protect ground and surface water from pollution in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

Protection of Trees

6. The existing trees on the site which are identified within the tree survey report submitted to the WPA on 3rd May 2011 as part of planning permission 7/2011/0548NCC shall be retained and protected during the construction and operation of the site in accordance with BS 5837:2005. The land between the line of the proposed boundary wall and the trees shall be protected from damage by the erection of temporary chestnut pale (or similar) fencing until such time that the concrete wall is constructed, and within this protected area there shall be no disturbance of the ground including raising or reduction of soil. The trees shall not be lopped, topped, felled or pruned and nor shall there be any crown lifting without the prior written approval of the WPA.

Reason: In the interests of visual amenity.

Access & Parking

7. The off street car parking spaces shown on Drawing No. J1472 005 Rev 1: General Arrangements Plan received by the WPA on 15th September 2017 shall be retained at all times and kept free of all obstructions and only used for the parking of staff and visitors car parking. The car parking spaces shall not be used for the parking/storage of end of life vehicles.

Reason: To ensure satisfactory off street car parking in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

8. There shall be a maximum of 1,092 two way vehicle movements each week (546 vehicles into the site and 546 vehicles out of the site). Inclusive of these traffic figures, no more than 180 of the overall vehicle movements shall be Heavy Goods Vehicles (HGVs) (90 HGVs into the site and 90 HGVs out of the site) within any week period. Written records shall be maintained of all vehicle movements including the time of day such movements take place, registration numbers and whether the vehicle is a HGV. Copies of the vehicle movement records shall be made available to the WPA within 7 days of a written request being made by the WPA.

Reason: To limit vehicle movements in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

9. The operator shall take all reasonable steps to instruct all delivery vehicles entering and leaving the site to access from the A612 from the east and avoid trafficking along Mile End Road. The steps shall include the issuing of instructions to all drivers and the retention of signage at the site in accordance with the details identified on the photograph illustrating site road signage received by the WPA on 21st December 2017.

Reason: To ensure that residential properties on Mile End Road are not adversely affected by vehicular movements associated with the operation of the site limit vehicle movements in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

Hours of Operation

10. The site shall only be fully operated between the hours of 0700 to 1800 Monday to Friday. On Saturdays between the hours of 0730 to 1230 the site shall only be operational for the delivery of material and the sorting of materials using forklift trucks, guillotine, bailer and granulator. The metal and recycling plant shall not be operated. On Sundays between 1000 to 1300 the site shall only be used for the receipt and unloading of incoming waste with no other operations undertaken. Outside of these hours including Bank or Public Holidays the site shall be closed and shall not receive, transfer or process waste. The floodlighting shall not be illuminated outside the operating hours approved within this planning condition.

Reason: To minimise noise and other impacts associated with the operation of the site, and to protect the amenity of nearby residential properties in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

11. Notwithstanding the provisions of Condition 10, a maximum of six commercial vehicles shall be permitted to enter or leave the site between the hours of 1800 and 0700 Monday to Friday. No loading or unloading of these vehicles shall be

undertaken outside of the approved site operating hours set out within Condition 10.

Reason: To protect the amenity of the surrounding residential properties, in accordance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.9.

Capacity of the Site

12. The maximum amount of waste material accepted at the site shall not exceed 60,000 tonnes per annum in total. A written record shall be kept by the site operator of the amounts of waste accepted and it shall be made available to the WPA within 7 days of a written request from the WPA.

Reason: To ensure impacts arising from the operation of the site do not cause unacceptable disturbance to local communities in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

Noise

13. Only plant and machinery referenced in table 7.1 & 7.2 of the Noise Assessment report (Ref:1072Colwick) received by the WPA on the 3rd May 2011 in connection with planning permission 7/2011/0548NCC and the Zato metal Shredder referenced within Figure 1 of the noise assessment report submitted to the WPA on 15th September 2017 shall be operated within the site at any time. Any request/application to operate additional machinery shall be supported by details of the sound power output of the machinery to be operated which shall demonstrate that the noise limits detailed in Condition 17 below would not be exceeded.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

14. The site operating areas shall strictly comply with the layout shown on Drawing No. J1472 005 Rev 1: General Arrangements Plan received by the WPA on 15th September 2017 at all times. Waste shall be stored within its designated area within the site.

Reason: To minimise noise impacts associated with the operation of the site and ensure that the noisier operations are screened from sensitive residential receptors by existing buildings on the site, in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

15. Noise generated within the site shall be kept to a minimum by the fitting and use of effective silencers to plant and machinery in accordance with the manufacturers' specifications and the regular servicing of plant and machinery.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

16. All reversing warning devices used on mobile plant under the control of the operator shall comprise white noise (broadband) alarms.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

17. Noise levels from site operations shall not exceed a daytime noise criterion of 5dB(A) above the existing background noise level after the addition of the 5dB(A) penalty to reflect tonal, discrete or impact noise (as advised in BS4142:1997) at any residential property. In the event that a complaint is received regarding noise arising from the development hereby permitted which the WPA considers may be justified the operator shall, within 1 month of a request of the WPA, undertake and submit to the WPA for its written approval a BS4142:1997 noise survey to assess whether noise arising from the development exceeds the daytime noise criterion of 5dB(A) above the existing background noise level after the addition of the 5dB(A) penalty to reflect tonal, discrete or impact noise as advised in BS4142:1997. The monitored noise levels are to be "free-field" carried out at a height of 1.2m to 1.5m above ground level and presented as a Laeq1hour, value. In the event that the noise survey indicates that the levels are in excess of 5dB(A) above background (as corrected by the 5dB(A) penalty to reflect tonal, discrete or impact noise as advised in BS4142:1997), the submitted survey shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criterion. Any additional noise mitigation measures approved by the WPA shall be implemented within one month of the date of their approval and shall thereafter be maintained in accordance with the approved details.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

18. The Zato metal processing plant shall only be operated when the acoustic screen approved under planning permission 7/2017/1147NCC is in place.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Storage Heights

19. Materials and waste shall only be stored within the designated locations identified on Drawing No. J1472 005 Rev 1: General Arrangements Plan received by the WPA on 15th September 2017. The maximum storage height

within the open areas of the site shall be 8m with the exception of storage undertaken within 5m of the site boundary wherein the maximum height of storage shall not exceed 5m.

Reason: In the interest of visual amenity and to ensure compliance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.

Odour

20. The operator shall inspect all incoming loads upon delivery to the site. Any putrescible or potentially odorous wastes contained within incoming loads shall be removed from the waste immediately upon receipt and placed into a sealed airtight storage container/skip for storage. In the event that odorous waste is received during hours of the day/week that site machinery is not permitted to operate, the odorous waste shall be transferred into an airtight storage container/skip by hand. This waste shall thereafter be removed from the site within 72 hours of its delivery.

Reason: To minimise potential odour emissions in compliance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.7

Litter, Dust and Mud

21. Measures shall be employed to ensure that litter, dust and mud generated within the site are kept to a minimum and contained within the site. These measures shall include, but not necessarily be restricted to:
- a. The use, as appropriate of a dust suppression system throughout all working areas;
 - b. The use as appropriate of water bowsers and/or spray systems to dampen the access roads, vehicle circulation and manoeuvring areas;
 - c. The regular sweeping of haul roads;
 - d. The temporary cessation of waste processing during periods of extreme dry and windy weather.

In the event that a complaint is received regarding litter, dust or mud arising from the operation of the site which the WPA consider may be justified the operator shall within 1 month of a written request of the WPA prepare and submit for the WPA's approval in writing a mitigation strategy to remedy the nuisance. The site shall thereafter operate in compliance with the approved mitigation strategy throughout its operational life.

Reason: To minimise disturbance from windblown litter and dust in accordance with Policy W3.8 and Policy W3.10 of the Nottinghamshire Waste Local Plan.

22. All vehicles transporting processed materials, with the exception of wet clay and heavy metals which are not at risk from falling or being blown onto the highway shall be fully covered with sheeting prior to them leaving the application site and entering Private Road No. 2. The applicant shall issue instructions to delivery drivers bringing waste to the site stipulating that incoming loads are fully sheeted.

Reason: To prevent mud and other deleterious material contaminating the highway in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.

23. The boundary wall treatment shall be installed on a phased basis, with each phase of boundary enclosure installed prior to the commencement of operations in the corresponding phase of development in accordance with the locations and timetable identified on Drawing No. 1472-05: Details of existing and proposed fencing/boundaries (showing phasing) received by the WPA on 21st December 2017. The fencing shall be installed in accordance with the construction specification detailed on Drawing CH/P/4: Boundary Wall Details received by the WPA on 3rd May 2011 in connection with Planning Permission 7/2011/0548NCC, Drawing No. 1472-05 Rev P1: Proposed_Perimeter_Fence received by WPA on 15th September 2017 and Drawing No. J1472-06: Fencing/boundary detail to River Trent Elevation received by WPA on 21st December 2017.

Reason: To minimise disturbance from windblown litter in accordance with Policy W3.8 of the Nottinghamshire Waste Local Plan, and to minimise noise emissions in accordance with Policy W3.9 of the Nottinghamshire Waste Local Plan.

Floodlighting

24. Prior to their installation on site, details of the design and specification of any floodlighting units and poles including details of shielding to minimise light spillage or the likelihood of glare onto adjoining land shall be submitted to the WPA for approval in writing. The floodlighting shall thereafter be installed and maintained in accordance with the approved details.

Reason: In the interests of amenity.

Protection of River Trent

25. No material arising from site demolition and construction works shall be permitted to enter the adjacent River Trent.

Reason: To prevent material from the buildings to be demolished entering the River Trent in the interests of navigational safety, at the request of British Waterways.

Closure of the Site

26. In the event that the use of the site for the importation of waste should cease for a period in excess of one month then, within one week of a written request from the WPA, the site shall be cleared of all stored waste and recycled materials.

Reason: To ensure satisfactory restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.

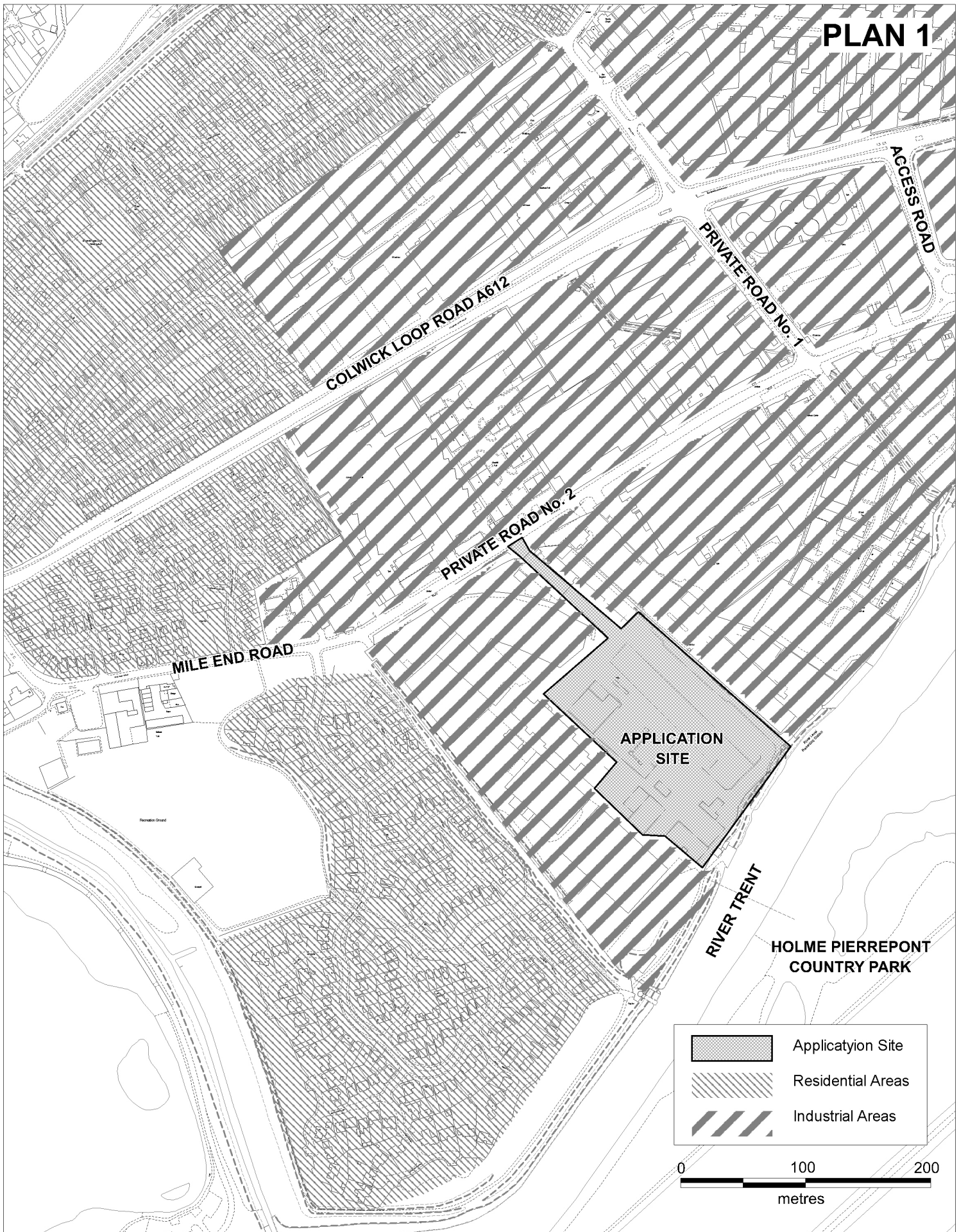
Notes to Applicant

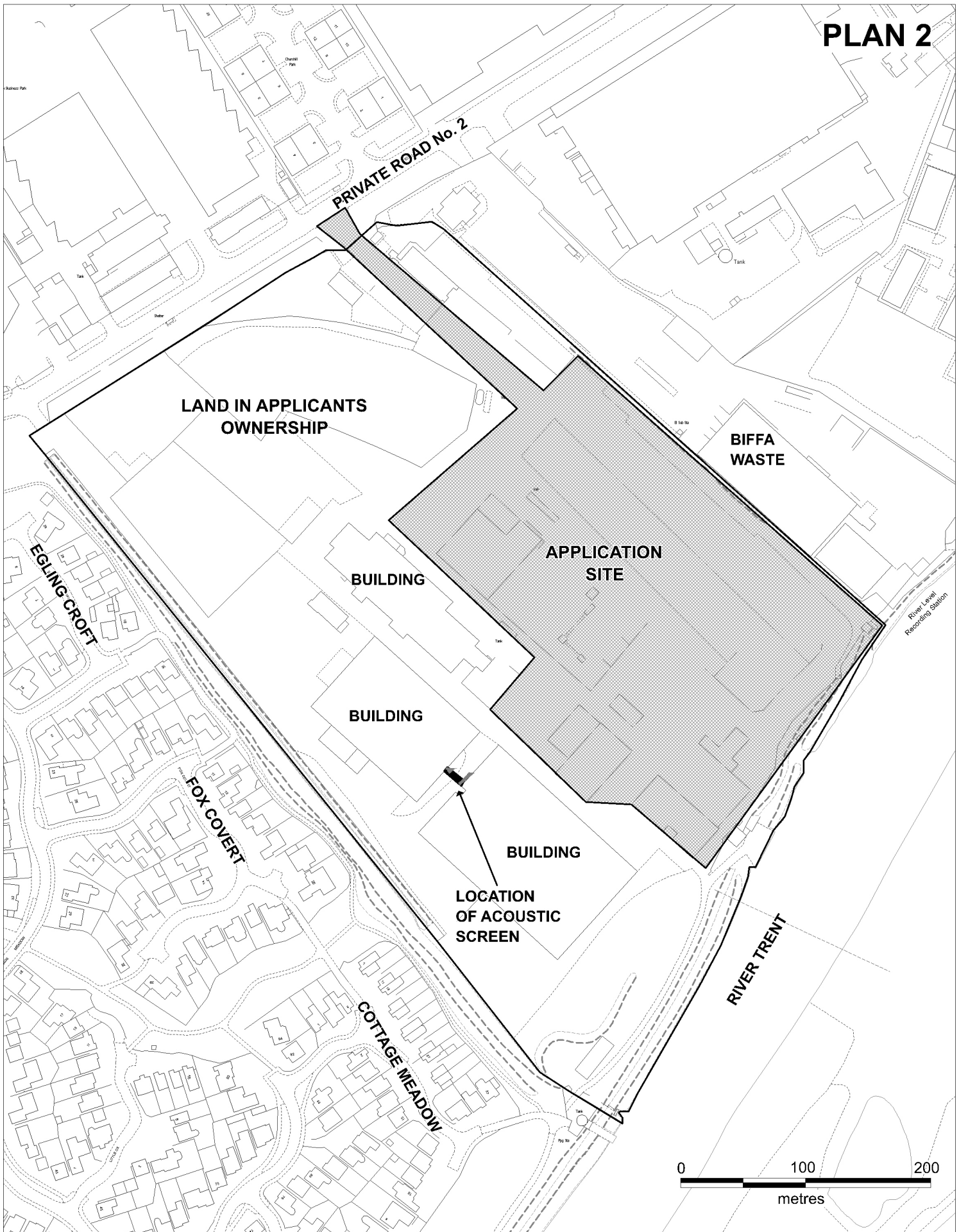
1. Western Power Distribution advise that the company has electrical network within the site which they require 24 hour access to.
2. The Environment Agency advise that:
 - All storage of materials must take place more than 8m, measured horizontally, from the landward toe of the new flood defence. Should any works be proposed within this zone then the prior written consent of the Environment Agency (EA) will be required under Land Drainage Byelaw 18 of the EA's Land Drainage Byelaws, regardless of any granted planning permission. The access road proposed to be 5m from the toe of the defence, will require consent from the EA under this byelaw.
 - All surface water apart from clean, uncontaminated roof water shall be discharged into a fully sealed system. The current arrangements detailed in the proposal describe two gully pots that discharge directly into the River Trent. This arrangement should be changed in order to ensure any potentially polluting liquids are contained on site within a sealed system.
 - As already acknowledged within the submitted documents, the EA direct your attention to PPG2: Above Ground Oil Storage Tanks, for the appropriate methods of construction and bunding requirements. During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsters, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the regulations are available from the Environment Agency.
 - This development will require an Environmental Permit under the Environmental Permitting Regulations 2007 from the Environment Agency, unless an exemption applies. The applicant is advised to contact the local Environment Management team on the number provided below. If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the operator wishes more specific advice they will need to contact the Environment Management Team at our Trentside offices on 0115 846 3721 or look at available guidance on our website: www.environment-agency.gov.uk/subjects/waste/

- The Environment Agency recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance can be found in our Flood line Publication 'Damage Limitation'. A free copy of this is available by telephoning 0845 988 1188 or can be found at the following website www.environment-agency.gov.uk click on 'flood' in subjects to find out about and then 'floodline'. Reference should also be made to the Department for communities and local Government publication 'Preparing for Floods' please email: communities@twoten.com for a copy or alternatively go to:

<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

as well as the communities and local Government publication 'Improving the flood performance of new buildings'.





**Nottinghamshire
County Council**

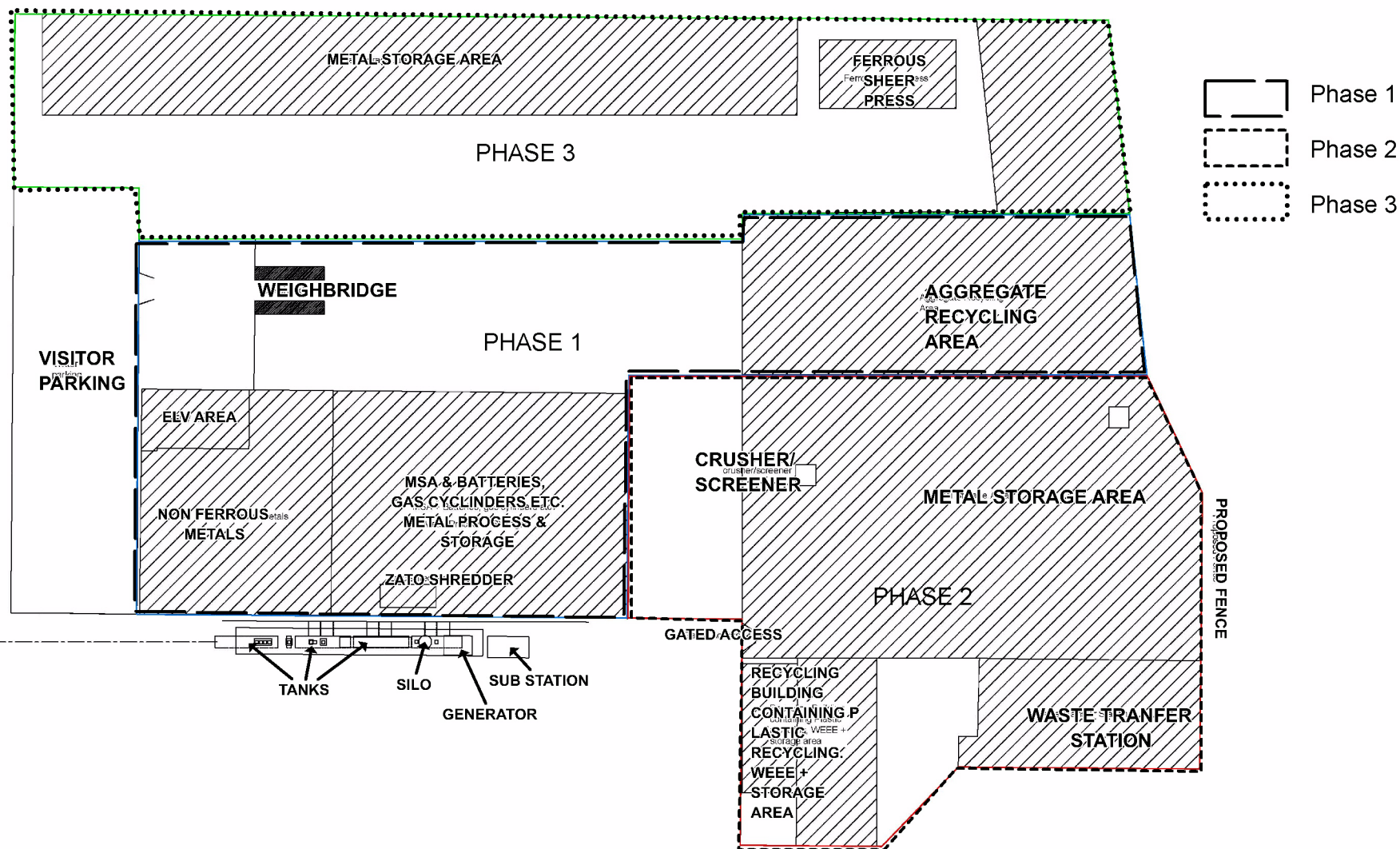
Variation of Planning Conditions 3, 7, 10, 16, 17, 21 and 25 imposed under Planning Permission 7/2011/0548NCC in relation to configuration of site layout, amended drainage scheme, alteration to car parking facilities, alteration to plant and machinery used on the site, increase to storage heights and phasing for providing boundary enclosures. Chris Alisdop Business Park, Colwick Industrial Estate, Private Road No2, Nottingham.

Planning Application No. 7/2017/1144NCC

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13 March 2018**Agenda Item: 6****REPORT OF CORPORATE DIRECTOR – PLACE****BASSETLAW DISTRICT REF. NO.: 1/17/01721/CDM**

PROPOSAL: MINERAL REVIEW PLANNING APPLICATION TO RETAIN EXISTING OIL PRODUCTION SITE PLANNING PERMISSION 1//54//87/8D AND SITE OFFICES/MESS CABIN PLANNING PERMISSION 1/54/12/00002

LOCATION: WELLSITE 4 , FARLEY'S WOOD, WEST MARKHAM, NEWARK, NG22 0PN

APPLICANT: ONSHORE OILFIELD SERVICES LIMITED

Purpose of Report

1. To review conditions attached to the Farley's Wood Oil Field Planning Permission (Ref: 1/54/87/8D), under the Environment Act 1995. The application site is located at Wellsite 4, Farley's Wood, West Markham, Newark. The key issue relates to whether the Minerals Planning Authority is satisfied with the conditions submitted as part of the application. The recommendation is to approve the conditions set out in Appendix 1.

The Site and Surroundings

2. The Farley's Wood Oil Field site is located towards the south of the district of Bassetlaw, approximately 3.25km north-west of Tuxford and 5.5km north-east of Ollerton. The nearest village is Milton, which is located approximately 1.15 km to the north-east (see Plan 1).
3. The site is located in a countryside location with gently undulating arable farmland on all sides. The site is roughly triangular in shape and, in terms of immediate surroundings, the site is bordered by Main Road on its north-western side, arable farmland on its north-eastern and part of its southern side, and the Bridleway, Leys Lane (West Markham BW11) to its south.
4. On site there are two oil wells (wellhead no. 5 and no. 6) with nodding donkeys located centrally within the site. The nodding donkeys are situated on concrete hardstanding which is surrounded by perimeter block bunding. The wells pump to two oil storage tanks which are located on a concrete bunded pad in the eastern corner of the site. Towards the western side of the site there is a small brick built electricity cabin and metal shipping container cabin used as an office

and welfare facility (see Plan 2). Access into the site is securely gated and is from the south-west corner, off Main Road and adjacent to Leys Lane. There is tree planting and vegetation on the southern, western and northern sides of the site and a landscape screening soil bund on its eastern side. The site surface is mainly stone, compacted earth and grassy areas, underlain by a stabilizing geosynthetic membrane.

5. The nearest residential sensitive receptor is located approximately 780m to the north-west in the hamlet of Bevercotes (see Plan 1).
6. With regard to ecological designations the Bevercotes Park Site of Special Scientific Interest (SSSI) is located 725m to the south-west of the application site and is designated for being one of the best examples of semi-natural mixed ash woodland in Nottinghamshire. The Bevercotes Park Local Wildlife Site (LWS) overlays and extends beyond the SSSI and, at its closest point, is located 350m to the south of the application site.
7. The site is not within a high risk flood zone and there are no heritage designations within 1km of the application site.

Background

8. For mineral sites where extraction is taking place, but where the permission will last for many years, a periodic review of the conditions attached to the original planning permission can help ensure that the sites operate to continuously high working and environmental standards. The legislation that covers these periodic reviews is contained in section 96 of Schedule 14 to the Environment Act 1995, and Section 10 and Schedule 3 to the Growth and Infrastructure Act 2013.
9. The Farley's Wood Oil Site is located in the Oil and Gas Authority (OGA) Licence PL215 and was originally drilled and production tested by British Petroleum (BP) in the late 1980s. Planning Permission was granted in January 1988 for British Petroleum Development Ltd to retain the oil production site (Ref: 1/54/87/8D).
10. The site was transferred to Candecca Resources Ltd in the late 1990s and then transferred to ROC Oil Ltd before being acquired by Onshore Production Services Ltd a wholly owned subsidiary of Onshore Oilfield Services Ltd in January 2000.
11. The oil field lay dormant with only care-taking activities being carried out to maintain the site and surface equipment with no production activities until 2003 due to profitability issues based on a low oil price. In 2003 Onshore Oilfield Services Ltd carried out 'Workover' Operations on the two wells with a view to re-instate production via artificial lift (Nodding Donkey and Sucker Rod) pumping systems.
12. Production was re-instated from both wells using existing nodding donkeys, surface oil storage tanks and crude oil exported via road tanker. Both wells produce sweet crude oil with no water or gas production.
13. The site should have been subject to its initial periodic review under the Review of Old Mining Permissions (ROMP) legislation in January 2003, 15 years after the grant of Planning Permission 1/54/87/8D which was granted on the 8 January 1988. This review was missed and when the Minerals Planning Authority (MPA) became

aware of this it was considered appropriate to await until the next periodic review date in January 2018. As part of the review process, an application for a new set of planning conditions is required to be made by Onshore Oilfield Services Ltd to the MPA.

Existing Conditions

14. The conditions attached to the existing Planning Permission (Ref: 1/54/87/8D) are set out below:
 1. *The retention or construction of any plant and equipment required for the use of the site for the production of oil shall be limited to the area shown pink on plan ref. /01 received by the Mineral Planning Authority on 3rd August 1987.*
 2. *Vehicular access to the site shall only be gained via the existing access as shown on the submitted plan.*
 3. *The approved landscaping scheme shall be implemented during the first planting season following the granting of this permission. The land-scaping shall be maintained for a minimum period of five years from the date of planting in accordance with a maintenance scheme to be submitted to and approved in writing by the Mineral Planning Authority within three months of the date of plan[...]. Existing roadside vegetation bordering the site shall be managed in accordance with the applicant's letter dated 1 September 1987 unless otherwise agreed in writing by the Mineral Planning Authority.*
 4. *All storage tanks shall be surrounded by bund walls of sufficient height so as to contain the contents of the tanks and associated pipework in the event of a spillage. The bunds shall be maintained in such a way as to ensure that both the floor and walls of the bund are impervious to both water and oil to the satisfaction of the Mineral Planning Authority. Any contaminated ground resulting from spillages shall be dealt with to the satisfaction of the Mineral Planning Authority.*
 5. *Notwithstanding the provisions of any Town and Country Planning General Development Order currently in force, no fixed plant, machinery or buildings connected with oil production and storage shall be erected or placed on the site without prior written approval of the Mineral Planning Authority.*
 6. *Within three months of the cessation of the use of the site for the production of oil a restoration and 5 year aftercare scheme for the site shall be submitted to and approved in writing by the Mineral Planning Authority. The approved restoration scheme shall be implemented within 6 months of the cessation of the use unless otherwise agreed in writing by the Mineral Planning Authority. The approved aftercare scheme shall be implemented to the satisfaction of the Mineral Planning Authority.*

Proposed Development

Existing Operations

15. Produced fluid (oil) is brought to the surface by artificial lift systems (nodding donkeys) which are attached via sucker rods to a downhole pump within the oil well itself. An electric motor is connected to the nodding donkey gearbox via drive belts and pulleys which turn the nodding donkey gearbox. The gearbox rotary motion is then transferred into a vertical reciprocating motion by offset arms on the gearbox shaft which in turn moves the sucker rod string up and down allowing the downhole pump to lift fluid up the production tubing, out of the wellhead and through surface flowlines to the storage tanks.
16. The downhole pump is located at the bottom of the oil well where oil collects through perforations in the borehole casing and consists of a pump barrel, pump plunger which rides inside the pump barrel and a valve system connected to the bottom of the pump barrel. The speed, travel and pumping time control the amount of fluid that is pumped. The nodding donkeys are currently on a timer routine which starts and stops the nodding donkeys automatically in order to maximise production and oil well formation recovery time.
17. The produced fluid is then stored in the storage tanks until sufficient fluid is collected to enable export off site via road tanker. A full road tanker is 190 barrels. The site (both wells together) produce between 13-15 barrels per day, which equates to the need for 2-3 visits from a road tanker per month in order to export the oil.
18. The site is visited daily by a production operator in a car or light van who checks the equipment and dips the fluid storage tanks. There is no further processing of produced fluid done on the site. The produced fluid is exported in its natural state from the site to the Humber Refinery in Immingham.
19. Tanker movements and those associated with general inspection and maintenance of the site are carried out between 07:00 and 18:00. Tanker movements are limited to weekdays only.
20. Any rain water that is collected within the wellhead cellars is regularly pumped into the produced fluid storage tanks and exported from the site with the produced fluid via road tanker, which is then processed at the refinery.
21. When major maintenance is required, such as the repair of rods or tubing, or the repair of the bottom hole pump, a crane or workover rig is brought to site. The duration of the work is reported as generally taking around 5 working days and involves 1 HGV visit at the start and end of work to deliver rig equipment, in addition to the delivery of the crane or rig. There is also a slight increase in light van/car movements of up to three visits per day for the workover rig crew. Maintenance work is carried out during normal working hours unless there are emergency requirements.
22. Operations are carried out under an Integrated Pollution Prevention and Control (IPPC) permit issued by the Environment Agency. The permit relates to 'Extraction, storage and other handling of crude oil'. One of the IPPC permit

conditions is for the site to have a 'Site Protection and Monitoring Program'. In order to comply with this permit condition, three groundwater boreholes were installed and both soil sampling and groundwater analysis have been carried out to provide a baseline condition for the site. Groundwater is sampled and visually inspected annually, laboratory analysed biennially and soil laboratory analysis is carried out every 10 years.

Proposed Development

23. The application is for the periodic review of planning conditions attached to the original planning permission issued on 8 January 1988, under Section 96 of Schedule 14 of the Environment Act 1995. A proposed set of updated planning conditions has been submitted with the application.
24. The conditions proposed by the applicant are set out in their supporting statement and include conditions relating to the duration of the permission; the approved documents; the operational status of the well site; site, HGV and restoration hours of operation; noise; dust; contamination and groundwater protection; vehicle numbers and site access; lighting; restriction of permitted development rights; soils; and restoration and aftercare. The proposed conditions, as amended by the MPA, are set out in Appendix 1.

Consultations

25. **Bassetlaw District Council** – *No objection.*
26. **Markham Clinton Parish Council** – no response received. Any response shall be orally reported.
27. **Environment Agency** – *Since 1 October 2013 the Environment Agency has taken the view that operators of new onshore oil and/or gas exploration or appraisal facilities require environmental permits where activities include:*
 - *The management of extractive waste, whether or not this involves a waste facility (as a mining operation);*
 - *Flaring of waste gas using a flare which has the capacity to incinerate over 10 tonnes a day (as an installation);*
 - *A water discharge activity;*
 - *A groundwater activity, such as indirect discharge of pollutants as part of high pressure high volume hydraulic fracturing;*
 - *Waste being managed that meets the thresholds for radioactivity set out in the 2010 regulations (as a radioactive substance activity).*
28. *The Environment Agency now consider that the same environmental permits should be required for existing onshore oil and/or gas facilities, in addition to the permit required for crude oil unloading, handling or storage, or treatment.*

29. *The Farley's Wood site is included in this programme and the Environment Agency are currently in the process of assessing a permit application for the site. Operations at the site are not going to change under the new permit but there may be new conditions imposed on the permit which may require changes and improvements to site infrastructure to ensure compliance with the new permit.*
30. *Whilst this permitted activity should not cause any conflict between the planning application and the issue of a new updated permit, the EA felt that it should notify the MPA of this ongoing activity.*
31. **Natural England** – *Based upon the information provided, Natural England advises the council that the proposal is unlikely to affect any statutorily protected sites or landscapes.*
32. **NCC (Highways)** – *No objection.*
33. **NCC Noise** – *No objection, subject to the noise condition proposed in the application.*
34. No response has been received from **NCC (Nature Conservation), Via (Reclamation)** and **Anglian Water Services Limited**. Any response received shall be orally reported.

Publicity

35. The application has been publicised by means of a site notice in accordance with the County Council's adopted Statement of Community Involvement Review. No representations have been received.
36. Councillor John Ogle has been notified of the application.

Observations

37. The application is for the periodic review of planning conditions attached to the original planning permission issued on 8 January 1988, under Section 96 of Schedule 14 of the Environment Act 1995.
38. The existing permission includes conditions relating to the identification of the site; the vehicular access point; landscaping; bunding of storage tanks; the withdrawal of permitted development rights; and the submission of a restoration and aftercare scheme.
39. The conditions proposed by the applicant are set out in their supporting statement and include conditions relating to the duration of the permission; the approved documents; the operational status of the well site; site, HGV and restoration hours of operation; noise; dust; contamination and groundwater protection; vehicle numbers and site access; lighting; restriction of permitted development rights; soils; and restoration and aftercare. The proposed conditions, as amended by the MPA, are set out in Appendix 1.

Highways

40. At present there is one condition attached to the planning permission which identifies where vehicles shall access the site. A condition identifying the vehicular access would be retained.
41. The proposal also seeks to add conditions so that there are not more than 4 HGV movements per week under normal working operations; or no more than 12 HGV movements during a week for the purposes of well maintenance, which should take place no more than 8 weeks in a calendar year. In addition, there is a condition which requires provision to be made to ensure that no nuisance is caused by mud or other material being carried onto the highway.
42. There is no objection from the Highway Authority.
43. Policy M3.13 (Vehicular Movements) of the Nottinghamshire Minerals Local Plan (MLP) states that planning permission will only be granted where the highway network can satisfactorily accommodate the vehicle movements likely to be generated. Paragraph 32 of the National Planning Policy Framework (NPPF) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The traffic movements associated with the development are not severe and are satisfactorily accommodated on the highway network. The additional conditions provide reassurance that this situation would not change.
44. Policy M3.12 (Highway Safety and Protection) of the MLP states that planning permission for minerals development will only be granted where measures are in place to the County Council's satisfaction that prevents damage to the highway and also prevents mud and other deleterious material contaminating public highways. The introduction of a new condition to require such measures is in accordance with this policy.

Protection of Groundwater

45. The existing permission includes a condition which requires storage tanks to be surrounded by bunds of sufficient height to contain spillages, and that these bunds shall be suitably maintained.
46. The proposal includes a condition which ensures storage facilities for oils, fuels or chemicals are suitably bunded, with capacity equivalent to the tank plus 10%. This brings the condition up to date, in line with the standard wording for conditions relating to storage tanks at equivalent sites. A new condition is also proposed to prevent any unauthorised discharge of foul or contaminated drainage.
47. The EA has not objected to the proposals. However, they have notified the MPA that they are also undertaking a review of the conditions attached to the Environmental Permit for the site.

48. Policy M3.8 (Water Environment) of the MLP states that planning permission will only be granted where surface and groundwater flows are not detrimentally altered and there are no risks of polluting ground or surface waters. Paragraph 120 of the NPPF states that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. Whilst the proposal does not relate to new development, the updating of the conditions will ensure that ground and surface water protection measures on site are to modern standards, in line with these policies.

Noise

49. The existing planning permission does not include any conditions relating to noise. The conditions proposed include a restriction on working hours and HGV visiting hours. There is also a condition which restricts noise levels at the nearest residential properties to no more than 10dB $L_{Aeq, 1h}$ (free field) above background noise levels and not above 55 dB $L_{Aeq, 1h}$ (free field) during day time hours (07:00-19:00) or 42dB $L_{Aeq, 1h}$ (free field) during evening and night- time hours (19:00-07:00). These are the standard noise limits for minerals operations.
50. The NCC Noise Engineer has no objection to the proposed conditions.
51. Paragraph 144 of the NPPF states that when determining planning applications local planning authorities should ensure that unavoidable noise is controlled at source and appropriate noise limits are established for noise sensitive properties.
52. Policy M3.5 of the MLP states that planning permission will only be granted where noise emissions outside the boundary of mineral workings do not exceed acceptable levels.
53. The introduction of restrictions on working hours and specific noise limits will help to ensure that noise from the site does not become an issue. The proposed conditions are in line with the NPPF and Policy M3.5 of the MLP.

Ecology, Visual Impact, Landscaping and Restoration

54. At present there are no conditions attached to the existing permission which relate to ecology. However, there is a condition which required landscaping to be implemented and road side vegetation bordering the site to be managed. A further condition requires a restoration and aftercare scheme to be submitted upon the cessation of the use of the site.
55. Within the submitted conditions, no new ecology conditions are put forward. A condition is submitted such that the site shall only be lit when manned. A further condition proposes the management of existing soil stockpiles and ensures that these shall not be removed from site. Finally a series of new and more detailed restoration conditions are proposed. These would secure the plugging of boreholes and the removal of hardstanding, fencing and infrastructure. The conditions would also require the submission and implementation of a restoration scheme covering soil handling, seed mixtures, tree and hedge retention; additional planting, weed control and drainage works. The conditions

also cater for after-use and early cessation of activities. A condition is also proposed to restrict lighting at the site.

56. NCC Ecology and Natural England have been consulted and there have been no objections in relation to ecology or the restoration of the site.
57. Policy M3.3 of the MLP states that planning permission will only be granted where visual impact can be kept to an acceptable level and recommends the use of appropriate conditions to ensure this.
58. Paragraph 144 of the NPPF states that when determining planning applications local planning authorities should provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.
59. Policy M4.9 (Aftercare) of the MLP states that the County Council will attach aftercare conditions to all mineral planning permissions where reclamation is to agriculture, forestry or amenity.
60. Policy M4.15 (Minerals Review – Submission of Proposals) of the Nottinghamshire Minerals Local Plan (MLP) states that proposals to update planning permissions in accordance with the minerals review procedure must demonstrate that they are based on the best available technique in terms of minimising the environmental impact of extraction and in achieving the proposed reclamation scheme. Where appropriate conditions will be imposed which:
 - a) Update all working and reclamation practices to minimise pollution risks and other environmental impacts;
 - b) Exclude environmentally sensitive areas from extraction and/or provide mitigation measures to minimise the impact and loss of any features;
 - c) Include an end-date for mineral extraction and reclamation;
 - d) Provide for an alternative reclamation scheme in the event the mineral extraction ceases prematurely and the approved scheme can no longer be implemented.
61. Policy M13.7 of the MLP states that where planning permission for oil and methane site is granted, conditions will be imposed requiring the site to be restored back to its original use as soon as practical once the development is no longer required.
62. There are no ecological implications as a result of the minerals review process. The lighting condition is in line with Policy M3.3 of the MLP and the proposed restoration and aftercare conditions are in line with the NPPF and Policies M4.9, M4.15 and M13.7 of the MLP.

Other

63. Under the periodic review process the applicant can claim compensation as a result of any reviews of planning conditions where:

- a) The mineral planning authority determines conditions different from those submitted by the applicant; and
 - b) The effect of new conditions, other than restoration or aftercare conditions, is to prejudice adversely to an unreasonable degree either the economic viability of the operation or the asset value of the site, taking into account the expected remaining life of the site.
64. The MPA has made some minor alterations to the conditions as submitted by the applicant, as detailed below. These have been made for clarity and it has been assessed that they do not affect the purpose of the conditions such that compensation would be payable:
- a) Condition 2 – the introductory text to the approved documents list, and the list itself, has been amended for clarity and to reflect the MPA's standard format.
 - b) Condition 6 as submitted restricts hours of operation on site and for vehicle movements. This has been split into two separate conditions for ease. In addition, the condition restricting tanker movements has been slightly altered to add clarity that there shall be no tanker movements on Saturdays, Sundays, Bank or Public Holidays.
 - c) Condition 12 as submitted (Condition 13 in Appendix A) has been amended so specific reference is made to the plan which identifies the vehicular access.
 - d) Condition 14 as submitted removed Permitted Development rights. Whilst this condition was put forward by the applicant, and repeats one on the extant permission, the site is not considered to be so sensitive as to require permitted development rights to be removed and does not, therefore, meet the test for conditions set out in the NPPF. Indeed, the removal of this condition may expedite the implementation of any environmental improvements should these be required as part of the Environment Agency's Environmental Permit review. As such, the suggested condition has been deleted.
 - e) Condition 17 has had additional text inserted at the end of the condition to ensure that the restoration scheme shall be implemented in accordance with the approved details.

Other Options Considered

65. 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

66. 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

67. The development is located within an existing fenced compound with a locked gate entrance. The site also benefits from PIR motion sensing security lights at the site entrance.

Data Protection and Information Governance

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

Financial Implications

69. Under the periodic review system, the Government does not expect new planning conditions to restrict the working rights at any particular site or to affect its asset value to an unreasonable degree. If this was the case compensation may be payable. Changes to restoration and aftercare conditions will not usually attract compensation. Any changes to the proposed conditions or new conditions which may be added need to be assessed with this in mind. In this case, the MPA is of the view that it is not implementing any new planning conditions that would result in compensation being payable.

Human Resources Implications

70. No implications.

Human Rights Implications

71. 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

72. Regard has been had to people with protected characteristics include age, disability, gender reassignment/identity, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief, gender, sexual

orientation. The review of conditions attached to the existing development is not considered to have any implications in this regard.

Safeguarding of Children and Adults at Risk Implications

73. No implications.

Implications for Service Users

74. No implications.

Implications for Sustainability and the Environment

75. The periodic review of the conditions attached to the original planning permission can help ensure that the site operates to continuously high working and environmental standards. These have been considered in the Observations section above.

Statement of Positive and Proactive Engagement

76. 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. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

77. It is RECOMMENDED that 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 [SLB 19/02/2018]

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

Comments of the Service Director - Finance [SES 16/02/18]

There are no specific financial implications arising directly from this 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.

Electoral Division(s) and Member(s) Affected

Tuxford Councillor John Ogle

Report Author/Case Officer

Oliver Meek

0115 9932599

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

MRA/3780
W001800

RECOMMENDED PLANNING CONDITIONS

Duration of the Permission

1. The use of the site for oilfield operations shall cease on or before 22nd February 2042 and the site restored in accordance with the approved restoration details and timescales prescribed in the Conditions below.

Reason: To define the duration of the permission in accordance with Policy M4.15 (Minerals Review – Submission of Proposals) of the Nottinghamshire Minerals Local Plan (MLP).

2. The development hereby permitted shall be carried out in accordance with the following documents, except where amendments are made pursuant to other conditions below:
 - a) Application form and certificates dated 5 December 2017 – received by the MPA on 5 December 2017;
 - b) The Periodic Review of Mining Sites Farley's Wood Oil Field Supporting Statement (incorporating site location and layout plan), dated 5 November 2017 – received by the MPA on 5 December 2017.

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

Well Status

3. Annually, starting 12 months from the date of this permission, the operator shall submit to the MPA details of the status of the site.

Reason: To ensure the Minerals Planning Authority (MPA) is aware of the status of the well site.

4. The MPA shall be given written notification of the permanent cessation of oilfield operations at the site within 30 days of its occurrence.

Reason: To ensure the Minerals Planning Authority (MPA) is aware of the status of the well site.

Hours

5. Except in emergencies (which shall be notified to the MPA within 48 hours of its occurrence), no operations other than hydrocarbon recovery, the pumping of hydrocarbons, and essential daily inspection and essential maintenance shall be carried out except between the hours of: 07:00 – 18:00 hours daily.

No operations other than those specified above shall be carried out on Sundays, Bank and Public Holidays.

Reason: In the interests of residential amenity and in accordance with Policy M3.5 (Noise) of the Nottinghamshire MLP.

6. No road tanker associated with the development hereby permitted shall enter, exit or operate on site except between the hours of 07:00 and 18:00 Monday to Friday. There shall be no tanker movements on Saturdays, Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity and in accordance with Policy M3.5 (Noise) of the Nottinghamshire MLP.

7. All works of restoration shall be carried out within the hours of 07:00 and 18:00 Monday to Friday, 07:00 to 13:00 on Saturdays and no such work shall take place on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity and in accordance with Policy M3.5 (Noise) of the Nottinghamshire MLP.

Noise

8. The level of noise emitted as a result of any activity or operation at the site shall not exceed 10dB LAeq, 1h (free field) above background noise levels and not above 55 dB LAeq, 1h (free field) during day time hours (07:00-19:00) or 42dB LAeq, 1h (free field) during evening and night- time hours (19:00-07:00) when measured free field at the nearest residential property.

Reason: In the interests of residential amenity and in accordance with Policy M3.5 (Noise) of the Nottinghamshire MLP.

Mud and Dust

9. Provision shall be made to ensure that no nuisance is caused by mud or other detritus being carried onto the highway by vehicles leaving the site.

Reason: To ensure that no vehicle shall leave the site in a condition whereby mud or other deleterious material is carried onto the public highway in accordance with Policy M3.12 (Highways Safety and Protection) of the Nottinghamshire MLP.

Contamination and Groundwater Protection

10. Any facility for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there are multiple tanks, the compound should be at least equivalent of the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be such that there is no discharge to any watercourse, land or underground strata. All filling points and tank overflow pipe outlets should be designed to discharge downwards into the bund.

Reason: To minimise the risk of contamination of controlled waters in accordance with Policy M3.8 of the MLP.

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

Reason: To minimise the risk of contamination of controlled waters in accordance with Policy M3.8 of the MLP.

Traffic

12. The number of HGV movements to and from the site shall be restricted to the following, unless otherwise agreed in writing by the MPA;
- a) For the purposes of oil collection or removal of fluids from cleaning sumps no more than 4 (2 in and 2 out) in any given week;
 - b) For the purposes of workover and well maintenance, not more than 12 (6 in and 6 out) in any given week with such extended works taking place on no more than 8 weeks in any calendar year.

Records of the periods of works and well maintenance shall be maintained and made available to the MPA in writing within two weeks of a written request.

Reason: To enable the MPA to control the development and minimise its impacts on the highway network and amenities of the local area in accordance with Policy M3.13 of the MLP.

13. Vehicle access to the site shall only be gained via the existing access and direction as shown on the 'Map Showing Farley's Wood Site, Authorised Traffic Approach and Entry to Site' within the Supporting Statement, dated 5 November 2017 – received by the MPA on 5 December 2017.

Reason: To enable the MPA to control the development and minimise its impacts on the highway network and amenities of the local area in accordance with Policy M3.13 of the MLP.

Lighting

14. The site shall only be lit when manned.

Reason: In the interests of protecting residential amenity in accordance with Policy M3.3 (Visual Intrusion) of the MLP.

Soils

15. All existing soil stockpiles and internal soil areas shall be maintained with grass cover and managed so that they are kept free from weeds. No soils shall be removed from the well site.

Reason: To ensure that landscaping is retained on site and suitably maintained in accordance with Policy M3.3 of the MLP.

Restoration and Aftercare

16. All boreholes shall be plugged and the nodding donkeys, hardstanding, perimeter fencing and associated infrastructure removed from the site within 6 months of the cessation of oilfield operations.

Reason: To ensure the restoration of the site In line with Policy M13.7 (Reclamation of Oil and Methane Sites) of the MLP.

17. 12 months prior to the date referred to in Condition 1 or within 6 months of the cessation of oilfield operations, whichever is sooner, a restoration scheme for the site shall be submitted to the MPA for its written approval. The restoration scheme shall include, but not necessarily be restricted to details of the following:

- a) soil depths, ground ripping and cultivations;
- b) seed mixtures to be sown and their application rates;
- c) existing trees and hedgerows to be retained;
- d) the number, size, species, spacing and means of protection of any additional tree or shrub planting to be carried out on the site;
- e) weed control;
- f) drainage works.

The restoration scheme shall be implemented in accordance with the approved details.

Reason: To ensure the restoration of the site In line with Policies M13.7 (Reclamation of Oil and Methane Sites) and M4.15 (Minerals Review – Submission of Proposals) of the MLP.

18. All soil replacement, grass seeding and planting shall be carried out by 1 July in the year following the date referred to in Condition 1, or within 12 months of the approval of any restoration scheme for the site in the event of the cessation of oilfield operations ceasing prior to the date referred to in Condition 1.

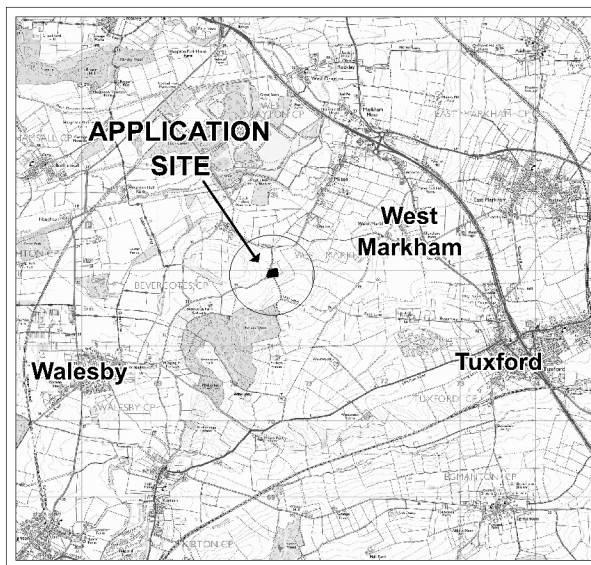
Reason: To ensure the restoration of the site In line with Policies M13.7 (Reclamation of Oil and Methane Sites) and M4.15 (Minerals Review – Submission of Proposals) of the MLP.

19. 12 months prior to the date referred to in Condition 1 or within 6 months of the cessation of oilfield operations, whichever is sooner, a 5 year aftercare scheme for the site shall be submitted to the MPA for its written approval. The aftercare scheme shall include details of the steps to be taken to bring the land up to the required standard for agriculture and/or amenity after use and provide for annual site meetings with the MPA to review process.

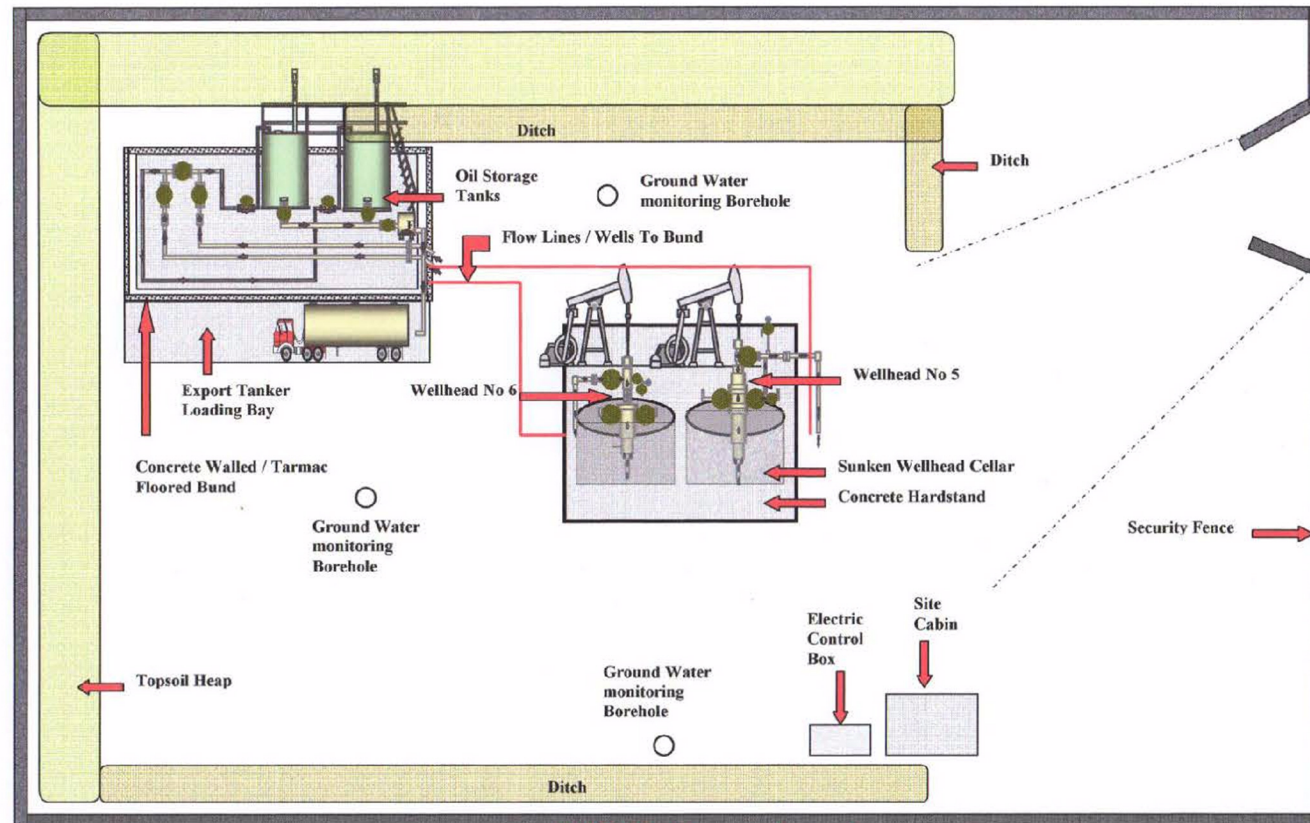
Reason: To ensure the submission and implementation of a suitable aftercare scheme in line with Policy M4.9 (Aftercare) of the MLP.

20. The site shall be managed for a period of 5 years in accordance with the aftercare scheme approved under Condition 19. The site shall enter aftercare following the completion of restoration works, confirmation of which shall be approved in writing by the MPA. The MPA shall be notified of the date of the completion of the restoration works within 7 days of its occurrence.

Reason: To ensure the submission and implementation of a suitable aftercare scheme in line with Policy M4.9 (Aftercare) of the MLP.



Farley's Wood Oil Site Plan



13 March 2018**Agenda Item: 7****REPORT OF CORPORATE DIRECTOR – PLACE****ASHFIELD DISTRICT REF. NO.: 4/V/2017/0690**

PROPOSAL: VARIATION OF CONDITION 13 TO ALLOW AN INCREASE IN DAILY AND WEEKLY HGV MOVEMENTS DURING MAY AND JUNE EACH YEAR SO TO MEET DEMAND FOR SPECIALIST SAND PRODUCTS. NO CHANGE TO THE OVERALL ANNUAL LIMIT IS SOUGHT.

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

APPLICANT: THE MANSFIELD SAND COMPANY LIMITED

Purpose of Report

1. To consider a planning application to vary planning condition No.13 of the extant planning permission (reference 4/V/2016/0655) to allow a seasonal increase to the permitted numbers of HGV movements at Two Oaks Quarry, Derby Road, Sutton in Ashfield. The key issues relate to highway capacity, local amenity and impacts to ecology. The recommendation is to grant planning permission subject to the planning conditions set out in Appendix 1.

The Site and Surroundings

2. Two Oaks Quarry is a 100 hectare 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 the Forestry Commission) 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 designated as a LWS. The wider area is affected by a possible potential Special Protection Area (ppSPA). Rolling open countryside generally surrounds the remainder of the area. The site and surroundings are shown on the appended plans 1 and 2.

Background

3. Planning permission was granted for the development of the quarry by the Minerals Planning Authority (MPA) in March 2013. The site is fully operational and has taken over from the company's historic site at Ratcher Hill quarry,

located on the south-eastern edge of Mansfield. Extraction is taking place now in phase 1 at the north-eastern corner adjacent to Thieves Wood. Extracted minerals are processed through the on-site processing plant. Access is taken from a dedicated access road on Coxmoor Road. Landscaping/screening bunds have been established along the boundaries with Coxmoor Road and the A611. Much of the permitted site will remain in agricultural use until future phases of extraction with the quarry having an estimated life of 50 years. Planning permission has been granted for a solar farm on the last and future phase 4 but this has not been implemented. The movement of HGVs into and out of the quarry is subject to planning conditions and a lorry routeing agreement as part of a Section 106 agreement. There are daily, weekly and annual limits to the numbers of HGV movements permitted.

4. Planning permission was granted in April 2016 (Ref 4/V/2016/0062) for a one-off increase to HGV numbers in the months of May and June of that year without increasing the annual limits. A number of planning conditions were also updated to incorporate approved details which were subsequently submitted as the quarry was being established.
5. Committee resolved in March 2017 to approve a planning application for a permanent variation to condition 13 to increase the annual limits for HGV movements to and from the site by 22%, but retaining the separate daily and weekly limits at existing levels (Ref 4/V/2016/0655). This was subject to the prior completion of a legal agreement (deed of variation) which was completed in September 2017 allowing the decision to be formally issued on the 20 September. All other existing planning conditions were rolled forward and this is the current planning permission for the site.

Proposed Development

6. Permission is sought to further vary condition 13 of the current planning permission in order to permit a 20% increase to the daily and weekly HGV movement limits during May and June each year. It is not proposed to alter the current annual limit and there would be no change to the quarry development programme or methods and sequence of mineral extraction.

7. The pertinent section of Condition 13 currently states:

There shall be no more than 200 HGV movements to and from the site in any one working day (100 in, 100 out) and no more than 1100 HGV movements to and from the site in any one week (550 in, 550 out). Over the course of any calendar year, total HGV movements to and from the site shall not exceed 34,000 (17,000 in, 17,000 out).

Reason: To limit vehicle movements at the proposed quarry in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.

8. The proposal seeks to insert a clause within condition 13 so that during the period 1 May to 30 June inclusive there would be an increased daily limit rising from the present **200** HGV movements to **240** HGV movements (120 in 120 out) and the weekly limit rising from **1100** HGV movements to **1320** HGV

movements (660 in 660 out) each year. The overall annual limit would not change. The existing permitted daily and weekly maximum numbers would apply at all other times of the year.

9. The application therefore seeks to vary condition 13 to read:
 - a) Except for the period 1 May to 30 June inclusive there shall be no more than 200 HGV movements to and from the site in any one working day (100 in, 100 out) and no more than 1100 HGV movements to and from the site in any one week (550 in, 550 out). Over the course of any calendar year, total HGV movements to and from the site shall not exceed 34,000 (17,000 in, 17,000 out).
 - b) For the period 1 May to 30 June inclusive there shall be no more than 240 HGV movements to and from the site in any working day (120 in, 120 out) and no more than 1320 HGV movements to and from the site in any one week (660 in, 660 out). Over the course of any calendar year, total HGV movements to and from the site shall not exceed 34,000 (17,000 in, 17,000 out).
10. The application states that a permanent modification of condition 13 is required to respond to seasonal demand for the company's specialist fibre sand products for use in the sports sector where the product is used to dress or relay sports pitches. Due to an administrative oversight by the applicant's planning consultant, a request for the May/June clause to be continued indefinitely beyond that permitted for 2016 was not requested within the previous variation application.

Consultations

11. **Ashfield District Council-** *No objection.*

12. **NCC (Highways) -** *No objection.*

A permanent increase to 240 movements per day (max 120 in, 120 out per day, 660 in, 660 out per week) in May and June with 200 movements per day/1100 movements per week over the remaining year would not have a noticeable adverse impact on the surrounding highway network subject to the retention of the permitted overall 34,000 cap on annual HGV movements to and from site.

13. **Natural England -** *No objection.*

Based on the plans submitted, Natural England considers that the proposed variation of condition 13 will not have significant adverse impacts on designated sites and has no objection.

Based on the information provided it is considered that the predicted increase of approximately 40 additional daily HGV movements is negligible compared to baseline traffic levels and therefore Natural England do not consider the additional daily movements in May and June are likely to result in disturbance to birds or air pollution impacts on the habitats or species concerned.

14. **NCC (Nature Conservation) – No objection.**

Notes that such a variation was previously permitted, but on a temporary basis, and that this variation application is required to make the change permanent. Given that this change was previously considered to be acceptable there is no reason why this should be different this time.

Satisfied with the conclusions within the submitted Air Quality Statement that the additional HGV movements over the months of May/June would not result in significant additional nitrogen and acid deposition and that further detailed assessment is not necessary.

Satisfied that the increase would not generate any increase in overall noise levels from the quarry or any additional potential disturbance, to those assessed previously.

15. **NCC (Noise Engineer) - No objection.**

The supporting letter from the acoustic consultant states that the predicted increase in traffic noise levels on the surrounding network will not exceed 1dB and therefore is not considered significant. The change will not generate any notable change in operational noise levels from the site.

16. **Ashfield District Council Environmental Health – No response has been received.**

Publicity

17. The application has been publicised by means of a site notice, a press notice and neighbour notification letters sent to 11 of the nearest properties in accordance with the County Council's adopted Statement of Community Involvement Review. No public representations have been received.
18. Cllr Samantha Deakin has been notified of the application and has referred the application to Committee for determination.

Observations

Planning policy assessment

19. The principle of the quarry development is well established and this application submitted under Section 73 seeks to vary a single condition of the current planning permission. The planning history shows that this is the third such application to vary condition 13 governing HGV movements. In assessing the proposal to increase HGV movements in the May/June peak period this planning history and context must also be considered.

Highways

20. MLP Policy M3.13 states that permission for minerals development will only be granted where the highway network can satisfactorily accommodate the vehicle movements likely to be generated and would not cause unacceptable impact upon the environment and disturbance to local amenity. Policy M3.12 enables the MPA to require measures to prevent damage to the highway and mud or deleterious material from being deposited on the highway. Policy M3.14 enables HGV routing to be appropriately controlled.
21. Paragraph 32 of the NPPF states that development proposals should only be refused on transport grounds where the residual cumulative impacts are 'severe'.
22. Records of HGV movements from the quarry are presented within the submitted Transport Statement and are provided below in tables 3 and 4. These clearly show the peaks and troughs in production over the calendar year, with a peak between the months of April and July. This is a reflection of the company's commercial success with its specialist Fibresand product which is sold to sports clubs nationwide at that time of the year. It show that some of the monthly totals would (when divided into a weekly figure) approach the current maximum of no more than 550 in and 550 out per week, preventing the company from delivering its commercial plans and placing a constraint on the supply of this type of product to the sports market.

Table 3 – Existing Movements (August 2015 – July 2016)

Vehicle Type	Number of Movements Per Year (Outbound)	Average Payload (tonnes)
Articulate Lorry	9,044	28
6 Wheel Flatbed	62	8
6 Wheel Tipper	9	11
8 Wheel Flatbed	573	9
8 Wheel Tipper	3,575	19
Artic Tanker	120	26
Tanker	17	14
Total	13,400	-

Table 4 – Existing Movements by Month and Average Payload

Month	Number of Movements Per Month (Outbound)	Average Payload (tonnes)
August	1,062	25
September	1,001	24
October	1,072	24
November	792	24
December	451	23
January	684	23
February	837	24
March	1,071	24
April	1,608	25
May	1,806	25
June	1,696	25
July	1,320	25
Total	13,400	-

23. The data also shows the break down in types of HGV, showing that a majority (67%) are articulated carrying an average payload of 28 tonnes. 26% are 8 wheel tipper HGVs carrying an average load of 19 tonnes. The remainder are made up of a mix of flatbed/ curtain-sided vehicles or tankers. This indicates there is now a greater use of the larger articulated HGVs serving the quarry, which results in some benefits in terms of minimising the numbers of vehicles required to haul materials and associated efficiencies.
24. The submitted Transport Statement also includes traffic count data from two of the County Council's automatic traffic counters on the A611 in the immediate locality (see tables 1 and 2 below which record two-way flows). The period covered is from 2005 to 2015 showing that since 2007 when the original transport assessment work was undertaken, there has been a significant decrease in background traffic (between 17% and 45% depending on the counting location). The proportion of HGVs has also broadly fallen in line with the overall percentage reduction. 3-4% of the traffic comprises HGVs. However there has been a recent post-recession rise in traffic. The data has not been updated for 2016 or 2017, however it is unlikely to have materially altered in that time and the Highways Authority has access to the data in order to assess the situation.

Table 1 – A611 Annual Average Daily Traffic Flow CP81204

Year	All Motor Vehicles	All HGVs	% HGV
2005	19622	1397	7%
2006	18506	756	4%
2007	18665	764	4%
2008	18557	762	4%
2009	18323	732	4%
2010	18023	745	4%
2011	17970	726	4%
2012	14472	543	4%
2013	14478	561	4%
2014	14908	558	4%
2015	15557	590	4%

Count point id 81204, located adjacent to Coxmoor House on the A611

Table 2 – A611 Annual Average Daily Traffic Flow CP80492

Year	All Motor Vehicles	All HGVs	% HGV
2006	18366	491	3%
2007	18349	569	3%
2008	18016	569	3%
2009	9569	297	3%
2010	9561	297	3%
2011	9681	307	3%
2012	9574	307	3%
2013	9571	314	3%
2014	9882	317	3%
2015	10101	305	3%

Count point id 80492, located adjacent to Cauldwell Road on the A611

25. It is within this context of lower traffic volumes that the additional seasonal HGVs would be absorbed. The increase of 20% during May/June results in up to an additional 20 HGVs entering and 20 leaving the site per day, which when spread over the course of the day would not be perceptible set within the prevailing background traffic levels. The same seasonal peak also previously operated for 2016 without issues as noted in the planning history above.
26. The Highways Authority are satisfied that the additional HGV traffic in the peak May and June period would not have a noticeable or adverse impact on the local highway network. In particular the numbers of movements would not rise above the 34,000 annual cap.
27. Network/junction modelling undertaken to support the previous application in raising the annual cap to the present figure above, has again been included in the submitted Transport Statement. The Highway Authority previously used this to consider in detail the effective operation of the Derby Road/Coxmoor Road signalised junction. This modelling was undertaken on a daily, weekly and annual increase for robustness, although the proposal was for only an annual increase. Having previously been satisfied that the junction could accommodate the additional traffic, the Highways Authority have not sought to revisit this work and no concerns have been raised about the operational capacity of the junction.
28. HGVs would continue to be bound by the lorry routeing agreement contained within the Section 106 agreement, which would remain in force. This prohibits HGVs associated with the quarry from travelling on Coxmoor Road, north of its junction with Derby Road and thereby avoids a group of properties in this area. There are clear signs and other procedures in place directing HGVs accordingly and the scheme continues to work well. The routeing is depicted on Plan 3.
29. The legal agreement also makes provision for annual dilapidation surveys of the highway outside of the quarry and to provide any remediation as may be required. A local liaison committee also meets periodically which can assist in identifying any local concerns regarding the operation of the quarry.
30. There are therefore no highway capacity or safety reasons to justify other than a grant of the proposed variation to condition 13 and the application accords with MLP Policies M3.13, M3.12 and M3.14. The amenity and environmental aspects resulting from the proposed additional seasonal HGVs are considered separately below.

Local amenity

31. In addition to MLP Policy M3.13 which includes an amenity aspect to assessing acceptable highway impacts, Policy M3.5 states that permission for minerals development will only be granted where noise emissions do not exceed acceptable levels beyond the site boundary.

32. The Ashfield Publication Local Plan which is at an advanced stage of preparation also contains Policy SD2 which seeks to safeguard amenity and conditions for nearby properties including consideration of the potential for pollution/air quality, noise and disturbance and the effect of traffic movement to and from the site.
33. Paragraph 144 of the NPPF states that in granting planning permission for minerals related proposals the MPA should ensure that any avoidable emissions are controlled, mitigated or removed at source.
34. The application demonstrates that the small additional uplift in seasonal HGV movements would not generate any additional noticeable change to the operational noise levels from the site which are mainly related to the operation of the processing plant and which continue to be controlled and monitored. Any additional noise resulting directly from added HGVs on the highway would also not be significant as they represent only a very small percentage (in one case 5%) of the total traffic volumes. There are no residential properties in the immediate vicinity and those that are present are either protected by the lorry routing agreement or are sited beside the A611 Derby Road. Quarry related traffic quickly disperses onto the classified road network and represents a small part of the overall volumes. The County Council's appointed noise engineer raises no objection.
35. The submitted air quality statement raises no concerns and notes that air quality remains good in the area and all air quality objectives are being met across the District. The additional emissions are slight and do not necessitate further assessment.
36. Consequently it can be concluded that the proposed variation would not lead to any unacceptable adverse noise, or amenity impacts and accords with MLP Policies M3.5 and M3.13 and with Policy SD2 and the NPPF which are material considerations.

Ecology

37. MLP Policy M3.17 states that planning permission will not be granted for minerals development which would adversely affect the integrity or continuity of habitats or features identified as priorities in the UK and/ or Nottinghamshire Local Biodiversity Action Plan, unless an overriding need for development is demonstrated. Policy M3.20 affords protection to local wildlife sites.
38. The NPPF states that biodiversity impacts should be minimised and where possible enhanced, particularly through establishing coherent ecological networks. Paragraph 118 states that when determining planning applications the aim should be to conserve and enhance biodiversity by applying the sequential approach to ecology i.e. significant harm should first be avoided (including if necessary through refusing planning permission), followed by providing adequate mitigation, or as a last resort compensated for.
39. The site lies within a wider area being considered as a 'possible potential' Special Protection Area (ppSPA) for its population of breeding Nightjar and

Woodlark. The quarry also lies beside two Local Wildlife Sites (Thieves Wood LWS and Coxmoor Golf Course LWS). Thieves Wood and other woodland provide suitable habitat for these species and HGVs are directed to/from the quarry via roads which run past/through these woods under the terms of the routeing agreement. There is therefore potential for impacts to this habitat and species by means of noise or air pollution, the latter through nutrient enrichment over time. Natural England continue to advocate a precautionary 'risk-based' approach be taken when considering proposals in this area.

40. The application is supported with a Transport Statement, Noise Assessment, Ecological Assessment and Air Quality Assessment which have considered the potential impacts on the adjacent woodland habitats and associated bird species.
41. In response Natural England and NCC Nature Conservation are satisfied that the seasonal variation would not result in any additional impacts to the adjacent woodland habitat or any bird species it may support, whether by means of noise/disturbance or by air pollution impacts arising from the additional HGV journeys. The increase of 40 daily HGV movements is negligible compared with the prevailing traffic levels. It is noted that planning permission was previously granted for a similar one-off increase in HGV movements for May/June 2016 and that this application seeks to re-establish and make permanent that seasonal leeway. It is acknowledged that the most recent planning permission raised the overall annual levels of permitted HGV movements, but the present application does not seek to further alter the annual limit. Natural England and NCC Nature Conservation have been fully consulted on all previous applications and have been content.
42. Appropriate assessment has therefore been applied to assess potential ecological impacts including considering any cumulative effects, thereby discharging the risk based approach duty placed on this Authority. No significant ecological impacts are expected and accordingly the proposed variation to HGV movements in May/June each year is acceptable and compliant with the aims of Policy M3.17, and M3.20 along with the conservation principles within the NPPF, the requirements of the Habitats Regulations and the risk-based advice of Natural England

Legal Agreement

43. A legal agreement is in place as part of the original grant of planning permission which provides for:
 - i) HGV routeing 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
44. A deed of variation was completed to this as part of the previous permitted grant of planning permission to vary condition 13. The legal advice is that this agreement will continue to have effect.

Conclusion

45. MLP Policy M2.1 is the Plan's overarching sustainable development policy. It seeks to ensure that in granting permission for minerals proposals the Plan's sustainable development objectives, where appropriate, have been fully addressed. The objectives include ensuring that the environmental impacts caused by minerals operations and the transport of minerals are kept to an acceptable minimum, and that all efforts have been made to ensure that alternatives to road haulage are used. Further objectives seek to protect designated areas for nature conservation value; to encourage sensitive working and restorations which enhance the quality of the environment thereafter; and to ensure there is an adequate supply of minerals to meet society's needs, whilst ensuring that they are used efficiently, including through the appropriate use of high quality materials.
46. The proposed seasonal increase to the numbers of permitted HGV movements would provide for greater variability on a day-to-day basis and a week-to-week basis to allow the company to respond to market conditions during its peak period. The proposal would thereby again support the operation of the quarry business, its employees and contractors, but also ensure the operations, including haulage would not lead to any unacceptable environmental or amenity impacts in accordance with the aims of Policy M2.1 and of the NPPF with respect to sustainable minerals extraction.
47. MLP Policy M3.27 is also engaged due to the potential cumulative effects of the proposed variation (for the May/June peak) in addition to the previous grant of variation of condition 13 (for an annual increase). All the assessments submitted with the application have been updated and take into account the previous planning variations. Consultees have also considered any potential for cumulative effects and no significant impacts to the environment or to local amenity have been identified.
48. Should Members resolve to approve the application as recommended, planning conditions governing the life of the quarry and its restoration would be carried forward with an amended condition No. 13.

Other Options Considered

49. 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

50. 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.

Data Protection and Information Governance

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

Human Rights Implications

52. 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

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

Implications for Sustainability and the Environment

54. Potential ecological impacts have been assessed in the Observations section above.
55. There are no crime/disorder; human resource; financial or children safeguarding implications arising. There are no implications for NCC service users.

Statement of Positive and Proactive Engagement

56. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

57. It is RECOMMENDED that 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 12/2/2018)

Planning & Licensing committee is the appropriate body to consider the contents of this report.

Comments of the Service Director - Finance (SES 09/02/18)

There are no specific financial implications arising directly from this 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.

Electoral Division and Member Affected

Sutton Central & East - Cllr Samantha Deakin

Report Author/Case Officer

Joel Marshall

0115 9932578

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

RECOMMENDED PLANNING CONDITIONS

Commencement and duration of the development

1. The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.
2. The Minerals Planning Authority (MPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.
Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.
3. The extraction of minerals from the application site shall be completed no later than 13th October 2064.
Reason: To ensure that mineral extraction is completed within an acceptable timeframe.

Approved plans

4. From the commencement of the development to its completion, a copy of this permission including all plans and documents hereby approved, and any other plans and documents subsequently approved in accordance with this permission, shall always be available at the site offices for inspection by the MPA during normal working hours.
Reason: To enable the MPA to monitor compliance with the conditions of the planning permission.
5. The development hereby permitted shall only be carried out in accordance with the details contained within the planning application forms, Planning Application Document and Environmental Statement (ES) received by the MPA on 30 March 2010, and the Regulation 22 Submissions received by the MPA on 30 March 2012, 19 September 2012 and 14 December 2012, and in particular the plans and details identified below, unless amendments are made pursuant to the other conditions below:
 - (i) 'Plan PA2 – Planning Application Area' received by the MPA on 30 March 2010;
 - (ii) Dwg TW952-D1v2 Rev D and document entitled 'Notes to accompany TW952-D1D received by the MPA (in respect of Condition 6 of Planning Permission 4/2010/0178) on 15 May 2013 and approved in writing by the MPA on 28 May 2013.
 - (iii) 'Figure L5 – Mitigation Cross Sections' received by the MPA on 30 March 2010;
 - (iv) Drawings numbered '192-S-03 – Sheet 1 – Access Junction', '192-S-04 – General Arrangement Long Section Chainage 0.000 – 300.000', '192-

- S-06 – General Arrangement to Show Visibility Splay at Junction’ and 192-S-21 – General Arrangement to Show Visibility Splay at Junction – Sheet 2’, and the accompanying statement entitled ‘Extracts from Richard Parker Consultancy (RPC) report issued in support of the planning application’, all received by the MPA on 19 April 2013 and approved in writing by the MPA on 6 June 2013 pursuant to NMA/2810.
- (v) Drawing Number PL13-1 Rev 6– Proposed Plant Layout and Elevations and Drawing Number PL13-2 Rev 6– Cross Sections Through Proposed Plant, both received by the MPA on 19 October 2015 and approved on 6 November 2015 in respect of NMA/3385 amending condition 14 of Planning Permission 4/2010/0178;
 - (vi) ‘Plan PA10 – Cross-Sections Through Proposed Design’ received by the MPA on 30 March 2010;
 - (vii) Dwg ‘Working Method- Phase 1 Revised January 2014’ received by the MPA on 11 February 2014 (pursuant to NMA/2994) and approved in writing by the MPA on 7 April 2014.
 - (viii) Dwg ‘Working Method- Phase 2a+2B Revised January 2014’ received by the MPA on 11 February 2014 (pursuant to NMA/2994) and approved in writing by the MPA on 7 April 2014.
 - (ix) ‘Plan R22-5 – Working Method – Phase 2c’ received by the MPA on 30 March 2012;
 - (x) ‘Plan R22-6 – Working Method – Phase 3’ received by the MPA on 30 March 2012;
 - (xi) ‘Plan R22-7 – Working Method – Phase 4a’ received by the MPA on 30 March 2012;
 - (xii) ‘Plan R22-8 – Working Method – Phase 4b’ received by the MPA on 30 March 2012;
 - (xiii) ‘Plan R22-9 – Final Site Soil Movements’ received by the MPA on 30 March 2012;
 - (xiv) ‘Plan R22-10 – Concept Restoration Plan’ received by the MPA on 30 March 2012;
 - (xv) ‘Plan R22-11 – Restoration Cross Sections’ received by the MPA on 30 March 2012;
 - (xvi) ‘Plan R22-12 – Site Location and 400m Margin to Residential Properties’ received by the MPA on 30 March 2012;
 - (xvii) Planning application form and certificates; Planning Application Statement; Transport Statement; Outline Ecological Assessment; letter from LF Acoustics dated 12th September 2016. All received by the MPA on 30 September 2016. Air Quality Statement received 2nd December 2016.
 - (xviii) Planning application form and certificates; Planning Application Statement; Transport Statement; Air Quality Statement; Ecological Assessment; letter from LF Acoustics . All received by the MPA on 22 November 2017

Reason: To enable the MPA to monitor compliance with the conditions of the planning permission.

Site screening, planting and security

6. Perimeter landscape protection and planting shall be maintained throughout the life of the development in accordance with the following details previously approved by the MPA:

Dwg TW952-D1v2 Rev D and document entitled 'Notes to accompany Tw952-D1D received by the MPA (in respect of Condition 6 of Planning Permission 4/2010/0178) on 15 May 2013 and approved in writing by the MPA on 28 May 2013, except where the approved details were subsequently amended by:

- i) Drawing Number PL13-1 Revision 4 – Proposed Plant Layout and Elevations; Drawing Number PL13-2 Revision 4 – Cross Sections Through Proposed Plant; Working Method – Phase 1 Revised January 2014; and Working Method – Phase 2a and 2b Revised January 2014 as approved under NMA/2994 on 7 April 2014 (which permitted the replacement of rabbit proof fencing with individual guards and an extension of the screening bund at the site entrance and incorporated a revised bund alongside Thieves Wood);
- ii) Drawings PL13-1 Revision 6 – Proposed Plant Layout and Elevations; and PL13-2 Revision 6 – Cross Sections Through Proposed Plant received by the MPA on 19 October 2015 as approved under NMA/3385 on 6 November 2015.

Reason: To minimise to visual impact of the proposed development in accordance with Policy M3.4 of the Nottinghamshire Minerals Local Plan and to improve the foraging habitat for bats and the habitat for breeding birds in accordance with the National Planning Policy Framework.

7. All security fencing erected around the perimeter of the site shall be maintained in accordance with the following details as previously approved by the MPA (in respect of Condition 7 of Planning Permission 4/2010/0178) so as to ensure the site's security throughout the life of the development.

- (i) Document entitled 'Condition 7 – Fencing scheme 2, 28 Jan 2013' received on 28 January 2013 and approved in writing by the MPA on 13 March 2013;
- (ii) Drawing entitled 'Peart Fencing – Masterview Profile Panel 2.0m x 3.0m' received on 3 January 2013 and approved in writing by the MPA on 13 March 2013;
- (iii) Document entitled 'MasterView Profile' received on 3 January 2013 and approved in writing by the MPA on 13 March 2013;
- (iv) Drawing Number 'TOF – SF1 – Proposed Security Fencing' received by the MPA on 3 January 2013 and approved in writing by the MPA on 13 March 2013;
- (v) Plan PL13-1 Rev 6 – Proposed Plant Layout & Elevations received by the MPA on 19 October 2015 and approved 6 November 2015 pursuant to NMA/3385 (relating to amendments to post and wire fencing in phase 1).

Reason: To ensure the security of the site and also to minimise the opportunity for human disturbance from the site on adjacent habitats suitable for nightjar and woodlark.

Quarry access and protection of the public highway

8. Throughout the life of the development hereby permitted, all vehicles entering and leaving the site shall only use the access road as constructed in accordance with the following details previously approved by the MPA pursuant to NMA/2810 on 6 June 2013:

Drawings numbered '192-S-03 – Sheet 1 – Access Junction', '192-S-04 – General Arrangement Long Section Chainage 0.000 – 300.000', '192-S-06 – General Arrangement to Show Visibility Splay at Junction' and 192-S-21 – General Arrangement to Show Visibility Splay at Junction – Sheet 2', and the accompanying statement entitled 'Extracts from Richard Parker Consultancy (RPC) report issued in support of the planning application', all received by the MPA on 19 April 2013.

Reason: To ensure that all quarry traffic obtains access to the site along a permanently bound hard surfaced road thus ensuring that there is no damage to the public highway and to ensure compliance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.

9. The access road shall be maintained in a satisfactory condition at all times to ensure that vehicles travelling between the public highway and the plant site travel along a permanently bound surfaced road.

Reason: To ensure that all quarry traffic obtains access to the site along a permanently bound hard surfaced road thus ensuring that there is no damage to the public highway and to ensure compliance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.

10. Measures shall be employed throughout the life of the development to prevent the deposit of mud, clay and other deleterious materials upon the public highway in accordance with the document entitled 'Mansfield Sand, Two Oaks Quarry, Condition 10' received by the MPA on 7 June 2013 and approved in writing by the MPA on 17 June 2013.

Reason: To ensure that no vehicle shall leave the site in a condition whereby mud or other deleterious material is carried onto the public highway in accordance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.

11. In the event that the measures approved under Condition 10 above prove inadequate, then within one week of a written request from the MPA, a scheme including revised and additional measures to be taken in order to prevent the deposit of materials upon the public highway shall be submitted to the MPA for its approval in writing. The additional measures to protect the surrounding roads shall be implemented within one month of their approval and thereafter maintained and used at all times.

Reason: To ensure that no vehicle shall leave the site in a condition whereby mud or other deleterious material is carried onto the public highway in accordance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.

12. Signage erected on the site to notify HGV drivers of the lorry routing agreement in place shall be maintained for the life of the development in accordance with the previously approved details 'Mansfield Sand, Two Oaks Quarry, Condition 12' received by the MPA on 13 May 2013 (in respect of Condition 12 of Planning Permission 4/2010/0178) and approved in writing by the MPA on 13 May 2013.

Reason: In the interest of local amenity in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.

13. The number of HGVs entering and leaving the site shall not exceed the following:

- a) Except for the period 1 May to 30 June inclusive there shall be no more than 200 HGV movements to and from the site in any one working day (100 in, 100 out) and no more than 1100 HGV movements to and from the site in any one week (550 in, 550 out).
- b) For the period 1 May to 30 June inclusive there shall be no more than 240 HGV movements to and from the site in any one working day (120 in, 120 out) and no more than 1320 HGV movements to and from the site in any one week (660 in, 660 out).

Over the course of any calendar year, total HGV movements to and from the site shall not exceed 34,000 (17,000 in, 17,000 out).

Written records shall be maintained of all HGV movements into and out of the site, including HGVs taking sand and sand-based products off site, HGVs delivering soils, compost and other materials into the site, and HGVs delivering plant and machinery to the site for operations such as soil stripping, with the records kept for a minimum period of two years. Copies of the HGV vehicle movement records shall be made available to the MPA within 7 days of a written request being made by the MPA.

Reason: To limit vehicle movements at the proposed quarry in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.

Quarry plant area

14. The quarry plant area, plant, equipment and supporting infrastructure shall be maintained in accordance with the following previously approved details:

Drawing Number PL13-1 Rev 6– Proposed Plant Layout and Elevations and Drawing Number PL13-2 Rev 6– Cross Sections Through Proposed Plant, both received by the Minerals Planning Authority on 19 October 2015 and approved by the MPA on 6 November 2015 in respect of NMA/3385 amending condition 14 of Planning Permission 4/2010/0178.

Reason: In the interest of visual amenity to ensure compliance with Policy M3.3 of the Nottinghamshire Minerals Local Plan and to protect the openness of the Green Belt in accordance with the National Planning Policy Framework.

15. All floodlighting to be used at the site shall be maintained for the life of the development in accordance with the following previously approved

plans/documents (in respect of Condition 15 of Planning Permission 4/2010/0178 as amended by Non-Material Amendment 3385):

Drawing Number D21071/PY/I dated 21/09/15, and accompanying statement entitled 'Condition 15, Floodlighting' and document entitled 'BREEAM – P21071 – Two Oaks Quarry' all received 19 October 2015 and approved by the MPA on 6 November 2015 pursuant to NMA/3385.

Floodlighting shall 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 floodlighting shall not be used outside the hours of 6am to 8pm Mondays to Fridays, 7am to 1pm on Saturdays and not at all on Sundays, Bank or Public Holidays. Outside these hours any external lighting shall be individually operated through a movement sensor switch with a maximum lighting cycle not exceeding 5 minutes.

Reason: In the interest of visual amenity and to ensure compliance with Policy M3.3 of the Nottinghamshire Minerals Local Plan.

16. Throughout the life of the development hereby permitted, the external appearance of all fixed plant, equipment and supporting infrastructure shall be maintained to the satisfaction of the MPA in order to preserve their original external appearance. Any works which the MPA considers are required to maintain the external appearance of all fixed plant, equipment and supporting infrastructure shall be carried out within one month of a written request being made by the MPA.

Reason: In the interest of visual amenity and to ensure compliance with Policy M3.3 of the Nottinghamshire Minerals Local Plan.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent amended legislation, no buildings, fixed plant, or machinery, other than those approved under Condition 14 above, shall be erected or placed on the site without the prior written approval of the MPA.

Reason: To protect the openness of the Green Belt in accordance with the National Planning Policy Framework.

Phasing and cessation of mineral extraction

18. Mineral extraction shall only be carried out in accordance with the Plans 'Working Method- Phase 1 Revised January 2014' and 'Working Method- Phase 2a+2B Revised January 2014' received by the MPA on 11 February 2014 (pursuant to NMA/2994) and R22-5 – R22-9 received by the MPA on 30 March 2012. Mineral extraction in any phase or sub-phase shall not commence until mineral extraction has been completed, or substantially completed, within the preceding phase or sub-phase to the satisfaction of the MPA. The MPA shall be notified in writing of the date of commencement of mineral extraction in any phase or sub-phase at least seven days, but not more than 14 days, prior to the commencement of mineral extraction in that phase or sub-phase.

Reason: To ensure the phased working and restoration of the site in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.

19. The MPA shall be notified in writing of the date of the cessation of mineral extraction.

Reason: To enable the MPA to monitor compliance with the conditions of the planning permission.

20. All plant, equipment and supporting infrastructure shall be removed from the site and the site shall be entirely restored within 12 months of the cessation of mineral extraction, as notified under Condition 19 above.

Reason: To secure proper restoration of the site within an acceptable timescale and in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.

Hours of working

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
Mineral extraction, conveying, processing or treatment	6am to 8pm	7am to 1pm	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	6am to 8pm	7am to 4pm	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

Reason: To minimise the impact of the development on the amenity of the local area in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan, to minimise the impact of the development on highway safety in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan, and to reduce the disturbance on nearby breeding birds in accordance with the Conservation of Habitats and Species Regulations 2010.

22. Notwithstanding the hours of operation detailed in Condition 21 above, mineral extraction, including the operation of the single motorised scraper, a dozer and

the conveyor, shall not take place between 6am and 7am within the 400 metre buffer zones identified on 'Plan R22-12 – Site Location and 400m Margin to Residential Properties' received by the MPA on 30 March 2012. Where mineral extraction is taking place in close proximity to any of the 400 metre buffer zones, the extent of the buffer zones shall be clearly marked in accordance with details previously submitted to, and approved in writing by, the MPA.

Reason: To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

Noise

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

Reason: To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan, and to ensure that breeding birds are not adversely affected by the development in accordance with the National Planning Policy Framework.

24. The free field noise levels associated with the development, when measured in the curtilage of any of the noise-sensitive properties listed below, shall not exceed the following limits measured as an Equivalent Continuous Noise Level for a 1 hour LAeq (free field):

Criterion Noise Levels LAeq, 1 hour			
Location	LAeq (7am – 7pm)	LAeq (7pm – 8pm)	LAeq (6am – 7am)
Forest House, Thieves Wood Lane	55	52	42
Stonehills House, Derby Road	55	52	42
Coxmoor House, Derby Road	55	52	42

Reason: To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

25. Notwithstanding the requirements of Condition 24 above, for temporary operations such as soil stripping, replacement and bund formation, the LAeq 1 hour (free field) noise level in the curtilage of any noise sensitive property shall

not exceed 70 dB(A). Temporary operations which exceed the normal day to day criterion shall be limited to a total of eight working weeks in a year at any individual noise sensitive property. The dates of these occurrences shall be recorded and available to the MPA in writing within one week of a written request from the MPA.

Reason: To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

26. Operational noise at the site shall be managed in accordance with the 'Protocol for Control of Noise to Protect Nightjar and Woodlark' – May 2013, received by the MPA on 10 May 2013 and approved in writing by the MPA on 30 May 2013 (in respect of Condition 26 of Planning Permission 4/2010/0178), whereby it shall be ensured that the continuous sound level from the site does not exceed 55 dB LAeq and the peak sound level does not exceed 80 dB LA(max) at any point on land surrounding the site that has the potential to support breeding nightjar and woodlark.

In accordance with the approved details, the following details shall be submitted to the MPA for its approval in writing throughout the life of the development (except where otherwise stated):

- i) An annual review of potential new breeding areas for nightjar and woodlark created by forestry operations on adjacent land, to be carried out in advance of the breeding season;
- ii) The results of noise monitoring carried out in January or February each year in positions adjacent to any potential nesting/breeding areas for nightjar and woodlark;
- iii) For 2016 only, the results of additional noise monitoring carried out in May and June in positions adjacent to any potential or actual nesting/breeding areas for nightjar and woodlark;
- iv) The results of noise monitoring carried out periodically throughout the nightjar and woodlark breeding seasons adjacent to areas identified as potential nesting sites.

The approved noise management measures shall be implemented in accordance with the approved details throughout the life of the development.

Reason: To ensure that breeding birds are not adversely affected by the development in accordance with the National Planning Policy Framework and to also protect the amenity of nearby recreational users.

Dust

27. Measures shall be taken to minimise the generation of dust and reduce its impact on nearby dust sensitive receptors, including the Sherwood Observatory, nearby properties and habitats suitable for nightjar and woodlark, to acceptable levels and provide for dust monitoring.

The dust management plan ('Dust Management Plan V.1 – 9.01.2013') received by the Minerals Planning Authority on 22 March 2013 and approved on 3 June 2013 (in respect of Condition 27 of Planning Permission 4/2010/0178)) shall be implemented for the life of the development.

Reason: To ensure that dust impacts associated with the operation of the development are minimised, in accordance with Policy M3.7 of the Nottinghamshire Minerals Local Plan.

28. All HGVs entering the site to deliver soil, compost, and synthetic fibres, and all HGVs leaving the site with sand and sand-based products, shall be fully sheeted.

Reason: To ensure that dust impacts associated with the operation of the development are minimised, in accordance with Policy M3.7 of the Nottinghamshire Minerals Local Plan.

Archaeology

29. Development shall progress in accordance with the approved Archaeological Mitigation Strategy by Pre-Construct Archaeological Services Ltd, received by the MPA on 12 April 2013 and approved in writing by the MPA on 21 May 2013 (in respect of Condition 29 of Planning Permission 4/2010/0178), including the programme of further archaeological investigations required by this strategy which shall be completed and the findings submitted to the MPA for its approval in writing prior to any works commencing on phases 2 and 3.

Reason: To ensure that that adequate archaeological investigation and recording is undertaken prior to the development taking place, in accordance with Policy M3.24 of the Nottinghamshire Minerals Local Plan.

Stockpile heights

30. Following the commencement of extraction from Phase 1b, as identified on 'Working Method- Phase 1 Revised January 2014' received by the MPA on 11 February 2014 (pursuant to NMA/2994), stockpiles in the plant site area including stockpiles of excavated (as dug) minerals; site-sourced soils waiting to be processed; imported soils, compost and synthetic fibres waiting to be processed; and processed materials shall not exceed 10 metres above the ground levels of the plant site as set out in the details submitted and approved under Condition 14 above.

Reason: In the interest of visual amenity to ensure compliance with Policy M3.3 of the Nottinghamshire Minerals Local Plan and to protect the openness of the Green Belt in accordance with the National Planning Policy Framework.

Mineral extraction

31. Mineral extraction shall only be carried out using a single motorised scraper and dozer. All excavated mineral shall be transported from the working phase to the processing plant area by field conveyor only. The conveyor shall be maintained throughout the life of the development hereby permitted to the satisfaction of the MPA.

Reason: To minimise the impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

32. No blasting shall take place on the site in association with the mineral extraction hereby permitted.

Reason: To minimise the impact of the development on the amenity of the local area.

33. Only sand and gravel extracted from within the site, as detailed on 'Plan PA2 – Planning Application Area' received by the MPA on 30 March 2010, shall be processed on the site. No sand and gravel shall be imported into the site for processing.

Reason: To limit vehicle movements at the proposed quarry in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.

Pollution control

34. A scheme for surface water drainage for the site shall be implemented and maintained in accordance with the following details previously approved by the MPA on 30 May 2013 (in respect of Condition 34 of Planning Permission 4/2010/0178):

- a) Documents entitled 'Design Philosophy for Surface Water Drainage Revision 1'; 'Halfren Water Report'; and 'Two Oaks Quarry - Environmental Statement' all received by the MPA on 10 April 2013;
- b) Drawings Numbered '192-S-02 (Site Plan) B'; '192-S-03 (Junction GA) F'; '192-S-04 (Long Section 0-300) G'; '192-S-05 (Long section 300 - 500) F'; '192-S-06 (Visibility Splay sheet 1) E'; '192-S-07 (Parking Layby) C'; '192-S-08 (Corner to plant area) C'; '192-S-09 (Section @30m) E'; '192-S-10 (Section @50m 100m) G'; '192-S-11 (Section @150m 200m) E'; '192-S-12 (Section @250m) D'; '192-S-13 (Section @300m) D'; '192-S-14 (Section @350m) D'; '192-S-15 (Section @400m) D'; '192-S-16 (Section @450m) B'; '192-S-17 (Section @500m) A'; '192-S-18 (Section @525m) A' all received by the MPA on 20 March 2013.
- c) Surface Water Calculations received by the MPA on 20 March 2013;
- d) Documents entitled 'Balancing Lagoons –No Discharge Off Site' and 'Balancing Lagoons – Greenfield Run-Off Rate' both received by the MPA on 15 May 2013.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with Policy M3.9 of the Nottinghamshire Minerals Local Plan.

35. A scheme for the disposal of foul drainage shall be implemented in accordance with the following details previously approved by the MPA on 30 May 2013 (in respect of Condition 35 of Planning Permission 4/2010/0178):

- a) Document entitled 'Design Philosophy for Foul Water Drainage – Revision 1';
- b) Document entitled 'Biotec 1 and Biotec 2 – Installation and Operation Guidelines';
- c) Document entitled 'Biotec 3 and Biotec 4 – Installation and Operation Guidelines';
- d) Document entitled 'Installation Guidelines for BioDisc Units BA, BAx, BB and NB';
- e) Document entitled 'Installation Guidelines for BioDisc Units BC, NC';
- f) Drawing Number 'DS1146P: BA-BB-BAx BioDisc Gravity Sales Drawing';

- g) Drawing Number DS0456P: 'BC BioDisc General Dimensions Customer Drawing';
- h) Document entitled 'BioDisc Sewage Treatment Plans Units BA – BG';
- i) Document entitled 'Siting and Installation Considerations for BioDisc Units BA – BG and Nitrification Versions';
- j) Drawing Number '192-S-38: Weigh Bridge and Office Proposed Foul Drainage Plan.

All received by the MPA on 10 April 2013.

Reason: To ensure the satisfactory means of foul drainage disposal from the site in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.

- 36. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas, and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the oil separator which shall be maintained in accordance with the manufacturer's instructions throughout the life of the development.

Reason: To protect the water environment in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.

- 37. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, of the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.

Ecology

- 38. Prior to the commencement of mineral extraction in each phase or sub-phase of the development, as identified on 'Working Method- Phase 1 Revised January 2014' and 'Working Method- Phase 2a+2B Revised January 2014' received by the MPA on 11 February 2014 (pursuant to NMA/2994) and R22-5 – R22-8 received by the MPA on 30 March 2012, ecological management plans shall be submitted to the MPA for its approval in writing. The plans shall detail measures to improve the biodiversity of those areas of the site not subject to operational activities and shall include, but not necessarily be limited to, any or all of the following measures as appropriate:

- (i) Management of hedgerows to increase their size and density to the benefit of breeding birds and bats;

- (ii) The provision of suitable field margins (wild bird seed areas) sown with high energy seed yielding plant species that shall remain intact during the winter months;
- (iii) The location of the wild bird seed areas shall be notified in writing to the MPA each year within two weeks of being sown.
- (iv) Timescales for the provision and ongoing maintenance of the proposed measures.

Additionally with respect to phase 1:

- a) The wild bird seed areas shall continue to be sown, established and maintained in accordance with the details in the document entitled 'Condition 38: Ecological Management Plan' produced by Eco-Tech and received by the MPA on 24 April 2013 (pursuant to Condition 38 of Planning Permission 4/2010/0178) albeit that the location of the areas shall be rotated from year to year;
- b) The location of the wild bird seed areas shall be notified in writing to the MPA each year within two weeks of being sown;

The ecological management plans shall be implemented in accordance with the approved details.

Reason: In the interest of protecting species and their habitats in accordance with the National Planning Policy Framework.

- 39. Site clearance works within each phase and sub-phase of the development, as identified on 'Working Method- Phase 1 Revised January 2014' and 'Working Method- Phase 2a+2B Revised January 2014' received by the MPA on 11 February 2014 (pursuant to NMA/2994) and R22-5 – R22-8 received by the MPA on 30 March 2012, and that involve the destruction and removal of vegetation, including felling, clearing or removal of trees, shrubs or hedgerows or the removal of any standing crops, shall not commence until all potential habitats for protected species have been investigated by a qualified ecologist and a report of the investigation has been submitted to, and approved in writing by, the MPA. In the event that protected species or nesting birds are present, the report shall provide a working design, method and timetable to mitigate any undue adverse effects on the species involved. The mitigation measures shall be implemented as approved prior to any site clearance works taking place within that phase.

Reason: In the interest of protecting species and their habitats in accordance with the National Planning Policy Framework.

Soil stripping, handling and storage

- 40. The MPA shall be notified in writing at least 5 working days before soil stripping is due to commence on any phase or sub-phase, or part phase or part sub-phase in the event that a phase or sub-phase is not stripped in its entirety in one stripping campaign.

Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

41. A detailed soil handling scheme for each phase, sub-phase, part phase or part sub-phase of the development shall be submitted in writing to the MPA at least one month prior to the stripping of any soil from that area of the site. Such a scheme shall include the following details:
- (i) The size, location, volume and composition of soil storage mounds;
 - (ii) A methodology statement for the stripping and storage of soils;
 - (iii) The types of machinery to be used;
 - (iv) The routes to be taken by plant and machinery involved in soil handling operations;
 - (v) The depths of subsoil and topsoil to be stripped;
 - (vi) Which soils are to be retained for restoration purposes and which are to be used in the production of 'fibresand' products.

The soil handling schemes shall be carried out in accordance with the approved details.

Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

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

Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

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

Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

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

- (i) When all soil above a depth of 300mm is in a suitable condition that it is not subject to smearing;
- (ii) When topsoil is sufficiently dry that it can be separated from subsoil without difficulty;
- (iii) When there are no areas of standing water on the surface of soils in the area to be stripped, traversed or used for soil storage.

Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

45. All further storage mounds that will remain in situ for more than 6 months, or over winter, shall be seeded within 3 weeks of their construction in accordance with a seed mixture which has been previously agreed in writing by the MPA. The seed mixes should aim to provide a suitable grass sward on the outside faces of any perimeter storage mounds/screening bunds; high energy seed yielding plant species which shall remain intact during the winter months on the inside faces of any perimeter storage mounds/screening bunds; and high energy seed yielding plant species which shall remain intact during the winter months on all internal soil storage mounds. The mounds shall thereafter be maintained free of weeds until used for restoration purposes.

Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan and to ensure that breeding birds are not adversely affected by the development in accordance with the National Planning Policy Framework.

46. Details of the volumes and locations of soils stored on the site shall be submitted to the MPA by 31 December each year.

Reason: To ensure there are sufficient soils available for the restoration of the site and to ensure all available soil resources are conserved and managed, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

Phased restoration

47. Details of the restoration of the four main phases of the site and the plant site shall be submitted in writing to the MPA within the following timescales:

Phase	Date for restoration details to be submitted
1	Within 12 months of the completion of mineral extraction within phase 1a
2	Within 12 months of the completion of mineral extraction in phase 2a
3	Within 12 months of the commencement of mineral extraction in phase 3
4	Within 12 months of the completion of mineral extraction in phase 4a
Plant site	Within 12 months of the commencement of mineral extraction in phase 4b

Reason: To ensure the phased working and restoration of the site in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.

Soil replacement for agricultural and woodland restoration

48. The MPA shall be notified in writing at least 5 working days before each of the following:
- (i) Overburden/sand substrate has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out; and
 - (ii) When subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out; and
 - (iii) On completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operation.
- Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*
49. Topsoils and subsoils shall only be replaced when they and the ground on which they are to be placed are in a dry and friable condition and no movements, respreading, levelling, ripping or loosening of subsoils or topsoils shall occur:
- (i) When it is raining; or
 - (ii) When there are pools of water on the surface of the storage mound or receiving area.
- Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*
50. Plant and vehicles shall not cross any area of replaced and loosened ground, replaced subsoil, or replaced topsoil except where essential and unavoidable for the purposes of carrying out soil replacement, ripping and stone picking or beneficially treating such areas. Only low ground pressure machines shall work on prepared ground.
- Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Replacement Minerals Local Plan.*
51. Prior to the placement of any subsoils, the quarry floor shall be ripped to a minimum depth of 250mm with tine spacings no wider than 1.5m.
- Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*
52. The top soil and upper subsoils shall be replaced to an overall combined depth of no less than 750mm.
- Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*
53. The re-spread subsoil shall be approximately, and at least a minimum of, 350mm in depth and shall be cross-ripped:

- (i) To provide loosening to a minimum depth of 400mm with tine spacings no wider than 1.5m, and
- (ii) Any rock, boulder or larger stone greater than 200mm in any dimension shall be removed from the loosened surface before further soil is laid. Materials that are removed shall be utilised for the creation of refugia areas for reptiles and amphibians, or buried at a depth not less than 2 metres below the final settled contours.

Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan and in the interest of habitat creation in accordance with the National Planning Policy Framework.

54. The re-spread topsoil shall be approximately, but no more than a maximum of, 400mm in depth and shall be rendered suitable for agricultural cultivation by loosening and ripping:

- (i) To provide loosening to a minimum depth of 450mm with tine spacings of 1.5 metres or closer;
- (ii) Any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be utilised for the creation of refugia areas for reptiles and amphibians, or buried at a depth not less than 2 metres below the final settled contours.

Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan and in the interest of habitat creation in accordance with the National Planning Policy Framework.

Restoration of areas to heathland, wetland areas and woodland

55. Within the timescales prescribed in Condition 47 above for those phases, part phases, sub-phases or part sub-phases to be restored to heathland, wetland areas and woodland, details of the restoration of those areas shall be submitted to the MPA for its approval in writing. The details shall be in accordance with 'Plan R22-10 – Concept Restoration Plan' received by the MPA on 30 March 2012 and 'Plan R22-11 – Restoration Cross Sections' received by the MPA on 30 March 2012 with the aim of creating a mosaic of heathland, acid grassland, short ephemeral vegetation and bare ground with a varied micro-topography, including areas of open water of varying sizes and in clusters, and clumps of scrub and oak-birch woodland. The details shall include the following:

- (i) The results of a walk-over survey carried out to identify evidence of, or potential for, protected species along with the results of any further detailed protected species carried out as necessary;
- (ii) The results of surveys carried out to identify features that have arisen naturally or as a consequence of excavation works which are of value (or have the potential to be of value) in the context of creating a diverse heathland habitat, and details of how the survey results have been taken into account when drawing up the restoration details;

- (iii) Target habitats with reference to the UK Biodiversity Action Plan;
- (iv) Woodland, wetland margin and heathland species mixes and establishment methods which should be of native genetic origin and appropriate to the local area, including the source of heather brash and numbers, species, planting, positions and sizes of all trees and shrubs;
- (v) Substrate preparation (where required), including the creation of micro-topography features;
- (vi) Details of the reshaping of the silt lagoons in phase 1 to a shallower edge profile;
- (vii) Habitat transition areas between the agricultural grassland areas and the heathland areas;
- (viii) Sandstone faces;
- (ix) The provision of appropriate refugia areas for reptiles and amphibians using, where appropriate, any rocks, boulders or stones picked in accordance with Conditions 53 and 54 above;
- (x) Timetable for the implementation of the restoration works.

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

Reason: To ensure the phased restoration of the site in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan and to provide for extensive heathland and acid grassland afteruse in accordance with Policy M4.13 of the Nottinghamshire Minerals Local Plan.

Aftercare

56. Following the restoration of any phase or sub-phase of the site, that phase or sub-phase shall undergo aftercare management for a 5 year period.

Reason: To provide for the aftercare of the restored site, in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan.

57. Prior to any phase or sub-phase being entered into aftercare, the extent of the area and its date of entry into aftercare shall be agreed in writing with the MPA. The 5 year aftercare period shall run from the agreed date.

Reason: To provide for the aftercare of the restored site, in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan.

58. An aftercare scheme and strategy for each phase or sub-phase shall be submitted for the written approval of the MPA at the same time as the submission of the restoration details for that phase or sub-phase in accordance with the timescales detailed in Condition 47 above. The aftercare scheme and strategy shall outline the steps to be taken, the period during which they are to be taken, and who will be responsible for taking those steps to ensure the land is restored and brought back to its intended restored afteruse. The aftercare scheme shall include but not be restricted to details of the following:

- (i) Cultivations;
- (ii) Weed control;

- (iii) Scrub control on heathland areas;
- (iv) Sowing of seed mixtures;
- (v) Soil analysis;
- (vi) Keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the MPA between 31 March and 31 May each year;
- (vii) Drainage amendments;
- (viii) Subsoiling and underdrainage proposals;
- (ix) Management practices such as the cutting of vegetation;
- (x) Tree protection;
- (xi) Remedial treatments;
- (xii) Irrigation;
- (xiii) Fencing;
- (xiv) Proposals for a survey visit by a suitably qualified ecologist, to be undertaken in year 5, to assess the ecological interest of those parts of the site restored to heathland, wetland areas and woodland, including their habitats, flora and fauna, to inform management practices for the additional periods of aftercare secured through legal agreement; and
- (xv) A report detailing the findings of the survey visit referred to in (xiv) above, to be submitted to the MPA at the end of year 5.

Reason: To provide for the aftercare of the restored site, in accordance with Policy M4.10 of the Nottinghamshire Minerals Local Plan.

59. Site management meetings shall be held with the MPA each year to assess and review the detailed annual programmes of aftercare operations referred to in Condition 58 (vi) above, having regard to the condition of the land, progress in its rehabilitation and necessary maintenance.

Reason: To provide for the aftercare of the restored site, in accordance with Policy M4.10 of the Nottinghamshire Minerals Local Plan.

60. The aftercare programme shall be implemented in accordance with the details approved under Condition 58 (vi) above, as amended following the annual site meeting carried out in accordance with Condition 59 above.

Reason: To provide for the aftercare of the restored site, in accordance with Policy M4.10 of the Nottinghamshire Minerals Local Plan.

Alternative Restoration

61. Should, for any reason, mineral extraction from the application site cease for a period in excess of 12 months, then, within three months of the receipt of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted in writing to the MPA for its approval in writing. Such a scheme shall include details of the final contours, provision of soiling, sowing of heathland habitat, planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these conditions.

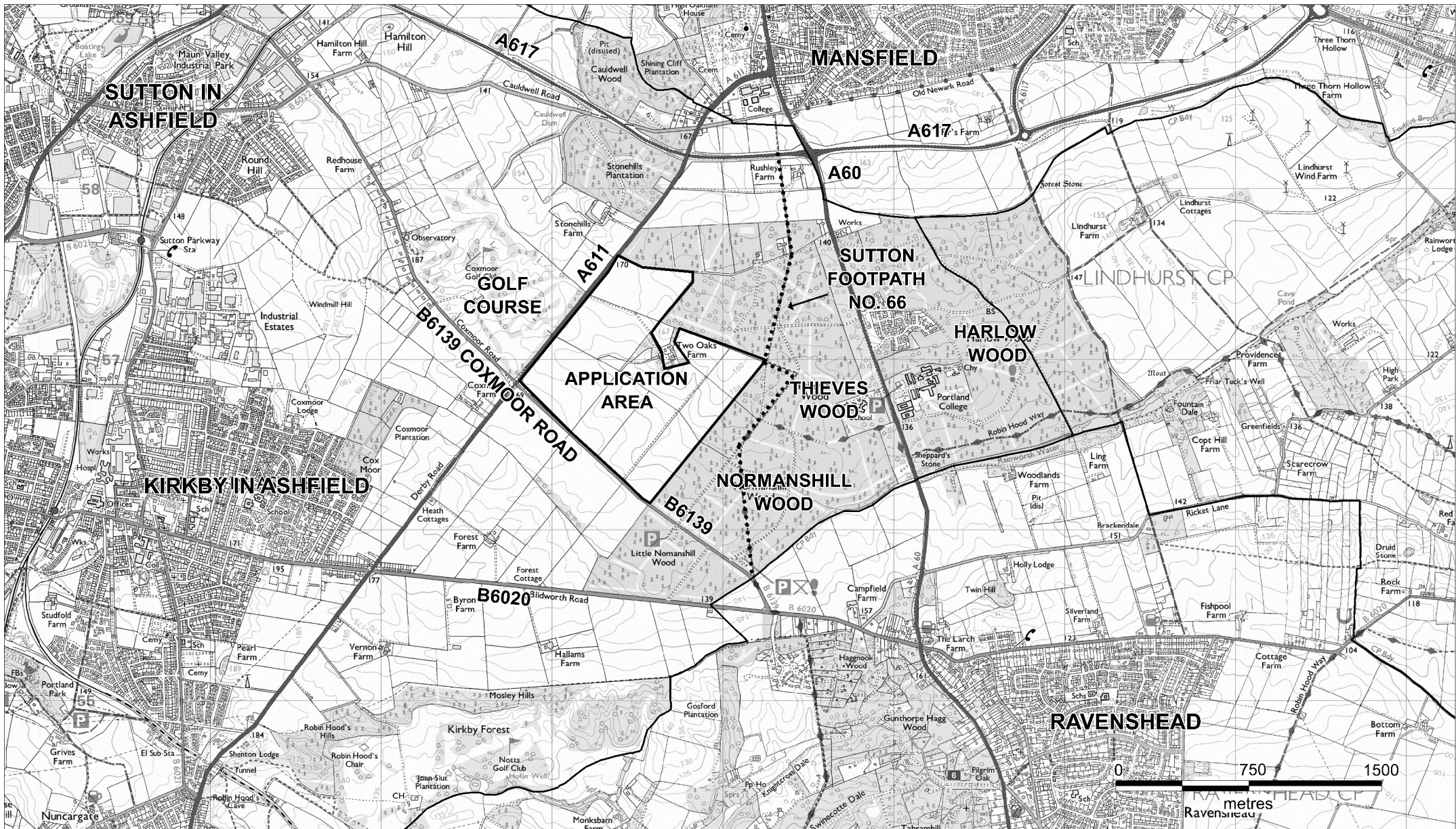
Reason: To secure the proper restoration of the site within an acceptable timescale.

62. The revised restoration scheme approved under Condition 61 shall be implemented within 12 months of its approval by the MPA, and shall be subject to the aftercare provisions of Conditions 58 – 60 above.

Reason: To secure the proper restoration of the site within an acceptable timescale.

Informatives/notes to applicants

1. This notice of planning permission and the attached conditions should be read alongside the associated Section 106 legal agreement sealed on 19 September 2017.
2. Your attention is drawn to the consultation responses from the Environment Agency dated 23 June 2010, Central Networks dated 6 May 2010 and the Highways Authority dated 9 November 2012 copies of which have been previously forwarded.



Variation of condition 13 to allow an increase in daily and weekly HGV movements during May and June each year so to meet demand for specialist sand products.

No change to the overall annual limit is sought.

Two Oaks Quarry, Derby Road, Mansfield, Nottinghamshire.

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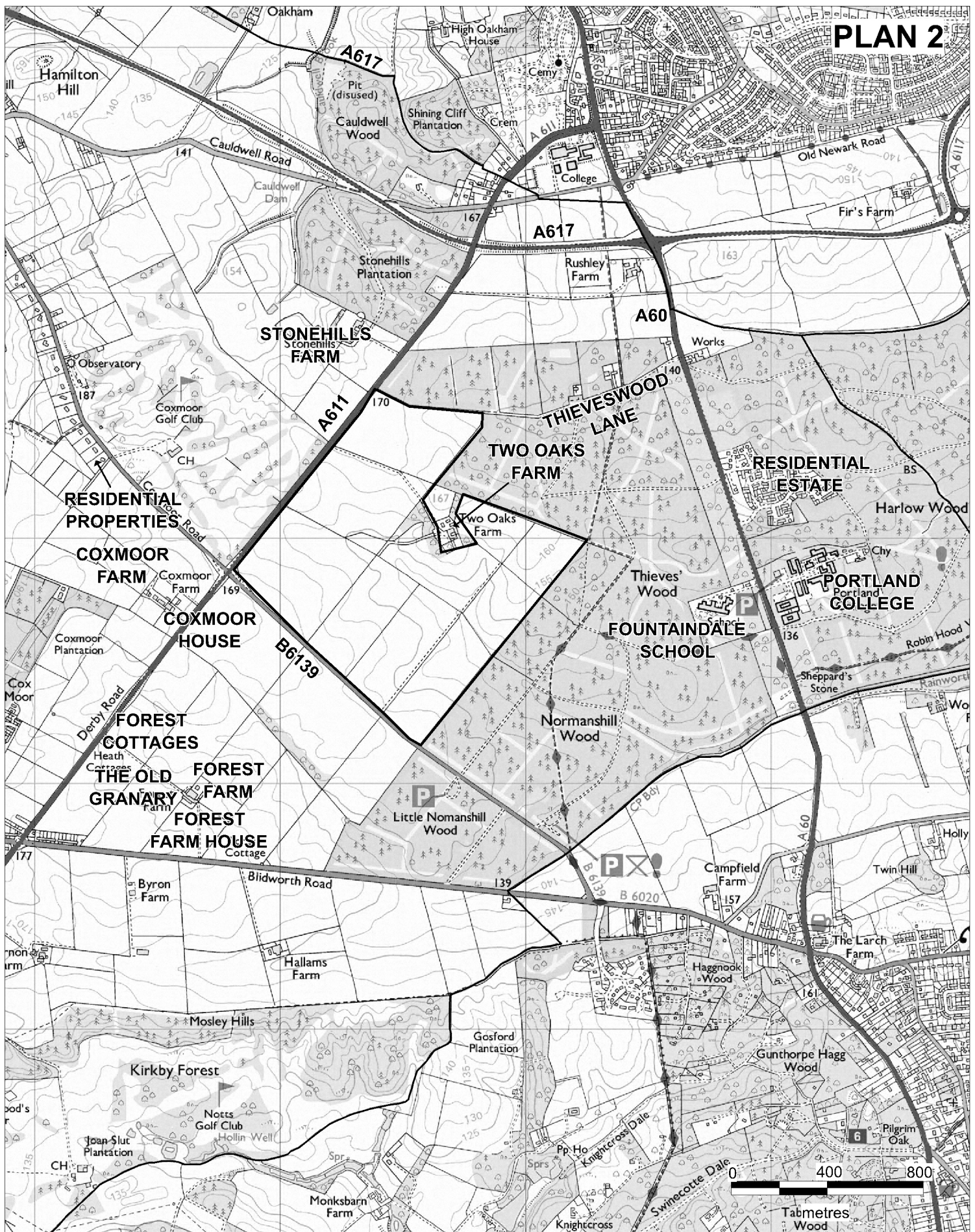


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Date: MARCH 2018

PLAN 1



**Nottinghamshire
County Council**

Variation of condition 13 to allow an increase in daily and weekly HGV movements during May and June each year so to meet demand for specialist sand products. No change to the overall annual limit is sought.
Two Oaks Quarry, Derby Road, Mansfield, Nottinghamshire.
Planning Application No. V/3764

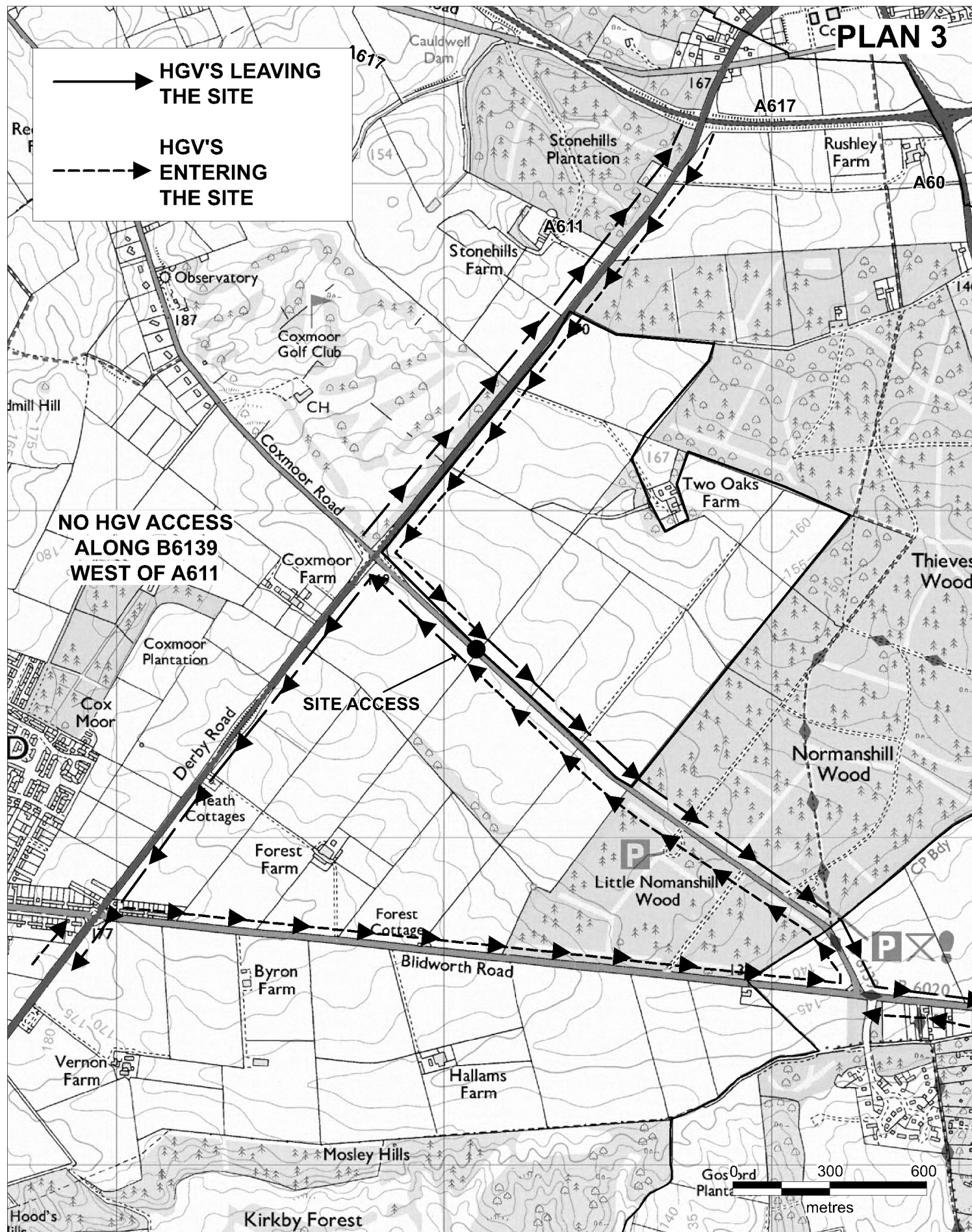
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Date: MARCH 2018

→ HGV'S LEAVING THE SITE

---→ HGV'S ENTERING THE SITE



**Nottinghamshire
County Council**

Variation of condition 13 to allow an increase in daily and weekly HGV movements during May and June each year so to meet demand for specialist sand products. No change to the overall annual limit is sought.
Two Oaks Quarry, Derby Road, Mansfield, Nottinghamshire.
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Date: MARCH 2018

13 March 2018**Agenda Item: 8****REPORT OF CORPORATE DIRECTOR – PLACE****MANSFIELD DISTRICT REF. NO.: 2/2018/0006/NCC**

PROPOSAL: PROPOSED MAUN VALLEY CYCLE ROUTE 4, COMPRISING CONSTRUCTION OF NEW BITUMEN PATHS, WIDENING OF EXISTING PATHS AND ASSOCIATED WORKS

LOCATION: THE EXISTING MAUN VALLEY COUNTRY PARK (LOCAL NATURE RESERVE), AN EXISTING FOOTPATH TO THE REAR OF PROPERTIES AND TO THE WEST OF BARRINGER ROAD, AND THE EXISTING BARRINGER ROAD RECREATION AREA.

APPLICANT: NOTTINGHAMSHIRE COUNTY COUNCIL PLACE DEPARTMENT

Purpose of Report

1. To consider a planning application for the creation of an off-road cycle route, following the Maun valley in Mansfield, comprising the laying of a new path through the park between New Mill Lane and Old Mill Lane and the widening of existing pathways from Old Mill Lane through to Barringer Road recreation ground. The scheme includes provision of associated street furniture.
2. The key issues relate to the impacts on the character and appearance of the Maun Valley Park Local Nature Reserve (LNR) and its associated ecological interest; community safety and amenity interests; and the implications for the status of a Public Right of Way.
3. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

4. The site comprises an identified linear route of approximately 1.75km along the River Maun valley north-east of Mansfield town centre running northwards to Mansfield Woodhouse (see plan 1). The route can be broadly divided into two distinct sections; a northern semi-rural/parkland section running through the Maun Valley Park LNR (see plan 2) and a southern sub-urban section utilising existing paths alongside housing in the Barringer Road area (plan 3).
5. The route starts at the access gate to the park at New Mill Lane where it begins as a stone chip path for about 300m before this branches off towards the

eastern side of the park via a small stone bridge crossing the River Maun. The identified route continues along the western side as an unsurfaced desire line for 450m to the gate at Old Mill Lane. This northern section passes entirely through the park along the river valley floor and is characterised by flood meadows and open parkland. To each side of the valley floor there are steepening wooded flanks, atop of which are residential areas.

6. At Old Mill Lane (A6117) the route utilises the footway along the road bridge over the river and then crosses the road where it picks up an existing path through a wooded area leading, via a steep incline, up to the housing area off Barringer Road. This pathway is a designated Public Right of Way (Mansfield Woodhouse Public Footpath No. 19) and connects into various small cul-de-sacs leading off Barringer Road namely; Rowan Close, Farrendale Close, Blenheim Close, Longdale, Deepdale Road and Glebe View.
7. Between Rowan Close and Blenheim Close the path is narrow and akin to an alleyway passing close to the sides and rear of properties at the end of each cul-de-sac or close. Fringing the path on its west side is a wooded slope leading down to the River Maun below. The woods are noted as a Local Wildlife Site (Maun Woodlands LWS).
8. From Blenheim Close southwards, the pathway opens out into an area of public open space. There are various barriers/chicanes placed along its length. Finally the route enters the Barringer Road recreation ground and skirts around the edge of the playing field before terminating on Barringer Road.

Proposed Development

9. The proposal seeks to create a 1.75km cycle path (also to be shared with pedestrians) along the route as described above. The new path is proposed to be finished generally with a macadam surface except where revisions have been secured for the Maun Valley Park as discussed below. The works would see a mix of upgraded/widened existing pathways and new paths generally formed at 3m wide, but in some areas at 2.5m wide.
10. Within the Maun Valley Park the existing gritstone path running down the western side of the river valley would be replaced with 3m wide tar spray and aggregate chip surfaced path. This would then be extended for the length of the park down to Old Mill Lane, where there is currently an unsurfaced walking route. Adjustments would be made to the entrance gates/ways to provide open access for cycles. At Old Mill Lane an existing fence line would be adjusted with landowner's permission. Along the park section all existing benches, bins and interpretation boards would be retained and re-sited in the same locations beside the widened path.
11. Where the route takes in an existing footpath running along the side/rear of the residential area off Barringer Road, the path would be widened generally to 2.5m or to 3m where space permits. Existing street furniture comprising barriers/chicanes would be removed. For safety reasons replacement chicanes would be sited at the foot and top of the short incline south of Old Mill Lane, leading up to the housing estate. Further along several bollards would be

provided in the path to deter misuse such as by motorcycles and these would be backed up with sections of metal post and rail fencing to stop access around the bollards onto grassed areas. A series of lamp columns would be renewed/relocated to accommodate the widened path. It would also be necessary to trim some overhanging vegetation and crown lift trees which lie within an adjacent woodland LWS.

12. At the playing fields on Barringer Road, an existing kissing gate would be swapped for a new staggered chicane from where a 3m path would then be laid around the eastern edge of the fields, terminating onto Barringer Road.
13. Also forming part of the project, but outside of the scope of this application, the County Highways Authority plan to undertake associated highway works to tie the route into a wider network of cycle and pedestrian routes. Of particular note are the provision of two new Toucan crossings along the route. One would be on Old Mill Lane on the eastern side of the bridge, providing a crossing to link up the northern and southern sections of the route. The second Toucan crossing would be at New Mill Lane at the northern end of the route. Here it would replace an existing pedestrian refuge and provide a crossing to public footpaths extending north along the Maun Valley or leading into the Whinny Hill residential area.

Consultations

14. **Mansfield District Council - No objection.**

Raises no objection subject to conditions requiring details of the surface materials to be agreed and that works are carried out in accordance with the mitigation measures contained within the Extended Phase 1 Habitat Survey.

15. **Police Force Architectural Liaison Officer - No objection.**

Comments have been provided following a site visit and review of reported crime and disorder incidents in the local area for the past 12 months.

The proposed new cycle route, from New Mill Lane to Old Mill Lane, is via a rural location with very few homes near to the proposed route. The route from Old Mill Lane towards Ravensdale Lane, passes much closer to residential properties.

There has been a small amount of anti-social behaviour, located around the existing footpath from Deepdale Road to Farrendale Close, and on to the park, this includes a number of reported incidents of off-road motorcycles, riding on the park and along the existing footpath. There are only 5 reported incidents in the past 12 months, but there may be more unreported incidents occurring, as one victim states "that it is an on-going problem". The Local Authority have installed barriers to deter off road motorcycles from the park, but I fear this has not been totally successful.

The last reported incident was in March 2017, nothing reported to the Police since then, so the problem may have gone away, there is only one similar reported incident within the Maun Valley existing rural pathways.

The installation of a wider cycle route could increase this type of anti-social behaviour, but as the numbers are low and the last incident was reported in March 2017, I see no reason to raise concerns to this application, however plans should be considered to be implemented should the new cycle route become a problem with off road motorcycles, in the future.

I note the pathway from Deepdale Road to Farrendale Close is lit with 3m lamp standards. I note these will remain once the footpath is widened. I would support this action.

One advantage along this stretch, is that the proposed cycle route will have decent natural surveillance from nearby homes, which supports crime reduction.

16. NCC (Highways) - No objection.

The proposal will have very little impact on the existing highway network. In coming to this conclusion the Highways Authority has considered issues of highway access, capacity and safety, parking, servicing and sustainability.

The Highway Authority is content with the proposed development subject to a planning condition stipulating that no part of the development shall be brought into use until the two signalised crossings at New Mill Lane and Old Mill Lane have been provided.

17. Via (Countryside Access) - No objection.

Mansfield Woodhouse Public Footpath No. 19 is directly affected by the proposal ... [and is] ... highway maintainable at [the] public expense. Its status as a Public Footpath ... [means there is a public] ... right to pass and repass on foot only.

As a minimum, an agreement needs to be reached with the landowner regarding the long-term safeguarding of the full width of the route as a cycle route and the maintenance responsibility for it. Alternatively, the landowner may enter in to a long-term permissive agreement. It would be desirable for the formal procedure of designating the full width of the route as a cycle track to be followed, this being Section 3 of the Cycle Tracks Act 1984 and the Cycle Tracks Regulations 1984.

18. NCC (Nature Conservation) - No objection.

An Extended Phase 1 Habitat Survey concludes that due to the temporary and low impact nature of the works, ecological impacts are likely to be minimal, provided that a range of mitigation measures are put in place. In particular, it is stated that "The habitat to be directly affected by the proposed path works is predominantly small areas of grassland either side of the existing paths and desire lines, and this grassland is a small constituent of a wider habitat resource in the local area. As such, any adverse impact upon the small areas of

grassland will not have any significant impact on the wider grassland habitat and its associated fauna and flora."

A range of mitigation measures are set out in section 6.2 of the report, and a condition should be used to ensure compliance with these. It is suggested these are actioned through an Ecological Method Statement, to be submitted prior to the commencement of development.

19. Sport England- No objection.

Satisfied that the sporting capability of the Barringer Road playing fields would not be reduced as a result of the proposed development and in particular its ability to accommodate a youth U15/U16 football pitch. As such, Sport England is satisfied that the proposed development broadly meets the intention of Sport England Policy exception E3:

The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

20. Environment Agency – No objection.

The proposed footpath is located in Flood Zone 2 and it is understood the newly constructed path would not be raised above existing ground levels and any additional spoil would be removed from the floodplain.

21. The Maun Conservation Group; Western Power Distribution; VIA (Road Safety); have not responded. Any response received will be orally reported.

Publicity

22. The application has been publicised by means of site notices placed along the proposed route, a press notice and by twenty six neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement Review.

23. One objection has been received from a nearby resident. The objector is concerned that the new cycle path would attract misuse by those riding motorbikes. The resident states that this has been an ongoing problem which has required public expense to address in terms of police time/call outs and the erection of barriers along the current path. The objector states that the project will make the situation worse and these existing and past problems with the motorbike culture needs to be considered in the plans. The objector takes issue with the use of public funding for the project.

24. As the site straddles Divisional boundaries the Members for Mansfield North, Mansfield East and Mansfield South have all been notified of the application:- Councillors Vaughan Hopewell; Andy Sissons; Parry Tsimbiridis; Joyce Bosnjak JP; Stephen Garner and Martin Wright.

25. Cllr Martin Wright has responded with his full support for the proposal.
26. The issues raised are considered in the Observations Section of this report.

Observations

27. The proposed cycle route forms part of an emerging network being developed by the County Council to provide and improve cycle access across Mansfield. The project is being funded by the D2N2 Local Growth Fund and the County Council. Sister schemes are also being developed for Newark and West Bridgford. A series of public consultations held in July 2017 identified that the Maun Valley Route No. 4 was the most positively received of all the various presented route options.
28. In this case the proposal requires planning permission as the route is primarily not within or alongside a public highway.

Planning policy assessment

29. There are a number of saved policies in the extant 1998 Mansfield District Local Plan which are relevant to this application. The route is identified as a trail route under saved Policy M12 (A) passing through a defined and protected 'Green Wedge' (following the River Maun) under Policy NE5 (A). The route is also within the open countryside for the purposes of Policy NE1 which restricts development with certain exceptions. The parkland, public open space and the recreation ground are also protected under policies LT1 and LT2.
30. The Maun Valley Green Wedge is described in the Plan as one which brings the countryside to within half a mile of the town centre, providing a valuable recreational asset and wildlife resource close to the communities of Mansfield Woodhouse and Forest Town. It is a valuable green area in an otherwise urban area.
31. Policy M12 (A) expressly supports the extension and improvement of the Maun Valley trail route and otherwise seeks to prevent developments which would prevent implementation or lead to the loss of such trails for use by walkers, horse riders and cyclists. Policy M15 also supports the development/extension of a cycle network generally across the District with the aim of providing linkages between areas of population and the town centre and centres of employment.
32. Policy NE1 makes an allowance for outdoor recreation and tourism related developments in the open countryside, subject to sympathetic design in keeping with rural character. Policy NE5 states that permission will not be granted for development which would detract from the openness and landscape quality of the green wedge or undermine its recreational and wildlife value. Policies LT1 and LT2 seeks to prevent loss of public open space and local parks, but makes allowance for proposals which are ancillary to, or would enhance, their recreational value.

33. The proposal is considered generally consistent with the aims of these key policies subject to consideration of the surface treatment through the Maun Valley Park LNR (below). The landscape and open character of the Green Wedge would be maintained and the cycleway would enhance the recreational value of the protected open spaces. The path would not result in the loss of or affect the sports pitches at Barringer Road recreation ground.
34. The District Council is in the process of developing a replacement Local Plan to which some limited weight can be attached. The Consultation Draft (January 2016) broadly provides for the same protection in terms of identifying the route as a Strategic Trail passing through Strategic Green Infrastructure which is also covered by policies relating to their ecological interest and seeking to preserve public open space.
35. Draft Policy ST1 (and ST2) places a greater onus on sustainable transport and seeks to protect and improve the existing sustainable transport network of which the Maun Valley multi user trail is again identified as being part. Proposals which encourage sustainable travel by enhancing the sustainable transport network, such as through new pedestrian and cycle routes will be supported. The draft policy seeks to encourage a modal shift away from private car travel towards greater levels of walking, cycling and use of public transport. This in turn will support the sustainable growth plans of the District and reduce energy requirements and CO2 emissions. At the same time sustainable travel provides health and wellbeing benefits through active lifestyles and through reducing social exclusion.
36. The NPPF at chapter 4 sets out the Government's objective to promote sustainable travel as part of the agenda to reduce greenhouse gas emissions, reduce congestion, support growth and improve health. Proposals should give priority to pedestrians and cyclists, but also consider the needs of people with disabilities and create a safe and secure environment. The NPPF also states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities (Paragraph 73). Planning policies should protect and enhance public rights of way and Local Authorities should seek opportunities to add to or enhance the existing network (Paragraph 75).
37. The proposed cycle route is broadly in accordance with this draft local policy framework along with the overarching national policy agenda and is supported in principle planning policy terms.

Landscape, design and visual impact

38. In requiring high standards of design Policy BE1, requires development proposals to integrate into the existing landscape (and areas of nature conservation interest) and use materials which are in keeping with the site's surroundings. The level of hard and soft landscaping should be consistent with the type and design of the development and its setting.
39. Policy NE1 (which controls development in the open countryside) identifies outdoor recreation uses in this situation as being appropriate, but only where the

nature and scale of the proposal is in keeping with the rural character of the area and the design is sympathetic to the surroundings. Policy NE5 (A) also seeks to prevent proposals which detract from the landscape quality of the Maun Valley green wedge.

40. The proposed 3m wide path through the Maun Valley Country Park can be acceptable and compatible with its function as both a place for people and for nature. However it is considered that the 'black top' macadam surfacing proposed would not meet the terms of the above policies and would not be in keeping with its rural/park character. The applicant has been asked to consider alternative surface treatments which would be visually more sympathetic and appropriate for its use.
41. The applicant states that a bound gravel surface such as that regularly used for footpaths in such situations would not be suitable as it would be quickly eroded by cyclists and more difficult to repair effectively. They therefore consider that a bitumen tar and coloured chip treatment would be best suited and which would blend with the surroundings more effectively whilst still being hardwearing and repairable. It is considered that a sandy coloured chip on tar surface would be an acceptable and balanced choice for this section of the new path and a condition can require the exact specification to be agreed in accordance with the request from Mansfield District Council.
42. The use of black macadam for the widening of the existing route to the rear of Barringer Road would be appropriate to this more urban context where the footpath links up various residential streets. The use of this surfacing is also considered appropriate around the edge of the playing field at Barringer Road.
43. Subject to a condition securing details of the final surface treatments the design meets the terms of policies BE1, NE1 and NE5 (A).

Residential amenity

44. Policy BE1 with regards to design requires consideration of matters of scale, layout and access and how the proposal relates to neighbouring buildings and the local area generally.
45. Draft Policy BE7 (within the Local Plan Consultation Draft) sets out design criteria including that developments should protect the amenity of occupiers by creating high quality, healthy environments, including the provision of public and private space.
46. The southern section of the proposed cycle route utilises an existing footpath passing alongside a residential area off Barringer Road. In part this path is quite narrow at 1.5m wide and bounded directly by the end properties in Rowan Close, Farrendale Close and Blenheim Close. Some of these are orientated side-on to the path, and others face onto the path with rear parking. Several bungalows also utilise part of the path for access to their driveways. Further to the south the pathway opens out as part of a wide area of public open space.

47. The proposed works to widen and improve this section of path as a cycle route should not be overly disruptive or complex, but it is considered necessary to control the hours for construction particularly given the closeness of some of these residences to the path.
48. The path is already well used and any potential greater use, including by cyclists is unlikely to materially affect the existing amenity of these properties and the area in general in accordance with Policy BE1 and draft Policy BE7.

Ecological Impact

49. Policy NE13 states that permission will not be granted for developments which would damage Local Nature Reserves and other sites considered to be of ecological importance, unless there are overriding reasons. Policy NE9 seeks to protect woodlands from adverse effects arising from development.
50. There are potential impacts to the Maun Valley Park Local Nature Reserve (a statutory designated conservation site) where the new path would be laid. Elsewhere the plans indicate that some tree works would be required alongside the current footpath off Barringer Road, where these trees form part of the Maun Woodlands LWS.
51. An extended phase 1 ecological survey has been submitted to support the proposal and which has been reviewed by NCC Nature Conservation. No objection to the proposal is raised and any ecological impacts would be minimal. Various best practice recommendations to avoid and mitigate any impacts to notable or protected species or habitats during construction works are endorsed and a condition can be included requiring an Ecological Method Statement to enact these recommendations. Subject to this the proposed development accords with Policies NE13 and NE9.

Impact on sports pitches

52. Under Policy LT2 the playing fields at Barringer Road are protected from development unless an exemption applies, including where the proposed development would be an ancillary recreational use. Similarly paragraph 74 of the NPPF seeks to ensure playing fields are not built on unless the land is shown to be surplus to requirements; or the loss would be replaced elsewhere; or if the development is for alternative sports/recreation provision.
53. The cycle route would skirt around the eastern edge of the playing field, which until in recent years has been marked out for junior football. Sport England are satisfied that this would not affect the ability to mark out and make use of this football pitch again in the future and as such raise no objection. The cycle path would be ancillary to and enhance the recreational function of the open spaces and therefore the application accords with Policy LT2 and paragraph 74 of the NPPF.

Safe access / highways

54. Policy M16 sets out the access and transport tests development proposals should pass. Developments should have regard to the needs and safety of all modes of travel; provide safe (vehicular) access and not have a detrimental effect to the highway network.
55. NPPF paragraphs 32 and 35 requires safe and suitable access for all people, including consideration of the needs of people with disabilities. Layouts should be designed so they are safe and secure and avoid conflicts between traffic, cyclists or pedestrians, avoiding street clutter where appropriate.
56. NCC Highways is content with the proposed project, taking into account all matters including highway safety, access and sustainability. This is conditional on the implementation of the two planned Toucan crossings at Old Mill Lane and New Mill Lane before the route can be brought into use. It is understood the relevant orders for these are being completed and the crossings will be delivered as highway works on behalf of the County Council. The crossings are considered necessary to permit safe access across the roads and to join the route together and as such the suggested condition can be attached to any grant of planning permission. From an access and highways perspective the proposal complies with Policy M16 and the advice of the NPPF.

Safe environments/ crime and disorder

57. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. This includes the discharge of the planning function.
58. Policy M13 requires development proposals to make provision for the safety, security and needs of pedestrians. Proposals should have regard to inter alia, the lighting of pedestrian areas and crime prevention measures.
59. Paragraphs 58 and 69 of the NPPF recommend that planning authorities should ensure their decisions aim to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
60. A local objection has been received citing previous issues with off-road motorcycles using the paths in the Barringer Road area. Various barriers have been erected in places in an attempt to deter this. The objector believes the improved and extended path will exacerbate the misuse by motorcyclists to the detriment of residential amenity and with consequences for policing.
61. The applicant and designers have considered this issue in the submitted scheme and in their Design and Access Statement. This states that it is not the intention to allow the incursion of motorbikes and quad bikes to the rear of houses on Barringer Road and in order to prevent this a staggered chicane is proposed at the entrance to the playing fields. A series of bollards are also

included to deter motorbikes travelling north into the area, where also metal post and rail fences would be added to stop access around the bollards on the grass.

62. The Police have considered the proposal in some detail and have reviewed the local crime and disorder records. They acknowledge an issue with the motorcyclists using the current path, but state that this has reduced in recent months. There were 5 reported incidences in the last 12 months, although it is possible that there may be more unreported incidents occurring. Only a single similar reported incidence occurred in the Maun Valley rural park area.
63. The Police, whilst noting there is potential for the cycle route to increase cases of such anti-social behaviour, do not raise an objection and cite the low number of reported incidents. They do however recommend a review mechanism is put in place to address any issues post-completion. This could for example keep under review the types and positioning of the various chicanes and barriers along parts of the route. However it must be noted that there is a necessary balance to be struck between providing an accessible and open route for legitimate cyclists, pedestrians and users of mobile scooters/wheelchairs, and installing measures to prevent misuse by motorcyclists, which would affect its legitimate use and enjoyment. The Police also notes that the southern section of the route benefits from good passive surveillance from neighbouring houses and that the path will be lit along this section. It is hoped that increased lawful use may also deter any unlawful use.
64. On balance and with the addition of a condition requiring a post-completion review of crime and disorder, it is considered that reasonable and proportionate measures have been included to discharge the Section 17 duty on this Council, Policy M13 and the national guidance.

Public Rights of Way

65. Whilst the proposed cycle route would provide an addition to the local sustainable transport network, it also has implications for an existing definitive public right of way. Much of the southern section of the proposed route would utilise and widen an existing right of way (Mansfield Woodhouse Footpath No.19) which runs alongside properties off Barringer Road (see plan 3). As it stands it is not lawful to cycle along this footpath as there is only legal right of passage on foot.
66. Policy M11 states that planning permission will not be granted for developments which would lead to the loss of footpaths, bridleways, byways, or cycle routes unless acceptable alternative routes are provided.
67. Via Countryside Access advises that an arrangement needs to be concluded with Mansfield District Council as the landowner to acquire rights to the full width of the widened path and for its long-term safeguarding as a cycle path, along with arrangements for its maintenance. While some additional public access over new sections of the route could be achieved through a long term permissive agreement and/or a lease or license with the District Council there exists a separate statutory process (a Cycle Track Order) which is intended to be used to upgrade the existing legal footpath into a cycleway, thereby

permitting use by both cyclists and those on foot. Via Countryside Access have stated in discussions they would prefer that this method be used. Separately to this, the Highway Authority can formally decide to create a cycle track over the footway over the bridge to create one coherent linear cycle route.

68. Whatever mechanism is used to enable the passage of cyclists will be a contractual and legal process to be concluded separate to any grant of planning permission. The practical outcome would be a much improved route that can be legally used by both cycles and pedestrians. As such this is not considered to amount to a loss for the purposes of Policy M11.
69. The applicant department is therefore advised to liaise with Via Countryside Access and Mansfield District Council to secure the cycle track implementation and discuss maintenance arrangements. A suitable informative note can be applied to any decision notice to this effect.

Flooding

70. The section of the proposed route running through the Maun Valley Park is in Flood Zone 2, at a medium probability of flooding. The proposed path however can be classified generally as minor development and one which is 'water compatible' with reference to the National Planning Practice Guidance (the proposal would fall within the amenity open space, nature conservation and biodiversity, outdoor sports and recreation category). Such uses are identified as being wholly appropriate in Flood Zone 2.
71. The Environment Agency raise no objection and note that the path would not raise overall ground levels and so will not impede flood water flows. The path would be sloped or crowned so that surface water would be shed on the adjacent grassland where it will continue to naturally infiltrate. The path will also help passage on foot in seasonal waterlogged ground conditions.

Legal Agreement

72. As noted above, if planning permission were to be granted, the applicant department will have to make arrangements to enable the path to be used by cyclists, with particular relevance to the southern section which is an adopted Public Footpath. A statutory Cycle Track Order could be used, or, if this should not be possible, a long term permissive agreement could be negotiated with Mansfield District Council to provide some additional public access over the sections which are not already public highway. (This would not enable cyclists to use the existing footpath and footway, however.) In this case it is not considered necessary to make the granting of planning permission dependent on this process as the works are considered acceptable in planning terms and if for whatever reason an Order was not duly made, the route would be available for pedestrians.

Other Options Considered

73. 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

74. 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

75. The issue of potential anti-social behaviour along the route is considered in the Observations section above.

Data Protection and Information Governance

76. All members of the public who have made representations on this application are informed that copies of their representations, including their names and addresses, are publically available and are retained for the period of the application and for a relevant period thereafter.

Financial Implications

77. The proposed cycle route forms part of the Mansfield Strategic Cycle Network project which forms part of the LTP and is included in the Council's Capital Programme. The scheme is being jointly funded by the D2N2 Local Growth Fund and Nottinghamshire County Council. Any costs incurred by drawing up of any license or legal orders and the costs for land purchases will be funded from the total scheme budget.

Human Rights Implications

78. 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

79. The cycle route would help foster equality and inclusivity by opening up existing sections of path which are currently constrained/closed off such that they prevent access to users of wheelchairs or mobility aids. The route will promote access to jobs, services and green spaces in and around the town and would be suitable for all age groups.

Safeguarding of Children and Adults at Risk Implications

80. The proposal would provide a safe off-road cycle route suitable for children and young adults to use.

Implications for Service Users

81. Local residents and visitors alike would benefit from the expansion of the local sustainable transport network and the opportunities to access jobs, services and green spaces by bicycle. The improvements would also benefit other users such as pedestrians and people using mobility aids.

Implications for Sustainability and the Environment

82. These have been considered in the Observations section above, including how the project would promote sustainable travel choices and consideration of any potential impacts to a designated nature reserve.
83. There are no human resource implications.

Conclusion

84. The proposed cycle route is an appropriate form of sustainable development in the Maun Valley having regard to the saved Development Plan policies governing protected landscapes, open spaces and parks, the recreational value of which will be enhanced by the new route. The enhancement to the sustainable transport network is strongly supported by the saved policies, by the draft policy agenda and by national planning guidance promoting active travel and lifestyles.
85. Consideration has also been given to the safeguarding of local wildlife and the amenity of adjoining residents and where necessary planning conditions can be used to control construction impacts. Consideration has also been given to community safety concerns with assistance from the Police.
86. Following any grant of planning permission, it will be necessary for the County Council (in its capacity as Highway Authority) to modify an existing public footpath designation, to convert a short section of footway into a cycle track, and to provide new Toucan crossings in the highway.

Statement of Positive and Proactive Engagement

87. In determining this application the County 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. 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

88. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 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 1/3/2018]

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

Financial Comments [RWK 01/03/2018]

The financial implications are set out in paragraph 77 of 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.

Electoral Divisions and Members Affected

Mansfield North - Cllrs Parry Tsimbiridis and Joyce Bosnjak
Mansfield East - Cllrs Vaughan Hopewell and Martin Wright
Mansfield South - Cllrs Andy Sissons and Stephen Garner

Report Author/Case Officer

Joel Marshall

0115 9932578

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

RECOMMENDED PLANNING CONDITIONS

Commencement/notification

1. The development hereby permitted shall be begun within three years from the date of this permission.

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The County Planning Authority (CPA) shall be notified in writing at least 7 days, but not more than 14 days, prior of the date of the following:
 - a) The commencement of the development hereby permitted.
 - b) The date of completion of works.

Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.

Approved plans

3. The development hereby permitted shall only be carried out in accordance with the following plans and documents, except where amendments are made pursuant to other conditions below or through the approval of a non-material amendment to the permission:
 - i) Completed application form and certificates received by the CPA on 08/12/17.
 - ii) Dwg EMD/HW10182/R4/PA01 Rev B 'Route 4 Maun Valley Context Plan' dated Nov 17 and received by the CPA on 14/12/17.
 - iii) Dwg EMD/HW10182/R4/PA07 'Route 4 Maun Valley Location Plan' dated Nov 17 and received by the CPA on 14/12/17.
 - iv) Extended Phase 1 Habitat Survey dated February 2018 and received by the CPA on 06/02/18.

The following drawings received by the CPA on 01/12/17:

- v) EMD/HW10182/R4/01 'Site Clearance Drawing New Mill Lane to Old Mill Lane Sheet 1';
- vi) EMD/HW10182/R4/02 'Site Clearance Drawing New Mill Lane to Old Mill Lane Sheet 2';
- vii) EMD/HW10182/R4/03 'Site Clearance Drawing Old Mill Lane to Ravensdale Road Sheet 1';
- viii) EMD/HW10182/R4/04 'Site Clearance Drawing Old Mill Lane to Ravensdale Road Sheet 2';

- ix) EMD/HW10182/R4/05 'Site Clearance Drawing–Vegetation New Mill Lane to Old Mill Lane Sheet 1';
- x) EMD/HW10182/R4/06 'Site Clearance Drawing–Vegetation New Mill Lane to Old Mill Lane Sheet 2';
- xi) EMD/HW10182/R4/07 'Site Clearance Drawing–Vegetation Old Mill Lane to Ravensdale Road Sheet 1';
- xii) EMD/HW10182/R4/08 'Site Clearance Drawing–Vegetation Old Mill Lane to Ravensdale Road Sheet 2';
- xiii) EMD/HW10182/R4/09 'Proposals Drawing New Mill Lane to Old Mill Lane Sheet 1';
- xiv) EMD/HW10182/R4/10 'Proposals Drawing New Mill Lane to Old Mill Lane Sheet 2';
- xv) EMD/HW10182/R4/11 'Proposals Drawing Old Mill Lane to Ravensdale Road Sheet 1';
- xvi) EMD/HW10182/R4/12 'Proposals Drawing Old Mill Lane to Ravensdale Road Sheet 2';
- xvii) EMD/HW10182/R4/13 'Path Construction Detail A-A';
- xviii) EMD/HW10182/R4/14 'Path Construction Detail B-B';
- xix) EMD/HW10182/R4/15 'Path Construction Detail C-C';
- xx) EMD/HW10182/R4/16 'Path Construction Detail D-D';
- xxi) EMD/HW10182/R4/17 'Path Construction Detail E-E';
- xxii) EMD/HW10182/R4/18 'Site Furniture Installation New Mill Lane to Old Mill Lane Sheet 1';
- xxiii) EMD/HW10182/R4/19 'Site Furniture Installation New Mill Lane to Old Mill Lane Sheet 2';
- xxiv) EMD/HW10182/R4/20 'Site Furniture Installation Old Mill Lane to Ravensdale Road Sheet 1';
- xxv) EMD/HW10182/R4/21 'Site Furniture Installation Old Mill Lane to Ravensdale Road Sheet 2';
- xxvi) EMD/HW10182/R4/22 'Cycle Restraint System Type 1';
- xxvii) EMD/HW10182/R4/23 'Cycle Restraint System';
- xxviii) EMD/HW10182/R4/24 'Bollard and Fencing Detail'; Dwg SD-F-004 'Timber Post and Rail Fencing'.

The following received by the CPA on 08/12/17:

- xxix) EMD/HW10182/R4/PA02 Rev A 'Route 4- Maun Valley Planning Application Boundary' dated Nov 17.
- xxx) EMD/HW10182/R4/PA03 Rev A 'Route 4- Maun Valley Land Ownership' dated Nov 17.
- xxxi) Design and Access Statement.

The following received by the CPA on 12/12/17:

- xxxii) EMD/HW10182/R4/PA05 'Boundary between Mansfield District Council and Elgincrest Land Ownership-Existing Situation' dated Dec 17
- xxxiii) EMD/HW10182/R4/PA06 'Boundary between Mansfield District Council and Elgincrest Land Ownership-Proposed Situation' dated Dec 17

Reason: For the avoidance of doubt and to define the permission.

Construction management

4. Prior to the commencement of the development an Ecological Method Statement shall be submitted to the CPA for its written approval. The approved Statement shall follow the recommendations made in section 6.2 of the Extended Phase 1 Habitat Survey dated February 2018 and shall thereafter be followed by contractors in undertaking the approved works.

Reason: The Ecological Method Statement is required prior to the commencement of works in the interests of avoiding and mitigating impacts to any protected or notable species/habitats that may be present in accordance with Policy NE13 of the Mansfield District Local Plan.

5. Prior to any construction works commencing on the site, details of contractors' access and site working arrangements shall have been submitted to and approved in writing by the CPA. The details shall specify the following:
 - a) The size and location of any temporary works compound(s);
 - b) The location(s) and means of access to the site and routeing for construction traffic;
 - c) Provision for contractors' parking;
 - d) Arrangements for the use/disposal of surplus soil materials including any temporary soil storage arrangements;
 - e) Measures to ensure that dust emissions are minimised;
 - f) Measures to ensure that no vehicles shall leave the site in a condition whereby mud or other deleterious materials are carried onto the public highway;
 - g) Measures to minimise disturbance from noise including confirmation of the section of the cycle path between Rowan Close and Blenheim Close which is to be subject to the restricted hours detailed under condition 6 below.

The development shall be carried out in accordance with the approved details and all temporary compounds and storage areas shall be cleared upon completion of the development.

Reason: Details of site working arrangements are required prior to commencement of works in the interests of minimising disturbance due to construction operations and in the interest of residential amenity.

6. Unless in the event of an emergency, or as otherwise may be previously agreed in writing with the CPA no construction deliveries or works shall take place except between:

07:30-18:00 hours Mondays to Fridays and 08.00 hours – 13:00 hours on Saturdays (excluding Public or Bank Holidays).

08:00-18:00 hours Mondays to Fridays and 08.00 hours – 13:00 hours on Saturdays (excluding Public or Bank Holidays) for the route section between Rowan Close and Blenheim Close.

Reason: In order to minimise disturbance due to construction operations and in the interest of residential amenity.

7. Within that section of the route between Old Mill Lane and New Mill Lane (through the Maun Valley Park), works shall ensure that the newly constructed path will not be raised above existing ground levels and that any additional spoil is removed from the floodplain.

Reason: To ensure flood flows are not affected within the River Maun floodplain so that flood risk is not increased elsewhere and in accordance with paragraph 103 of the National Planning Policy Framework.

Materials

8. Notwithstanding the submitted details, no development shall take place until details of the proposed surface materials to be used for the construction of the cycle path have been submitted to and approved in writing by the CPA. The development shall thereafter be undertaken in accordance with the approved details. For the avoidance of doubt, the permission hereby granted does not include the use of black macadam surface treatment for the section between Old Mill Lane and New Mill Lane.

Reason: In the interests of achieving a sympathetic design which respects the character of the surrounding rural/parkland landscape in accordance with policies BE1, NE1 and NE5(A) of the Mansfield District Local Plan.

Highways

9. No development shall brought into use on any part of the application site until two signalised toucan crossings have been provided at New Mill Lane and Old Mill Lane as shown for indicative purposes only on the plan ref - EMD/HW10182/R4/PA07 to the satisfaction of the CPA.

Reason: In the interests of highway and pedestrian/cycle safety and to ensure that suitable crossing facilities are in place to serve the new route in accordance with Policy M16 of the Mansfield District Local Plan and paragraphs 32 and 35 of the National Planning Policy Framework.

Reinstatement works

10. Following the completion of construction works any damage or disturbance to the surrounding amenity grass or parklands resulting from the construction works shall be reinstated and as necessary seeded (in the next available sowing season) and otherwise made good.

Reason: In the interests of visual amenity and to restore any damage to the Maun Valley Park LNR and in accordance with Policies BE1 and NE13 of the Mansfield District Local Plan.

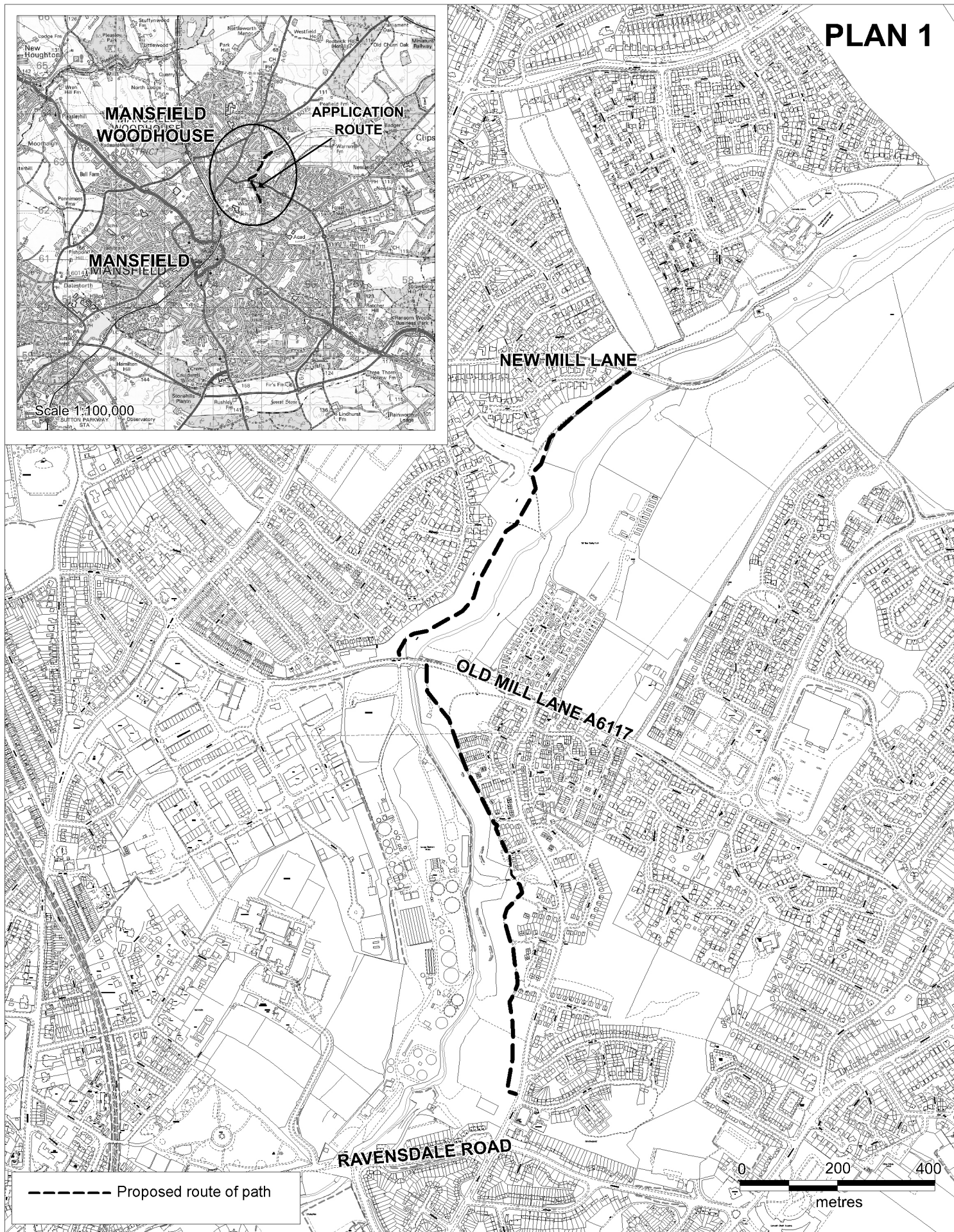
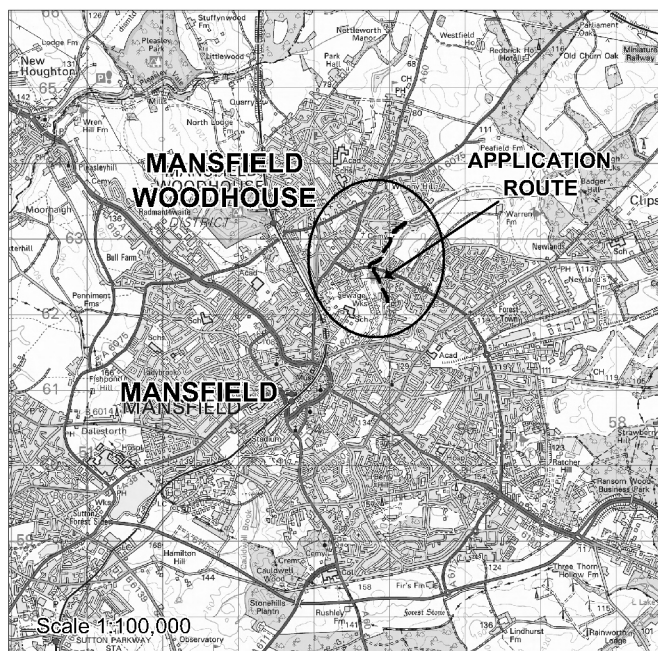
Review

11. No later than 12 months following the completion of works as notified under condition 2b, a review of crime/anti-social behaviour issues along the route shall be undertaken in conjunction with the Police with particular focus on unlawful motorised use of the route. A report shall be submitted to the CPA within 3 months of the completion of the review setting out any additional mitigation measures as may be identified by the review, which thereafter shall be implemented as may be agreed by the CPA.

Reason: To provide a review of the effectiveness of measures to deter illegal motorised use of the new cycle route in the interests of creating safe and accessible environments in accordance with Policy M13 of the Mansfield District Local Plan; Paragraphs 58 and 69 of the NPPF and Section 17 of the Crime and Disorder Act 1998.

Notes to applicant

1. The new cycle route affects the minor public highway known as Mansfield Woodhouse public footpath No.19 between Old Mill Lane and Barringer Road recreation ground. In order to legally permit cyclists to use the route it will be necessary to make a Cycle Track Order under the provisions of the Cycle Tracks Act 1984, the effect of which will be to convert the public footpath into a cycle track. The applicant is advised to liaise with the Countryside Access team.
2. In order to carry out the off-site works required the applicant will be undertaking work in the public highway (of whichever status) which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works the applicant will need to enter into an agreement under Section 278 of the Act.
3. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such the applicant should undertake every effort to prevent it occurring.
4. The applicant must contact Mr Heath Phillips, Principal Co-Ordination Officer (North Via EM), 01159 932547 for road space approval prior to any works commencing.]



**Nottinghamshire
County Council**

Proposed Maun Valley Cycle Route 4, comprising construction of new bitumen paths, widening of existing paths and associated works. The existing Maun Valley Country Park (Local Nature Reserve), an existing footpath to the west of Barringer Road, and the existing Barringer Road Recreation Area.

Planning Application No. 2/2018/0006/NCC

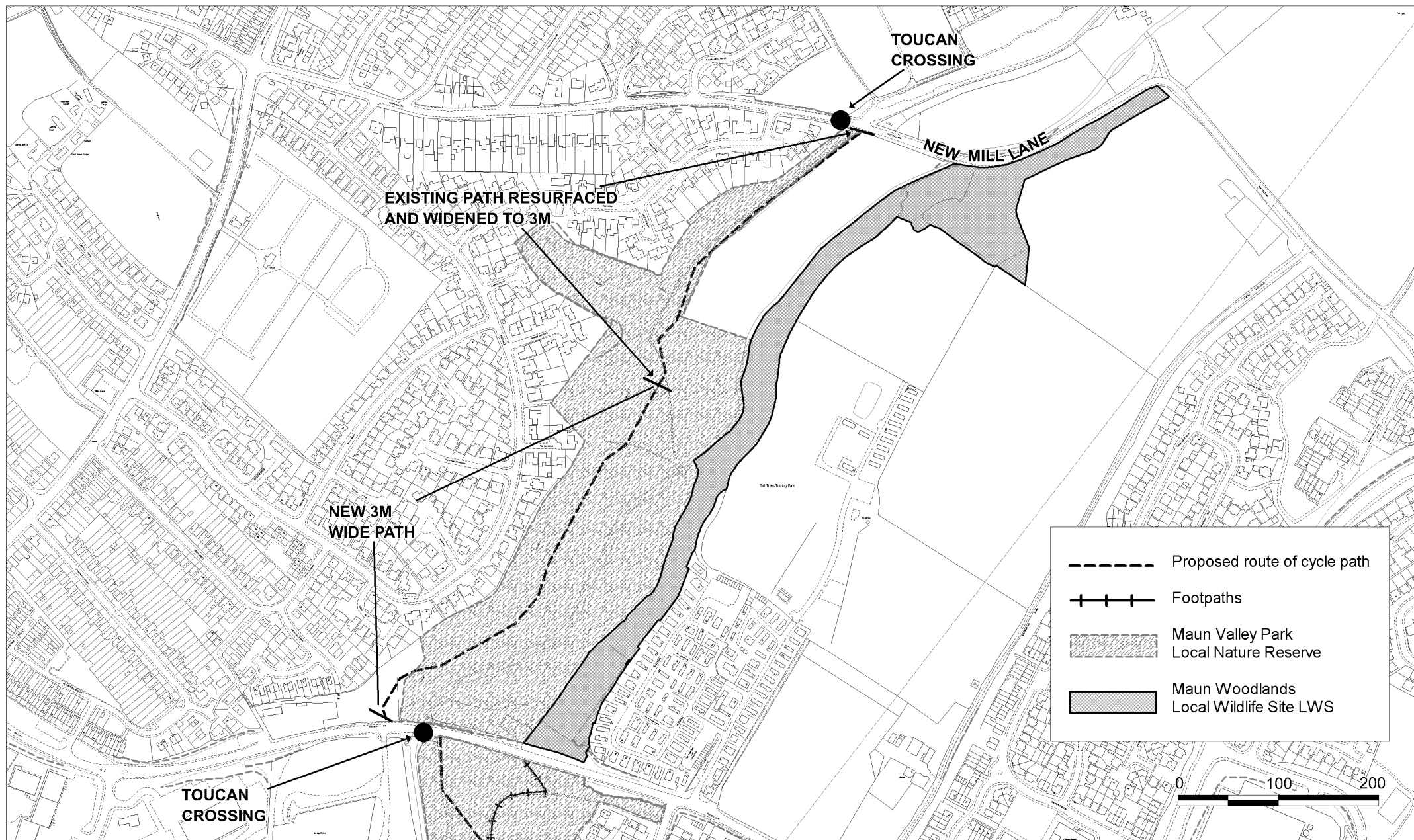
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Date: MARCH 2018



**Nottinghamshire
County Council**

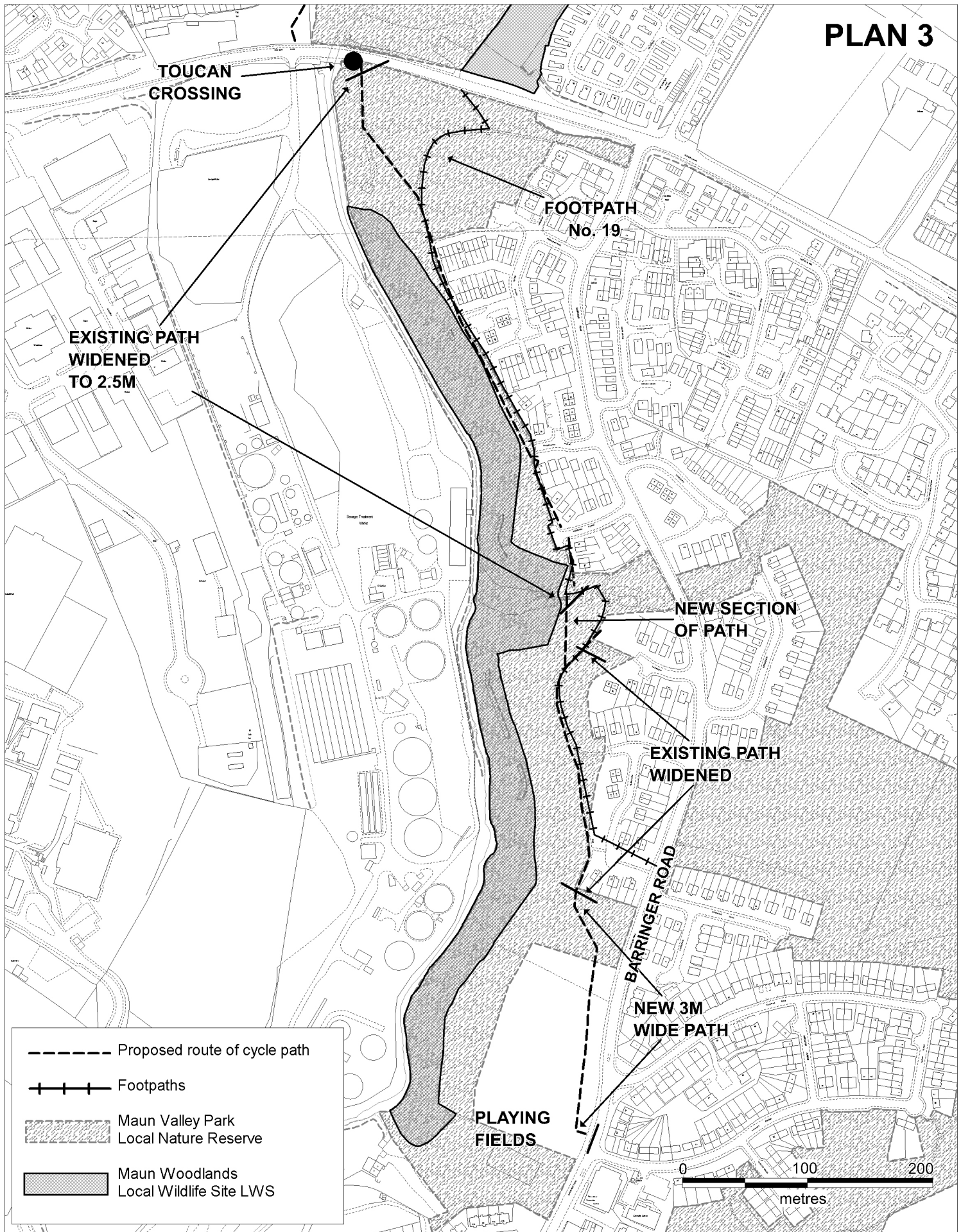
Proposed Maun Valley Cycle Route 4, comprising construction of new bitumen paths, widening of existing paths and associated works. The existing Maun Valley Country Park (Local Nature Reserve), an existing footpath to the rear of properties and to the west of Barringer Road, and the existing Barringer Road Recreation Area.
Planning Application No. 2/2018/0006/NCC

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PLAN 2



13 March 2018**Agenda Item: 9****REPORT OF CORPORATE DIRECTOR - PLACE****DEVELOPMENT MANAGEMENT PROGRESS REPORT**

1. To report on planning applications received by the Development Management Team between 13th January and 28th February 2018, to confirm the decisions made on planning applications since the last report to Members on 30th January 2018, and to details applications likely to come before Committee in the coming months.

Background

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B sets out the work programme for forthcoming meetings of Planning and Licensing Committee.

Statutory and Policy Implications

3. 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.
4. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol 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.

RECOMMENDATIONS

5. That Committee considers whether there are any actions they require in relation to the contents of the report.

ADRIAN SMITH
Corporate Director - Place

Constitutional Comments

"The report is for noting only. There are no immediate legal issues arising. Planning and Licensing Committee is empowered to receive and consider the report."

[HD – 28/02/2018]

Comments of the Service Director - Finance

"The contents of this report are duly noted – there are no direct financial implications."

[SES– 28/02/2018]

Background Papers Available for Inspection

None

Electoral Divisions and Members Affected

All

For any enquiries about this report please contact:

Ruth Kinsey
0115 9932584

Planning Applications Received and Determined from 13th January to 28th February 2018

Division	Member	Received	Determined
BASSETLAW			
Misterton	Cllr Tracey Taylor		Erection of two-classroom single storey extension, extended area of outdoor play, relocation of sheds, cycle parking and fencing. Clarborough Primary School, Hillview Crescent, Clarborough. Granted 18/01/2018
Tuxford	Cllr John Ogle	To vary conditions 11,13,16,37 and 54 of planning permission 1/14/00038/CDM for maximum ash recovery revised method statement ; Deposition of PFA to cease no later than 31 December 2025;Landscape and aftercare scheme. West Burton Power Station and Bole Ings Ash Disposal Site. Retford. Received 26/01/2018	
Retford West	Cllr Mike Quigley	Erection of a timber shed/cabin of less than 2.48m height. Wooden cabin style construction of 6m x 7m, Ranby C of E Primary School, Blyth Road, Ranby. Received 13/02/2018	

Division	Member	Received	Determined
Tuxford	Cllr John Ogle		Application for the Continued Use of the Existing Industrial Site and Buildings for the Production of a Range of Wood Fuel Products and for the Importation and Processing of Wastes to Produce a Range of Recovered Fuel Products. Land at Headon Camp Industrial Estate, Lady Well Lane, Headon, Retford. Withdrawn 15/02/2018
MANSFIELD			
Mansfield North	Cllr Joyce Bosnjak Cllr Parry Tsimbiridis		Planning application to retain existing temporary classroom, Leas Park Junior School, Ley Lane, Mansfield Woodhouse. Granted 08/02/2018
Mansfield East	Cllr Vaughan Hopewell Cllr Martin Wright	Installation of a modular kitchen pod structure with ramped access and link corridor to main school kitchen. Heatherley Primary School, Heatherley Drive, Forest Town. Received 13/02/2018	
NEWARK & SHERWOOD			
Balderton	Cllr Keith Walker		Planning application to retain existing temporary classroom, known as building 6, Chuter Ede Primary School, Wolfit Avenue, Balderton. Granted 09/02/2018
Balderton	Cllr Keith Walker	Installation of 1 kiosk, Balderton Sewage Treatment Works, Lowfield Lane, Balderton. Received 13/02/2018	

Division	Member	Received	Determined
Farndon & Trent	Cllr Mrs Sue Saddington		Install an Additional storage tank, Staple Quarry Landfill Site, Grange Lane, Cotham, granted 23/02/2018
Muskham & Farnsfield	Cllr Bruce Laughton	Bilsthorpe Landfill	Variation of conditions 4, 7, 8 and 21 of planning permission 3/16/00692, seeking to retain a storage shed until 15 th July 2036 and to amend hedging details on the interim and final restoration drawings. Bilsthorpe Landfill Site, Brailwood Road, Bilsthorpe. Granted 28/02/2018
ASHFIELD			
Selston	Cllr David Martin	Retention of existing steel storage unit for a further period, Westwood School, Palmerston Street, Westwood. Received 02/02/2018	
BROXTOWE			
Stapleford & Broxtowe Central	Cllr Dr John Doddy Cllr Richard Jackson		Planning application to retain existing temporary classroom, Bispham Drive Junior School, Bispham Drive, Toton. Granted 15/02/2018

Division	Member	Received	Determined
GEDLING			
Calverton	Cllr Boyd Elliott		Variation of condition 3 of planning permission 7/2010/1033NCC to extend the cessation date for existing operations until 27 June 2037. Gedling Energy Park, The Former Gedling Colliery, Off Arnold Lane, Gedling. Received 16/10/2017. Granted 24/01/2018
Calverton	Cllr Boyd Elliott		Variation of condition 2 of planning permission 7/2013/1212NCC to extend the cessation date for existing operations including the mine gas booster pump unit until 27 June 2037. Gedling Energy Park, The Former Gedling Colliery, Off Arnold Lane, Gedling. Granted 24/01/2018
Carlton West	Cllr Jim Creamer Cllr Errol Henry		Erection of a wooden cabin 5m x 8m to replace existing wooden seating area. Cabin to be fully functional with heating and lighting (no water or toilets). Priory Junior School, Priory Road, Gedling. Granted 30/01/2018
Newstead	Cllr Chris Barnfather		Retention of temporary classroom, Hawthorne Primary School, School Walk, Bestwood Village. Granted 01/02/2018

Division	Member	Received	Determined
Arnold North	Cllr Pauline Allan Cllr Michael Payne	Proposed southerly extension of the clay workings and extraction of clay and associated minerals, with subsequent restoration by infilling with imported inert waste materials to include landscaping and diversion of public rights of way. Dorket Head Quarry, Woodborough Lane, Arnold, Nottingham. Received 05/02/2018,	
Arnold North	Cllr Pauline Allan Cllr Michael Payne	To vary conditions 5 of planning permission 7/2013/0757NCC to reflect a slight change in the proposed final contours of are stored landform. Dorket Head Quarry, Woodborough Lane, Arnold, Nottingham. Received 05/02/2018,	
Carlton West	Cllr Jim Creamer Cllr Errol Henry		Planning Application to retain existing mobile classroom. All Hallows C of E Primary School, Priory Road, Gedling. Granted 08/02/2018
Calverton	Cllr Boyd Elliott		Planning application to retain existing temporary classroom, St Wilfrid's C of E Primary School, Main Street, Calverton. Granted 09/02/2018

Division	Member	Received	Determined
Arnold North	Cllr Pauline Allan Cllr Michael Payne	Erection of 2.4m secure fencing and gates in place of previously approved 2m gates Robert Mellors Primary School, Bonington Drive, Arnold, received 26/02/2018	
RUSHCLIFFE			
Bingham East	Cllr Francis Purdue-Horan		Replacement of existing single storey welfare building. Tarmac Blue Circle Works, Works Lane, Barnstone. Granted 22/01/2018
Bingham West	Cllr Neil Clarke	The installation of 2no kiosks, Cropwell Bishop Sewage Treatment Works, Cropwell Butler Road, Cropwell Bishop. Received 25/01/2018	

Division	Member	Received	Determined
Bingham West	Cllr Neil Clarke	Fencing of 1887 sq m site for use as a waste sorting facility. Part concreting of land (to extend existing concrete to whole site). Construction of open fronted building 12m x 12m for sorting activities. Construction of two storage bays for sorted waste. Installation of sealed drainage system with underground tank. Installation of office and amenity portacabin office 6m x 2.4m. Langar Industrial Estate North, Harby Road, Langar. Received 30/01/2018	
West Bridgford North	Cllr Liz Plant	Change in use of land to provide a sewage pumping station with associated development. Trentside North, West Bridgford, Nottingham. Received 02/02/2018	
Leake & Ruddington	Cllr Andrew Brown Cllr Reg Adair		Planning application to retain temporary classroom, Sutton Bonington Primary School, Park Lane, Sutton Bonington. Granted 07/02/2018
Leake & Ruddington	Cllr Andrew Brown Cllr Reg Adair	Erection of single storey extension to form hygiene suite, Sutton Bonington Primary School, Park Lane, Sutton Bonington. Received 13/02/2018	

Schedule of future reports to Planning and Licensing Committee

24 th April 2018	1/18/00217/CDM	Daneshill Landfill Site, Lound Road, Retford, DN22 8RB	To vary condition 3 of planning permission 1/29/97/10 for operations hereby permitted shall cease and all plant machinery and material stockpiles associated with the development shall be removed from the site in preparation for future landfilling by December 2037.
24 th April 2018	1/18/00218/CDM	Daneshill Landfill Site, Lound Road, Retford, DN22 8RB	To vary condition 3 of planning permission 1/29/05/00008, this permission shall be for a limited period only, expiring on 31st December 2037, by which time the site shall be cleared in order that the final phase of the landfill operation permitted under planning permission 1/29/93/8 is not prejudiced
24 th April 2018	1/18/00219/CDM	Daneshill Landfill Site, Lound Road, Retford DN22 8RB	To vary condition 4 of planning permission 1/29/06/00010, this permission shall be limited for a period only expiring on 31st December 2037, by which time the site shall be cleared in order that the final phase of the landraise operations permitted under planning permission 1/29/93/8 is not prejudiced.
24 th April 2018	1/18/0216/CDM	Scrooby Top Quarry, Scrooby Top, Doncaster, DN10 6AY	Retrospective Planning application for an extension to the construction and demolition waste recycling area
24 th April 2018	7/2017/1292NCC	Bestwood Hawthorne Primary School, Keeper's Close, Bestwood Village, NG6 8XE	Construction of new 2 storey 420 place primary (2 phases) and 39 place nursery school with associated playing fields, car parking, hard surfaced outdoor play, footpaths and campus access road. Associated landscaping and covered areas to nursery/reception classes, fenced bin store, and 2.4m high security fencing and gates. Off campus drainage works. Construction of access road, footway and associated works from Keeper's Close
24 th April 2018	7/2017/1491/NCC	Bestwood II Quarry, Mansfield Road, Papplewick, near Ravenshead, NG15 8FL	4.5 hectare eastern extension to existing sand quarry with restoration to nature conservation
24 th April 2018	7/2017/1499NCC	Bestwood II Quarry, Mansfield Road, Papplewick, near	Erection of a portable unit to provide changing facilities for female staff

		Ravenshead, NG15 8FL	
24 th April 2018	7/2017/1504/NCC	Bestwood II Quarry, Mansfield Road, Papplewick, near Ravenshead, NG15 8FL	To vary conditions 3, 6 and 29 of planning permission 7/2014/1156/NCC for an extension of time to extract the remaining mineral within Bestwood II Quarry until 31 December 2028.
24 th April 2018	7/2017/1503/NCC	Bestwood II Quarry, Mansfield Road, Papplewick, near Ravenshead, NG15 8FL	Vary condition 4 of planning permission 7/2015/0320NCC to enable retention of the visitors car park until final restoration of the quarry (31st December 2030 or within two years of the completion of mineral extraction, whichever is the sooner)
24 th April 2018	8/17/02096/CMA	Land off Green Street, Mill Hill and land at Barton Fabis, off Chestnut Lane	The extraction and processing of sand and gravel, including the construction of a new site access road, landscaping and screening bunds. Mineral washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas.
5 th June 2018	3/16/01689/CMA	Land at Langford Quarry, Newark Road, Near Collingham.	Proposed southern and western extensions to existing quarry with restoration to water, nature conservation and agriculture together with revised restoration of existing workings and retention of existing plant site and site access.
5 th June 2018	7/2018/0159NCC	Dorket Head Quarry, Woodborough Lane, Arnold, Nottingham, NG5 8PZ	Proposed southerly extension of the clay workings and extraction of clay and associated minerals, with subsequent restoration by infilling with imported inert waste materials to include landscaping and diversion of public rights of way
5 th June 2018	7/2018/0168NCC	Dorket Head Quarry, Woodborough Lane, Arnold, Nottingham, NG5 8PZ	To vary conditions 5 of planning permission 7/2013/0757NCC to reflect a slight change in the proposed final contours of are stored landform
5 th June 2018	2/2018/0040/NCC	Ratcher Hill Quarry, Southwell Road West, Rainworth, Mansfield, NG21 0HW	Retrospective permission for silica sand extraction and associated revised site restoration proposals.
5 th June 2018	1/18/00043/CDM	Land at College Farm, Great North Road, Barnby Moor, Retford	Sand and gravel extraction, backfill with imported silt and restoration to agriculture and bio-diversity, including construction of a new access road.

5 th June 2018	1/17/01035/CDM	Serlby Quarry, Snape Lane, Serlby, DN10 6BB	Variation of condition 3 of planning permission 1/66/04/00004 to extend the timescale for inert waste disposal to cease by 22 August 2027, with enhanced restoration for a biodiverse nature conservation afteruse.
23 rd October 2018		Trading Standards	Year end update report

