

Planning and Rights of Way Committee

Tuesday, 27 July 2021 at 10:30

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

- 1 Minutes of Previous Meetings:
 - a) Minutes of the meeting held on 22nd June 2021 3 - 18
 - b) Minutes of the meeting held on 29th June 2021 19 - 26
- 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 Annual Report of the Licensing Work Carried Out by the Trading Standards and Communities Service 27 - 32
- 6 Review of NCC's Pre Application Planning Advice Charging Schedule 33 - 50
- 7 Variation of Conditions on Land at Springs Road, Misson 51 - 130
- 8 Improvements to Leen Valley Golf Club, Wigwam Lane, Hucknall 131 - 202
- 9 Development Management Progress Report 203 - 218

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 RIGHTS OF WAY COMMITTEE

Date Tuesday 22 June 2021 (commencing at 10.30am)

Membership

Persons absent are marked with `A`

COUNCILLORS

Richard Butler (Chair)
Sybil Fielding (Vice-Chair)

Andre Camilleri	John Ogle
Robert Corden	Philip Owen
Jim Creamer	Tom Smith - A
Paul Henshaw	Roger Upton
Andy Meakin	Daniel Williamson
Nigel Moxon	

SUBSTITUTE MEMBERS

Tracey Taylor for Tom Smith

OFFICERS IN ATTENDANCE

Pete Barker – Chief Executive’s Department
Rachel Clack – Chief Executive’s Department
Sally Gill – Place Department
Mike Hankin – Place Department
Rebecca Kirkland – Place Department
Matthew Neal – Place Department
Jonathan Smith – Place Department

1. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

That the appointment by Full Council on 27 May 2021 of Councillor Richard Butler as Chairman, and Councillor Sybil Fielding as Vice Chairman of the Committee for the 2021-22 municipal year be noted.

2. TERMS OF REFERENCE AND MEMBERSHIP

That the Committee membership and terms of reference be noted.

3. MINUTES OF THE LAST MEETING OF THE PLANNING AND LICENSING COMMITTEE HELD ON 5 JANUARY 2021

The last meeting of the Planning and Licensing Committee held on 5 January 2021 was attended by Councillors Creamer, Fielding and Henshaw.

The minutes of the meeting, having been circulated to all Members, were taken as read and were confirmed, subject to the following amendment, and were signed by the Chair:-

- Sally Gill is the Group Manager for Planning in the Place Department and not the Chief Executive's Department as stated.

4. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Tom Smith.

5. DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

There were no declarations of interest.

6. DECLARATIONS OF LOBBYING OF MEMBERS

Members confirmed that they had been contacted in various ways regarding Item 7, EMERGE, Energy from Waste Facility, Ratcliffe-on-Soar Power Station.

Mr Smith informed Committee that the presentation would include reference to all late representations.

Labour members of the Committee confirmed they would approach the decision making process impartially after the Rushcliffe Labour Group had campaigned against the development in the recent local government elections. Ms Clack stated that the integrity of members was not being questioned and emphasised the importance of ensuring that the decisions of the Committee were robust.

7. EMERGE, ENERGY FROM WASTE FACILITY, RATCLIFFE ON SOAR POWER STATION

Mr Hankin introduced the report which included the consideration of the following key issues:

- I. The processing capacity of the facility in relation to the amount of residual waste requiring treatment within Nottinghamshire and the surrounding area where it is identified that there are shortfalls in residual waste processing capacity which the EMERGE facility would assist in addressing;
- II. Compliance with the waste hierarchy where it is concluded that the EMERGE facility would assist in managing waste at a higher level in the waste hierarchy and assist in the diversion of waste from landfill disposal;

- III. The efficiency of the process, its level of carbon emissions and the extent to which the development would contribute towards the UK Government's commitment to bring all greenhouse gas emissions to net zero by 2050 which is a target which local authorities are being encouraged to work towards where it is concluded that the EMERGE facility would contribute to a reduction in carbon emissions when compared to the current alternative of landfill disposal of residual waste, but acknowledging that potential future changes in waste collection arrangements have the potential to affect waste composition which may erode some of these benefits in the medium to longer term;
- IV. The production of 'low carbon' energy from the process which is strongly supported by national and local planning and energy policy;
- V. The suitability of the site for the development in the context of planning policy where it is concluded that there is planning policy support for the redevelopment the Ratcliffe on Soar Power Station site which is a previously developed (brownfield) site.
- VI. The site lies within the Green Belt and has been treated as inappropriate development in the context of Green Belt policy. Very special circumstances have been demonstrated to support a grant of planning permission.
- VII. Consideration of the environmental effects of the development where it is noted that there would be some visual and heritage impacts but in other respects the site benefits from good transport links with direct access to the A453 dual carriageway and significant environmental effects are not anticipated to local landscape character, air quality and public health, noise and vibration, dust, litter, ecology, odour, ground contamination, drainage and flood risk, or socio-economic effects.

Following Mr Hankin's introductory remarks, Mr Smith informed Committee of the late representations received, detailed below, and provided the Officer responses:

Email from Friends of the Earth dated 17 June 2021

- There will be significant CO2 emissions, it is not a low carbon facility
- There are other alternatives to landfill should permission be refused
- There are references to CHP and carbon capture but no firm commitments
- It is unfortunate that the Bill will not be passed before this application is considered
- The calling in of the application by the Secretary of State is supported

Officers' Response

- Paragraphs 310 – 357 of the report cover the points raised in respect of climate change
- Paragraph 315 confirms that the facility is regarded as a low carbon energy source
- Paragraph 333 of the report confirms that biogenic waste, which makes up around 60% of the expected waste stream, is classed as climate change neutral

- Paragraph 253 confirms that the level of recycling rates in Nottinghamshire is below the Waste Core Strategy target set of 70% by 2025
- Paragraph 252 states that waste projected to be disposed into landfill may be better managed within a recovery facility
- Paragraph 334 states that the DEFRA Energy from Waste guide confirms that when calculating the net level of carbon emissions of an energy recovery facility it is appropriate to deduct from the gross carbon output the carbon emissions that are displaced by producing the equivalent energy output at an alternative generating facility. A gas fired power station is regarded as a reasonable comparator as this is the most likely technology to be used if a new power station were to be built today.
- Paragraph 384 details how energy from waste is non-intermittent, unlike many other sources of renewable energy such as wind power or solar.
- Paragraph 346 confirms that there is no legislative requirement for this development to be 'Carbon Capture Ready'
- Mr Smith informed members that officers were satisfied that the applicants had accounted for comparators and that the proposals were consistent with the DEFRA Energy From Waste Guide where energy from waste was regarded as a preferable alternative to the use of landfill

Correspondence from United Kingdom Without Incineration Network (UKWIN)

- The claim that special circumstances apply in respect of the Green Belt is unsupportable
- The arguments from UKWIN and the Wildlife Trust have not been taken into account
- Incineration is not a low carbon option for planning purposes
- It is inappropriate development in the Green Belt
- There is legal precedent to refuse planning permission on climate change grounds
- Climate change benefits have been given limited weight

Officers' Response

- Paragraphs 412 – 433 of the report cover the majority of the points raised
- Paragraphs 436 – 438 of the report incorporates consideration of Green belt very special circumstances
- In terms of the issues raised by the Wildlife Trust, these have been considered in the report, but the county ecologist and Natural England have not objected to the application and planning officers therefore consider that the appropriate weight has been attached to ecological concerns in the overall planning decision
- Paragraphs 310 – 357 of the report assess greenhouse gas emissions and the effects on climate change. The development can be considered as a low carbon facility using DEFRA's definition.

Email from 'Stop Ratcliffe Incinerator Campaign'

- The email copies and pastes large sections of the late representation from UKWIN which has been covered in the response to that organisation above.

Email from Councillor Carys Thomas, Rushcliffe Borough Council

- Have British Gypsum been consulted over the proposed development as the site overlies deposits and workings?
- The safeguarding area for the application site relates to underground gypsum extraction. British Gypsum have confirmed that they have no objections to the application as it has no impact on current or foreseeable operational areas for gypsum extraction. On that basis, it is considered that the proposed development accords with Policy SP7 of the Minerals Local Plan and Policy 42 of the Rushcliffe Local Plan Part 2 insofar as no important mineral reserves would be sterilised as a result of the proposed development.
- Is the site in a mineral safeguarding area?
- Will granting planning permission sterilise future mineral extraction?

Officers' Response

- The site is in a mineral safeguarding area
- The applicant has contacted British Gypsum who have raised no objection to the development as there are no plans for mineral extraction at the moment therefore no sterilisation of minerals will take place

Email from Councillor Carys Thomas, Rushcliffe Borough Council to Councillor Barney, copied to Councillors Upton, Adair and Butler

- Details speech given by Councillor Thomas to Rushcliffe Borough Council
- The speech refers to lack of carbon capture, the market for the heat generated, the development is not a low carbon solution, the site would be better located nearer to a centre of population, would be better as part of a more holistic site where incineration would be a last resort, need for more HGVs is questioned, lacks strong commitment to use rail for transportation.
- Councillor Thomas moved a motion to oppose the development but the motion was defeated and Rushcliffe Borough Council have raised no objections to the application.

Officers' Response

- The issues of carbon capture, the processing of residual waste and the issue of a low carbon development have all been covered in previous responses

- The need for the site has been covered in paragraphs 246 – 309 of the report and in the presentation, including the managing of waste from outside of the county
- Rail could be used in future for the transport of waste and the retention of the rail head is recommended to be secured through a legal agreement as part of the planning decision so that it would be available in the future should contracts be secured which allow for waste to be transported in that way.
- The suggestion of a more holistic site is acknowledged as being a perfectly valid one, but Committee can only consider what has been submitted for approval. The whole site is owned by the applicant and this application is integral to the wider development of the site, though those plans have not yet been made public.

Email from Councillor Mike Edwards, Nottingham City Council

- Queries the possible use of heat generated by the plant to be used by the Fairham Pastures estate given the distance from the site and the cost that would be involved
- Suggests investigating further the use of the steam generated by the turbines
- Reference is made to the Free Port and the possible use of the site to house a nuclear fusion facility

Officers' Response

- The issue of the Free Port and Nuclear Fusion option are not considered material to this application
- Paragraphs 323 – 331 refer to the generation of heat and identify a number of options but there will be no immediate requirement for this on completion of the development

Email from County Councillor Penny Gowland

- The application does not fit in with the County Council's commitment to carbon neutrality
- The problem of methane being generated by landfill sites should be overcome by improved engineering
- The authority should concentrate on handling waste its own waste, and not waste from outside the County
- An alternative energy recovery method than incineration should be used

Officers' Response

- All the issues raised have been covered in previous responses

Email from Chris Ward

- Approval would lock the authority into a 20 year commitment
- The facility would divert attention from recycling/re-using
- Approval would promote the idea that plastic is sustainable as it can be used to generate energy
- Concerns are raised that the facility would pollute the atmosphere

Officers' Response

- Recycling rates are dealt with in the report
- Pollution will be addressed by the Environment Agency as part of the permit application process

Email from John Coles, Barton in Fabis Parish Council

- Requests that any HGV routing agreement forbids access to the old A453, now known as Green Street, and which runs parallel to the new A453

Officers' Response

- This is considered a reasonable request and will be incorporated into any permission should it be granted

The following point of clarification was then addressed:

- A Biodiversity Net Gain calculation carried out indicates that the net biodiversity gain of the scheme would exceed the government target of 10% . Officers have visited the site – it is not an ecologically important site, covered in tarmac and concrete, with very little vegetation and surrounded by electric fencing. If the detailed landscaping scheme were to be implemented the site would have less impact than at present.

Following Mr Hankin's introduction, Dr Monica Pallis was then given the opportunity to speak and a **summary** of that speech is set out below:

- Thank you for your commitment in declaring a climate emergency unanimously
- When humans emit 355 billion tonnes more of CO2 emissions there is a 50% risk of reaching the 1.5 degrees of global heating which will wreak such devastating effects on future generations. 40 billion tonnes of CO2 is what human activities emit annually at the moment. 355 divided by 40 is less than 9 years before we reach 1.5 degrees. Everything you do as politicians to help stop these emissions matters.

- You have been told in your officers' report that EMERGE is a low carbon facility. You might conclude that you will be doing the right thing in giving approval. Why then did the Climate Change Committee say in December 2020 that the emissions from existing and planned energy from waste facilities are becoming so overwhelming that 'a substantial fraction of the plant pipeline will have to remain unbuilt, utilisation rates will have to fall, or else carbon capture and storage (CCS) will need to be installed from mid/late-2020s.' Why did the country's leading experts say that if this is a low carbon option? Because the understanding of the climate emergency and its solutions are changing so rapidly that council strategies haven't caught up. These are material considerations for planning purposes.
- UKWIN sent you documents from independent experts adjudicating on other energy from waste proposals. These have consistently reported that comparing emissions from incineration with those from landfill is an inappropriate measure because it does not reflect the real options for the next 20-30 years. For example, the treatment of choice for biodegradable waste is sorting and biostabilisation, which also produces sustainable soil enrichers, and landfill emissions will not even be a consideration. Your administration badly needs a sustainable waste strategy for climate emergency before accepting the backward looking waste figures used in the report.
- If you are not ready to reject the application, I am begging you to delay the decision and get independent expert help to adjudicate on carbon emissions. Planning Permission can be refused on climate grounds as UKWIN have informed you, and there are sufficient arguments from objectors that EMERGE will have serious adverse climate change impacts for independent appraisal to be commissioned. Please don't rush such a huge decision.

Ms Jen Walker was then given the opportunity to speak and a **summary** of that speech is set out below:

- The vague promises made are frustrating.
- The development promises to provide 45 jobs, this is a pitiful amount for such a development. I would ask for more clarity, are these jobs skilled or just for people sweeping up?
- CHP is very expensive. It is used in Nottingham as St Anns was being developed and residents were obliged to use the system, that obligation still exists today.
- Where will the rubbish come from to feed the plant? Rushcliffe Borough Council either recycles or incinerates 95% of its waste already, only 5% goes into landfill.
- Where will the residual waste be buried? The plant will burn and dispose of petroleum based products that are essential resources. In future landfill will be mined to access these resources.

- Would you buy a car without brakes now and drive it round with the promise brakes would be provided in the future? A long term approach is needed not short term thinking.
- You have acknowledged that there is a climate emergency and have committed to net zero emissions, but this plant will not provide that. It has been shown that recycling reduces where incineration is an option.
- Wildlife will not be protected by this site.
- Future generations need to be protected. You cannot claim that you have made this decision in ignorance. I beg you to call the decision in.

The following point of clarification was then addressed:

- The ash produced as part of the process is used to produce building blocks. The filters used in the air cleaning go to landfill.

Mr Stephen Platt was then given the opportunity to speak and a **summary** of that speech is set out below:

- I also want to congratulate the councillors for declaring a climate emergency unanimously, and that means all of the councillors here voted for the declaration and that is a good first step. Today is the first decision resulting from that declaration.
- The climate emergency is already happening, it is no longer just a warning from scientists. There are forest fires in California, Australia and Saddleworth Moor. There are floods in Nottinghamshire, around Britain and around the world. Food production is falling. Ice is melting at the poles and in glaciers. A headline in the Guardian newspaper (21/8/20) stated that the Greenland ice sheet lost a million tonnes per minute in 2019.
- Prince William's television programme said that sea levels would rise by 2 metres by the end of the century. What will happen to Hull, Grimsby, London, Norfolk and Kings Lynn?
- Faced with this emergency you have a decision to make and you should heed the advice of the Committee on Climate change, a body set up to advise the government on the climate and how to reach zero emissions by 2050.
- The Climate Change Committee says 'Achieving significant reductions in the waste sector requires a step change towards a circular economy, moving away from landfill and incineration (and the associated methane and fossil CO2 emissions) and towards a reduction in waste arisings and collection of separated valuable resources for re-use and recycling.'
- In 2019, 53 UK incinerators emitted 13.3 million tonnes of CO2 of which 6.6 million tonnes were from fossil sources such as plastic.

- The Climate Change Committee says no more emissions from landfill and incineration. Let's have less waste and that waste should be re-used and recycled.

The following point of clarification was then addressed:

- On the effect of the Council's declaration, Mr Smith drew Committee's attention to paragraph 349 of the report which stated that given the short time since the declaration had been made it had not been possible to develop any measures designed to achieve carbon neutrality, but that the declaration had reinforced the importance which the Council attaches to mitigating climate change and reducing carbon emissions.

Dr Andy Read, the applicant's Redevelopment Manager, was then given the opportunity to speak and a **summary** of that speech is set out below:

- This development will be on the Ratcliffe site which will lose its coal operation at some point in the future.
 - We have been collaborating closely with NCC, Rushcliffe BC and other local stakeholders on how to redevelop the wider site and contribute to local sustainable economic growth.
 - Our vision for Ratcliffe is for developments that create high value jobs based on modern industrial and manufacturing uses served by an on-site energy hub.
 - This energy hub would enable electricity and heat to be shared by businesses across the site. In planning for a low carbon future we see this energy hub as an enabler to attract to the site new investors that have high energy demand. We can only deliver this vision step by step, and the first step has to be a stand-alone as the following steps cannot be guaranteed.
 - We believe the EMERGE centre proposal under discussion today successfully delivers that stand-alone first step:
 - it meets an existing need in that there is not enough waste treatment capacity in the local region, nor indeed in the UK as a whole
 - it will give a boost to the local economy
 - it has pathways to reach net zero carbon and indeed net-negative climate emissions given the right future policy support from Government
 - by being capable of supplying heat in the future as well as power, it can be the anchor project for the energy hub, helping to attract modern industry, manufacturing and high quality jobs to the site
- We also believe that we have delivered a high quality application where the local concerns have been heard and are addressed. As a result we

have no objections from statutory consultees. We have reached agreement with NCC's officers on all of the proposed planning conditions including, for example, to keep lorries off local roads, and to maintain good community liaison during construction.

- I commend Mr Hankin's report to you and I am delighted that he agrees with us that this is a planning application that should be approved.

The following points of clarification was then addressed:

- The air filtration process is a standard industrial process regulated by the Environment Agency and continuously monitored. There is an obligation on the applicant to measure the emissions and report any deviations and this has been undertaken at the existing plant for many years.
- In terms of the supply of residual waste, all calculations have taken into account the volumes processed at the Eastcroft and Sheffield plants, with the assumption that these plants will continue into the future. Given this, the figures indicate that there will still be sufficient residual waste available to be processed by the new facility.

Councillor Matt Barney, the local member, was then given the opportunity to speak and a **summary** of that speech is set out below:

- As ward member I share the serious concerns expressed by my resident and Parish Councils in respect of this application. We surround the Ratcliffe on Soar Power Station site in the ward of Leake and Ruddington and will be most affected both by the construction and operation of this facility. If planning permission is granted there will be a very significant increase in road haulage movements to construct and then supply the plant with waste to incinerate. I have expressed these concerns to officers. As such, I acknowledge the recent amendments to the application that now stipulate all HGV traffic associated with both the construction and operation of the site will be restricted to accessing the A453 via Junction 24 M1 roundabout to the south west and from Silverdale roundabout on the A52 in the north east. However, I would like to seek further clarification on how this will be actively enforced and what penalties might be placed upon any hauliers found to be in breach of these planning conditions. Parish Councils have raised strong objections to the proposals, not least with respect to the hugely increased HGV traffic associated with the development. It will be utterly unacceptable to residents for this condition not to be actively and rigorously enforced and I would like to understand the mechanism to achieve this.
- I am personally delighted that Notts County Council have in recent days declared a climate emergency with the serious obligation this brings. I have weighed this application considering the inescapable fact that this plant will produce and emit CO₂. Having studied carefully the evidence before us, I acknowledge that this site claims to deliver a net carbon gain of more than 100 tonnes per annum as opposed to putting the same waste to landfill. If the modelling is to be relied upon then I accept this gain.

However, considering the climate disaster that we face, I feel strongly that the applicant should be forced to adopt carbon capture measures at this site. I am informed that at present there are no legislative grounds to achieve this. However, as national government policy changes to enforce carbon capture, I would expect this to be retrospectively mandated. I would also strongly prefer NCC to continue and accelerate its significant efforts to recycle even greater proportions of waste so that the need for it to be incinerated or put to landfill is further reduced. I know that my colleagues across parties share this aspiration and will continue to press for this.

- I acknowledge that as the existing coal fired power station is decommissioned, if this plant is granted planning permission, that it will enable jobs, that might otherwise be lost in our ward to be retained. I also acknowledge that as things stand today this proposal will harness power from waste that otherwise would end up in landfill. Power and heat derived from this site therefore would reduce the need to produce the same power and heat from other, potential fossil fuel sources.
- Again, I am highly concerned by the increase in HGV movements that will transpire in my ward and express in the strongest terms that if this proposal is given approval then we will be closely monitoring any breaches of the stipulated HGV access routes and will seek strong penalties for any such perpetrators.

The following point of clarification was then addressed:

- It is important to view the movement of HGVs in the context of the location of the site which lies on the recently improved A453 and which provides very good access to the site, it is not down a country lane. Lorry drivers will use this route, though there is a Section 106 agreement in place and if NCC becomes aware of breaches there is the option of prosecution through the courts, though this would be a last resort and the authority would work with the applicant to ensure the restrictions were adhered to. Routeing agreements are common at mineral sites and the companies involved enforce the measures themselves. The process would involve the escalation of warnings, the imposition of sanctions, drivers ultimately could be banned from accessing the site and as a last resort the authority could prosecute, though this has not happened to date.

Following Mr Hankin's introductory remarks Members then debated the item and the following comments and questions were responded to: -

- The existing rail head will be retained as part of the planning permission.
- If this application is not approved then residual waste from Nottinghamshire will have to be exported out of the County, Nottinghamshire County Council does not send significant amounts of residual municipal waste to landfill, but large quantities do get incinerated outside of Nottinghamshire

- There is no legal basis at the moment that would allow the authority to condition carbon neutrality at this site.
- The recommendations of the Climate Change Committee will advise the government and inform the decision on future government policy and legislation, but the Climate Change Committee's recommendations are not enshrined in UK law and the Authority is required to make its decision in line with existing rules.
- The assumption is that net zero will be mandated by 2050. It will be possible to retro-fit carbon capture equipment at the site and it is reasonable to assume that greater pollution control will be required in the future. If the plant does not meet these stricter criteria it will have to close.
- It is believed that there is no operational energy recovery facilities utilising carbon capture equipment in the UK at the moment, though there is some on the continent. If it were to be used now it would result in a trading disadvantage. The application does not propose the fitting of such equipment and the authority can only determine the application as it is.
- The ecological report was carried out by professionals and reviewed by NCC officers and Natural England. There are bats in the woodlands but the site is not an important one ecologically and the conditions do require mitigation measures to be taken.
- In respect of the possible release of toxins in the air, paragraph 183 of the National Planning Policy Framework (NPPF) states that 'the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes)' In this case, and in addition to the conditions imposed by the planning permission, a waste permit will also required.

The Chairman considered it would be helpful for committee to receive legal advice on the implications of the Council's Declaration of a Climate Emergency on the decision making for this application. The legal adviser, Mrs Clack, reminded Members of the requirement to determine applications in accordance with the policies in the development plan unless material considerations indicate otherwise. Mrs Clack informed members that case law showed that climate change mitigation was capable of being a material consideration, however, the Council's Climate Emergency Declaration required the implementation of further measures to achieve its goals, which in a planning context, would require the formulation of policy. Mrs Clack stated that the planning officer had considered the Declaration in assessing the planning balance but had concluded in reaching his recommendation that it did not, on its own, outweigh the policies in the newly adopted Minerals Local Plan.

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

RESOLVED 2021/003

1. That subject to the application being referred to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 and the Secretary of State deciding not to call in the application for his own determination, the Corporate Director – Place be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 to secure the retention of the Ratcliffe on Soar Power Station railhead and connecting rail link to the mainline railway for the duration of the operational life of the EMERGE facility and to regulate lorry routing.
2. That subject to the completion of the legal agreement and within three months of receiving notification from the Secretary of State that he does not wish to call in the planning application for determination, or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of the report. In the event that the legal agreement is not signed before the 22 September 2021, or within any subsequent extension of decision time agreed with the Waste Planning Authority, the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

8. DEVELOPMENT MANAGEMENT PROGRESS REPORT

Mrs Gill introduced the report, stating that it was the usual report brought regularly to Committee detailing the applications received, determined and scheduled. Mrs Gill drew members' attention to page 239 of the report which detailed the reports which are due to come to future meetings and reminded members that the next meeting of the committee was scheduled in one week's time on 29th June 2021.

Mrs Gill informed members that the development referred to on page 24 of the report should have been to Private Road No 3 and not 4 as stated.

Mr Smith confirmed that new members to the Council had been consulted on the relevant applications and Mrs Gill confirmed that as the schedule dated back to January 2021 the references to former members was valid.

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

RESOLVED 2021/004

That the contents of the report be noted.

The meeting closed at 2.00pm

CHAIR

Meeting PLANNING AND RIGHTS OF WAY COMMITTEE

Date Tuesday 29 June 2021 (commencing at 10.30am)

Membership

Persons absent are marked with 'A'

COUNCILLORS

Richard Butler (Chair)
Sybil Fielding (Vice-Chair)

Andre Camilleri	John Ogle
Robert Corden	Philip Owen
Jim Creamer	Tom Smith
Paul Henshaw	Roger Upton
Andy Meakin	Daniel Williamson - A
Nigel Moxon - A	

SUBSTITUTE MEMBERS

Chris Barnfather for Nigel Moxon
Dave Shaw for Daniel Williamson

OFFICERS IN ATTENDANCE

Pete Barker – Chief Executive’s Department
Rachel Clack – Chief Executive’s Department
Sally Gill – Place Department
Mike Hankin – Place Department
Rebecca Kirkland – Place Department
David Marsh – Place Department
Jonathan Smith – Place Department

1. APOLOGIES OF ABSENCE

Apologies for absence were received from Councillor Moxon and Councillor Williamson

2. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor Owen declared an interest in Items 5 and 6, the Erection of Primary Schools and Nurseries in East Leake and Bingham, as the former Chair of the Children and Young People’s Committee, which did not preclude him from speaking or voting on those items.

3. DECLARATIONS OF LOBBYING

There were no declarations of lobbying.

The Committee agreed that the order of items be changed, in order to best accommodate the speakers present.

4. ERECTION OF PRIMARY SCHOOL AND NURSERY, EAST LEAKE

Mr Marsh introduced the report which considered an outline planning application for the erection of a primary school for up to two-forms of entry and a 26-place nursery on land to the north of Rempstone Road, East Leake. Mr Marsh informed members that the key issues of the outline application related to the principle of the development and the traffic/travel related impacts of the proposed points of access.

Mr Marsh informed Committee that a late representation had been submitted by Councillor Thomas of Rushcliffe Borough Council as Ward Member and on behalf of the Parish Council through County Councillor Barney, which re-stated the element of the reported representation received from Rushcliffe Borough Council and related to:

- the provision of a dedicated pick-up/drop off zone outside the school
- provision of additional parking in a reserved matters application
- provision of a parent assembly area outside the school gate
- provision of school zig-zag marking on the private drive to plots 266-273;
- emergency access to the school playing field

Mr Marsh stated that the points raised had been covered in the report with the exception of the final point and Mr Marsh informed members that the school will require access to the field for maintenance which could equally serve as an emergency field access, but that this would be a matter to be considered in the detailed design.

The following point of clarification was then addressed:

- The loop road off Rempstone Road will be for two way traffic once the development is complete.

Following Mr Marsh's introduction, Mr Asaad Raouf from the Arc Partnership was then given the opportunity to speak and a **summary** of that speech is set out below:

- We have worked with the Council officers and stakeholders to ensure the application captures and reflects both the need to provide school places and the concepts and principles of those items identified as part of the outline planning application.
- The development site provides an ideal opportunity to design a school which integrates with, and is sympathetic to, the surrounding environment – and can

help demonstrate the importance of the site's biodiversity, support of wildlife, transition from mature copse to trim trails and play areas, and once designed, help to deliver a comprehensive and well-rounded project.

- Notwithstanding the requirements already outlined in the report, including those of scale and fenestration, the site provides an opportunity also to create a sense of place and ownership as part of the wider development and community.
- Sustainable travel, pedestrian and cycle connectivity are of course key elements – and through school travel plans can help educate and encourage a modal shift in the future, and reduce traffic in the long term, along with associated health and well-being benefits.
- We look forward to seeking your support and help to make the project a success, delivering much needed school places as well as meeting wider environmental and sustainable objectives.

Councillor Matt Barney as the local member was then given the opportunity to speak and a **summary** of that speech is set out below:

- As the ward member for Leake and Ruddington I wholeheartedly express my support for this planning application.
- The village of East Leake has undergone radical change in recent years due to the number of new dwellings built. Indeed, housing numbers have increased to the extent that the population of East Leake is now more akin to that of a small town. With each wave of new development the local community have protested what they have perceived as yet more, unfair, housing allocations. The Parish Council, elected representatives and residents have fought hard for enhanced facilities and infrastructure to keep up with the growing demands. But all too often, while East Leake has embraced and welcomed new residents with neighbourly grace, the community infrastructure has been stretched far beyond what is reasonable.
- Now I realise that there have been some objections made against this planning application from local residents. I want to be respectful to those. However, for the most part, they are from residents whom themselves have benefited from new housing. They now live adjacent to the proposed new school site. Whilst I appreciate their concerns, the proposed location of this new school site has been tabled since 2015. 6years on here we are – the housing has for the most part been built, but the now desperately needed new Primary School has not. Dwellings that were granted planning permission in the same application that referenced this proposed school site are now built and occupied, but the school is not.
- My predecessor at the County Council, Andy Brown, supported this school. The Parish Council, the Borough Council and the Borough Councillors have all supported it. Indeed, they have made very constructive comments that have influenced the officer's report before us today. These measures include recommendations to mitigate the concerns of residents on the Persimmon Estate, particularly those who reside closest to the school on Sheep Wash

Way. I fully support these recommendations which include the proposal for double yellow lines to prevent problem parking at the hammerhead turning point of Sheepwash Way.

- So Committee, I plead with you, please grant planning permission, enable NCC to take title of this land and let's give our County Council what it needs to get this fabulous, and much needed primary school built – not in the next 6 years but in the next few months.

Following the speeches and Mr Marsh's introductory remarks Members debated the item and the following comments and questions were responded to: -

- Members expressed their disappointment at the lack of a pick-up/drop off point, especially given the fact that this is a new site that is yet to be developed. Officers informed Committee that NCC has no say in the site given them and that any development needs to take account of the applications approved by other local authorities.
- The reference to 12 on-street parking spaces is to the amount of suitable space available on the highway, not for staff parking. The recommendation is for a minimum of 22 spaces to be provided on site for staff parking during the first phase, rising to a minimum of 32 when the development is complete. These figures are a minimum – the applicant may decide to provide more parking spaces than this.
- The housing development on Sheepwash Way was refused by Rushcliffe Borough Council but allowed on appeal. The available parking and the inclusion of a path to the school will attract traffic to Sheepwash Way.
- The details of the School Travel Plan quoted in paragraph 31 of the report were provided by the applicant and not NCC's officers.
- The parking situation will be monitored and any future need for more control measures such as yellow lines and 'H' bars will be included in a Traffic Regulation Order (TRO) following consultation.
- Plan 3 included with the report is schematic. In reality, any road layout will align with accepted highway geometry.
- Officers are aware that the housing development includes a private drive adjacent to the school and zig zag road markings may be extended along this access, though as it is a private drive this could not be subject to a TRO. However, officers will take account of the proximity of the drive to the school when drawing up the TRO.
- The provision of charging points and photo voltaics is not for this Committee to decide at present, though reference has been made in the Conditions and the topic may be included when full planning permission is sought.

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

RESOLVED 2021/005

That outline 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.

5. ERECTION OF PRIMARY SCHOOL AND NURSERY, BINGHAM

Mr Marsh introduced the report which considered a planning application for the erection of a 315 place primary school in two phases, including a 26 place nursery. Mr Marsh informed Committee that the key issues related to access to the site, traffic impacts and potential noise issues that may arise from the use of outdoor spaces.

Following Mr Marsh's introduction, Mr Asaad Raouf from the Arc Partnership was then given the opportunity to speak and a **summary** of that speech is set out below:

- We have worked with Council officers and stakeholders to design and ensure the application accurately captures and reflects both the provision of school places as well as the Council's wider aspirations for sustainable and environmentally conscious development.
- In designing Bingham school we have looked at balancing and assessing the capital costs of materials against longer term value with the need for robust, long-lasting specifications of products with low or zero maintenance, with the aim of lowering revenue, operating and maintenance costs.
- Consideration of energy conservation including: ensuring high insulation levels, air tightness and well considered details to minimise thermal bridging.
- Use of good natural lighting, sensor controlled LED lighting, EV charging, mechanical ventilation and heat recovery in winter as well as natural ventilation. Summer comfort achieved through passive cooling with high spec glass, landscape screening and shading as well as natural ventilation. Creating the right comfortable internal environment are of course all conducive to learning.
- Regarding low carbon solutions – Bingham Primary School will help set an example for a fully electric building which will form part of the Council's contribution to the journey towards a zero carbon future once the grid is eventually de-carbonised.
- As someone wise once said; 'we shape our buildings and thereafter, they shape us'. What better example to show our younger generation our commitment to their, and the planet's future.

- Sustainable travel and pedestrian and cycle connectivity is key – and through school travel plans can help educate and encourage more environmentally - friendly ways to travel and reduce traffic in the long term, along with associated health and well-being benefits.
- The importance of the site's biodiversity, support of wildlife, transition from mature copse to trim trails and play areas, will also help to deliver a comprehensive and well-rounded project.
- Education is a key part and can play a role in all aspects of the project from showing youngsters how technology is used as part of the design process, the on-site activities of how buildings are constructed and put together, understanding of waste recycle – as well as considerations for dismantling and re-use.
- We look forward to seeking your support and help to make the project a success, delivering much needed school places as well as meeting wider environmental and sustainable objectives.

Members then debated the item and the following comments and questions were responded to: -

- As with the previous report, members expressed their frustration and disappointment that the issue of problem parking round schools had again not been addressed.
- This application allows for on-site parking for staff and visitors.
- There is a private retail site near the proposed school with parking available.
- Plan 10 identifies the future highway where significant on-street parking will be available without causing any amenity problems.
- The provision of 'H' bars can be included in a TRO, but they will not be enforceable.
- The widths of the new roads differ in the reports (Bingham – 6m, East Leake – 6.75m) as the guidance was taken from different Highway Design Guides, though in both cases the current edition was consulted.
- Members again expressed their scepticism about the effectiveness of School Travel Plans and officers informed committee that Government encourages their use and that it was important to aim to reduce traffic round schools. As detailed in the Conditions, all Plans are reviewed regularly.
- Officers from the Highways Development Control Team will attend a future meeting of the Committee to explain what can be specified and what cannot.

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

RESOLVED 2021/006

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 of the report.

6. RESTORATION OF SPOIL TIP, HARWORTH COLLIERY

Mr Hankin introduced the report which considered a planning application for the importation of 3.6 million cubic metres (Mm³) of inert waste over a 14-year period to the former Harworth Colliery Spoil Heap to provide for the restoration of the site.

Mr Hankin informed members that the key issues set out within the report related to the need to restore the existing colliery tip and the quantity of waste importation onto the site required to achieve this, the availability of waste to undertake these works, the need to improve existing environmental conditions on the colliery tip, particularly in the context of site stability and drainage in terms of reducing the level of contaminated run-off to surface and groundwaters surrounding the site.

Following Mr Hankin's introduction, Mr Craig Ball, the agent for the applicant, was given the opportunity to speak and a **summary** of that speech is set out below:

- I commend the thorough report
- This is a mining legacy site
- The existing condition of the site is not satisfactory, it is not environmentally acceptable, the topography of the site needs to be changed to sustain the site in the long term
- Extensive and positive consultations have taken place with NCC's officers to arrive at the scheme in front of you today.
- We accept the site is remote from the major Nottingham conurbation but its proximity to the A1 should mean that it will be able to attract material from Nottinghamshire and beyond to allow its restoration over the 15 year time period.
- There is a contractor interested in taking the site forward.
- The development will take place in a phased manner.
- The scheme will provide a permanent solution to contaminated discharges.
- Ecological mitigation will take place over the 15 year period, with a 10 year after care plan to begin once restoration has finished.
- Very few letters of objection have been received.

- The conditions attached to the permission will ensure no noise or dust issues will arise.

Members then debated the item and the following comments and questions were responded to: -

- It was noted that no objections have been lodged regarding the potential HGV movements
- Reclaimed pits elsewhere in the County have flourished
- This is a positive development, it is a shame that it will take 15 years to achieve
- Policy is to encourage public access to such sites following rehabilitation

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

RESOLVED 2021/007

1. That the Corporate Director – Place be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 to regulate the routing of HGVs accessing the site to require all HGV traffic (excluding local deliveries) to access and egress the site access from the south and the signal-controlled junction of Blyth Road/A614 Bawtry Road.
2. That subject to the completion of the legal agreement before the 29th September 2021 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of the report. In the event that the legal agreement is not signed before the 29th September 2021, or within any subsequent extension of decision time agreed with the Minerals/Waste Planning Authority, the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

The meeting closed at 12.45pm

CHAIR



27 July 2021

Agenda Item: 5

REPORT OF THE SERVICE DIRECTOR, PLACE AND COMMUNITIES

**ANNUAL REPORT TO THE PLANNING AND RIGHTS OF WAY COMMITTEE
OF THE LICENSING WORK CARRIED OUT BY THE TRADING STANDARDS &
COMMUNITIES SERVICE**

Purpose of the Report

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

Information

2. The Service has an involvement in a number of licensing and registration schemes designed to ensure the safety of our communities. In some cases, the authority is responsible for issuing licences and ensuring safety standards are met through inspections and other activity. Each of the licence types and associated activities carried out by the Service are covered in more detail below.
3. In the last year, Trading Standards staff have been heavily involved in the response to COVID-19, however by adjusting working practices, the licensing work of the Service has continued throughout
4. From the 1 April 2020 until 31 March 2021, the Service received a total of **£12,619.50** income from licences, registrations, and other related fees, broken down in the table below. This figure includes licences issued that cover more than one year.

Explosives	£ 4527.00
Petroleum	£ 6145.00
Petroleum Record Searches	£ 1947.50
Total	£ 12,619.50

Explosives Storage

5. The Service has responsibility for issuing explosives licences for the storage of explosives such as fireworks, safety cartridges and airbag detonators, for quantities of up to 2000kg of 'Net Mass.' The Health & Safety Executive (HSE) are responsible for quantities above 2000kg.
6. There are currently two 'bands' of licences, determined by the Net Mass of explosives being stored. Since the Explosives Regulations 2014 came into force, both 'bands' are now known as an Explosives Licence. The bands are:

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

Explosives Activity between 1 April 2020 and 31 March 2021

7. A total of 36 licences were issued in this period. This figure comprises 26 renewal licences and 10 new applications, mainly from small independent businesses. It was observed that many of the larger national retailers decided not to renew their licences in this last year.
8. In addition to the above, there are also 'All Year Round' licences for businesses that wish to supply fireworks all year round, or outside the restricted periods that correspond to the specific events of Chinese New Year, Diwali, Bonfire Night and New Year. In this category, only 2 licences were issued in between these dates.
9. In 2020, Officers undertook a programme of inspections in the run up to bonfire night regarding the storage and sale of fireworks. A total of 23 inspections, conducted by 4 TSO's, took place across the County, which included 'high risk' premises, 'medium risk' premises and new premises. Premises within all 7 different Districts or Borough Councils areas in Nottinghamshire were inspected.
10. The firework inspections conducted look at different aspects of firework storage and sales, including ensuring the safe storage of them and checks / advice that no premises sell to under 18's. Advice is given during the visit to businesses around Challenge 25 / 30, till prompts, a refusal register and staff training for example. A common issue with fireworks storage is that other easily combustible materials are stored near to, or next to, where the fireworks are stored. If this is found, this is something that is verbally advised on at the time, and a visit note is also left if necessary. These issues are usually rectified in the Officer's presence.
11. Businesses are also asked about their system in place to prevent the overstocking of fireworks. One of the premises visited was storing 1.3G fireworks which is less common and required more detailed advice.

Explosives Activity for 2021

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

Petroleum Storage Certificates

13. The Service certifies any premises that store petrol in a tank or bowser for delivery into the fuel tank of a vehicle or other internal combustion engine. The most common premises covered are retail petrol stations that supply fuel to motorists.
14. There are three bandings of certificate, which are as follows:
 - Petroleum up to 2500 litres;
 - Exceeding 2500 litres but not exceeding 50,000 litres; and
 - Exceeding 50,000 litres.

Petroleum Activity for 1 April 2020 – 31 March 2021

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

Categories	Licences / Certificates issued 2020/21
Petroleum under 2,500 litres	0
Petroleum 2500 litres - 50,000 litres	9
Petroleum exceeding 50,000 litres	15

16. The Service also received approximately 28 enquiries from businesses, operators & contractors for advice on petroleum storage related issues. However, since The Petroleum (Consolidation) Regulations 2014, what petroleum storage certificate (PSC) holders have to make us aware of, regarding the petrol stations that they operate, has been drastically reduced, to reduce the burden of red tape on business.
17. As the Service holds detailed records of the petroleum storage facilities at new and historic sites, it also receives requests for historical and / or current environmental searches, particularly in respect of locating disused tanks. 19 such requests have been dealt with between 1 April 2020 and 31 March 2021. These searches are charged for and generate income for the Service.
18. Most Petrol Filling Stations have a rolling programme to replace or renew pumps and pipework; Trading Standards has been approached about above ground storage installations and Adblue installations which helps diesel engines burn cleaner.
19. The primary focus for the Service for its enforcement activity is on the smaller independent retailers. They generally don't have the benefit of nationally agreed procedures and are less likely to have benefited from investment in modern technology, such as double skinned storage tanks or third-party wet stock monitoring to check for fuel leaks on petrol tanks.
20. Tanks at independent sites are often the older, single skin type, so it is very important that the operator is diligent in their manual dipping of the tanks, to check for unusual losses of fuel that might indicate a leak. Trading Standards Officers, on a visit would check that the site and equipment is properly maintained and that important control systems are in place. This would be demonstrated by documentation such as risk assessments, staff training records and equipment test certificates.

Licence Fees

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

Explosives	£
New Licence up to 250kg for 1 year	109.00
for 2 years	141.00
for 3 years	173.00
for 4 years	206.00
for 5 years	238.00
Renewal Licence up to 250kg for 1 year	54.00
for 2 years	86.00
for 3 years	120.00
for 4 years	152.00
for 5 years	185.00
New licence up to 2000kg for 1 year	185.00
for 2 years	243.00
for 3 years	304.00
for 4 years	374.00
for 5 years	423.00
Renewal licence up to 2000kg for 1 year	86.00
for 2 years	147.00
for 3 years	206.00
for 4 years	266.00
for 5 years	326.00
All year round firework licence	500.00
Transfer or Replacement of licence	36.00
Petroleum	
Up to 2500 litres (per year for up to 10 years)	45.00
2500 to 50,000 litres (per year for up to 10 years)	61.00
Exceeding 50,000 litres (per year for up to 10 years)	128.00

22. The fees for petroleum and explosives licensing are set nationally via The Health and Safety and Nuclear (Fees) Regulations 2016, which state the fees that can be charged for a period of 5 years from those regulations coming into force. There have been three minor changes to the fees for petroleum which are detailed in the table above.

Statutory and Policy Implications

23. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

24. During the period 1st June 2019 – 30th June 2020 the Service received a total of £12,619.50 income from fees. This being £4,527 from explosives, £6,145 from petroleum and £1,947.50 from petroleum searches. This takes into account the licences covering more than one year.

RECOMMENDATIONS

- 1) That Members consider the updates and highlight any actions required.
- 2) That Members agree to the appropriate use of the media to highlight the results of the fireworks safety inspections programme for the coming licensing period (October/November 2021).
- 3) That Members agree to receive a further annual update report at the meeting of the Committee in June 2022.

Derek Higton
Service Director, Place and Communities

For any enquiries about this report please contact: Trish Hennessy, Acting Team Manager Trading Standards (0115 8040047) or Fiona Needham, Acting Head of Trading Standards (0115 9773046)

Constitutional Comments (KK 22/06/2021)

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

Financial Comments [RWK 21/06/2021]

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

Background Papers and Published Documents

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

- None.

Electoral Division(s) and Member(s) Affected

- All



27 July 2021

Agenda Item: 6

REPORT OF CORPORATE DIRECTOR – PLACE

REVIEW OF THE COUNTY COUNCIL'S PRE-APPLICATION PLANNING ADVICE CHARGING SCHEDULE

Purpose of Report

1. To advise Members of the proposal to update the County Council's pre-application planning advice service, including a proposed increase in fee levels.

Background information

2. In July 2014 the County Council introduced a charging regime for providing a pre-application advice service for minerals, waste and Regulation 3 (Council's own) developments. Prior to July 2014 the pre-application advice service was provided free of charge. In July 2017 fee levels for this service were reviewed and increased. Given that four years has now elapsed since the last review it is considered timely to review and uplift the current fee levels.
3. Planning officers within the County Council's Development Management Team provide pre-application advice to all potential applicants upon request. The purpose of pre-application advice is to improve the quality of planning applications and provide relevant guidance and engagement which, in turn, increases the efficiency of the subsequent planning application process.
4. The introduction of charging is considered to be justified to recoup some of the costs associated with providing this service and bring the authority in line with many other planning authorities. Nationally almost all counties, districts and unitary authorities have now introduced charges for their pre-application advice service. Several statutory bodies, including the Coal Authority, the Environment Agency, Natural England, and Historic England now charge for their advice at pre-application stage. The County Council also separately charge for Highways pre-application advice. (These rates for Highways advice were reviewed in March 2020 and are set at £67 per hour subject to a minimum 4-hour charge).

Legislation and Policy context

5. Section 93 of the Local Government Act 2003 gives powers to Local Authorities to charge for "discretionary activities" i.e. those which they do not have a mandatory duty to provide. This provision enables Local Planning Authorities to charge for, inter alia, providing pre-application advice. The Act stipulates that fees should not, however, exceed the cost of providing the service.

6. The effectiveness and importance of the pre-application process was endorsed by the Planning Act 2008. This Act introduced a statutory requirement for applicants to engage in consultation with local communities, local authorities and other parties who would be directly affected by proposals in relation to nationally significant infrastructure projects. This requirement was further consolidated in 2011 by the Localism Act which introduced a requirement for applicants to engage with local communities in advance of submitting planning applications for certain developments.
7. Underpinning the whole Development Management approach is the need for good communication and collaboration between relevant parties and front-loading the process. The National Planning Policy Framework (NPPF) updated in 2019 encourages pre-application discussions; relevant paragraphs state the following:

Para 39: "Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community."

Para 40: Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications."

Para 41: The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs."

Para 42: The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible".

8. The Government's Planning Practice Guidance was updated in March 2019 and in respect of pre-application advice states the following:

Pre-application engagement by prospective applicants offers significant potential to improve both the efficiency and effectiveness of the planning application system and improve the quality of planning applications and their likelihood of success. This can be achieved by:

- *providing an understanding of the relevant planning policies and other material considerations associated with a proposed development*
- *working collaboratively and openly with interested parties at an early stage to identify, understand and seek to resolve issues associated with a proposed development, including, where relevant, the need to deliver improvements in infrastructure and affordable housing*
- *discussing the possible mitigation of the impact of a proposed development, including any planning conditions*
- *identifying the information required to accompany a formal planning application, thus reducing the likelihood of delays at the validation stage. The information requested must be reasonable.*
- *putting in place a Planning Performance Agreement where this would help with managing the process and agreeing any dedicated resources for progressing the application.*

The approach to pre-application engagement needs to be tailored to the nature of the proposed development and the issues to be addressed.

9. The County Council's Policy on Validation Requirements for Planning Applications (the Local List) also encourages applicants and their agents to seek pre-application advice. This Policy, which was last updated in February 2020, states "*The County Council encourages applicants and their agents to seek pre-application advice. This is particularly relevant for larger, more complex, or potentially controversial proposals. This should help applicants identify the information and details that needs to be submitted with their application. Such an approach can help minimise delays later in processing the application and identify whether other consents may be required.*"
10. In addition to the pre-application advice service the County Council also has an approved Planning Performance Agreement Charter in place which offers applicants the opportunity to seek pre-application advice alongside other services at various stages of the planning application process. Fees within the PPA Charter are reviewed annually and no changes are proposed as part of this pre-application review.

The need for pre-application advice charges

11. Engagement prior to submitting any planning application can be extremely important and enables the applicant and local planning authority to gain a clear understanding of the objectives and constraints associated with a particular development. It also provides an opportunity for wider engagement with other stakeholders, where appropriate. This can in turn deliver better outcomes for all parties.
12. The scope of the current pre-application service provided by the Development Management Team is extremely diverse. It ranges from ad hoc emails/telephone

calls about new boundary treatment around a school, for instance, to more in-depth and formal meetings about a proposed new quarry involving prospective developers and other interested parties. Providing this comprehensive service is expensive in terms of resources and officer time.

13. Justification for this charging regime arises from the need to recover at least some of the costs incurred by the County Council for providing this service. Costs for this service are transferred from the “public purse” to those using, and therefore benefiting from, the service.
14. Charging developers for pre-application advice on minerals and waste proposals brings in new income for the County Council. However, charging for pre-application advice on the Council’s own developments (Regulation 3) will sometimes involve transferring money from one department’s budget to another. Notwithstanding this, there are logical reasons for continuing to include Reg. 3 applications in the proposed charging regime, these include:
 - To ensure consistency and transparency in the applications process i.e. internal and external applicants should be treated alike and the Local Government Ombudsman often cites the need to treat internal applicants no differently from external applicants.
 - Pre-application advice on Reg 3 applications take up just as much officer time as for minerals and waste development and there is no reason why the Development Management Team should not recoup its costs in the same way.
 - For larger scale Reg. 3 developments it is likely there will be some element of external, i.e. private sector, funding e.g. Basic Need.
 - Reg. 3 applications are not exempt from nationally set planning fees.
 - There is already the precedent for cross-charging between departments, for example, funding routinely comes from the Planning Group’s budget to pay for advice provided by the County Council’s noise engineer, landscape architects and contaminated land officers.

Proposed new fee levels and summary of the proposed changes

15. The table below sets out the proposed fee levels for pre-application charges

Category	Definition	Fee level
Significant	Significant minerals and waste schemes: <ul style="list-style-type: none"> • All new and extensions to opencast coal sites. • All new quarries or landfill sites. • Any extensions (site area, mineral reserve, void area or life) to existing quarries or landfill sites where extraction or deposit exceeds 30,000 tpa • Any waste management facility processing over 30,000 tpa. 	*£1250 to £2000 plus VAT (meeting and written advice) *The amount charged will be dependent on the scale and complexity of the proposal. If the larger fee is required, this will

	<ul style="list-style-type: none"> Major energy, minerals, or infrastructure proposals, including all stages of hydro-carbon development. <p>Any development involving creation or change of use of 500 sq.m or more floorspace</p>	be confirmed in advance.
Major	<ul style="list-style-type: none"> Any extensions (site area, mineral reserve, void area or life) to existing quarries or landfill sites where extraction or deposit is between 5,000 and 30,000 tpa Any waste management facility processing between 5,000 and 30,000 tpa. Any development involving the creation or change of use of between 150 and 500 sq.m floorspace. 	£750 plus VAT (meeting and written advice)
Minor	<ul style="list-style-type: none"> Minor minerals and waste proposals, not listed in the significant or major categories, such as minor variations / non-compliance to existing schemes /installation of plant and machinery. Any development involving the creation or change of use of floorspace less than 150sqm or development involving no new floorspace. 	£375 plus VAT (meeting and written advice)
Follow-up meetings	<ul style="list-style-type: none"> Follow up meetings will be held, where appropriate, for all the above categories (significant, major, and minor). Where necessary (and relevant to the proposal) specialist officers may be invited to attend follow up meetings Officers may also attend meetings arranged by relevant consultees/third parties as required (this may arise where consultation is required with other bodies to address a specific / technical issue 	<p>£150, plus VAT per officer, per meeting.</p> <p>Specialist officers will be charged for at the above rate</p> <p>£150, plus VAT per officer, per meeting.</p>

Other	<ul style="list-style-type: none"> • Informal, office-based or virtual meeting (up to one hour to discuss any proposal) 	£150 plus VAT (no written advice)
Free	<ul style="list-style-type: none"> • Confirmation as to whether planning permission required. • Any proposal for which there is no planning fee. 	Free Free

16. The main changes proposed to the existing fee levels are as follows:

Significant category

- Increasing the fee level for advice on significant development from £1000 (plus VAT) to £1250 - £2000 (plus VAT). This proposed range would allow the Council to charge £1250 for most of the significant inquiries but for the largest and most complex cases the maximum would be charged. If the larger fee is applicable applicants would be advised in advance.

Major category

- Increasing the fee level for advice on major development from £600 (plus VAT) to £750 (plus VAT).

Minor category

- Increasing the fee level for advice on major development from £300 (plus VAT) to £375 (plus VAT).

All the categories above (i.e. significant, major, and minor) would involve a meeting, which would be held in the office, virtually or on site as appropriate. This would be followed up with comprehensive written advice.

Other category

- Informal, office-based or virtual meetings for up to one hour to discuss any proposal would be increased from £100 (plus VAT) to £150 (plus VAT). No written advice would be provided for this fee. As is the case at the present time, this fee would be deducted from any future fee if further detailed written advice is sought.

Follow-up meetings

- A new category has been introduced to charge for follow-up meetings which may take place after the initial meeting and could be held for proposals falling within the significant, major, or minor categories. These would involve planning officers and, where relevant, specialist officers may be invited. There would be a flat rate charge of £150 (plus VAT) per officer, per meeting.
- This charge would also apply where planning or specialist officers are asked to attend meetings arranged by third parties to address a specific/technical issue.

Free category

- Planning officers will continue to provide advice for free confirming whether planning permission is required and for advice relating to proposals for which there is no planning application fee (this includes works to buildings which benefit disabled people such as providing means of access).

Reasons for the changes

17. The current pre-application charging schedule has now been in place for four years and it is therefore considered timely to review whether the existing fee levels are still appropriate and reflect the increased amount of time officers spend on providing pre-application advice. As part of this, a bench marking exercise was carried out against other planning authorities who deal with similar applications. A summary of the fee levels of other authorities is set out in the table below.

The table below shows comparative figures for pre-application charging at similar planning authorities.

Authority	Type of application / service	Schedule of fees
Kent County Council	Meeting on site (verbal advice)	£480
	Meeting at County Hall (verbal advice)	£360
	Written advice following either of above	£180
		£180
	Subsequent meetings will attract a further meeting charge as above. Where additional specialist advice is required, consultant's fees will be charged at cost. Attendance of other officers at the meeting, including specialist advisors, will be at the case officer's discretion	
	Planning history/solicitor enquiries	Depending upon complexity of request – price upon application based upon hourly rate
	Written advice including commenting on a draft application (prepared following advice contained in the Council's validation documents)	
		All prices include VAT
Hampshire County Council	Small scale development	£500, plus VAT
	Large scale development	£1000, plus VAT
	EIA development	£1400, plus VAT

	<p>Also have a separate Preapplication Highway advice service as follows:</p> <p>Minor development</p> <p>Medium scale development</p> <p>Large scale development</p> <p>Major scale development</p> <p>Additional meeting</p> <p>Site visit</p>	<p>£350, plus VAT</p> <p>£750, plus VAT</p> <p>£1250, plus VAT</p> <p>£2000, plus VAT</p> <p>£100, plus VAT</p> <p>£150, plus VAT</p>
Derbyshire County Council	<p>Large scale</p> <p>Major</p> <p>Minor</p> <p>Other developments, any development involving less than 500sqm, e.g. boundary treatment</p> <p>For more complicated proposals a number of meetings may be required to cover all relevant issues before a formal application is submitted, and will attract the following fees for additional meetings.</p> <p>Large Scale</p> <p>Major</p> <p>Minor</p> <p>Other developments</p>	<p>£500, plus VAT</p> <p>£300, plus VAT</p> <p>£150, plus VAT</p> <p>Free</p> <p>£250 plus VAT</p> <p>£150 plus VAT</p> <p>£75 plus VAT</p> <p>Free</p>
Northumberland County Council	<p>Minor</p> <p>Medium</p> <p>Major</p> <p>Strategic</p> <p>2-hour meeting with Senior Planning Officer</p>	<p>£445</p> <p>£1000</p> <p>£2000</p> <p>£3000</p> <p>£250</p>

		(all prices are inclusive of VAT)
Gloucestershire County Council	Significant development	£2781, plus VAT
	Major development	£1854 plus VAT
	Minor development	£927 plus VAT Fees are reviewed annually
Oxfordshire County Council	Major development	Written response £700 Meeting at council offices and follow-up written response £1000 Meeting on-site and follow up written response £1500 Follow up meeting £250 Specialist officers to attend meeting (per additional officer) £76.50
	Minor Development	Written response £350 Meeting at council offices and follow-up written response £500 Meeting on-site and follow up written response £750 Follow up meeting £250 Specialist officers to attend meeting (per additional officer) £76.50
Bradford Unitary Authority	All minerals, waste, commercial and housing.	
	Large scale complex proposals	£1,474, inc VAT
	Other major development	£819, inc VAT
	Other non- major complex developments	£504, inc VAT

	Additional charges for follow up meetings:	£680, £378, and £226 respectively
Surrey County Council	<p>Web based pre-application advice-officer verbal advice (30 mins)</p> <p>Major applications</p> <p>Minor applications</p> <p>Follow up advice fees - Where an initial meeting has taken place, to further scope the proposal and to provide relevant detailed advice on the content of a planning application.</p> <p>To discuss consultee requirements including outcome of EIA screening and scoping.</p>	<p>Free</p> <p>Site visit meeting (£1335 +VAT) Officer meeting (£1065 +VAT) Written advice (£675 +VAT)</p> <p>Site visit meeting (£660 +VAT) Officer meeting (£390 +VAT) Written advice (£450+VAT)</p> <p>Further meetings (Deposit of £250 required, Planning Officer attendance invoiced at hourly rate of £200 +VAT per hour)</p> <p>Further meetings including specialists (Deposit of £500 per topic area, attendance by specialists charged at cost and Planning Officer attendance invoiced at hourly rate of £200 +VAT per hour) Written advice (£675 +VAT)</p>
Essex County Council	<p>Minor development</p> <p>Major development</p> <p>Large scale major development</p>	<p>Written advice £175</p> <p>Written advice and meeting with planning officer at County Hall £236</p> <p>Written advice and meeting with planning officer on site £350</p> <p>As above £350, £467, and £585</p> <p>As above £585, £760, and £878</p>

	Follow up meetings costs are regardless of time. Follow up telephone calls and correspondence will be based on an hourly rate confirmed in advance and invoiced in arrears.	£120 at County Hall and £180 on site (All prices include VAT)
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18. The proposed new fee levels more truly reflect the cost of providing this service. Even with the proposed increases this Authority would still be in the mid-range of fee levels charged by other counties. It is worth highlighting that the provision of pre-application advice does not simply mean having a meeting with an applicant. A typical example of the pre-application advice would include meeting with the applicant/agent, either in the office, virtually or on site, a search of planning history of the site, and a formal written responses highlighting the relevant planning policies and details of any likely planning constraints, such as ecological designation or flood risk potential. The objective is to produce comprehensive pre-application advice to enable any subsequent planning application to be fit for purpose and progress through the planning application stage with minimum delay. In some circumstances advice may be given confirming that a proposal is likely to be contrary to planning policies or that the site has such significant constraints that planning permission is unlikely to be granted. This can help avoid a considerable amount of costly and abortive work.

19. Over the last four years, since the last review, the amount of income generated from the pre-application advice service (and the planning application fee income) is as follows:

Year	Pre-application fee income	Planning application fee income
2017-2018	£4,138	£245,449
2018-2019	£6,557	£265,764
2019-2020	£4,180	£230,467
2020-2021	£6,296	£210,525

20. Income from the pre-application advice service is extremely low in comparison with the income received from the nationally set planning application fees. However, a considerable amount of officer time goes into providing pre-application advice, particularly on Regulation 3 applications. Evidence shows that time spent at the pre-application stage does reduce the work and time once the planning application is submitted and is therefore considered to be worthwhile. This is reflected by the County Council's continued high performance in determining applications within statutory Government timescales or agreed time extensions. The proposed increase in pre-application fee levels are intended to more closely reflect the work involved to achieve a more realistic level of fee income without being a disincentive to applicants using the service.

21. Details on how the pre-application service operates is currently set out on the County Council's website. A proposed updated webpage is attached to this report as Appendix A.

Statutory and Policy Implications

22. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below.

Implications for Service Users

23. The proposed revised scheme with charging rates at a more realistic level will enable to provision of a continued professional pre-application advice service available to applicants and agents. It is anticipated that this will assist in the formulation of comprehensive and fit for purpose planning applications that progress through the planning application process with fewer potential delays.

Human Rights Implications

24. 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.

Equality Impact Assessment

25. An Equality Impact Assessment has been undertaken and approved which concludes that the proposal would impact on all sectors of the community equally with no disproportionate impact on people with protected characteristics. One exception to this is the positive impact arising from the fact that there continues to be no fee for providing pre-application advice on proposals for works to buildings which benefit disabled people, such as providing means of access.

RECOMMENDATION

26. It is RECOMMENDED that Members approve the revised fee schedule for the pre-application advice service as set out in this report to come into effect on 1st September 2021.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [SG 02/07/2021]

This decision falls within the Terms of Reference of the Planning and Rights of Way Committee to whom responsibility for the exercise of the Authority's functions relating to pre-application planning advice charging schedule.

Finance Comments [RWK 05/07/2021]

The report proposes the increase in fees for its pre-planning application service and the introduction of some new fees. In the last 4 years the income from this service has been between £4,000 and £6,500. The changes detailed in this report are estimated to increase the annual income by £1,000 to £2,000 per annum.

Background Papers Available for Inspection

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

Electoral Divisions and Members Affected

All

Report Author

Jane Marsden-Dale

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

PROPOSED WEBPAGE

Pre-application charging

We encourage you to discuss your application with us before making a submission as this usually results in the submission of high quality applications which progress through the planning process more smoothly, leading to quicker decisions and therefore saving you time and money. Pre-application advice can also help identify any significant constraints and whether/how these can be resolved.

Nottinghamshire County Council charges for the pre-application service it provides. The fee for this service depends on the scale of the development and is set out in the link below. Some advice like confirmation as to whether planning permission is required will continue to be provided free of charge.

- [view pre-application fees](#)

To make a payment for pre-application advice please visit our ['Pay a Planning Fee'](#) page.

Information required

If you decide to use our pre-application advice service, you will need to complete the pre-application advice request form and provide the following information:

- a location plan identifying the site and means of access (1:1250 or 1:2500)
- a brief description of the site including details of site ownership, what is considered to be the lawful/permitted use of the land/buildings and site topography (with photos where relevant)
- a full description of the proposal including a schedule of proposed use which should also include drawings or illustrative materials
- for minerals and waste proposals, information about the rates of mineral extraction or waste inputs per annum and proposed timescales should be included
- any additional information to help demonstrate the impact of the proposal on the surrounding area.
- you should highlight any specific matter relating to the proposed development and/or the site on which you would like specific pre-application advice.

[Pre-application advice form \[PDF\]](#)

Our response

Once we receive your request for pre-application advice and the appropriate fee, we will make an initial assessment of your proposal and, before we write back to you, we will usually undertake a site visit and carry out any consultations with technical consultees that we consider necessary. We are also likely to arrange a meeting with you to discuss your proposals and any feedback we receive from consultees.

- Meetings will be held in the office, on site or virtually as appropriate.
- Where meetings are to be held virtually these will be conducted over Microsoft Teams. The meeting will be set up by the County Council and relevant parties invited.

Our formal response to your pre-application submission will include:

- confirmation of the information that you will need to submit with your planning application, such as the correct application forms, site location and other technical plans, ecological surveys, or transport assessments.

We will also provide you with the following advice:

- how your proposal meets current development plan policies and national guidance relevant to your proposal,
- an indication of the likely significant constraints relevant to your proposal, such as flood risk, ecology, or highway issues,
- details of the site's planning history,
- details of any consultation undertaken by us and responses from those parties. Confirmation as to whether any further pre-application consultation with other parties needs to be undertaken,
- advice on the requirements for a formal planning application, including potential legal agreements/ planning obligations and environmental and supporting statements,
- advice on which other bodies should be contacted and community engagement suggestions (please note that other consultation bodies have separate fees for their pre-application advice services – see details below),
- any other relevant information including advice about whether and how your proposals need amending before submission.

Whilst we cannot provide categorical assurances that your proposals would be successful when submitted as a planning application, we will endeavour to inform you if we consider that your proposals raise significant planning issues which we consider are unlikely to be resolved.

Response time

Responses relating to significant and major planning applications will be provided by letter or email within 20 working days of receiving all relevant information.

Responses to requests for pre-application advice on minor proposals and any other development will be made within 15 working days.

Where specialist advice is required the time frame for a response may need to be extended, this will be in accordance with a new timeframe as agreed by all parties.

Follow-up meetings

Following receipt of our pre-application advice, where a specific technical issue has been raised, it may be necessary for the applicant to consult with other consultees, such as the Environment Agency or Natural England. If the applicant wishes officers from the County Council to attend, follow up meeting charges would apply.

Disclaimer

Any advice in relation to pre-application enquiries is given by officers in good faith, without prejudice to the formal consideration of any subsequent planning application which will be subject to wider consultation and publicity and ultimately determined by the County Council.

All advice will be correct at the time given in relation to current planning policies and policy context, however this may change with local plan or national policy updates or relevant case law. If there is a significant delay between the pre-application advice and the submission of the planning application, then the most up to date planning status will need to be complied with.

The County Council will not be liable for any loss or damage including without limitation, indirect or consequential loss or damage arising from or in connection with the use of the advice.

The pre-application advice given may not necessarily be exhaustive but is intended to highlight the main issues that need to be considered as part of any subsequent planning application. Once the application is submitted further information, not originally identified at the pre-application stage, may be required. Should the detail or the nature of the proposal materially change from those originally submitted, further advice should be sought prior to the submission of an application.



27th July 2021

Agenda Item: 7

REPORT OF CORPORATE DIRECTOR – PLACE

BASSETLAW DISTRICT REF. NO.: 1/20/01695/CDM

PROPOSAL 1: VARY CONDITION 4 OF PLANNING PERMISSION 1/15/01498/CDM TO EXTEND THE EVALUATION AND RESTORATION PERIOD OF THE SITE FOR A FURTHER 3 YEARS UNTIL NOVEMBER 2023 AND TO RELINQUISH DRILLING THE HORIZONTAL WELL

BASSETLAW DISTRICT REF. NO.: 1/21/00157/CDM

PROPOSAL 2: VARY CONDITION 6 OF PLANNING PERMISSION 1/15/01034/CDM TO EXTEND THE LIFE OF THE GROUNDWATER MONITORING BOREHOLES FOR A FURTHER 3 YEARS TO FALL IN LINE WITH THE LIFE OF THE EXPLORATORY WELL

LOCATION: LAND OFF SPRINGS ROAD, MISSON, DN10 6ET

APPLICANT: ISLAND GAS LIMITED

Purpose of Report

1. To consider two planning applications seeking a three-year extension to the time limited permissions at the Misson Springs exploratory shale gas site.
2. Hydrocarbon exploration activities have been undertaken since 2017/18 however the site is currently mothballed and largely clear of equipment following the drilling of the vertical well in 2019. Although no hydraulic fracturing (or 'fracking') has taken place a national moratorium has been enacted on any future associated hydraulic fracturing.
3. The first application seeks a variation to condition 4 of planning permission 1/15/01498/CDM in order to extend the timescales for the evaluation and restoration stages at the well site for a further three years until November 2023. The original permission also included scope for a second, horizontally drilled well, however the application clarifies that this horizontal well would not now be drilled as part of this proposal.
4. The second application seeks to vary condition 6 of planning permission 1/15/01034/CDM in order to retain a series of associated groundwater monitoring boreholes, again for an additional three years and to fall in line with the extended life being sought for the wider well site.
5. The key question to determine with these linked applications is whether the well site should be retained (in an essentially mothballed state) for a further 3-year

period- a) if there appears to be a reasonable prospect that the well site may still be needed for future hydrocarbon related development (or alternatives) to justify this, versus the desirability of restoring such sites if and once they are no longer required and b) if the further retention and delay to the site's restoration would in itself result in any unacceptable environmental or local amenity impacts.

6. The recommendation is to grant the section 73 planning permissions subject to the conditions set out in Appendix 1 and 2 for applications 1/20/01695/CDM and 1/21/00157/CDM respectively and in respect of the first application proposal ref 1/20/01695/CDM, also subject to the prior completion of a legal agreement-deed of variation.

The Site and Surroundings

7. The Misson Springs exploratory shale gas site is located in the north of Nottinghamshire, within the district of Bassetlaw and the parish of Misson. The site is approximately 3.2km north-east of the centre of Misson village and 3.5~4km to the east of Robin Hood (Doncaster Sheffield) Airport and Finningley village (see Plan 1).
8. The site is accessed off Springs Road, which joins the B1396 (Bank End Road/Sanderson's Bank) to the north and to the south enters Misson. The wider area is rural in character, comprising open agricultural fields and a generally flat topography as part of the Idle valley.
9. The application site itself is located within the commercial premises known as the 'Rocket Site' -the L Jackson and Co site, a company specialising in the sale of ex-military vehicles and equipment. This covers approx. 25 ha with a series of large warehouse buildings and external storage areas.
10. Historically this site was part of RAF Misson, a ground-based training facility, with an associated bombing range. For a short period in the 1960s it was home to a Bloodhound Missile surface-to-air defence unit, part of the air defence of the 'V-bomber' bases, including nearby RAF Finningley. There were two 'fire units', each one containing 16 missile pads located around a square loop road. The missile pads and associated road infrastructure remain largely intact although the northern unit is now partly covered by the exploratory well site. Whilst not listed this former military site is considered to have a non-designated heritage interest.
11. The nearest listed building is Newland Farm House (Grade II listed) approximately 540m to the north of the application site beyond the railway line.
12. The nearest residential properties are those at 'Prospect Farm' (currently undergoing redevelopment) and 'Levels Farm' located on Springs Road, approximately 130m north of the site access and 260m north-west of the well pad respectively. A further property – Misson Springs Cottage – is within the control of the applicant and is required by planning condition to remain unoccupied during the life of the well site. These are shown on plan 2.
13. The main application boundary remains as originally submitted and comprises a 5.3 hectare rectangular area surrounding the area of the northern missile pads/fire unit, with an access route through the L Jackson and Co site onto Springs Road.

14. The well site has been developed in accordance with planning and other regulatory requirements. Presently it comprises the well pad area and several stacked shipping containers around the boundary. The well head or “Christmas Tree” is housed within a further container in the centre. There is a site cabin and some stored equipment, however the main drilling rig has been removed and the site is mothballed. The series of four groundwater monitoring boreholes are located in grassed areas around the periphery of the well pad and alongside the access road. There are outer layers of high-security hoardings/fencing and other security measures are in place.
15. The well site sits behind and to the east of a row of large warehouse buildings running in a north to south orientation, which separate the well site and the former missile pads from Springs Road to the west. The southern fire unit/former missile pads remains within the L Jackson and Co operations and is used for vehicle and general storage. To the east there is a row of trees, beyond which is a field and then the Misson Training Area Site of Special Scientific Interest (SSSI) (also known as Misson Carr) (the historic bombing range). To the north of the site is a tree and scrub boundary, beyond which is open agricultural land.
16. The Misson Training Area SSSI is approximately 125m to the east of the application boundary and is designated on account of its fenland habitat including open water, tall-herb-fen, unimproved neutral and acidic grassland, dry oak woodland and nationally restricted wet woodland. This SSSI is also designated as a Local Wildlife Site (LWS). Two further SSSIs lie approximately 1.7km-2km south-east beside the River Idle (see Plan 3). There are also a number of drainage ditches within the surrounding area which have LWS status. This low-level landscape, including the application site, is at high risk of flooding (Flood Zone 3a).

Background

17. Hydrocarbon minerals are vested in the Crown and the rights to search for and exploit such resources are granted through the Government issuing Petroleum Exploration and Development Licences (PEDLs). The applicant is the operating company acting for a consortium which hold PEDLs across parts of north Nottinghamshire and neighbouring areas. PEDL areas 139/140 covers the Misson site. The main resource being targeted is the Bowland Shale and the Gainsborough Trough basin which has potential for unconventional gas production via advances in drilling and fracturing techniques.
18. In addition to a PEDL licence, planning permission is required from the Minerals Planning Authority. For oil and gas development this is somewhat different to other forms of minerals development, insofar as applications often follow a stage by stage approach, starting from the short-term exploration stage, to appraisal activities, and then only if viable hydrocarbons are proven, onto commercial production and extraction over several years. Site decommissioning and restoration is generally required once a site is no longer required, or when hydrocarbon production has ended. Usually each phase will need a separate and subsequent planning permission unless an applicant wishes to group stages together.
19. Following a series of extensive seismic surveys and desktop evaluation of the local geology and surface constraints, a surface well site for undertaking

exploratory drilling and core sampling was selected and proposed to the Minerals Planning Authority.

20. Initially the applicant sought and secured planning permission for a series of groundwater monitoring boreholes which were required to understand the baseline hydrology/hydrogeological conditions. This application ref 1/15/01034/CDM – *Installation of Groundwater Monitoring Boreholes in four separate locations and siting of mobile staff welfare facilities* -was granted at Committee in January 2016 and is subject to the second application in this report. This development was commenced on 27 January 2016 and is subject to a five-year temporary permission under condition 6. Therefore permission for the monitoring boreholes expired on 27th January 2021. Condition 7 now requires the monitoring boreholes to be abandoned in accordance with relevant guidance and the site restored to its previous condition.
21. Subsequently a detailed planning application was submitted for the main exploratory well development - planning permission 1/15/01498/CDM. This generated a considerable public response and the Authority worked closely with the interested parties, consultees and industry regulators to assess the application and bring the matter to Planning and Licensing Committee.
22. The application was approved at Committee in October 2016 and following the subsequent completion of a section106 legal agreement and restoration bond, planning permission was formally issued on 24th May 2017:

To develop a hydrocarbon wellsite and drill up to two exploratory hydrocarbon wells (one vertically and one horizontally) by use of a drilling rig together with associated ancillary works. The proposed development will be carried out in four phases: Phase 1 - wellsite construction; Phase 2 - drilling of up to two exploratory wells for hydrocarbons including potential shale gas (the first one vertical and the second one horizontal); Phase 3 - suspension of wells and assessment of drilling results; Phase 4 - site decommissioning, well abandonment and restoration.

23. It can be seen that this permission is for hydrocarbon *exploration* only and does not provide permission for any subsequent stages of hydrocarbon development-*appraisal* activities (including hydraulic fracturing or "fracking", or flow testing at any stage) or commercial *production*– these stages have always been subject to the outcome of a future planning application with the applicant taking a stage by stage approach to hydrocarbon development. It can also be seen that the exploratory permission is itself split into four phases. The permission is subject to 37 conditions, including condition 4 which stipulates the permission is temporary for a three-year period starting from the date of commencement and condition 5 which then requires the site to be cleared of all buildings and equipment within one month of cessation and the site's restoration to its original state within 6 months.
24. Once the prior to commencement conditions were satisfied, this development was formally and lawfully commenced on 20th November 2017. Thus the three-year permission expired on the 20th November 2020 and conditions 4 and 5 require the site to now be cleared and restored.
25. Both applications to extend the respective timeframes were received and validated shortly before their respective 5 and 3 year deadlines and therefore

any enforcement of the restoration requirements has been stayed until the outcome of the present applications are known.

26. Phase 1 (construction) was complete by the end of 2018 and the drilling of the vertical borehole was then undertaken in early 2019. The drilling (phase 2) was complete by May 2019 -the second, horizontal well having not been drilled-and the site then entered phase 3 (evaluation). Drilling equipment was subsequently removed and the site mothballed. The site will technically remain within phase 3 whilst it continues to be mothballed. Plan 4 shows the current site layout. Plan 5 shows the required restoration to its original state.
27. According to the applicant, data analysis and core sampling from the vertical borehole confirmed that there are *“significant gas bearing shale sections in the Upper Gainsborough shale and the Lower Gainsborough shale”* and *“as much data as could be collected was collected and the initial analysis shows a very material world class resource”*. The application goes on to state that analysis is ongoing and will in due course lead to a proposal for a second well to be drilled and for it to be hydraulic fractured or “fracked”. This would require a fresh planning application and would also require Hydraulic Fracturing Consent from the Secretary of State (Energy)/ Oil and Gas Authority under the provisions of the Petroleum Act 1998 as amended.
28. However on the 4th November 2019 the UK Government enacted an effective moratorium on hydraulic fracturing by stating *“On the basis of the current scientific evidence, Government is confirming today that it will take a presumption against issuing any further Hydraulic Fracturing Consents. This position, an effective moratorium, will be maintained until compelling new evidence is provided which addresses the concerns around the prediction and management of induced seismicity”* (Written Ministerial Statement HCWS68). This position has been heavily influenced by seismic incidences in the vicinity of shale gas developments in Lancashire. The moratorium remains in force and has been re-confirmed by the Energy Minister in a House of Commons debate and more recently by the Under Secretary of State for the Environment during the consideration of the Environment Bill.

Proposed Development

Planning Application Ref 1/20/01695/CDM seeking a 3-year extension to the evaluation and restoration period for the well site

29. The current permission for the exploratory well site expired on the 20th November 2020 by the effect of condition 4.
30. The applicant wishes to now extend the current evaluation (phase 3) and restoration (phase 4) period until November 2023 (and in doing so, relinquishing the right to further drilling) in order to allow time for the oil and gas industry to seek to overcome the national moratorium on fracking and resolve the issues related to induced seismicity which led to it being put in place. The applicant states the they and the wider oil and gas industry continues to work with the UK Government and the Oil and Gas Authority on this matter.
31. The applicant states that to abandon and restore the well site now, whilst the matters raised by the moratorium are being investigated, would effectively

sterilise the site (along with the potential hydrocarbon resources they believe are present-but which would require fracking to access them).

32. Whilst the industry seeks to overcome the national moratorium, the site would technically remain in phase 3 (and mothballed) until restoration takes place at phase 4.
33. Once the effective moratorium has been lifted, the applicant intends to subsequently apply for planning permission to drill a second well, and then hydraulically fracture and flow test that well.
34. In order to lawfully retain the well site for a longer period, the first section 73 (variation of conditions) application therefore proposes to not comply with the requirement of condition 4 as currently framed.
35. The current wording of condition 4 states:

This permission shall be for a temporary period only expiring three years following the date of commencement, as notified under Condition 2 a) above.
36. The date of commencement is recorded as being 20th November 2017.
37. The application proposes to vary condition 4 to give an additional three years taken from this date -until November 2023.
38. Notably this application does not seek to extend or renew the phase 2 aspect of the planning permission relating to drilling of the boreholes and therefore does not entail further well drilling. The description of the proposed variation makes this clear. It also states that the drilling of the horizontal well which the original permission provided for will not be taken forward and this optional second well will be relinquished or allowed to fall away from the permission if/as varied. Thus in order to drill and then frack a second well this would be dependent on a subsequent full planning permission being applied for and granted.
39. The application is not supported by a further or updated Environmental Impact Assessment but the Minerals Planning Authority is satisfied that its relatively limited scope does not necessitate one being provided in this instance. A brief review of the relevant environmental matters has been conducted by the applicant/agent drawing on the findings of the original EIA work and taking account of the subsequent planning controls placed upon the development. These matters are considered below.

Planning Application 1/21/00157/CDM for a 3-year extension for the associated groundwater monitoring boreholes

40. The associated groundwater monitoring boreholes permission expired on 27th January 2021 and a simple section 73 application now seeks to retain these for a further three-year period in order to ensure they remain in place and operational and to tie in with the timeframes for the exploratory well site – should this first application be successful. It is proposed to vary condition 6 of planning permission 1/15/01034/CDM to specify the new end date, after which their decommissioning would be required.
41. It should be noted that if these were to be installed afresh today they would likely not require planning permission, since changes to Permitted Development

rights have been made in the intervening years specifically for such monitoring boreholes. However a further section 73 application is necessary to retain these for a further period.

Consultations

42. **Bassetlaw District Council** – *Object to application 1/20/01695/CDM as it is not considered reasonable or necessary to extend the evaluation and restoration period. No objection to application 1/21/00157/CDM (groundwater monitoring boreholes).*
43. *The community has faced a decade of uncertainty and disruption due to the exploratory activities at this site and the Government's position in respect of hydraulic fracturing has been made clear. The applicant is able to apply for further permission following the restoration of the site should the Government change its position.*
44. *The lack of clarity of the Government does not provide any certainty to the local community regarding future gas extraction.*
- The extension of the permission would be contrary to Bassetlaw District Council's Renewable Energy Strategy. [Clarified as reference to policies ST52 (Reducing Carbon Emissions, Climate Change Mitigation and Adaption) and ST53 (Renewable and Low Carbon Energy Generation) of the draft Bassetlaw Local Plan].*
45. *The development would set a precedent for other mineral extraction developments in the area.*
46. **Misson Parish Council**- *Objects to three more years and asks that the applicant restores the site as soon as is practicable.*
47. *As long as the current site remains effectively dormant, an extension of time to the current Restoration Phase will have no new impact upon the local community. Misson Parish Council nevertheless feels that the extension should not be granted for the following reasons:*
- 1- *iGas have made it clear that their prime reason for seeking the extension is to reactivate the site and then apply to drill and frack an unspecified number of wells should the current moratorium on fracking for shale gas be lifted. Recognising that such future aspirations are beyond the scope of this application, NCC are nevertheless urged to consider their likely response to such an application and consider whether the suite of planning conditions designed to protect the adjacent SSSI and the local environment would still be appropriate.*
 - 2- *Over the past five years, apart from restoring the site, iGas have done what they initially set out to do which was to determine the nature and extent of the gas reserves. The extension they now seek is for a different purpose (i.e. drilling and fracking) which would generate a range of different impacts that should be subject to a different set of planning considerations. The question is whether, under such circumstances, consent is 'transferrable'.*

- 3- *Those objecting to the original plans were given the assurance that this was for a temporary exploratory well site that did not include fracking. The proposed three-year extension challenges the concept of temporary but also brings the prospect of fracking a step closer.*
 - 4- *iGas have previously stated that limitations on the Springs Road site make it unsuitable for large scale production, the inference being that they would require a new well site in the area.*
 - 5- *Note that iGas waited until almost the last minute to seek the proposed time extension. The construction industry has managed to function throughout the pandemic and there is no reason why this application could not have been made at an earlier time.*
 - 6- *Due to the close proximity of the SSSI and concerns about on-site activity having an adverse impact upon breeding birds, it appears that any restoration work would in any event have to wait until Summer 2021 (at the earliest) so an extension to the current permission will have been gained by default.*
 - 7- *iGas have shown either a lack of competence or a general lack of respect for the planning process. There was previously an unexplained delay to the completion of the construction phase of the site during 2017 resulting in an application to extend the deadline beyond the start of the 2018 bird breeding season.*
 - 8- *There is a widely held desire to see an end to this development. Since the spectre of shale gas development was first raised in 2014 the lives of many local residents have been blighted. There have been protesters squatting on private land near the site, a massive police presence, ad-hoc road closures, trees felled to stop protesters from climbing on trucks, court injunctions, and on-site security making the area look like a prison. Extending the planning permission for another three years, whilst no doubt conferring a financial benefit on iGas, would do nothing for the local community other than three more years of uncertainty and anxiety.*
 - 9- *There is a shift taking place towards renewable sources of energy. It is acknowledged that there will be a need to maintain gas supplies over the next few years but attempts to exploit onshore gas reserves will be fought by a highly motivated and well organised network of activists which would not be good for the local community. It is hoped that the UK government will decide to make the current moratorium on fracking permanent, in advance of the forthcoming COP26 conference in Glasgow.*
48. *If the application to extend permission for the temporary exploratory well site is granted then the life of the groundwater monitoring boreholes should also be extended. If, however, the proposed extension is not granted and iGas are required to restore the site, then groundwater monitoring should continue for an extended period so as to ensure that no ongoing contamination issues have arisen.*
 49. **Finningley Parish Council** – *are neutral and have no comments to add.*
 50. **Blaxton Parish Council**- *No objection/neutral response.*

51. **Bawtry Town Council** – *Objections to both applications.*
52. *The government has placed a moratorium on hydraulic fracking until compelling new evidence is provided [to predict and manage the probability or magnitude of earthquakes linked to fracking operations]. There are no plans to review this moratorium. It is clear the government is now looking at renewables. The energy minister had advised that "frankly the debate's moved on".*
53. *Whilst appreciating the application is not for hydraulic fracturing itself, it is considered a speculative application merely hoping to leave the area in abeyance to see if the government stance changes in the future, no matter how unlikely this may be.*
54. *As fracking is not something the government is now looking to do the applicant should not be allowed to leave the area in limbo and restoration should now occur in line with the original application.*
55. **Doncaster Metropolitan Borough Council-** *Raises no objections (both applications) after consideration of transport, ecology and other planning considerations.*
56. *It is noted that there would be no traffic increase, and in fact a decrease as a result of removing the second well from the development.*
57. *The applicant's statement that the extension of timescales will not impact or adversely affect species, habitats or sensitive ecological features appears to be a statement that is unsupported by any discussion or justification. There should be clarification on why the applicant does not consider species and habitats will not be affected by the proposed time extension.*
58. *Agrees with the applicant that an updated ecological survey should be undertaken prior to the commencement of site restoration in order to re-assess potential impacts and review the mitigation measures.*
59. *Welcomes proactive consultation by the developer with the local communities and would advise that all councils should continue to be pro-actively consulted.*
60. **Environment Agency** – *The Environment Agency did not ask for the time-limiting conditions, and therefore have no comments to make.*
61. *With regards to the permit, Misson Well site is subject to an Environmental Permit, ref DB3400TG (EAWML402739), in relation to the management of extractive waste from prospecting for mineral resources.*
62. *No conditions of the Environmental Permit are timescale limited. Hence, applications to extend the period of the associated planning permissions will not have any implications under the permit.*
63. *There have been no significant issues regarding operator compliance with the Environmental Permit.*
64. **Natural England** – *Have no comments to make on the two applications.*
65. **NCC (Built Heritage)** – *No objection.*

66. *The drilling rig is no longer visible on site and as such the impact of the proposals on the setting of nearby designated heritage assets has been removed. There is no longer any harm being caused.*
67. *It is recommended that the measures taken to protect the non-designated heritage of the missile launch pads and other Cold War heritage features on the ground are confirmed to have worked. If the measures are not protecting the heritage features, then clearly there is considerable harmful impact occurring. If the measures are offering adequate protection, then no long-term harm is likely to be caused. [Feedback from the Monitoring and Enforcement officer that there is no reason to doubt its effectiveness has been acknowledged.]*
68. **NCC (Highways)** – *Raises no objection subject to the highway related planning conditions being retained.*
69. **NCC (Flood Risk)** – *Does not intend to make any specific comments. Generic guidance on flood avoidance and sustainable drainage is set out.*
70. **NCC (Nature Conservation)** – *No objections.*
- Delaying the restoration of the site and maintaining the boreholes will have no significant detrimental impact on ecological receptors, noting that planning conditions control other elements of the development.*
71. **NCC (Planning Policy)**- *No objection subject to ensuring that there would be no unacceptable environmental and amenity impacts.*
72. *[Comments were provided in advance of the adoption of the new Minerals Local Plan, however Policy MP12 (Oil and gas) was considered, including Main Modifications to ensure it reflects National Policy and Guidance.]*
73. *Development Management Policies within the new Minerals Local Plan should be considered to ensure the environmental and amenity impacts of the development are not unacceptable.*
74. **Nottinghamshire Wildlife Trust** - *Object due to ecological sensitivities and the incompatibility of future fracking development against planning policy and law.*
75. *The site lies within an area of particular ecological sensitivity, being in proximity to several SSSIs and LWS which are dependent on good air quality, a stable noise environment, and continued surface water flows, sub-surface and groundwater. The site is within 125m of our Misson Training Ground SSSI (Misson Carr Nature Reserve) which hosts a rich assemblage of rare species, including 3 of the rarest breeding bird species in the County.*
76. *During the construction and drilling the applicant failed to provide complete data on noise, air quality and water flows and quality, as required by planning conditions. The applicant also failed to complete construction before the start of the bird breeding season.*
77. *The Applicant has not demonstrated that they can meet the requirement of the planning conditions set to protect the rare habitats and species of the SSSI during exploratory drilling. It is unlikely that they would be able to meet those conditions were it to undertake fracking.*

78. *Surveys identified that breeding Long Eared Owls had moved further away during drilling in 2018. This impact would be magnified and extended over further years, were fracking to be undertaken, which would be unacceptable for the conservation of this very rare breeding species and other notable breeding birds.*
79. *Developing a fracking site 125m from a groundwater-dependent SSSI, on a fractured sandstone geology is wholly contrary to the Precautionary Principle.*
80. *There has been a substantive change in Government policy away from supporting fracking in the last 2 years. The application should be considered incompatible with both national, and emerging local, planning policy. NWT see no planning policy or legal justification for delaying restoration.*
81. *The applicant believes that the fracking moratorium will be lifted, however the Government has recently restated its commitment to tackling climate change and meeting greenhouse gas reduction targets for 2030.*
82. *The applicant has failed to acknowledge that para 209a of the 2018 NPPF was removed as a result of the judgment in Stephenson v the Secretary of State for Housing and Communities and Local Government, and with it, any deemed intent of the Government to support hydraulic fracturing.*
83. *The judgment was based on an explicit recognition that 209a was incompatible with the Government's aims to tackle climate change and to meet the requirement of the 2016 Paris Climate Accord. The judgement made clear that decision takers should depart from the in-principle support for fracking that was once provided and must instead consider evidence on whether any development can meet the Commission for Climate Change's Three Tests.*
84. *This latest position has been recognised in the Inspector's modifications to the Nottinghamshire Minerals Plan, which explicitly place greater onus on climate change considerations.*
85. *The application should be refused, as it is entirely based on the premise of assumptions of a future scheme, that have no basis in fact, policy or law.*
86. **RSPB** – *maintains its response of not supporting hydraulic fracking. RSPB also considers that extending the evaluation period for this site is inappropriate when there is a Government moratorium on hydraulic fracking.*
87. *The Intergovernmental Panel on Climate Change's has made it clear that globally we must reach net zero emissions by 2050. The Climate Change Act commits the UK government by law to reducing greenhouse gas emissions by at least 100% of 1990 levels (net zero) by 2050. The RSPB is calling for a more ambitious target of net zero greenhouse gas emissions by 2045 in the UK.*
88. *The IPCC highlights that "rapid, far-reaching" and "unprecedented" changes to the way society operates are needed to tackle the climate crisis. It also highlights the devastating impacts on ecosystems of failing to achieve the emissions reductions needed to limit temperature rises to 1.5°C. A net zero future therefore requires urgent action in this decade to change our energy system, shifting from dependence on fossil-fuels to increased generation from renewable sources as well as greatly reducing overall energy demand.*

89. *The UK Government, as host of the upcoming 2021 UN climate summit in Glasgow, has already expressed its ambition to be a global leader in the fight to save nature. As noted in the RSPB's A Lost Decade for Nature, if these claims of leadership are to be credible, the UK will need to set out how it plans to fill the gap between rhetoric and reality. Governments must take urgent action to change the fortunes of wildlife and reach greenhouse gas emissions targets.*
90. *Continued extraction and use of fossil fuels such as oil and gas is not compatible with a net zero future. These energy sources must be phased out as rapidly as possible.*
91. *Net zero and our effort to fight climate change are central to the UK Government's December 2020 Energy White Paper (and the Prime Minister's Ten Point Plan for a Green Industrial Revolution). The white paper states "Our success will rest on a decisive shift away from fossil fuels". The paper also highlights the importance of ensuring "that the licensing of domestic oil and gas exploration and production continues to be compatible with our climate change ambitions".*
92. *In their 6th Carbon Budget also produced in December 2020, the Climate Change Committee, note that to achieve the Balanced Net Zero Pathway, fossil fuel emissions must be reduced by 75% by 2035 from 2018 levels. The RSPB supports the CCC in being clear that fossil fuels must be phased out to reach net zero targets. The RSPB supports the ambition to phase out coal in the 2020s and the recognition that gas cannot be used as a bridge fuel if we are to reduce emissions in the necessary timeframe.*
93. **Frack Free Misson** – *Object as the application is speculative and they have had sufficient time already; it is unlikely that the Government will lift the national moratorium on Associated Hydraulic Fracturing or 'fracking', but in any event future exploratory drilling and fracking would not be prevented/subject to the moratorium; the future development of the shale gas industry would not be sustainable development; and the site should now be restored at the earliest opportunity in line with para 205e) of the NPPF. In doing so this would not sterilise any potential hydrocarbon mineral resource.*

Timing and effect of the national moratorium on 'fracking'.

94. *IGas Ltd have had sufficient time to complete the program of works. The decision not to drill and test the second well was of the applicant's own volition and not due to the effect of the government moratorium.*
95. *The first well was drilled between January and April 2019 and there were 18 months remaining in which to drill the second. Instead the drilling rig/equipment was removed (this was 7 months before the moratorium was brought in).*
96. *In any event, drilling of the second exploratory well and small-scale fracking with flow and pressure testing, as conducted in Lancashire, would not be barred by the government moratorium or require Ministerial consent. The moratorium does not include exploratory drilling.*
97. *Drilling and construction has also continued throughout 2020 at other locations nationally, therefore assuming [Government](#) working is possible.*

98. *The application states that ‘Evaluation works have been completed’ it also states that ‘Analysis is ongoing and will in due course allow the finalisation of well design for the Springs Rd 2 well...’ The applicant has proposed permission for the second well to be rescinded and be the subject of a further application; as such the ‘ongoing analysis’ should not be considered a relevant matter in this application.*
99. *The applicant’s claim that there is ‘an effective moratorium’ is misleading in respect of its proposed activities. There is a presumption against granting Ministerial Consent for ‘associated hydraulic fracturing’ as defined under the Infrastructure Act. Hydraulic fracturing outside of that definition can still be carried out on shale gas wells as ‘exploration’, as confirmed by the then Energy Minister, Kwarsi Kwarteng MP in January 2020.*
100. *The application is based on a high level of speculation, in so far as it is only justified by the unlikely future lifting of the government moratorium on fracking. The Government’s stated position is that the moratorium will remain in force until ‘compelling new evidence is provided.’ The OGA has stated that research proposed thus far by industry would be insufficient to satisfy them that associated hydraulic fracturing could take place consistent with the government’s policy aims.*

Need for the development

101. *The applicant has had sufficient time to complete the exploratory works. Whilst the PPG states there is a ‘pressing need’ for shale gas exploration, this is outdated. The Government’s 2017 Gas Security of Supply report states that: ‘security of supply does not depend upon new indigenous sources...’ and did not consider any shale gas input when modelling future scenarios.*

Sustainable Development objectives

102. *The applicant’s statement that this application aligns with the NPPF as sustainable development is unsound, being based on outdated models, assumptions and repeated speculation.*
103. *The economic benefits of Shale Gas development in England remains uncertain and progress slower than anticipated. (NAO October 2019)*
104. *Fracking for shale gas has a 100% failure rate in the UK, with all shale wells fracked resulting in excessive seismicity and suspension of operations.*
105. *The industry has sought a relaxation of the seismic limits, but this would not foster a well-designed and safe environment as per the NPPF objective and the government has stated repeatedly that such a move is not being considered.*
106. *The UK industry has made numerous unsubstantiated arguments that fracking will act as a beneficial ‘bridge energy’ in the move to a low-carbon economy and reduce emissions arising from the processes of importing gas. This argument was effectively removed from the NPPF by the High Court ruling in 2018 that the government had been selective in its consideration of evidence with regards greenhouse gas emissions from shale gas development.*

- 107. *The Climate Change Committee advises that if shale gas was to be developed, Carbon Capture and Storage (CCS) would be needed to keep within UK carbon budgets. Commercial CCS remains elusive.*
- 108. *Noise- Planning conditions should be reinforced/complied with in full, not circumvented to accommodate the applicant's management incompetence, such as when works over-ran into the 2018 bird breeding season.*
- 109. *Material considerations-The high degree of speculation used to justify future hypothetical development is a material consideration upon which this application should be refused. Disagrees that the Infrastructure Act 2015 is not considered as a material consideration.*

Restoration and minerals safeguarding

- 110. *The site should be restored at the earliest opportunity in line with para 205e) of the NPPF. Para 209b requires planning for on-shore oil and gas development to clearly distinguish between and plan positively for, the three phases of development (exploration, appraisal and production). The application fits neither of the three phases and does not constitute positive planning.*
- 111. *The potential mineral reserve would not be "needlessly sterilised" as suggested. This would not be the case unless the site was subject to other (built) development. Furthermore the Gainsborough Trough is a widespread potential shale gas resource which could be accessed from other, larger well pad sites and using directional/horizontal drilling techniques. Planning Practice Guidance indicates that it is not normally necessary to create Mineral Safeguarding Areas specifically for hydrocarbon resources.*
- 112. **Nottingham Friends of the Earth -Object**
- 113. *The application does nothing apart from delay the required restoration.*
- 114. *IGas are financially challenged and are cynically gaming the planning system in order to delay their responsibility to restore the site.*
- 115. *The government has a presumption against hydraulic fracturing consents due to the risk of unpredictable seismic activity (which would not have prevented completion of the work for which IGas had planning permission for).*
- 116. *The Oil and Gas Authority recently concluded that "it is not yet possible to accurately predict the seismic response to hydraulic fracturing" (Summary of the studies at Preston New Road 2). It would therefore seem unlikely that the moratorium will be lifted in the near future.*
- 117. *There are serious questions as to whether the underlying geology is safe for hydraulic fracturing (evidence from Emeritus Professor David Smythe commissioned by Bassetlaw Against Fracking). There is nothing in the current application which demonstrates that they are doing anything to address the seismic risks associated with this site. It should therefore be assumed that it is highly unlikely that any hydraulic fracturing consent will be granted for this site in the next three years.*
- 118. *IGas have previously breached a planning condition prohibiting certain work during the bird breeding season.*

119. *It is in the interests of the Misson Carr SSSI and local residents to terminate this failed experiment immediately. The earliest that the site could now be restored will be late 2021.*
120. **Sheffield Greenpeace- Object.**
Fracking is bad for the climate and the environment. It causes air, water and sound pollution and uses toxic chemicals where there is lack of regulation. It's been known to cause mini earthquakes which can damage biodiversity and property. An accident could mean that chemicals used can leak into water supplies or cause pollution above ground.
121. **Frack Free Dudleston (Shropshire)- Object.**
Fossil fuels should be left where they are and we should be putting all our efforts into shifting to renewable energy methods instead.
Developments like this can result in damaging environmental effects and stress to local residents.
Believes IGas are financially unviable. They would not have enough resource to cover the cost of a bond to guarantee any clean-up costs.
122. **The Ramblers – Object.** *The site is unsightly/spoiling views of the countryside for local users of rights of way. Following the recent OGA publication of studies on the earthquakes caused by fracking at a site in Lancashire, and their conclusion that induced seismicity from fracking was unpredictable and difficult to manage, it seems unlikely that the Government will lift the moratorium on fracking hence it is not necessary to leave the site mothballed and it should be restored to its original state as soon as possible.*
123. **Via (Landscape) - No objections as retaining the site in its currently mothballed state without the rig does not generate any significant Landscape or Visual Impacts.**
124. **Via (Noise Engineer) – No objection as the proposed extension of the evaluation and restoration periods of the site for a further 3 years, should not generate new noise or vibration issues.**
125. *A noise limit of 55 dBLAeq,1hr was previously agreed to minimise noise impacts. This condition (No.19) will continue to be met during the extended period.*
126. *Original planning conditions No.s 15, 16, 17, and 18 can be deleted (planning permission 1/15/01498/CDM). The remaining noise planning conditions (14, 19, and 20) are still applicable.*
127. **Network Rail – No objection.**
128. **The Coal Authority (Notification)- Advise standing advice applies.**
129. *The following consultees and interest groups were also consulted but have not responded. Any late response received will be orally reported.*
130. *Gringley-on-the Hill Parish Council; Mathersey Parish Council; Everton Parish Council; Wroot Parish Council; Scaftworth Parish Meeting; North Lincolnshire*

Council; Lincolnshire County Council; BDC Environmental Health Department; Health & Safety Executive; CPRE Nottinghamshire; Friends of the Earth (England, Wales and NI); Severn Trent Water Limited; Anglian Water Services Limited; Yorkshire Water Services Limited; UK Onshore Oil and Gas; East Midlands Chamber; Frack Free Nottinghamshire and Bassetlaw Against Fracking.

Publicity

131. The first application has been publicised by means of notices at the site entrance and within Misson village, a press notice, and neighbour notification letters sent to 28 of the nearest occupiers.
132. The second associated application has been publicised by means of site notices, and a press notice. These steps are considered to accord with the County Council's adopted Statement of Community Involvement.
133. 77 submissions from members of the public have been received, the majority residing in Misson, raising objections (there have been no letters in support) on the following grounds:

- (a) Application is speculative/ a tactic to delay the required restoration, which should now take place as soon as possible

The site was approved as temporary/short term exploration, not a permanent site. The clear expectation was that the well drilling and evaluation would be followed by full restoration as specified by IGas in their application.

IGas have explored and found what they were looking for and should now restore the site. Planning policy requires sites to be restored as soon as practical once the development is no longer required.

The applicant has had plenty of time to complete the work and to safely close and restore the site in accordance with the original permission but have chosen not to.

A 3-year extension is unnecessary and is an attempt to manipulate the planning system. There has been no site activity since April 2019.

The applicant should not be able to keep the site for another 3 years just in case the moratorium on fracking is lifted.

The applicant had plenty of time to submit this application and were reminded of the impending restoration deadline. They waited to the last minute knowing that the effect of condition 21 (restriction of works in bird breeding season) would mean that if they are required to restore the site, the earliest this could now take place is September 2021.

Covid-19 cannot be used as an excuse to comply with the restoration requirements.

- (b) Local uncertainty, health and anxiety

The impact on the community has to be considered as per planning guidance. The local community has had to live through years of uncertainty already. The cumulative impact of the stress and anxiety is not to be underestimated.

Health concerns about fracking have been proven scientifically and would damage this community's health and wellbeing.

It is not fair on local communities to leave them in a state of limbo with the threat of fracking hanging over them for another 3 years. Residents have moved away out of fear.

Nottinghamshire County Council Spatial Planning and health framework states – “Local planning policies play a vital role in ensuring the health and wellbeing of the population are considered in the planning process, there is substantial evidence to supporting the fact that health and environment are inextricably linked and that poor environments contribute significantly to poor health and health equalities.”

(c) The moratorium

The applicant has openly stated their intention to hydraulically frack for shale gas on the Springs Road site. But in November 2019 the Government announced a moratorium on fracking on the basis of unproved safety. Fracking would not be allowed to proceed unless compelling new scientific evidence is provided.

It still cannot be proved that fracking can take place safely, especially in former coal mining areas.

Minister of State at the Department of Business, Energy and Industrial Strategy Kwasi Kwarteng MP is quoted as stating in June 2020 that “fracking was over” and “extremely unlikely to happen in England”.

In a House of Commons debate on the 28th September 2020 the Minister stated that the presumption against issuing any further hydraulic fracturing consents “sends a clear message, not only to the sector but the local communities concerned, that fracking on current evidence will not be taken forward in England”.

“We will not support fracking unless the science shows categorically that it can be done safely and without inconvenience. This is extremely unlikely to happen as far as I am concerned. There will be no fracking for the foreseeable future.”

The Minister said “the world has rather moved on from fracking”. It was not something the government envisaged in its progress towards net zero greenhouse gas emissions. The energy debate had moved on.

The Oil and Gas Authority has given feedback that the industry research proposed thus far would be insufficient to satisfy them that associated hydraulic fracturing could take place consistent with the government's policy aims. (Statement to drillordrop.com, November 2020)

The aim of the application is to subvert the purpose and principle of the moratorium.

However the moratorium is a presumption against Ministerial consent for 'associated hydraulic fracturing' as defined by the Infrastructure Act 2015. The moratorium bears no influence on the planning permission in this application, as exploratory work is not affected by the said moratorium.

The applicant has elected to cease work even though the planning permission was only for exploration which is not covered by the moratorium.

(d) Incompatibility of shale gas development with climate change obligations.

UK energy policy is now to become carbon neutral. The Government has a commitment to reduce UK greenhouse gas emissions by 50% on 1990 levels by 2025 and by 100% on 1990 levels by 2050. This means a reduction in the use of fossil fuels in every region including Nottinghamshire. Fracking will not be compatible. Energy sources are shifting to green alternatives.

The world already has more fossil fuel resources that we can afford to burn therefore there should be no new exploration for fossil fuels and the extension of permission to explore or develop this site should not be given.

NCC is a signatory to The Nottingham Declaration on Climate Change and should not be supporting the use or extraction of fossil fuels.

The UK is to host the COP26 Global Climate conference shortly.

It would send the wrong signal to allow continuation. It would suggest that a business-as-usual mentality is acceptable. The Committee on Climate Change is looking for Local Authorities to take the lead.

Continued shale gas development does not constitute sustainable development.

(e) The well site is located in an environmentally sensitive setting and close to a SSSI supporting several sensitive and rare bird species.

Long eared owls are known to nest in the SSSI. These birds are very sensitive to noise disturbance. The surrounding area also has a variety of birds including three other owl species and other birds of prey. Light, traffic and pollution has caused a negative impact to these species.

The longer the site remains mothballed the more likely it is that the owls will return only to have their feeding sources and successful breeding damaged again at a future date.

The applicant previously failed to comply with planning requirements, when start of construction was delayed, leading to overrunning into the bird breeding season. An application had to be made to extend the construction period.

The site should be restored as soon as practicable outside of the bird breeding season. A shorter time extension could be granted just to allow for this.

There is no need to retain the unsightly shipping containers installed to reduce noise emissions from the construction and drilling phase. This has finished. The containers are an adverse impact on the SSSI.

(f) Concerns related to possible future fracking

The applicant has made its intention to frack this site in the future very clear. Approving three more years would send the message that fracking would be favourably thought of, to the detriment of the local community. Their future intentions and the impacts this would have should be taken into account when looking at the current application.

A time extension would leave the door open for fracking, make it difficult to refuse future permission for drilling or fracking and lead to a range of environmental and amenity impacts in the future. 87% of the residents of Misson and Misson Springs said “no” to fracking.

Fracking is a destructive, dangerous, polluting technology, as shown by studies.

Fracking requires large quantities of drinking water which will come back radioactive. Risk of wider pollution to ground waters.

There have been significant earthquakes in the UK caused from fracking or well injection. Cuadrilla have proven that the UK geology is not at all suitable for fracking.

Concern that IGas have openly said that their vision would be 4 well sites, with 10 wells on each site, with back to back drilling and fracking.

(g) Effects on the rural setting /countryside

Misson is only a small farming village yet it feels like it will be getting swamped and the outer edges industrialised -quarries, solar farm, general industry etc. The village has conservation area status.

(h) Local disruption

The community has been affected by protests and disruption resulting in unsustainable socio-economic costs.

Policing costs for 2017/2018 were £900,000- 0.5% of that years policing costs. If the extension is granted then Nottinghamshire policing costs will again be substantial. None of these costs are recoverable from the applicant.

(i) Concerns about financial ability of the company to complete restoration

IGas has suffered financial losses. It may be an attempt put off receivership.

Companies elsewhere have conveniently gone bankrupt and/or avoided their site restoration obligations.

There needs to be a realistic ring-fenced restoration bond.

- (j) Inadequate local road network and dangerous railway crossing (despite improvements)
- (k) Inadequate community engagement from the applicant

The company has been reluctant to engage with local residents, refusing to give updates, refusing to speak to villagers when they have asked for clarity on some issues, preferring instead to issue an injunction.

Information brochures have been infrequent. Minutes from the Community Liaison Group have not been available. Calls to the dedicated liaison phone number go unanswered.

- (l) Continued safety of wellhead

Evidence/assurances are needed to show that the retained borehole, its wellhead and Christmas tree would remain safe and integral for a further three years, since this would go outside of the original design parameters, being designed for short duration.

Question is raised as to the estimate of gas leakage from the wellhead over the last 3 years and that going forward, and what this would be in terms of CO₂ equivalent. Gas pressure data, and leakage/vented gas should be measured and required to be reported by planning condition.

Questions what emergency procedures are in place to evacuate the site and local residents.

Question is raised as to whether the water quality monitoring data indicates any issues or contamination. Additional mitigation should be considered to protect aquifers from time served casing failures.

If the time extension is granted planning permission, the Council could consider requiring the exploratory well to be plugged as a planning condition. The applicant has no intention of drawing production gas from the exploratory borehole and so plugging it for safety and environmental reasons would not sterilise the well site.

134. Cllr Tracey Taylor has been notified of the applications.

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

Observations

Introduction

136. This report relates to two associated applications each seeking to not comply with the timescales, stipulated as planning conditions, for completing the

development and restoring the site. Each is made under the section 73 application process (commonly known as a variation of conditions).

137. The report focusses largely on the first application relating to the proposed retention of the exploratory well site for a further 3 years. It is expedient to also consider the second application relating to the further retention of the associated groundwater monitoring boreholes, since the merits of retaining these are largely influenced by the outcome of the first application.
138. Each application was received just prior to their respective time limits/end dates and the MPA is satisfied that the proposals can be considered under the section 73 decision making process. Whilst local objectors complain of the 'last minute' nature of the applications, they are nevertheless duly made and need to be considered and determined.
139. Ordinarily under the section 73 process the focus of the decision has to be on the change(s) being sought, as opposed to reconsidering afresh the overall principle acceptability of the development for which the original planning permission has established. It is however nonetheless a planning application and as such has to be determined against the Development Plan and material considerations as they stand today, with factors which may have changed or moved on since the original planning permission was granted. If a s73 application is granted, a new planning permission is issued, usually repeating or updating those previous planning conditions which need to be maintained and carried forward, along with the varied condition(s) sought. If a s73 application is refused, the original planning permission is left intact along with its conditions and requirements, such as for restoration.
140. In the present case, the matter seeking variation is one relating to time for the actual existence of the well site and its associated boreholes. Whilst the principle of the acceptability of hydrocarbon exploration has been established by virtue of the planning consents detailed in the site history section above, these were both time limited and have now expired. Further drilling cannot be undertaken, and restoration should have been underway. The exploratory activities also appear to have largely concluded, resulting in the site's mothballing.

Policy context

141. The proposals now seek to retain the site for a further period. As planning policy changes over time, it is necessary to assess the applications against current planning and energy policy, along with other material considerations, to confirm whether or not the development continues to be appropriate in this location.
142. There is now a newly adopted Minerals Local Plan for Nottinghamshire, replacing the previous 2005 version against which the original proposals were considered. There have also been some changes to national planning policy and new government statements on energy and the shale gas sector. It is therefore worth setting out some of these policies and material considerations before going on to consider how they apply to the current proposals.
143. Planning law requires a determination of an application for planning permission must be made in accordance with the Development Plan unless material

consideration indicate otherwise. The Development Plan in context of these minerals developments now comprises:

- The Nottinghamshire Minerals Local Plan (MLP) (adopted March 2021);
 - any relevant parts of the Bassetlaw Core Strategy (BCS) (adopted 2011);
144. Although part of the Development Plan, the Misson Neighbourhood Plan ('made' 2017) is not considered relevant in this instance and the plan (at paragraph 4) confirms the development proposals lie outside of its scope.
145. Material Considerations of relevance include:
- The National Planning Policy Framework (NPPF) (current version having replaced the first version in 2012 and second in 2018 & Paragraph 209a having been removed on 19 June 2019)
 - National Planning Practice Guidance (various dates)
 - Energy White Paper "Powering our Net Zero Future"- Dec 2020
 - National Policy Statement for Energy- EN1 (2011).
 - Written Ministerial Statements on shale gas dated 16/09/15, 17/05/18, 04/11/19 and 23/05/19.
 - Climate Change Act 2008 -including as amended by the 2050 Target Amendment Order 2019 (the "net-zero" target amendment) and the associated 5th and 6th Carbon Budgets to cut emissions 78% by 2035, compared to 1990 levels.
 - The Draft Bassetlaw Plan (November 2020 consultation)

The Nottinghamshire Minerals Local Plan

146. Turning firstly to the new Minerals Plan for Nottinghamshire. The Plan's overarching theme is the promotion of sustainable development and achieving high quality restoration. This means balancing the economic benefits and need for minerals against the social and environmental disruption and harm that extraction can cause.
147. The plan states that it is a national objective that planning, including planning for minerals development supports the transition to a low-carbon economy, taking into account flood risk, water supply and changes to biodiversity and the landscape. All new minerals development proposals will be expected to be planned from the outset to avoid increased vulnerability to the range of impacts resulting from climate change and care will need to be taken to ensure any potential risks can be managed through suitable adaptation measures.
148. The Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

149. Strategic Objective (SO)1 seeks to, inter alia, ensure an efficient exploitation and use of mineral resources; a greater use of alternatives such as from recycled sources; efficient locations to serve markets; and it also supports the improved use (or extension) of existing sites.
150. SO2 relates to ensuring an adequate supply of all minerals to assist in economic growth, whilst SO4 seeks to ensure that mineral resources of local and national importance and associated minerals infrastructure are safeguarded from development which would prevent or hinder their future use.
151. SO3 meanwhile seeks to minimise and mitigate the impact of mineral developments on climate change and support the transition towards a low carbon economy by encouraging efficient ways of working including reductions in transport and onsite machinery emissions. It also accounts for future flood risk and adaptation.
152. SO5, SO6, SO7 and SO8 seek to minimise adverse impacts to communities, the natural environment, historic assets and agricultural soils.
153. As informed by the Strategic Objectives the most relevant planning policies for determining the present applications are considered to be SP1 (Minerals Provision), SP3 (Climate Change), SP7 (Minerals Safeguarding etc), MP12 (Oil and Gas), DM12 (Restoration, Aftercare and After-uses) and DM17 (Minerals Exploration).
154. Consideration will also need to be given to various other Development Management policies covering relevant topics, including DM1 (Local amenity), DM2 (Water resources/flood risk), DM4 (Biodiversity), DM5 (Landscape character), DM6 (Historic Environment), and DM9 (Highways).
155. Policy SP1 is the general minerals provision strategy. It seeks to identify land for mineral extraction to maintain a steady and adequate supply. It supports extensions of existing sites in principle, but allowing for other sites to come forward where justified. All minerals proposals need to demonstrate prioritisation of the avoidance of adverse social, economic and environmental impacts.
156. Policy SP3 deals with climate change.

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

2. Where applicable, development should assist in the reduction of vulnerability and provide resilience to the impacts of climate change by:

a) Avoiding areas of vulnerability to climate change and flood risk. Where avoidance is not possible, impacts should be fully mitigated;

b) Developing restoration schemes which will contribute to addressing future climate change adaptation, including through biodiversity and habitat creation, carbon storage and flood alleviation.

157. The supporting text states that this policy does not presume against the future extraction of energy minerals and that indigenous mineral extraction has potential benefits in environmental and climate change terms.
158. Policy SP7 deals with minerals safeguarding and associated infrastructure. Primarily this is for the purposes of resisting non-minerals development where this would needlessly sterilise or pose a serious hindrance to extracting/operating a minerals resource, site or infrastructure. It is however considered of some relevance to the particular situation at the Misson Springs site.
159. Policy MP12 (Oil and Gas) is relevant. It states:
1. *Exploration, appraisal and commercial production of oil and gas will be supported, provided the site and equipment are located where this will not have an unacceptable environmental impact.*
 2. *Proposals at each stage must provide for the restoration and subsequent aftercare of the site, whether or not oil or gas is found.*
160. The plan states that there is no justifiable reason in planning policy terms to separate shale gas from other hydrocarbon development. All hydrocarbon development has the potential to deliver national energy requirements but should be subject to environmental safeguards. The assessment of environmental and amenity impacts is covered by the development management policies. A range of other regulatory regimes also controls safety and emissions.
161. Policy DM12 is the general minerals restoration, aftercare and after use policy. It is in line with national policy requiring local planning authorities to ensure that worked land is reclaimed at the earliest opportunity and that high-quality restoration and aftercare takes place. Restoration of minerals development should be in-keeping with the character and setting of the local area and should contribute to the delivery of local objectives for habitats, biodiversity, landscape, historic environment or community use where appropriate. It makes provision for a minimum 5 years of aftercare, and after-uses should have regard to the wider context of the site, in terms of the character of the surrounding landscape and historic environment and existing land uses in the area.
162. Policy DM17 states that proposals for mineral exploration will be permitted, subject to satisfactory environmental, amenity and restoration safeguards.
- National Planning and Energy Policy*
163. The National Planning Policy Framework is a material consideration of force.
164. At the 'heart' of the NPPF is the presumption in favour of sustainable development, but this does not change the statutory standing of the Development Plan which remains the starting point for considering this application.
165. Decision-makers at every level should seek to approve applications for sustainable development where possible (para 38).
166. Paragraph 203 states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the

country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

167. Paragraph 205 states that when determining planning applications, “*great weight should be given to the benefits of mineral extraction, including to the economy*”. (Exploration for oil and gas forms one of the phases of extraction and is therefore afforded ‘great weight’ under para 205, however the extent to which this applies to the current case is discussed further in the report).
168. Minerals planning authorities should also “*ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety*”; “*ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties*”, and:
- e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;*
169. Para 209b) relating specifically to oil and gas development also includes a restoration requirement:
- (Minerals Planning Authorities should) when planning for on-shore oil and gas development, clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production), whilst ensuring appropriate monitoring and site restoration is provided for.*
170. The associated online Planning Practice Guidance concerning hydrocarbon development continues to state that there is a pressing need for exploration to understand whether or not there are recoverable and viable shale gas resources (para: 091 Reference ID: 27-091-20140306, date: 06/03/14).
171. Chapter 14 of the NPPF sets out that the planning system should support the transition to a low carbon economy, including through ways of contributing to radical reductions in greenhouse gas emissions and support for low carbon energy and associated infrastructure. It seeks to expand the use and supply of renewable and low carbon energy and decentralised supply systems.
172. The new Energy White Paper (“*Powering our Net Zero Future*”), sets out the levels of change which will be required across sectors of the economy in order to transition to a greener recovery and meet the net zero emissions targets. It envisages a massive increase in clean electricity production, new nuclear and replacing fossil fuels as far as possible, accompanied with a new Carbon Capture Utilisation and Storage industry and an increasing role for hydrogen.
173. The White Paper does not seek to specify the mix of energy use in the various sectors, which it leaves to the market to deliver. However, it notes other mechanisms which would be in place such as the proposed UK emissions trading system and an updated oil and gas licensing regime.
174. The Paper states that a review of the existing energy National Policy Statements (NPS) will start immediately, with the aim of designating updated

NPS by the end of 2021. It states that the need for the energy infrastructure set out in energy NPS remains, except in the case of coal-fired generation. While the review is undertaken, the current suite of NPS remain relevant government policy and have effect for the purposes of the Planning Act 2008 for deciding certain Nationally Significant Infrastructure Proposals.

175. It notes that since 2000 domestic oil and gas production has more than halved and the Climate Change Committee (CCC) estimates that production of natural gas could drop by up to 80% by 2050, compared to levels in 2017. However, the projections for demand for oil and gas, though much reduced, is forecast to continue for decades to come.
176. The overarching NPS for energy (EN-1) is principally used to determine nationally significant infrastructure applications though is capable of being a material consideration on other planning applications. The policy aims to reduce dependence on fossil fuels, but at the same time to maintain a diverse range of technologies, with secure and reliable supplies of energy as the UK transitions to a low carbon economy.
177. A number of Written Ministerial Statements (WMSs) have been issued specifically on the development of the shale gas sector in recent years.
178. On the 16 September 2015 the then Secretary of State for Energy and Climate Change advised in a WMS¹ that there is a *“national need to explore and develop our shale gas and oil resources in a safe, and sustainable and timely way.”* It was stated that shale gas can create a bridge while we develop renewable energy, improve energy efficiency and build new nuclear generating capacity.
179. On the 17 May 2018² the then Secretary of State for Business, Energy and Industrial Strategy advised that the *“UK must have safe, secure and affordable supplies of energy with carbon emissions levels that are consistent with the carbon budgets defined in our Climate Change Act and our international obligations. We believe that gas has a key part to play in meeting these objectives both currently and in the future.”*

“Gas still makes up around a third of our current energy usage and every scenario proposed by the Committee on Climate Change setting out how the UK could meet its legally-binding 2050 emissions reduction target includes demand for natural gas. As set out in the Clean Growth Strategy, innovations in technologies such as Carbon Capture Usage and Storage (CCUS) have the potential to decarbonise this energy supply still further and prolong its role in our energy mix.”

“we believe that it is right to utilise our domestic gas resources to the maximum extent and exploring further the potential for onshore gas

¹ WMS ref HCWS202: <https://questions-statements.parliament.uk/written-statements/detail/2015-09-16/hcws202>

² WMS Ref HCWS690: <https://questions-statements.parliament.uk/written-statements/detail/2018-05-17/HCWS690>

production from shale rock formations in the UK, where it is economically efficient, and where environment impacts are robustly regulated.”

“Shale gas development is of national importance. The Government expects Mineral Planning Authorities to give great weight to the benefits of mineral extraction, including to the economy. This includes shale gas exploration and extraction.”

180. On 4 November 2019³ the then Secretary of State for Business, Energy and Industrial Strategy advised that whilst gas will still be important, a moratorium was being put in place on future onshore hydraulic fracturing, following seismic events around a shale gas site in Lancashire.

“The Government continues to recognise the importance of natural gas as a source of secure and affordable energy as we aim to reach net zero emissions by 2050. The Committee on Climate Change predict that we will still be consuming almost 70% of the gas we consume today in 2050 under our net zero target as significant reductions across building, industry and power are offset by demand for gas to produce hydrogen. It is therefore critical that the UK continues to have good access to natural gas from both domestic and international markets.”

“On the basis of the current scientific evidence, Government is confirming today that it will take a presumption against issuing any further Hydraulic Fracturing Consents. This position, an effective moratorium, will be maintained until compelling new evidence is provided which addresses the concerns around the prediction and management of induced seismicity. While future applications for Hydraulic Fracturing Consent will be considered on their own merits by the Secretary of State, in accordance with the law, the shale gas industry should take the Government’s position into account when considering new developments.”

181. On the 23 May 2019 the then Secretary of State for Housing, Communities and Local Government issued a WMS⁴ responding to the quashing of paragraph 209(a) of the NPPF by order of the High Court in the case of *Stephenson*⁵. The WMS advises that *“For the avoidance of doubt the remainder of the National Planning Policy Framework policies and, in particular, Chapter 17 on ‘Facilitating the Sustainable Use of Minerals’ remain unchanged and extant.*

This suite of policies and guidance remain material considerations in plan making and decision taking for hydrocarbon development and they should be afforded appropriate weighting as determined by the decision maker.

We remain committed to the safe and sustainable exploration and development of our onshore shale gas resources.”

³ WMS Ref HCWS68: <https://questions-statements.parliament.uk/written-statements/detail/2019-11-04/HCWS68> Page 77 of 218

⁴ WMS ref HCWS1586: <https://questions-statements.parliament.uk/written-statements/detail/2019-05-23/hcws1586>

⁵ *Stephenson vs Secretary of State MHCLG* [2019] EWHC 519 (Admin).

Discussion

182. In considering whether the proposed 3-year delay to the site's restoration is acceptable or not when applying planning policy and any material considerations, it is relevant to consider two main questions:
- i) how reasonably likely is the site still needed- particularly for hydrocarbon related development, or some alternative use of the borehole, so to justify not undertaking the restoration as now required.
 - ii) what would the likely environmental or amenity impacts be from the site remaining for a longer period and also whether such a delay results in any additional issues relating to undertaking the restoration works at a later date.

Is the well site reasonably likely to still be needed for hydrocarbon development or an alternative use of the borehole, so to justify not undertaking the restoration as now required?

183. The purpose of posing this question is not to determine whether shale gas or hydrocarbons should be extracted, for that would be a decision for a subsequent planning application, rather it is to understand the status of the development site and to reach some general indication as to whether there could be a future need for it to remain. The question is raised as there would appear to be some uncertainty on its future, as will be discussed further. The findings can then be considered alongside the second question relating to environmental impacts, before drawing overall conclusions.
184. The Misson Springs site has been purposely designed and developed to explore for shale gas resources. It is evident that the site may no longer be needed for the initial exploration activities, with this aspect seemingly complete. It is the applicant's case that the physical core samples and other data obtained from the vertical borehole have been analysed and they claim the results are positive and show a potential "world class" gas resource is present and apparently worth pursuing further. They have not sought it necessary to undertake the second (horizontal) borehole and they are not seeking to carry this aspect forward.
185. The applicant is clear that it would wish to continue with the existing site and move on to the next stage of development – which would be to obtain planning permission for and drill a second well and to undertake appraisal and fracking/flow testing of that well in order to further inform whether it will be viable to progress onto full commercial gas production. This had always been their intention subject to locating the gas resource. Clearly however they have been unable to move onto that next stage as a result of the national moratorium on fracking being put in place (considered further below). The well has not therefore been plugged and abandoned nor the site restored by the required timescales and has instead been mothballed, safeguarding it for a potential future phase of shale gas development.
186. Officers would separately note that the situation contrasts sharply with the outcome from the applicant's second well site near Barnby Moor, which after failing to locate the target hydrocarbon bearing strata, was rapidly closed and restored back to its previous agricultural use.

187. Objectors meanwhile draw attention to the impact of the moratorium and quote the Energy Minister from a recent Parliamentary debate where he stated that the moratorium will not be lifted and that 'fracking is over' because it is unlikely that it can be done safely and without inconvenience. They also point out the wider context of the Climate Change Act requirements for 'net zero' carbon emissions by 2050 and the UK's impending hosting of the COP26 UN Climate Change Conference. Bassetlaw District Council also considers the development contrary to its emerging planning policy relating to carbon reduction and climate change adaption/mitigation and on renewable and low carbon energy (Policies ST52 and ST53 of the draft Bassetlaw Local Plan).
188. Applying planning policy to this matter, *if* there is a likely future minerals/hydrocarbon use for the site, retaining it for what would be a relatively short additional period would, in Officers' opinion, accord with the policies of the Minerals Local Plan.
189. The proposal would accord with Policy SP1 (the overall minerals strategy) which supports the use of existing minerals sites from which to maintain a supply, subject to the avoidance of resulting adverse social, economic and environmental impacts.
190. A further three years would also prevent a potential sterilisation issue, which is a matter generally falling under MLP Policy SP7. Whilst the applicant contends that if they are required to close and restore the site now, it would amount to an effective sterilisation of the potential hydrocarbon resource, objectors counter this by stating that the site could be re-established again in the future (e.g. if the moratorium was later lifted) and that the potential shale gas resource is extensive in area such that it could be accessed from an alternative site or indeed multiple well sites using directional drilling.
191. On this, the objectors' view is partly accepted in that removal and restoration of the site would not amount to sterilising access to the hydrocarbon resource. The restoration strategy requires the site to be returned to its previous condition, comprising the open ground and former missile pads, and a well site could feasibly be reconstructed again at a future date (but subject to a further planning permission). This is not a case of physical buildings being erected which would permanently prevent the use of this site for hydrocarbon development (a case which would clearly be contrary to Policy SP7). It is also accepted that the hydrocarbon resource is likely to be extensive in area and a further well site could be proposed and developed elsewhere, again subject to planning permission.
192. However, whilst not meeting the threshold of sterilisation, restoring the site now would at the very least hinder access to the potential shale gas resource, since the site, or an alternative one, would again have to be constructed afresh. This would entail additional planning work (both for the applicant and the MPA), as well as construction works, site traffic and associated disruption in addition to the works needed for drilling or fracking activities. On balance Policy SP7 would therefore appear to provide some minor support for the proposed time extensions if there is a future need for the minerals resource.
193. If there is likely to be a future need for the site for further oil and gas development, then there would be at least some support from Policy MP12 to extend the current planning permission timeframes (albeit to mothball with no further exploration activities planned). There is no intention in the policy to

require restoration between the phases, and only once a site is no longer required should restoration follow in a timely manner. A site restoration strategy is in place (and could be carried forward) and the only change being proposed is to delay its implementation. The site would be returned back to its former condition and use as part of the L Jackson and Co site along with the revealing of the former missile pads. This approach would accord with Policy DM12 dealing with restoration, although the requirement for 5 years aftercare is not considered appropriate to the circumstances here.

194. The level of weight afforded to compliance with Policy MP12 however may be affected in light of the intention to mothball and to not undertake any further works at this time. Similarly Policy DM17 (Minerals Exploration) again would be supportive of a time extension, but in a limited way if taking account that the site would remain mothballed.
195. In terms of the emerging local planning policies within the draft Bassetlaw Local Plan, as raised in the objection from Bassetlaw District Council, Planning Officers consider the two policies referred to should not be afforded any weight, or at the most, a minimal level of weight in the current planning assessment. The Plan remains at an early stage of development and it continues to evolve. Policy ST53 guiding renewable and low carbon energy developments is not considered relevant. Policy ST52 sets out a number of criteria to be considered in order to promote reduced carbon emissions from the design and location of developments and ensuring they are mitigating and responding to the effects of climate change. The policy is not written with minerals development in mind, but consideration of matters of local air quality, flooding/drainage, and the minimisation of the use of natural resources by reusing or recycling construction materials and by making the best use of existing infrastructure are of some relevance and would not direct against a further retention of the site in principle.
196. At a national level oil and gas (including unconventional shale gas) is still classed as a nationally important mineral resource (NPPF glossary) and an apparent resource is at least initially present, subject to further appraisal.
197. The NPPF and the Written Ministerial Statements highlight it is essential to maintain a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. When determining planning applications, great weight should be given to the benefits of mineral extraction, (including to the economy) including shale gas development. However as advised above, whilst maintaining access to a potential minerals resource is pertinent, it is Officer's view that a mothballing situation may not justify affording this the fullest level of supporting weight.
198. The earlier quashing of and removal of paragraph 209a from the NPPF is of no consequence to the current decisions, since it did not exist at the time of the original grant of planning permissions. The paragraph spoke of the benefits of on-shore oil and gas, including unconventional hydrocarbons. The High Court Judgement related to procedural and public consultation errors in the way this paragraph was inserted into the 2018 version of the NPPF and caution should be given to alternative interpretations of this Judgement.
199. Relevant Planning Practice Guidance for onshore Oil and Gas remains in place. It continues to state that there is a pressing need for exploration to understand whether or not there are recoverable and viable shale gas resources. It also states that MPAs should take account of government energy policy when

considering the need for oil and gas, which makes clear that energy supplies should come from a variety of sources.

200. Both the new Energy White Paper (“Powering our Net Zero Future”) and the Committee on Climate Change recognise there will be a continuing need for gas for both energy and power needs in the net zero 2050 scenarios. This will be a declining and reduced dependence on gas, as alternatives take the lead, and there will also be a need to couple with Carbon Capture Utilisation and Storage technologies (CCUS), but a secure supply need will remain. Shale gas could also act as feedstock in petrochemical applications and potentially may have a role in the increased production of hydrogen coupled with CCUS.
201. Setting aside the current onshore fracking moratorium, as matters stand today, even after taking into account the UK carbon budgets and the objective of net zero, it is certainly not the Government’s position that there should be no further or new exploitation of domestic oil and gas resources per se and national policy does not attempt to reduce emissions by restricting its domestic production (though it does seek to reduce demand). It is also notable that there is no ‘presumption against’ within national planning policy, unlike as is now the case for coal extraction.
202. MLP Policy SP3 (Climate Change) also does not preclude the further development of onshore oil and gas. The policy relates to the climate change issues arising from developments i.e. their construction and operation, and not from the consequent use of the mineral being exploited, including shale gas. As the application does not seek to extract shale gas and the site would remain mothballed for up to three years, there would be very minimal site emissions. The well head is secure and maintained in accordance with industry regulations.
203. Whilst there are clearly differing views on the future of oil and gas, the above planning policies and material consideration do indicate a continuing role in UK energy supply, and potentially including indigenous shale gas. Conventional onshore oil and gas planning applications and developments are proceeding on this basis nationally, albeit these are very limited in number and scale when compared to the off-shore sector. The further development of the unconventional shale gas sector however now appears to be in some genuine doubt since whilst local and national planning policy appears to treat shale gas the same as conventional oil and gas development, it is effectively being treated differently at a national licensing level with the issuing of the moratorium on hydraulic fracturing.
204. The UK Government (and Oil and Gas Authority) have effective control over the very future of the onshore shale gas sector. Not only is it subject to their licensing, but ministerial consent is needed for ‘associated hydraulic fracturing’ as defined in law. There is now a moratorium on issuing these consents, as set out within the WMS.
205. In issuing the original moratorium the Secretary of State made clear that the Government expected the industry to take it into account, i.e. it was explicit that operators should not progress their plans for shale gas development any further forward until the concerns over seismicity, that had been seen in Lancashire, had been resolved. The shale gas industry has in effect been instructed to cease work until they can convince the Government that fracking can be done safely. The applicant has abided by this in choosing to mothball the site.

206. The moratorium, by way of WMS, is clearly a material consideration in this instance and it would appear to largely explain why the site (and others nationally) has been mothballed or suspended. The applicant states that as an industry they continue to build an evidenced case, in order to satisfy the concerns of the Oil and Gas Authority and the Government in order to allow for the resumption of regulated fracking. However, the recent quotes from the Energy Minister (albeit not forming part of a WMS), confirming that the moratorium is expected to remain in place, casts further doubt on the future for shale gas and for the future use of the application site.
207. Objectors state that the moratorium marks the end of shale gas development in the UK and that the Minister has made it clear that it will not be lifted. They believe that the mothballing was a commercial decision, possibly for financial reasons, and is an attempt to put off, or escape, the restoration requirements. Some also contend that outright fracking is not in fact barred by the moratorium and that exploration works, including drilling, and a certain level of fracking below the legal definitions/thresholds can still go ahead without Government approval, but still subject to planning permission.
208. Whilst it is correct that certain activities including exploratory drilling are not barred by the moratorium, it is understood the applicant would be looking to undertake 'full' fracking within the legal definitions at the next stage, and that cannot happen and would not receive ministerial approval in the present circumstances. In that light it is understandable why there is not an application for further drilling and fracking before the MPA at this time. The moratorium does not though provide any guidance as to whether existing sites should be decommissioned and restored.
209. It seems unlikely that the moratorium will be lifted in the immediate short term and the onus is on the industry to evidence a way forward that is acceptable to the Government and the Oil and Gas Authority. However, the ability of the industry to provide the necessary evidence during the three year extension period sought planning permission here, and which would allow the moratorium to be lifted, cannot be discounted.
210. There is no evidence to indicate the applicant is avoiding the restoration requirements for financial reasons, however. Indeed, in granting the original permission, Planning and Licensing Committee was instrumental in requiring a restoration bond and so there is a sum in place in case of a default situation of some form. An operator would no doubt want this returning if there was genuinely no longer a requirement for the site and would no doubt wish to remove any other ongoing costs and liabilities to maintain the site. The required decommissioning and restoration activities would also not be unusual or extensive and could be completed in a matter of weeks as was shown at Barnby Moor.
211. In some ways the current situation is not "positive planning" for hydrocarbon development as advised by the NPPF. The uncertainty both nationally and at a local community level has been created to a large degree by the Government moratorium and lack of further guidance. Updated national planning and energy policy may come forward in due course, as stated within the Energy White Paper. For now the MPA is left to decide whether to allow a mothballed site to be retained for a longer period in order to afford the applicant and industry a short further window in which to try to overcome the moratorium, or whether in

fact to find that the minerals use for the site has now ended. It is difficult to conclusively say that the use has ended. The present applications are evidence of continued developer interest at this time.

212. However, even if the minerals use for the site has effectively ended, there are emerging alternative use possibilities for shale gas wells such as this. These are fairly unique possibilities given the sheer depth of the borehole when compared to conventional oil fields for example. No alternative use has been identified or proposed in this case, however it is worth highlighting that deep boreholes such as Springs Road could have potential geo-thermal energy uses, or even scientific research possibilities. Officers note that the applicant has invested in a geothermal energy company and is party to a new university research project.⁶ Developments of this nature may require further planning permission, as would further shale gas development, however extending the time-limited planning permission would also afford the applicant a window in which to investigate these alternative uses, before the well is finally plugged and abandoned and the site restored.
213. To conclude this first part, it is not at all clear whether there will be a future minerals use for the site, given the control the UK Government has over the development of the shale gas sector. However safeguarding it in a state of mothballs for a further relatively short period would accord with minerals planning policy as well as energy and climate change matters, and would allow proposals to come forward for the next stage subject to the moratorium being lifted. Even if it were to not be lifted, there may be an opportunity to consider alternative use proposals for the deep borehole which has been created, before it is given up and abandoned altogether.
214. Planning Officers therefore consider that it would seem reasonable to allow a further 3 year period for the applicant to consider the future use for the site and to submit for planning such proposals. This is not an unreasonable or unacceptably long extension of time, setting aside for now any environmental impacts as will be assessed shortly. Any future planning application proposals in relation to shale gas development at Misson, or indeed alternative uses would then be adjudged on the planning policy situation at that time.
215. Whilst national planning policy seeks to ensure mineral sites are restored at the earliest opportunity, it would appear premature to invoke this. It would make little environmental sense to restore the site now only to then potentially have to re-construct it again along with all the associated doubling of impacts in terms of plant noise and traffic for example. This is especially so given the minimal impact the site is found to currently have on the environment in its mothballed state.
216. On the main issue/question Planning Officers consider that the two applications generally accord with, and do not conflict with the identified relevant principle planning policies, namely SP1, SP3, SP7 and MP12, and national planning and energy policy, along with associated statements and material considerations.

⁶ <https://drillordrop.com/2021/04/19/companies-join-research-on-reusing-shale-gas-boreholes/>

This is subject to the assessment of relevant environmental and other impacts as will be addressed in the following section.

Whether there would be any likely environmental or amenity impacts of the site remaining in mothballs for the proposed period and also whether such a delay results in any additional issues relating to undertaking the restoration works at a later date.

217. The application site is subject to a number of environmental and other constraints which were considered in detail at the original planning application stage. These matters have been reviewed for the purposes of the current proposals and are set out below by topic area.
218. From this exercise Planning Officers conclude that there would appear to be no unacceptable impacts to the environment or to local amenity whilst the site is retained for up to three years in the way proposed. Any impacts are now greatly reduced or neutralised since the drilling operations ceased and the site entered a state of mothballing. If the site then goes on to be restored, this would be a straight-forward, short term operation, no more complex than that originally anticipated. An additional precautionary ecology survey can be required immediately prior to such operations taking place to ensure any further mitigation that may be required is put in place.

Ecology/biodiversity

219. Minerals Local Plan Policy SP2 promotes a biodiversity-led approach to site restoration and seeks to maximise biodiversity gains and overall net gains within restoration schemes. Policy SP5 provides for a high standard of environmental protection and enhancement to the built, historic and natural environment.
220. Policy DM4 (Protection and Enhancement of Biodiversity and Geodiversity) supports proposals where: *b) they are not likely to give rise to an adverse effect on a Site of Special Scientific Interest, except where the need for and benefits of the development clearly outweigh the importance of the site and where no suitable alternative exists; c) they are not likely to give rise to the loss or deterioration of Local Wildlife Sites except where the need for and benefits of the development outweigh the impacts; d) They would not result in the loss of populations of a priority species or areas of priority habitat except where the need for and benefits of the development outweigh the impacts.* Where impacts are unavoidable, the policy requires adequate mitigation steps, with compensatory measures as a last resort. The policy further seeks to enhance Nottinghamshire's biodiversity through restoration and the enhancement of priority habitats and ecological networks and providing net gains for biodiversity.
221. The above policies are in line with national planning policy relating to the conservation and enhancement of the natural environment and in particular paragraphs 175a) and b) of the NPPF.
222. National planning policy has also evolved in recent years to promote biodiversity net gains. NPPF paragraph 170 states decisions should contribute to and *enhance* the natural environment by minimising impacts on and *providing net*

gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

223. The siting near to a Site of Special Scientific Interest was considered in detail at the original application stage. This was one of many issues which had to be weighed up in the site selection and assessment process. Permission was however granted following the identification and inclusion of a range of detailed measures to prevent, minimise and monitor emissions during the different phases of the development, with a particular focus on phase 2 drilling, being the most intensive stage taking place 24/7.
224. It is also acknowledged that the temporary and relatively short-term nature of the original proposal contributed to the finding that the site was acceptable despite its proximity to a SSSI, and despite some adverse impact to this nationally designated site as a result of emissions of noise and exhaust emissions. However the application had been clear that if the exploration was successful there would be future applications for subsequent appraisal and production operations at this site.
225. Whilst the proposed time extension, if granted, would allow the site to remain for a longer period, of modest duration, it is clear that remaining in its mothballed state for a further period would not give rise to any significant or unacceptable impacts to the SSSI, its notified features and the species it supports. Whilst Doncaster MBC would appear to query the ecological impacts, Natural England raises no issue and the County Council's ecologist confirms this finding and also raises no objection. Both have been involved with the development of this site and their advice should be noted.
226. There is no proposal for any further drilling and permission for the second well has now lapsed and would be removed from the scope of the permission should the time extension be granted. Many of the planning controls to protect the SSSI are consequently no longer applicable and can be removed from the schedule of planning conditions if the s73 application is granted. Removing these now would not prevent them being attached as planning conditions on any future planning application.
227. If no further planning application is sought for further shale gas development within the three-year extension, the restoration requirement would again take effect. It is therefore necessary to retain certain conditions to cover these restoration works. There would be some temporary impacts through noise and disturbance from such works, but this was previously assessed and mitigation was provided by the planning conditions. Notably a planning condition prevents restoration operations (phase 4) during the bird breeding season (specified in this case as being February to August inclusive) except where it can be demonstrated to the satisfaction of the MPA that generated noise would not have an adverse impact on breeding birds in the nearby Misson Carr/Training Area SSSI. Restoration works are also required to be completed within 6 months following the expiry date. These particular requirements need to be retained.
228. Notwithstanding these mitigation measures, it must be acknowledged that ecology interest can change over time, and there is potential for new species or receptors to move across the area, particularly if the site was to remain mothballed, and so there could be new or additional impacts to species to consider at the site restoration stage, for which previous mitigation measures

may not have taken account of. To resolve this the applicant offers to undertake an updated ecology survey and review of the mitigation measures, prior to the commencement of restoration activities. This is considered an acceptable mechanism, given the circumstances, and is prudent to ensure that when it comes to undertaking these restoration works they take full account of the local biodiversity and to minimise as far as practicable the temporary, but necessary impacts. A new condition to secure this is recommended.

229. Restoration issues are considered further below, however the approved restoration strategy, returning the site back to its previous condition is still considered appropriate notwithstanding the biodiversity led approach to the restoration of minerals development now enacted through the new Minerals Local Plan. It would however be entirely appropriate to now seek to secure some straightforward biodiversity enhancements (such as the retention or replacement of reptile hibernacula or new bird/bat boxes) as part of the restoration strategy responding to the changes to local and national planning policy. A new condition to this effect is therefore recommended.
230. In conclusion the retention of the site within phase 3, with no further drilling activity, followed by the final site restoration, would not result in any unacceptable adverse impacts to the Misson Carr/Training Area SSSI and LWS, or other priority habitats and species. There is scope to require the inclusion of some modest biodiversity enhancements to the restoration scheme in order to comply with MLP policies SP2, SP5 and DM4 and national planning policy.

Heritage

231. MLP Policy DM6 states that proposals for minerals development that are likely to cause harm to designated heritage assets (or non-designated archaeology equivalent to Scheduled Monuments) will only be permitted where it can be demonstrated that there are public benefits which outweigh the level of harm or loss, relative to the importance of the heritage asset affected. Proposals that would directly or indirectly affect non-designated heritage assets will be assessed according to the scale of any harm or loss and the significance of the heritage asset. Where relevant, the enhancement of the historic environment, including individual heritage assets or historic landscapes, is encouraged.
232. Policy DM8 of the Bassetlaw Core Strategy places a presumption against development that would be detrimental to the significance of a heritage asset (whether designated or not).
233. Chapter 16 of the NPPF deals with the historic environment. Paragraph 189 of the NPPF requires the applicant to describe the significance of any heritage asset affected, including any contribution by setting so to allow an understanding of the potential impact of the proposal on their significance.
234. In considering the impact of a proposal on a heritage asset, planning authorities should take account of the evidence and any expertise to avoid or minimise any conflict to the asset's conservation (NPPF para 190). Planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets putting them to viable uses consistent with their conservation and the positive contribution they make to sustainable communities (NPPF para 192).

235. When considering impacts from a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) irrespective of the degree of harm to its significance (NPPF para 193).
236. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
237. Where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF para 196).
238. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (NPPF para 197).
239. The applicant considers that the direct and indirect impacts to non-designated and designated heritage assets were all previously considered in the original planning application and deemed acceptable after mitigation measures were included by condition. Reliance is therefore placed on the earlier assessments, which in this instance is considered a reasonable baseline such that it is not necessary to resubmit or undertake these again (particularly as this is a s73 application). As no changes are being sought to the site operation by the proposed extension of time the applicant states it can be concluded that there would be no change in the level of significance of the previously identified impacts.
240. On a review of matters it is clear that there were two main areas of concern: indirect impact to a nearby Grade II listed farmhouse through visual impacts to its setting (a designated heritage asset); and direct impacts to the on-site Cold War era missile pads and infrastructure (an undesignated heritage asset).
241. The greater level of identified impact was to the setting of the Grade II listed Newlands Farm, circa 500m to the north, but only for the duration that the drilling rig was on site. It was the sheer vertical mass of the rig and its enclosure which resulted in the identified impacts to the farmhouse and to a much lesser degree the surrounding historical landscape and other heritage assets in the area. There is no doubt that this was a visible and industrial element in the local skyline for the period it was on site and which was out of character with the surrounding wider landscape. It was clear from the earlier assessments that once the drilling operations had concluded there would be no harm to the setting of designated heritage assets including Newlands Farm. The previous conclusion was that overall in NPPF terms, the development would lead to a *less than substantial* level of harm to the setting/significance of Newlands Farm, owing to the short term nature of the drilling operations. This harm was not so great as to render the application contrary to the planning policy, but was harm nonetheless for which appropriate weight was attached.
242. Now that drilling has concluded and the equipment removed as part of the site mothballing, and also given that the second well would not be drilled during the life of the time extension sought, it can safely be concluded that the impact to

Newlands Farm has been removed and neutralised. NCC's Built Heritage officer agrees this is indeed the case. Whilst the well pad would remain in place along with a number of perimeter containers, these sit within a well-enclosed and well-screened commercial setting previously used for outside storage and there is a significant degree of separation distance and intervening vegetation. Therefore contrary to the applicant's statement, there has in fact been a very material change which has removed the previously identified harm to Newlands Farm, leading to the favourable preservation of the significance of this designated heritage asset.

243. The second area of concern related to the direct impacts to the fabric of the surviving Cold War infrastructure (RAF Misson Bloodhound Mark II missile site) and the potential for damage to this non-designated heritage asset. Detailed design/calculations and construction measures were secured in order to ensure the ongoing protection of the array of missile pads and associated trackways, underneath the well pad, such that upon restoration the well pad could be cleared away, revealing the full layout of pads and trackways safe and intact. These measures and the temporary, reversible nature of the development again led to compliance with planning policy and the NPPF at the original planning application stage.
244. The Conservation Officer (NCC Built Heritage) raises a query as to whether these protection measures have/are being effective and so could they still be depended upon for a further 3-year period. Planning/monitoring Officers have no evidence to doubt that the protection measures are not working effectively and this has been communicated to the Conservation Officer, with an acknowledgment in turn. The strategy was based upon detailed loading and structural calculations and was installed as required. There has also been no evidence of any 'point loading' (with heavy equipment etc) taking place from its routine site inspections. Officers are therefore satisfied that there continues to be appropriate protection to the missile pads, so to enable their eventual uncovering and restoration.
245. However it should be recognised that for as long as the well pad remains in place, along with the accompanying perimeter containers and fencing, there is still likely to be some harm and impact to its overall historic significance. This is because it obscures part of the distinct layout of the northernmost missile unit and hinders the full understanding and appreciation of its arrangement, along with its relationship with the southern firing unit. The fact that the land is not publicly accessible does not negate this. Retaining the well site for a further period would result in a further temporary impact to the significance of this non-designated heritage asset by hindering the ability to appreciate it in its full context. The development is however still reversible upon restoration (as provided for by planning condition) and therefore the additional temporary impact, whilst undesirable in heritage terms, is considered minor.
246. It is worth noting that at the original planning application stage the identified impacts were on balance considered acceptable against planning policy and it was further concluded that public benefits were clearly demonstrable to outweigh the identified harm to all heritage assets in the balancing exercise carried out under para 196 of the NPPF.
247. Now that the identified harm to the designated heritage assets has been removed, a lighter balancing exercise under NPPF para 197 and the third arm of

MLP Policy DM6 is required with respect to the remaining identified harm to the appreciation of the non-designated missile pads. This does not expressly require demonstration of public benefits, but requires a balanced judgment to be made having regard to the particular significance of the asset affected and the level of harm.

248. It is the view of officers that the identified minor impact to understanding the significance of the former missile pads does not render the proposed time extension contrary to Policy DM6 or national planning policy. This is a temporary and fully reversible impact, so long as the planning conditions governing restoration works are carried forward. The previously identified impact to the listed farmhouse has been removed, and in that sense the proposal accords with DM6 and the NPPF and its objectives to conserve the historic environment.

Landscape and Visual Impact

249. MLP Policy SP5 requires all minerals developments to provide a high degree of environmental protection and enhancement to ensure there are no unacceptable impacts to the built, historic and natural environments.
250. Policy DM1 (Local Amenity) seeks to avoid unacceptable impacts to local amenity, considering a range of factors including landscape and visual effects.
251. Policy DM5 (Landscape Character) supports minerals development where this would not adversely impact on landscape character and distinctiveness. Where proposals would have an unacceptable landscape impact, this will only be permitted where there is no available alternative and the need for the development outweighs the landscape interest and adequate mitigation is provided.
252. It would appear evident that the site, as it currently stands, is not resulting in any noticeable visual or landscape impact and maintaining it in this way, with no further drilling, for up to three more years will not alter this.
253. The site lies wholly within an existing commercial context and is substantially screened behind a line of large storage buildings at L Jackson and Co. and is further screened to neighbouring fields and the SSSI by belts of trees to the north and east. Access to the site also made use of a pre-existing access gate and driveway.
254. The most visible and intrusive aspects of the approved development, in terms of the drilling rig and associated equipment and floodlighting, have been removed following the successful completion of the vertical borehole and there is no proposal before the MPA for any further drilling. Furthermore the second, undrilled well, would not be taken forward and would not benefit from any time extension granted.
255. This leaves the site with a series of green, stacked shipping containers partly surrounding the constructed well pad. Security fencing is also in place. The containers are not visible from Springs Road, being screened well within the L Jackson site. The fencing is also not out of context.
256. Consequently, whilst there clearly was a visual impact when drilling previously took place (and this was carefully assessed), this is quite clearly not the case

any longer and will remain so. Similarly there is no notable landscape impact given its siting and context. The Council's landscape consultant agrees and raises no issue with the proposed time extension. Therefore it is considered that no further assessment is required on these matters for the purposes of the proposed time extensions and it can safely be concluded that landscape and visual impacts are acceptable and comply with the requirements of policies SP5, DM1 and DM5.

Residential amenity (including noise/vibration)

257. MLP Policy DM1 (Local Amenity) seeks to avoid unacceptable impacts to local amenity, considering a range of factors including noise, vibration, dust, mud, air emissions, transport, lighting landscape and visual effects.
258. National planning policy for minerals development seeks to ensure that there are no unacceptable adverse impacts inter alia on, human health and ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source (NPPF para 205).
259. Such impacts to nearby residential properties were previously considered and there has been no material changes to the local context and no additional sensitive receptors have been introduced since the original planning permission was granted.
260. The cottage (Misson Springs Cottage) near to the site access fronting Springs Road remains vacant as per the requirement of a planning condition. The properties to the north remain, although the bungalow is to be redeveloped as a two-storey house. This is unlikely to affect the previous findings of the noise assessment work or have implications for the restoration stage.
261. Clearly as the site would remain in a mothballed state it is most unlikely to generate any noise related activity save from occasional site maintenance visits. Drilling activity which is the main causation of noise and associated impacts are complete and would not resume and any future drilling would only follow the outcome of a subsequent planning application and its assessment of any noise and amenity impacts. Similarly there would be negligible emissions of dust or carrying of mud onto the highway with a mothballed site and no or minimal lighting requirements. Site traffic would also be minimal and very occasional and related to maintenance.
262. The related impacts from clearing and restoring the site would be noticeable and similar to those at the construction stage, albeit it is possible to rapidly complete such restoration works. These impacts were previously factored into the original planning permission and the proposed delay to undertaking these works does not change this assessment, with the one exception relating to ecology and the need for further surveys nearer the time.
263. Consequently it is clear to Officers that leaving the site in its present position for up to three more years would not result in any unacceptable impacts to local or residential amenity. The impacts at the restoration stage would be short term and have previously been taken account of.
264. It is acknowledged that some members of the local community may have ongoing concerns and fears about the future of the site. For so long as the site

remains mothballed these should be allayed, and there is assurance that any future shale gas development, should this come forward, would be subject to a further planning application, public consultation and the detailed examination by the MPA for which the community would rightly expect.

265. Subject to carrying forward any conditions which remain necessary, the proposal is considered to comply with Policy DM1.

Traffic, Access and Parking

266. MLP Policy SP4 seeks to maximise the use of sustainable forms of transport where practical and economic. Where road-based transport is the only viable option minerals development should minimise such impacts by being near to the markets they serve and close to the main highway network, whilst avoiding residential areas and minor roads.
267. Policy DM9 requires demonstration that the highway network can satisfactorily and safely accommodate the vehicle movements associated with minerals developments, and further, that these would not lead to an unacceptable impact on the environment and/or disturbance to local amenity. Measures such as vehicle routeing schemes and steps to prevent mud on the highway may be appropriate.
268. Access into the site took advantage of an existing bellmouth and driveway from Springs Road, which was formally in use by L Jackson and Co. This is fully surfaced and has very good turning and visibility provision. As part of the original planning proposals, there are a suite of planning conditions and a legally binding routeing agreement put in place to govern site traffic. These include restrictions on the hours that HGVs may enter the site, a Traffic Management Scheme, including for any abnormal loads, a cap of no more than 60 HGV movements per day and measures to maintain highway verges and a clean state of highway. The authorised HGV route takes traffic north up to Bank End Road and then west to the A614 and vice versa, thereby avoiding Misson village and a majority of other properties within the Misson Springs area.
269. Since the site is presently mothballed, with the great majority of equipment having been removed off site, there is currently minimal and only occasional vehicle movements to/from the site, such as to undertake general maintenance activities. Under the proposed variation, this would remain the case, as it would remain mothballed until either a future phase of shale gas development is brought forward (subject to a further planning application), or until the site is restored at the end of the proposed 3 year time extension.
270. Traffic and access impacts, including taking into account the restoration phase, have all been previously considered in the original planning application and the above-mentioned controls such as HGV routeing were put in place by way of conditions and legal agreement. There have been no material changes to the local highway network and there is no other apparent reason to revisit the issue of traffic and access for the purposes of the present applications, including taking account of the new Minerals Local Plan policies. NCC Highways have not raised any objection (nor have Doncaster MBC, or Network Rail) subject to carrying forward the relevant planning conditions and the s106 obligations, which include HGV routeing. One related condition on the associated

groundwater monitoring boreholes permission is no longer required and this related to road closures which were connected with local upgrades at that time.

271. Site traffic will continue to be minimal, and upon restoration there needs to be an acceptance that some HGV movements and site traffic will be a necessary but short-term impact in order to deliver the required restoration. In any event HGV operations would and should continue to be required to adhere to the existing HGV route in order to satisfy the requirements of Policies SP4 and DM9 and to safeguard local and village amenity. Therefore for the purposes of the current proposals before the MPA, there is evidently suitable access and HGV routing in place and planning conditions and legal provisions governing traffic and access should continue to be kept in place and need to be carried forward, if the proposed time extensions are granted.
272. In the event that proposals are brought forward for further shale gas related development within the 3 year extension, such as for new drilling or fracking, that would necessitate a full assessment of the traffic issues that would likely arise at that time.

Public Rights of Way

273. MLP Policy DM7 (Public Access) supports minerals development where there will not be any unacceptable impact on the existing rights of way network and its users.
274. An objection has been lodged by The Ramblers, albeit largely on wider sustainability grounds. No rights of way are directly affected, but there are a number of bridleways in the Misson Springs area, one of which (Misson BW9) adjoins Springs Road 550m to the north, and so its entry/exit is within the dedicated HGV route. As with the assessment of traffic and access issues above, there is no reason to revisit the detailed impacts to users of this or other rights of way in the area, given that site traffic is currently minimal and measures are in place to govern HGV movements which would occur for a short period at the restoration stage. There are also no public rights of way near enough to afford clear views of the well site. As such the contention that the site is currently unsightly to users of such routes is not accepted.

Flood Risk, Drainage and Ground/Surface Water Protection

275. MLP Policy SP5 requires all minerals developments to provide a high degree of environmental protection and enhancement to ensure there are no unacceptable impacts to the built, historic and natural environments. Considerations include impacts to/from water quality and supply, and flooding.
276. Policy DM2 (Water Resources and Flood Risk) supports minerals development proposals where it can be demonstrated that there would be no unacceptable impacts on surface waters or ground waters in the vicinity of the site. Opportunities may exist to improve overall water quality, whilst any use of water should be done so as efficiently as possible. The policy recognises that protecting ground and surface water quality is important for both people and wildlife. In terms of flooding, the policy seeks to avoid any unacceptable impacts to flood flows, flood storage capacity, the integrity of flood defences, or

the functioning of local drainage systems. Surface waters should be managed by sustainable drainage systems unless it is impracticable to do so.

277. Bassetlaw Core Strategy Policy DM12 along with paras 155-165 of the NPPF provides for the sequential approach to planning and flood risk so to steer new development away from areas at risk of flooding. However Planning Practice Guidance recognises that minerals developments have particular considerations of their own and are capable of being appropriate in areas at risk of flooding.
278. The Misson Springs site is located within an expansive area of the Idle Valley at risk of flooding. Environment Agency mapping places the site in Flood Zone 3a – High probability (land having a 1 in 100 or greater annual probability of river flooding), whilst the Bassetlaw Strategic Flood Assessment indicates a slightly reduced risk (100 year + climate change defended area). There is a vast network of ditches and land drains across the locality including to the rear (east) of the exploratory well site where these are important for the Misson Carr/Training Area SSSI.
279. At the original planning application stage for the well site the location, in terms of it being at high flood risk, was scrutinised carefully. Design and mitigation measures were taken account of, and it was found that the site would not raise flood risk elsewhere. However, its less than preferable siting in respect of the flood risk zone was one matter weighing against the choice of site. Indeed it was adjudged to fail the sequential test (as other reasonable sites at lesser flood risk appeared possible) and consequently the original proposal failed to comply with local and national planning policy on flooding. This conflict had to be considered in the wider planning balance along with a wide range of other site selection factors which overall meant that there were overriding material considerations to grant the original planning permission.
280. The flood risk is still present, however it does not appear reasonable at this point to revisit the site selection process on flood risk grounds, for what is a relatively short extension of time, and there would have to be a significant change in the planning policy on this matter to do so. Whilst the new Minerals Local Plan has brought local policy up to date with national planning policy, it is considered that this does not affect the acceptability of the current proposal on this matter.
281. Whilst the sequential test may not have been originally met, it should be noted that minerals development, generally, is classed as a 'less vulnerable use' in the National Planning Practice Guidance and is capable of being appropriate in flood zone 3a such as here. The original proposal also ensured that the well site would be safe in times of heightened flood risk and would not increase risk elsewhere. The MPA and consultees were satisfied on this matter.
282. With the site now mothballed and the well head secure, the risk posed by flooding, including pollution to such waters, is further reduced. No staff are based on site and there is a minimal remaining footprint. The site is also able to drain to the surrounding watercourse network as it currently stands and its presence does not raise the risk of flooding to other land or property.
283. In terms of drainage arrangements, the well site was designed and has been built to be fully impermeable and contained, such that any spillages of fuels, chemicals or drilling fluids would not be able to enter the environment and would be captured in the site drainage system for treatment. This would also mean

that rainwater would be captured instead of naturally charging the local land drains (which support the SSSI).

284. Now that those operations are over and the well head secured, the drainage has been modified (with the approval of the MPA) to allow clean rainwater from the site to once again be discharged to the local land drains. Water first passes through an interceptor and silt settlement tank as an added precaution. This arrangement would continue for so long as the site remains mothballed as proposed, (except during times of flooding) and so ensuring that clean waters are drained sustainably and go on to support water levels within the network of land drains which are important to protected habitats, notably the SSSI.
285. As an added safeguard to these drains and the habitats they support, there is a monitoring requirement involving reporting on water levels and quality around the site boundaries and at the Gresham Drain. There is also the series of groundwater monitoring boreholes for which the second application has been made to extend their longevity. The MPA is wholly satisfied with the monitoring and drainage arrangements and these are inspected as part of the MPA's routine inspection programme. Provision for these measures should be carried forward with any grant of a section 73 permission for the well site, either by condition or legal agreement. A grant of section 73 permission for the well site should therefore be accompanied by a similar grant of section 73 permission to retain the associated groundwater monitoring boreholes.
286. The facility is separately regulated by the Environment Agency, and they have not raised any objection. Indeed they comment that there have been no significant issues regarding compliance with the Environmental Permit.
287. Included in the current planning conditions is a precautionary requirement to ensure the site is tested and validated as being clean of any contamination as part of the site decommissioning and restoration process and to remediate as required. This should be carried forward. Separate legislation and regulatory oversight applies to the process of plugging and abandoning the borehole.
288. Consequently it is the view of Officers that the limited remit of the section 73 proposals does not raise any new or significant issues with regards to flood risk or water or ground contamination. There is not the opportunity to revisit the site selection, but this may be possible and appropriate if a future full planning application is made for further works. The proposal to effectively leave the site in mothballs for up to three more years, whilst maintaining the monitoring and other controls that are in place will not result in any unacceptable impacts to surface or ground waters, including risk of pollution, and it is appropriate and safe to enable clean surface waters to be sustainability drained, in accordance with Policy DM2.

Air Emissions/Dust

289. MLP Policy SP5 requires all minerals developments to provide a high degree of environmental protection and enhancement to ensure there are no unacceptable impacts to the built, historic and natural environments. Policy DM1 (Protecting Local Amenity) and Policy DM4 (Protection and Enhancement of Biodiversity) are also relevant with regard to air emissions to human and natural receptors.

290. The original application considered the effect of combustion emissions from the collective plant and drilling equipment upon nearby receptors, and in particular to the nearby SSSI. The focus of this was at the drilling stage when multiple generators and plant would be running continuously. Heightened emissions and deposition were predicted along the western edge of the SSSI, closest to the site, during the drilling activities. However this part of the SSSI was not in an optimal condition as the central areas and in mitigation a programme of air monitoring (diffusion tubes) was secured by planning condition.
291. Now that the drilling has concluded and the site mothballed, there are negligible emissions from the site, which no longer justifies continuous air monitoring as part of the approved monitoring scheme. Under the proposal the only time when activities and emissions would be generated is at the restoration stage. This is a relatively short-term activity which should not affect the long term average monitoring results and the emissions generated by a small complement of mobile plant were previously not of any significant concern. The requirement for the air monitoring (diffusion tubes) would therefore now appear to be unnecessary.
292. Dust management continues to be covered by planning condition, and this should be retained for the eventual restoration operations in the interests of the amenity of residents further along Springs Road.
293. Retaining the site as proposed is therefore not expected to create any unacceptable air quality impacts, subject to carrying forward the dust management condition, but air quality monitoring would no longer appear to be necessary.

Climate change

294. Representations from members of the local community and several environmental groups cite the need to deliver the net zero carbon emissions as required under the Climate Change Act by 2050. The development of the shale gas industry is viewed as being incompatible with that target.
295. By way of background, the original Act in 2008 introduced a legal duty on the Secretary of State for Energy and Climate Change (now BEIS – Business, Energy and Industrial Strategy) to ensure the UK's net carbon account for the year 2050 is at least 80% lower than the 1990 baseline level. This was later amended in 2019 extending that target to "at least 100%" by 2050 (the net-zero amendment).
296. The Government sets Carbon budgets for successive 5-year periods on the path towards meeting the 80% and now the 100% emission reduction targets. The Committee on Climate Change (CCC) was established under the Act to advise the Government on these budgets and related strategy.
297. In December 2020, the Government, in agreeing to the CCC overall recommendations, announced that the 6th Carbon Budget covering 2033 to

2037 would seek a 78% reduction in UK carbon emissions.⁷ However the announcement made clear that following the CCC's recommended budget level does not mean following their specific policy recommendations. (These continue to be developed and can be expected to filter down into planning policy in due course).

298. The CCC also provides guidance to the Government on the compatibility of onshore oil and gas with the UK carbon budgets. Its most recent letter of 31st March 2021⁸ reaffirmed its 'three tests' for the compatibility of shale gas exploitation with the budgets (strict limits to well emissions; production emissions should be counted within the carbon budgets; and gas consumption must be reduced so to also remain within the budgets).
299. The advice letter stated that the adoption of the Net Zero target for 2050 now represents a more stringent context in which to consider any impact of onshore petroleum on UK greenhouse gas emissions. It considers that onshore oil and gas will have to fall sharply and the role of unabated production (i.e. without CCUS) will be at 'the margin' in energy supply. Gas may have a role in hydrogen production and electricity generation, but it cautions that the necessary CCUS faces challenges. It notes that due to a decline in North Sea production there will still be a need at the margin for fossil gas either through imported LNG or indigenous gas.
300. This is guidance from CCC to the Government to assist with policy making but it is not itself policy or planning policy. The Government's energy policy is set out in the Energy White Paper as noted above. National planning policy as it stands today is also considered above.
301. At the local level the County Council recognises the importance of mitigating against climate change and achieving carbon neutrality as reflected through the recent declaration of a Climate Change Emergency, however planning applications have to be determined in accordance with the Development Plan unless there are material considerations which indicate otherwise. The Minerals Local Plan provides the basis for considering the climate change issues relating to minerals development including Policy SP3 which requires minerals development to minimise impacts on the causes of climate change to help reduce greenhouse gas emissions. However, the Plan and Policy do not presume against the exploitation of indigenous hydrocarbon resources, which is consistent with national policy.
302. Returning to the matter in hand, it should be noted that the development has not reached the stage of shale gas production and the permission is solely for exploration. This has largely concluded with the exception of final restoration for which a delay is now sought. Therefore whilst the issues raised by the objectors are fully understood and have been considered, the weighting of the relevance of this matter is limited in the current circumstances. The report sets out above

⁷ <https://www.gov.uk/government/news/uk-parliament-set-in-law-to-slash-emissions-by-78-by-2035>

⁸ Letter: Advice to the UK Government on compatibility of onshore petroleum with UK carbon budgets. <https://www.theccc.org.uk/publication/letter-advice-to-the-uk-government-on-compatibility-of-onshore-petroleum-with-uk-carbon-budgets/>

(both here and when considering the earlier question above) some findings to assist with understanding whether there may be a future use for the site or not and should a future application be made for further shale gas development, the issue of climate change impacts and mitigation can be considered again in more detail, and in light of planning policy and any changed circumstances at that time.

303. For so long as the site remains mothballed, there would be minimal emissions to the air, largely related to maintenance activities. The operator is responsible for maintaining the security and integrity of the wellhead as required under their legal obligations outside of the planning system. Testing is done several times a year to ensure this is so. It is not necessary to oversee this via the planning process or through the imposition of planning conditions.
304. Whilst it is acknowledged that the site and wider area is at a medium risk of flooding, and the effects of climate change can be expected to heighten such risks, this matter was conclusively dealt with in the original permission and there is no apparent reason to revisit this matter at the present time, particularly given the relatively short 3-year extension sought.

Socio-economic

305. Associated economic development matters were relevant in the consideration of the original planning permission. Policies within the Bassetlaw Core Strategy were engaged, in particular policies DM1 (Economic Development in the Countryside), DM3 (General Development in the Countryside) and DM7 (Economic Development).
306. These district-level policies do not take account of minerals development, but were nonetheless deemed to be met and there is no reason to revisit these issues again in any great detail for the purposes of the present application, except to caution that any economic development benefits that might have been previously identified would only continue to a very limited extent if the site was to remain mothballed. In particular there are no employees on site and only occasional maintenance and security visits are required in its current state. It is however probable that the company/landowner will continue to receive rental income from the applicant which, together with maintenance and security expenditure, would at least amount to some benefit to this local business and the rural economy.
307. It is also noted that there are no emerging plans, policies or allocations for this site, (considering the Draft Bassetlaw Plan) and so the further retention of the well site would not be in conflict with any such ambitions. On completion, the site would return to L Jackson and Co. as part of their already extensive vehicle storage and sales site.

Restoration issues

308. The Minerals Local Plan introduces support for biodiversity-led forms of restoration within Policy SP2 which seek to maximise biodiversity gains and achieve net gains overall. [Page 97 of 218](#)

309. Policy DM12 states that restoration of minerals sites should be in keeping with the character and setting of the local area and should contribute to the delivery of local objectives for habitats, biodiversity, landscape, the historic environment or community use where appropriate. Similarly the after-use should have regard to the wider context, in terms of the character of the surrounding landscape and historic environment and existing land uses in the area. Where opportunities arise, after-use proposals should provide benefits to the local and wider community. The policy also states that restoration proposals will be subject to a minimum five-year period of aftercare.
310. The approved restoration strategy is relatively straightforward and simply seeks to ensure that the site is returned to its former condition, particularly for its historic interest, to preserve and reveal once again the full array of the former Bloodhound missile pads. This approach remains broadly appropriate, takes account of the context, meets the major aims of DM12 and should be carried forward in the approved plans if the time extension is approved.
311. There are precautionary measures in place to ensure the site is free of any contamination and to ensure the missile pads are fully intact and/or repaired in the unlikely event that damage has occurred. Again these should be carried forward in the planning conditions.
312. In undertaking the required restoration strategy, the seasonal working restrictions to avoid such works during the bird breeding season (unless otherwise demonstrated to be acceptable) should remain in place. It is correct therefore, that should the s73 applications be refused (and without appeal), this seasonal restriction would likely mean that restoration works would be able to commence from this September at the earliest.
313. The policy requirement for five years of 'aftercare' is not considered applicable in this situation as the restoration works do not entail extensive creation of habitats or new planting and there is little opportunity to provide for the scale of biodiversity enhancements that would be possible with quarrying proposals for example (where aftercare would be needed).
314. However as noted above under *Ecology/biodiversity* the inclusion of net gains for biodiversity into local minerals planning policy, and also national planning policy, is a further evolution in the policy framework since the original permission was granted and it is entirely possible to now incorporate some additional measures at the restoration stage to benefit wildlife. As such an additional planning condition is now recommended to require the incorporation of some proportionate enhancements such as bird and bat boxes, and the potential retention of the reptile hibernacula around the periphery.
315. On a further restoration matter a representation questions why the borehole cannot now be plugged and abandoned, even if the wider well pad was permitted to remain for the further three-year period. It is inferred that the applicant has finished with it and that it is their intention to move on to drilling new wells subject to planning permission. The representation also raises the issue of the integrity of the well if there is a delay to it being plugged and abandoned.
316. The integrity of the well and its 'Christmas tree' is not the responsibility of the planning system and is overseen by the well inspector. The application notes that there is twice-yearly integrity testing of the well and the MPA has no reason

to doubt this is properly undertaken. There does not appear to be any planning reasons for requiring the well to be plugged and abandoned earlier and separately to the wider site restoration works. It is ultimately up to the applicant, working within the licensing regime, if they wish to or need to give it up earlier.

317. In terms of establishing the exact expiry dates which are sought, it is clear that both applications seek to take the three years starting from their respective existing expiry dates, rather than from the date of issuing a new decision. This is entirely appropriate in the current circumstances and means that the time taken to determine these applications is counted as part of their future permissions.
318. The first application to retain the well site is clear that it seeks an extension of three years taken from the current expiry date and so until 20 November 2023.
319. The second application relating to the associated groundwater monitoring boreholes, whilst seeking three more years, is also clear that it should tie in with the timeframes for the first permission. Therefore it would be appropriate to stipulate a new end date of 20 November 2023 rather than the following January as would otherwise be calculated from its existing expiry date. This way the future restoration of the site would be all-encompassing and done at the same time.
320. Misson Parish Council suggests retaining the groundwater monitoring boreholes for a longer period post restoration in order to confirm the site is clear of any contamination. However this not considered necessary as a planning condition on the main well permission already requires post-restoration validation that the site is clean and the monitoring boreholes are not needed for this purpose.
321. Finally, a restoration bond is in place, pursuant to a section 106 legal agreement. This was framed to be made in three staged payments, linked to the stages of the permitted works. Sums for first two stages have been paid and are held by the Council, whilst the trigger for the third payment has not been met since the applicant did not undertake to drill the second (horizontal) borehole.
322. The MPA is satisfied that the bond was adequately formulated and structured, and that it is capable of being carried forward on any grant of section 73 permission. Its terms provide for index-linked 'additional payments' to be made by the applicant at set intervals. The purpose of these is to ensure the bond keeps pace with inflation so to ensure it can still be capable of covering the restoration liabilities in the event of a default of the operator. The Council's solicitor advises that, as part of undertaking a deed of variation to the existing legal agreement, as further detailed below, any consequential amendments that may be needed to the associated restoration bond can also be undertaken, so as to ensure the deposit sums held by the council are increased and keep pace with inflation.

Other Material Considerations

323. There would be no implications for the operations at Robin Hood Doncaster Sheffield Airport, since drilling activities have ceased, and the drilling rig has been removed. Conditions relating to the choice and height of the rig are no longer required and do not need to be carried forward. Any future proposals to drill would be subject to a further planning application which would afford the opportunity to impose similar requirements in the future.

Overall conclusions

324. As considered above, Officers highlight a high degree of uncertainty as to whether onshore hydraulic fracturing will be allowed to resume under the UK shale gas licensing and consent process. The future ability to access and exploit the hydrocarbon resource which the applicant proclaims has been proven to exist at Misson is dependent on the current moratorium being lifted and also subject to a future planning permission being secured.
325. In this situation, mothballing the site and continuing to maintain the site in this way, for a relatively short additional period of time, appears to be a reasonable and acceptable response to the situation and would allow time for the applicant and industry to overcome the moratorium, or consider alternative uses for the existing borehole before it is finally plugged and restored (for example geo-thermal/research). National energy policy continues to foresee a role for domestic gas production, taking into account the legal duty to achieve 'net-zero' carbon emissions by 2050.
326. Officers consider there would be no unacceptable impacts to the environment or to local amenity whilst the site is retained for up to three years in the way proposed. Any impacts are now greatly reduced or neutralised since the drilling operations ceased and the site entered a state of mothballing. The second well will not now be drilled. A review of the planning conditions shows that many of the existing requirements are no longer required, since they were aimed at mitigating the drilling operations.
327. Planning Officers conclude that the two applications generally accord with, and do not conflict with, the identified relevant principle planning policies, namely SP1 (Minerals Provision), SP3 (Climate Change), SP7 (Minerals Safeguarding etc) and MP12 (Oil and Gas), along with relevant national planning and energy policy, and associated material considerations.
328. In reaching this conclusion, consideration has been given to relevant Development Management policies, particularly DM1 (Local Amenity); DM2 (Water Resources and Flood Risk); DM4 (Protection and Enhancement of Biodiversity); DM5 (Landscape); DM6 (Historic Environment); DM7 (Public Access); DM9 (Highways Safety and Vehicle Movements/Routeing); DM11 (Planning Obligations); DM12 (Restoration, Aftercare and After Use); and DM17 (Mineral Exploration). Relevant policies within the Bassetlaw Core Strategy have also been considered. Taken together these are consistent with the requirements of national planning policy and the findings conclude there would be no unacceptable environmental impacts.
329. Overall the assessment therefore points to a decision (for both applications) that is in line with the Development Plan, i.e. grants of section 73 planning permission. In such circumstances paragraph 11c) of the NPPF advises that proposals that accord with an up-to-date development plan should be approved without delay.

Review of conditions

330. The two applications are the [first section 73](#) applications since they were each originally granted full planning permission. Each permission is subject to a schedule of planning conditions.

331. The proposed variations to extend the time for each of the two applications are considered to be acceptable subject to retaining and re-imposing any of the necessary planning conditions in each case. A review has therefore been carried out by planning and monitoring officers.
332. Given that the site has been constructed (phase 1) and the well drilled (phase 2) (and also the water monitoring boreholes are in place) there will be conditions which will no longer be necessary or relevant to the proposals, or which require minor changes for clarity. There are also detailed schemes which have been previously approved pursuant to the conditions, some of which are still needed and so can be cited within the wording of the condition for clarity and certainty. Several Non-Material Amendments to approved plans have also previously been approved and these should be incorporated. Certain conditions in the earlier groundwater monitoring boreholes permission need to be brought into alignment with the latter well site permission. Finally there are also recommended new conditions for a pre-works ecology survey and a scheme for wildlife enhancement measures upon restoration.
333. The following tables set out the recommended changes, with the resulting sets of recommended conditions in appendix 1 and 2.

Proposal 1: Vary condition 4 of planning permission 1/15/01498/CDM to extend the evaluation and restoration period of the site for a further 3 years until November 2023 and to relinquish drilling the horizontal well		
Existing Condition Number (new number in brackets)	Purpose of condition	Retention/ update/vary or delete
1 (1)	Time limit for implementation	Update – to define the scope of the permission, as revised and to bring it into immediate effect.
2 (2)	Notification of commencement (multiple stages of development) and completion	Update – to retain the remaining notification requirements- completion of phase 3, commencement of phase 4 (restoration) and completion of phase 4.
3 (3)	Approved plans	Update – to include previously approved plans and non-material amendments as are still relevant
4 (4)	Duration of temporary planning permission	Vary- to extend until 20/11/2023
5 (5)	Restoration requirements	Retain
- (6)	New condition for biodiversity enhancements	New condition/requirement
6 (7)	Site to be cleared and restored if works cease in excess of 3 months and a request is made by the MPA	Retain- in the event of changed circumstances
7	Drilling for no more than 9 months in total	Delete- drilling has been completed
8	Details of drill rig	Delete- drilling has been completed
9 (8)	Times that HGVs may	Retain -for the remaining life of the development

	access the site	
10 (9)	Measures to prevent mud and deleterious materials on highway	Update- to include reference to previously approved scheme
11 (10)	Management of site traffic	Update- to include reference to previously approved traffic management scheme
12 (11)	Max 30 HGVs in 30 out per day and 99 in/99 out over 7 days	Retain -for the remaining life of the development
13	Site lighting	Delete- drilling has been completed. Any remaining works would expected to be daytime.
14 (12)	Hours of operation	Update- remove drilling hours (24/7) and phase 1. Retain hours for phases 3 and 4.
15	Noise mitigation for drilling rig	Delete- drilling has been completed.
16	Noise monitoring during drilling	Delete- drilling has been completed
17	In the event of a noise complaint during drilling	Delete- drilling has been completed
18	Noise limit for SSSI during drilling	Delete- drilling has been completed
19 (13)	Requirement for Noise management plan	Update- to include reference to previously approved noise management plan
20 (14)	No residential occupation of Misson Springs Cottage	Retain -for the remaining life of the development
- (15)	New condition for ecology survey /review	New condition requirement – an ecological walkover survey and review of mitigation prior to undertaking restoration
21 (16)	No construction or restoration during bird breeding season (February to August) unless with MPA approval	Update- remove reference to phase 1 construction.
22 (17)	No vegetation clearance during Feb-Aug	Retain
23 (18)	Requirement for Construction Environment Management Plan	Update- to include reference to previously approved CEMP and associated details
24	Assessment of emissions from drilling operations	Delete- drilling has been completed
25	Air quality monitoring within SSSI	Delete – Monitoring is no longer considered necessary including for the restoration activities
26 (19)	Requirement for reptile habitat scheme	Update- to include reference to previously approved measures
27 (20)	Management of dust	Retain -for the remaining life of the development
28 (21)	Details of measures to protect former missile pads	Update- to include reference to previously approved scheme and structural assessment
29 (22)	Details to ensure area is proven free from	Update- to include reference to previously approved scheme

	drilling contamination following drilling works and removal of the well cellar	
30 (23)	Measures to deal with any unexpected contamination	Retain -for the remaining life of the development
31	Requirement for Unexploded Ordnance method statement	Delete - matter discharged
32	Method statement for potential asbestos	Delete - matter discharged
33 (24)	Secure storage of oils, fuels and chemicals	Retain -for the remaining life of the development
34	Flood water drainage scheme for phase 1	Delete - phase 1 complete
35 (25)	Surface water drainage -phase 2	Update with previously approved details
36 (26)	Finished floor level for staff accommodation no lower than 4.4m AOD	Retain -for the remaining life of the development
37 (27)	Requirement for emergency flood plan	Update - to include reference to previously approved plan

Proposal 2: Vary condition 6 of planning permission 1/15/01034/CDM to extend the life of the groundwater monitoring boreholes for a further 3 years to fall in line with the life of the exploratory well.

Existing Condition Number (new number in brackets)	Purpose of condition	Retention/ update/vary or delete
1 (1)	Time limit for implementation	Update – to define the scope of the permission, as revised and to bring it into immediate effect.
2	Notifications	Delete - no remaining notifications
3 (2)	Approved plans	Update - to include previously approved plans as are still relevant
4	Maximum borehole depth	Delete - monitoring boreholes have been completed and are in place
5	Copy of plans to be kept on site	Delete - no longer necessary
6 (3)	Duration of temporary planning permission	Vary – to extend until 20/11/2023
7 (4)	Upon expiry, boreholes to be abandoned and site restored	Retain
8	Maximum drilling rig height	Delete - monitoring boreholes have been completed and are in place
9 (5)	HGV routeing -	Retain

	instructions to drivers to avoid Misson	
10 (6)	HGV routeing – left in/right out turning	Retain
11	Unexpected ground contamination	Delete- monitoring boreholes have been completed and no report of contamination
12	Potential unexploded ordnance	Delete- area clear and monitoring boreholes have been completed
13	No HGV movements in event of road closure	Delete- condition related to planned upgrades at the time and is no longer necessary
14	Noise limit during drilling	Delete- monitoring boreholes have been completed
15	Noise monitoring during drilling	Delete- monitoring boreholes have been completed
16	No residential occupation of Misson Springs Cottage during drilling	Delete- Only applies during drilling under this planning permission. N.B condition on the other planning permission continues to prohibit occupancy.
17	Location of boreholes to noise sensitive receptors	Delete- monitoring boreholes have been completed
18 (7)	Construction/work hours	Update – to include Saturday working hours to align with the other planning permission
19 (8)	Newt precautionary method statement	Retain
20 (9)	Seasonal restriction for vegetation clearance	Update – change to Feb-August to align with other planning permission
21	Watching brief for archaeology	Delete- monitoring boreholes have been completed and none encountered.
22 (10)	Measures to control dust	Update- reference to drilling substituted for restoration operations
23	Lighting	Delete- no longer required

Legal Agreement

334. The main planning permission for the well site (1/15/01498/CDM) is subject to an accompanying Section 106 agreement dated 24 May 2017. The agreement provides for the following:
- Vehicle routeing and driver code of conduct
 - A road dilapidation survey
 - A restoration bond
 - The Community Liaison Group
 - An off-site water monitoring scheme (Gresham Drain)
335. Should Committee be minded to approve the section 73 application to retain the groundwater monitoring boreholes (Proposal 2), the decision notice could be issued immediately following the meeting as this is not subject to any legal agreement.

336. Should Committee be minded to approve the section 73 application to retain the main well site (Proposal 1), the Committee's solicitor advises that it would be necessary in this instance for the applicant and the Council to enter into a deed of variation to the original s106 agreement before the decision notice can be formally issued. The applicant would be expected to cover all reasonable costs incurred by the County Council in the drafting and execution of the deed of variation.
337. Planning Officers consider that continuing with the above provisions remains necessary (and meets the relevant tests) and that a grant of section 73 planning permission for the well site should be dependent on continuing to secure these measures for a further period. In particular the matters are relevant to the final restoration stage in terms of associated traffic, monitoring and community liaison. This would also accord with MLP Policy DM11 (Planning Obligations) which states the County Council will seek to negotiate planning obligations as measures for controlling mineral operations and to secure sustainable development objectives which cannot be achieved by the use of planning conditions.
338. As noted above in the restoration sub section, if there are any consequential changes required to the associated restoration bond agreement, this can be undertaken at the same time as completing the deed of variation.
339. The MPA's standard recommendation where legal agreements are necessary stipulates an initial three month timeframe in which to complete the legal agreement work (which can be extended with agreement of the MPA in consultation with the chair and vice-chair of committee), whereafter failure to complete will lead to a refusal of planning permission. There is therefore a clear incentive to the applicant to expedite this process.

Other Options Considered

340. 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

341. 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

342. The site is secured to a very high level including security fencing and CCTV coverage.
343. Previous operations have resulted in instances of public protest which has necessitated additional security and police attendance. However this is less

likely to arise whilst the site remains mothballed. Policing costs are also not a material planning consideration.

Data Protection and Information Governance

344. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

Financial Implications

345. As detailed in paragraph 336 above, there is a need to complete a deed of variation to the existing Section 106 agreement. The applicant would be expected to cover all reasonable legal costs incurred by the County Council during the drafting and execution of the required deed of variation.
346. A restoration bond is in place for this site to the sum of £410,000. The bond is designed to ensure that additional payments are made by the applicant at set periods, linked to a measure of inflation. Any consequential changes to its terms arising from the grant of a section 73 permission can be dealt with as part of the deed of variation process.

Human Rights Implications

347. 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. In reaching this conclusion Planning Officers would in particular note the mothballed status of the site with no further permission for drilling.

Public Sector Equality Duty Implications

348. The report and its consideration of the planning application has been undertaken in compliance with the Public Sector Equality duty.
349. Extending the time limited planning permission would result in neutral outcomes for the purposes of this duty. It would not result in any discrimination to persons with a protected characteristic, after considering any potential effects.
350. It would not necessarily advance equality of opportunity between people who share a protected characteristic and those who do not share it, nor foster good relations between people who share a protected characteristic and those who do not. However, neither would the proposal undermine these objectives.

Implications for Sustainability and the Environment

351. The potential environmental impacts of maintaining the site for a further period have been considered in the Observations section above. Whilst there are a number of sensitivities such as the proximity of a SSSI, the previous mitigation measures would continue to safeguard these interests. In some cases the mitigation measures would no longer be necessary since they largely addressed the most intensive drilling activities, which have now concluded.
352. There are no human resource, or children/adults at risk safeguarding implications. There are no implications for County Council service users.

Statement of Positive and Proactive Engagement

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

RECOMMENDATIONS

354. It is RECOMMENDED that:
- a) Section 73 planning permission be granted for application 1/21/00157/CDM (Proposal 2), subject to the conditions set out in Appendix 2.
 - b) The Corporate Director – Place be instructed to enter into a deed of variation amending the original agreement under section 106 of the Town and Country Planning Act 1990, against planning permission 1/15/01498/CDM (dated 24/05/17) to secure the continuation of the obligations contained within it, as part of the grant of section 73 planning permission under application 1/20/01695/CDM (Proposal 1), along with undertaking any consequential amendments that may be required to the Cash Deposit Restoration Bond dated 25/10/17 entered into pursuant to the s106 agreement.
 - c) Subject to the completion of the legal agreement before the 27/10/21 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant section 73 planning permission for application 1/20/01695/CDM subject to the conditions set out in Appendix 1. In the event that the legal agreement is not signed before 27/10/21 or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse section 73 planning permission for application 1/20/01695/CDM on the grounds that the development fails to provide for the continuation of the necessary measures within the Section 106 agreement dated 24/05/17 within a reasonable period of time.

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

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [RHC 6/7/2021]

Planning and Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

Financial Comments [RWK 15/07/2021]

The granting of planning permission as recommended in the report will require the completion of a deed of variation to the existing s106 agreement. The applicant will be expected to cover all reasonable legal costs incurred by the County Council during the drafting and execution of the required deed of variation.

There is also a restoration bond in place for this site. Any consequential changes to its terms arising from the grant of a section 73 permission can be dealt with as part of the deed of variation process.

Therefore, 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 and Member Affected

Misterton - Cllr Tracey Taylor

Report Author/Case Officer
Joel Marshall
0115 9932578

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

**RECOMMENDED PLANNING CONDITIONS FOR PLANNING APPLICATION
1/20/01695/CDM- PROPOSAL 1 (Main well site development)**

Scope of permission

1. This permission is for the retention of an exploratory hydrocarbon wellsite, extending the evaluation (phase 3) and restoration (phase 4) period of the site for a further period without compliance with condition 4 as originally imposed and relinquishing drilling of the horizontal well. This permission under section 73 of the Town and Country Planning Act comes into immediate effect and for the avoidance of doubt does not authorise the development of the horizontal well.

Reason: To define the permission, as varied under section 73 of the Town and Country Planning Act 1990.

2. The Mineral Planning Authority (MPA) shall be notified in writing at least 7 days, but not more than 14 days, prior to all of the following:
 - g) Completion of Phase 3 (evaluation);
 - h) Commencement of Phase 4 (restoration);
 - i) Completion of Phase 4 (restoration).

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

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the application documents (submitted under planning permission 1/15/01498/CDM), including recommendations of reports, and the following plans:
 - (a) Drawing 2 titled 'Site Location Plan' – received by the MPA on 28/10/15;
 - (b) Drawing 3 titled 'Site Plan' – received by the MPA on 28/10/15;
 - (c) Drawing 4 titled 'Existing Site Layout Plan & Topographic Survey' – received by the MPA on 28/10/15;
 - (d) Drawing 5 titled 'Existing Site Elevations & Sections' – received by the MPA on 28/10/15;
 - (e) Drawing 6 titled 'Existing Site Entrances and Sightlines' – received by the MPA on 28/10/15;
 - (f) Drawing 9 Rev C titled 'Proposed Site Fencing Plan' – received by the MPA on 17/01/18 (Non Material Amendment reference NMA/3792 approved by the MPA on 24/01/18, subject to retention of silt fencing for life of the development);

- (g) Drawing 10 titled 'Proposed Site Drainage Layout' – received by the MPA on 28 October 2015;
- (h) Drawing 16 Rev A titled 'Proposed Site Layout – Phase 3' – received by the MPA on 17/01/18 (Non Material Amendment reference NMA/3792 approved by the MPA on 24/01/18 subject to specified exclusions) and as further amended by Drawing 30 titled 'Indicative Evaluation Layout' – received by the MPA on 28/03/19 (Non Material Amendment reference NMA/3981 approved by the MPA on 14/05/19);
- (i) Drawing 17 Rev A titled 'Proposed Elevations and Sections – Phase 3' – received by the MPA on 17/01/18 (Non Material Amendment reference NMA/3792 approved by the MPA on 24/01/18 subject to specified exclusions);
- (j) Drawing 18 titled 'Proposed Site Layout – Phase 4' – received by the MPA on 28 October 2015;
- (k) Drawing 18 titled 'Proposed Site Elevations and Sections – Phase 4' – received by the MPA on 28 October 2015;
- (l) Drawing No. 4178 C 07 Rev B titled 'Cellar Details' – received by the MPA on 26 April 2016;

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

Duration of Operations and Site Restoration

- 4. This permission shall be for a temporary period only expiring on 20 November 2023.

Reason: To define the duration of the permission, as varied.

- 5. On or before the expiration of the temporary period, as detailed in Condition 4 above, evaluation works authorised by this permission shall cease. Thereafter the site shall be cleared of all plant, buildings, machinery and equipment within one month of the cessation of use. The site shall be restored to its original state as shown on Drawing 18 titled 'Proposed Site Layout – Phase 4' – received by the MPA on 28 October 2015. Restoration of the site shall be undertaken in accordance with the details set out within paragraphs 4.5.4 – 4.5.7 of the Environmental Statement: Volume 3 dated October 2015 and shall be completed within six months of the commencement of Phase 4.

Reason: To ensure the proper restoration of the site within an acceptable timescale and in accordance with Policies MP12 and DM12 of the Nottinghamshire Minerals Local Plan.

6. Notwithstanding condition 5 above, a scheme for the retention and/or provision of hibernacula, bird/bat boxes, or other biodiversity enhancements at the site shall be submitted to the MPA for its written approval on or before the expiration of the temporary period under condition 4. The measures shall be implemented as approved and retained for a minimum of 5 years thereafter.

Reason: In the interests of providing biodiversity enhancements upon restoration as required by policies SP2, SP4, DM4 and DM12 of the Nottinghamshire Minerals Local Plan.

7. In the event that evaluation works cease for a period in excess of 3 months before the expiry of the temporary permission (the date of completion of each phase being notified to the MPA under Condition 2) then, upon written request from the MPA, the site shall be cleared of all plant, buildings, machinery and equipment within one month of the written request. The site shall be restored to its original state as shown on Drawing 18 titled 'Proposed Site Layout – Phase 4' – received by the MPA on 28 October 2015. Restoration of the site shall be undertaken in accordance with the details set out within paragraphs 4.5.4 – 4.5.7 of the Environmental Statement: Volume 3 dated October 2015 and shall be completed within six months.

Reason: To ensure the proper restoration of the site within an acceptable timescale and in accordance with Policies MP12 and DM12 of the Nottinghamshire Minerals Local Plan.

Traffic and Transportation

8. Except in the case of emergency when life, limb or property are in danger (such instances which are to be notified in writing to the MPA within 48 hours of their occurrence) all HGV movements for all Phases shall only take place between 07:00 and 19:00 Monday to Friday and 07:00 to 13:00 on Saturdays (with the exception of abnormal loads approved by the MPA under Condition 11). No HGV movements shall take place on Sundays, Public or Bank Holidays.

Reason: In the interests of residential amenity and in accordance with Policies DM1 and DM9 of the Nottinghamshire Minerals Local Plan.

9. Measures shall be employed to prevent the deposit of mud, clay and other deleterious materials upon the public highway in accordance with details contained within the document entitled 'Measures to prevent the deposit of mud, clay and other deleterious materials upon the public highway' received by the MPA on 14/08/17 and approved on 08/09/2017 (in respect of Condition 10 of Planning Permission Ref: 1/15/01498/CDM).

The measures to be employed shall be provided in accordance with the approved timetable and thereafter shall be maintained and used as approved throughout the operational life of the site. In the event that the approved

measures do not adequately prevent the deposit of mud, clay and other deleterious materials upon the public highway, 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 a timetable to be agreed in writing by the MPA 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 Policies DM1 and DM9 of the Nottinghamshire Minerals Local Plan.

10. Site traffic shall be managed for the life of the development in accordance with the ‘Springs Road Exploratory Wellsite Traffic Management Scheme’ received by the MPA on 14/08/17 and approved on 08/09/2017 (in respect of Condition 11 of Planning Permission Ref:1/15/01498/CDM)

Reason: To ensure that vehicular movements can be satisfactorily accommodated by the highway network, would minimise wide vehicle conflict and would not cause unacceptable impact upon amenity, in line with Policies DM1 and DM9 of the Nottinghamshire Minerals Local Plan.

11. The number of HGV movements (including abnormal loads) in connections with the development hereby permitted shall not exceed 60 per day (30 in and 30 out) nor 198 movements (99 in and 99 out) over any 7 day period. The operator shall keep daily records of all HGV movements to and from the site and such records shall be supplied to the MPA in writing within two weeks of a written request for such records being made.

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 Policies DM1 and DM9 of the Nottinghamshire Minerals Local Plan.

Noise

12. Except in the case of emergency when life, limb or property are in danger (such instances which are to be notified in writing to the MPA within 48 hours of their occurrence) the development hereby permitted shall only take place between the hours specified below:

Operations	Monday to Friday	Saturday	Sundays, Public and Bank Holidays
Phases 3 and 4	07:00 – 19:00	07:00 – 13:00	Not at all

Reason: In the interests of residential amenity and in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

13. Site noise shall continue to be managed in accordance with the “Noise Management Plan for Springs Road Exploratory Well site” received by the MPA on 17/08/17 and approved 21/09/17 (in respect of Condition 19 of Planning Permission Ref: Ref:1/15/01498/CDM).

Reason: In the interests of residential amenity and in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

14. Misson Springs Cottage shall not be occupied for residential purposes throughout the lifetime of the development hereby permitted.

Reason: In the interests of residential amenity and in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Ecology

15. Phase 4 restoration operations shall not be undertaken until an ecological walkover survey and review of mitigation measures has been completed, submitted to and approved by the MPA in writing. Restoration works shall thereafter be undertaken following the recommendations of the approved report(s).

Reason: To review and provide for any necessary mitigation, precautionary methods of working, or other such steps as may be agreed necessary during site decommissioning and restoration works, and in the interests of protecting species and habitats at or near the site.

16. Phase 4 (restoration) operations shall not be undertaken during the bird breeding season (February to August inclusive), except when approved in writing by the MPA and in such circumstances that it can be demonstrated to the satisfaction of the MPA that noise impact on the Misson Training Area SSSI will not have an adverse impact on breeding birds in the SSSI.

Reason: To ensure that breeding birds, particularly Long-Eared Owl, are not adversely affected by the development and in accordance with Policy DM4 of the Nottinghamshire Minerals Local Plan.

17. Site clearance operations that involve the destruction and removal of vegetation, including felling, clearing or removal of trees, shrubs or hedgerows shall not be undertaken during the months of February to August inclusive, except when an ecological appraisal undertaken by an appropriately qualified person has been submitted to, and approved in writing by, the MPA.

Reason: To ensure that breeding birds are not adversely affected by the development.

18. The development shall continue to take place in accordance with the Construction Environment Management Plan 'submission under condition 23 of planning permission 1/15/01498/CDM'; the email relating to stockpiles and covering of waste; and the email relating to the use of a settlement tank/lagoon received by the MPA on 17/08/17, 15/09/17 and 19/09/17 respectively, and approved 12/10/17 (in relation to Condition 23 of Planning Permission Ref: 1/15/01498/CDM). The measures contained within the approved CEMP shall be fully implemented for the life of the development.

Reason: To ensure that pollution risks are minimised throughout the life of the development in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

19. Measures to protect reptiles including hibernacula, shall continue to be maintained in accordance with the "Reptile Habitat Scheme" received by the MPA on 20/07/17 (approved 31/08/17) and the "Note in response to ecological matters raised by NCC Ecology and NWT regarding the discharge of Conditions 23(b) and 26, Springs Road, Misson" received by the MPA on 31/08/17 (in respect of Condition 26 of Planning Permission Ref: 1/15/01498/CDM).

Reason: For the benefit of reptiles and in accordance with Policy DM4 of the Nottinghamshire Minerals Local Plan.

Dust

20. Dust shall be managed in accordance with the Dust Management Plan set out in Annex C2 of Volume 4 – Technical Appendices of the Environmental Statement – received by the MPA on 28 October 2016.

Reason: To ensure that dust impacts associated with the operation of the development are minimised, in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan and to minimise potential adverse impacts to nearby ecological features.

Heritage

21. The former missile pads shall be protected during the course of the development in accordance with the previously submitted scheme to ensure the protection of the heritage significance of the former missile pads received by the MPA on 20/07/17 and the Structural Assessment of the former missile pads received by the MPA on 03/11/17 and approved 23/11/17 (in respect of Condition 28 of Planning Permission Ref: 1/15/01498/CDM).

Reason: To ensure the development does not harm the fabric of the identified non-designated heritage asset.

Contamination

22. Following exploratory drilling works and the removal of the well cellar the area shall be investigated to confirm that it is free from well drilling contamination, in accordance with the scheme dated 21/01/19 received by the MPA on 23/01/19 and approved 25/02/19 (in respect of condition 29 of Planning Permission 1/15/01498/CDM). The works to confirm the presence or otherwise of contamination shall be approved and a report of the investigation including the results of the chemical testing shall be submitted to the MPA for approval in writing. In the event that the report identifies that contamination remains present in the ground, the report shall incorporate additional steps to remediate ground contamination including supplementary testing and investigation which shall be agreed in writing by the MPA and thereafter the additional steps shall be implemented as approved.

Reason: To ensure the site is restored in an uncontaminated condition in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

23. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to, and approved in writing by, the MPA. The strategy shall detail how the unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure the protection of site workers and controlled water including the Nottingham Castle Sandstone Principle Aquifer in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

24. 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 containers. All filling points, vents and site glasses must be located within the bund. There must be no drainage through the bund floor or drain.

Reason: To minimise the risk of contamination of controlled waters in accordance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

Flooding and Drainage

25. Surface water shall continue to be managed in accordance with the “Scheme to Prevent Pollution to the Drainage Ditch Network and Ensure the Protection of Misson Training Area SSSI at Land off Springs Road, Misson” received by the MPA on 17/08/17 and the email setting out surface water tank emptying measures received by the MPA on 19/09/17, approved 21/09/17 (in respect of Conditions 34 and 35 of Planning Permission Ref: 1/15/01498/CDM) and as further amended by the arrangements to pump top clean water out to the eastern side during the Evaluation Phase 3 pursuant to Non Material Amendment 4076 approved by the MPA on 06/12/19.

Reason: To ensure the protection of controlled waters including groundwater in the Secondary A aquifer at the surface and to ensure compliance with Policy DM2 of the Nottinghamshire Minerals Local Plan.

26. The internal finished floor level of all office and staff accommodation shall be set no lower than 4.4 metres above ordnance datum.

Reason: To prevent inundation of office and staff accommodation should a flood event occur, in accordance with the National Planning Policy Framework (NPPF).

27. The “Emergency Flooding Plan for Land off Springs Road, Misson, DE10 6ET” received by the MPA on 14/08/17 and approved 21/09/17 (in respect of Condition 37 of Planning Permission Ref: 1/15/01498/CDM) shall remain in force for the life of the development.

Reason: To manage the safety of people using the development in the event of a flood and to ensure compliance with the NPPF.

End of conditions

Informatives/notes to applicants

1. This notice of planning permission and the attached conditions should be read alongside the associated Section 106 legal agreement dated **xx/xx/xx** (date as completed).
2. Separate approval was given on 12/02/18 under Part 17 of Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the temporary siting of various cabins.

**RECOMMENDED PLANNING CONDITIONS FOR PLANNING APPLICATION
1/21/00157/CDM- PROPOSAL 2 (Groundwater monitoring boreholes)**

Scope of permission

1. This permission is for the retention of Groundwater Monitoring Boreholes in four separate locations and the siting of mobile staff welfare facilities for an extended period without compliance with condition 6 as originally imposed. This permission under section 73 of the Town and Country Planning Act comes into immediate effect.

Reason: For the avoidance of doubt and to define the permission, as varied under section 73 of the Town and Country Planning Act 1990.

2. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the application documents (submitted under planning permission 1/15/01034/CDM), including recommendations of reports, and the following plans:
 - (a) Drawing Ref: BHA2 titled 'Application and Ownership Boundaries' – received by the MPA on 16 July 2015;
 - (b) Drawing Ref: 47070055-GW-004 titled 'Monitoring Borehole Design' – received by the MPA on 16 July 2015;
 - (c) Hewden Welfare Accommodated product specification details – received by the MPA on 16 July 2015.

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

Duration of Operations

3. The development hereby permitted is for a temporary period only, expiring on 20 November 2023.

Reason: To ensure the proper restoration of the site within an acceptable timescale and to align with the timescales for the wider well site.

4. Upon the expiry of the temporary period the boreholes shall be abandoned in accordance with the appropriate guidance at the time and the sites shall be restored to their original conditions as detailed on Drawing Ref: I2 titled 'Phase 1 Habitat Map' – received by the MPA on 18 September 2015.

Reason: To ensure the proper restoration of the site.

Traffic and Highways

5. Instructions shall be issued to all HGV drivers accessing and leaving the site to avoid the village of Misson.

Reason: In the interests of public amenity in line with Policy DM9 of the Nottinghamshire Minerals Local Plan.

6. HGVs shall only turn left to enter, and right to exit, the site.

Reason: In the interests of public amenity in line with Policy DM9 of the Nottinghamshire Minerals Local Plan.

Hours

7. Except in the case of emergency when life, limb or property are in danger (such instances which are to be notified in writing to the MPA within 48 hours of their occurrence, or with the prior agreement of the MPA) the development hereby permitted, including vehicular movements to and from the site, shall only take place between the hours of 07:00 – 19:00 Mondays to Fridays and 07:00 -13.00 on Saturdays. There shall be no operations and no vehicular movements on Sundays, Public or Bank Holidays.

Reason: In the interests of residential amenity and in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Ecology

8. Works shall be undertaken in accordance with the Great Crested Newt Precautionary Working Method Statement – received by the MPA on 19th November 2015.

Reason: In the interests of wildlife conservation and in accordance with Policy DM4 of the Nottinghamshire Minerals Local Plan.

9. Restoration operations shall not be undertaken during the bird breeding season (February to August inclusive), except when approved in writing by the MPA and in such circumstances that it can be demonstrated to the satisfaction of the MPA that noise impact on the Misson Training Area SSSI will not have an adverse impact on breeding birds in the SSSI.

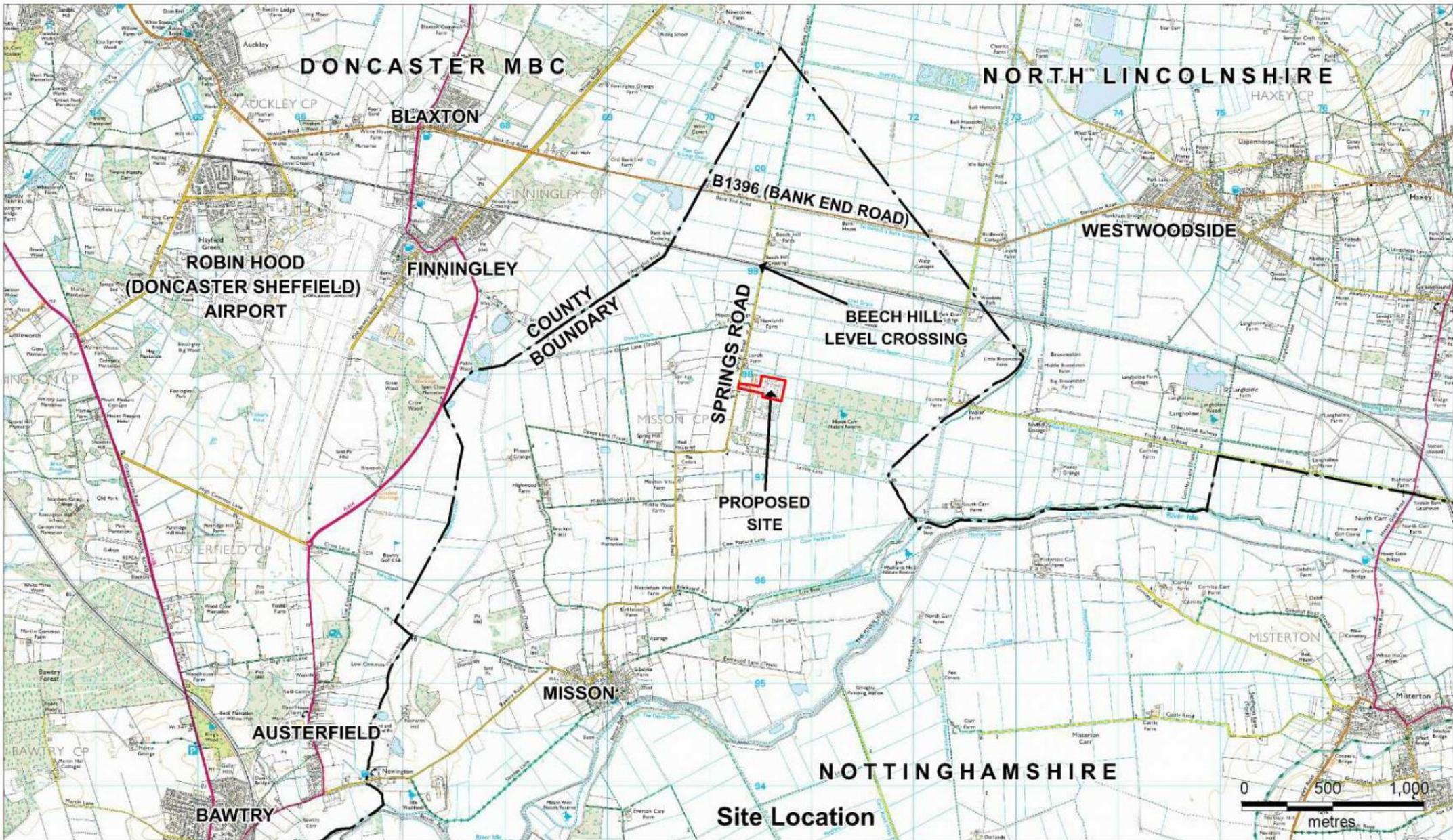
Reason: In the interests of wildlife conservation and in accordance with Policy DM4 of the Nottinghamshire Minerals Local Plan.

Dust

10. Measures shall be taken where necessary to ensure that dust emissions from the site are controlled. This shall involve taking any, or all, of the following steps as appropriate:
- a) The use of water bowsers and sprinkler systems to dampen drilling operations;
 - b) The temporary cessation of restoration operations during periods of excessively dry and windy weather;
 - c) Regular cleaning of all hard-surfaced areas of the application site and associated access roads.

Reason: In the interests of residential amenity and in accordance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

End of conditions



Site Location

Vary Condition 4 of planning permission 1/15/01498/CDM to extend the evaluation and restoration period of the site for a further 3 years until November 2023 and to relinquish drilling the horizontal well
Planning Application No. 1/20/01695/CDM

Vary Condition 6 of planning permission 1/15/01034/CDM to extend the life of the groundwater monitoring boreholes for a further 3 years to fall in line with the life of the exploratory well.
Planning Application No. 1/21/00157/CDM

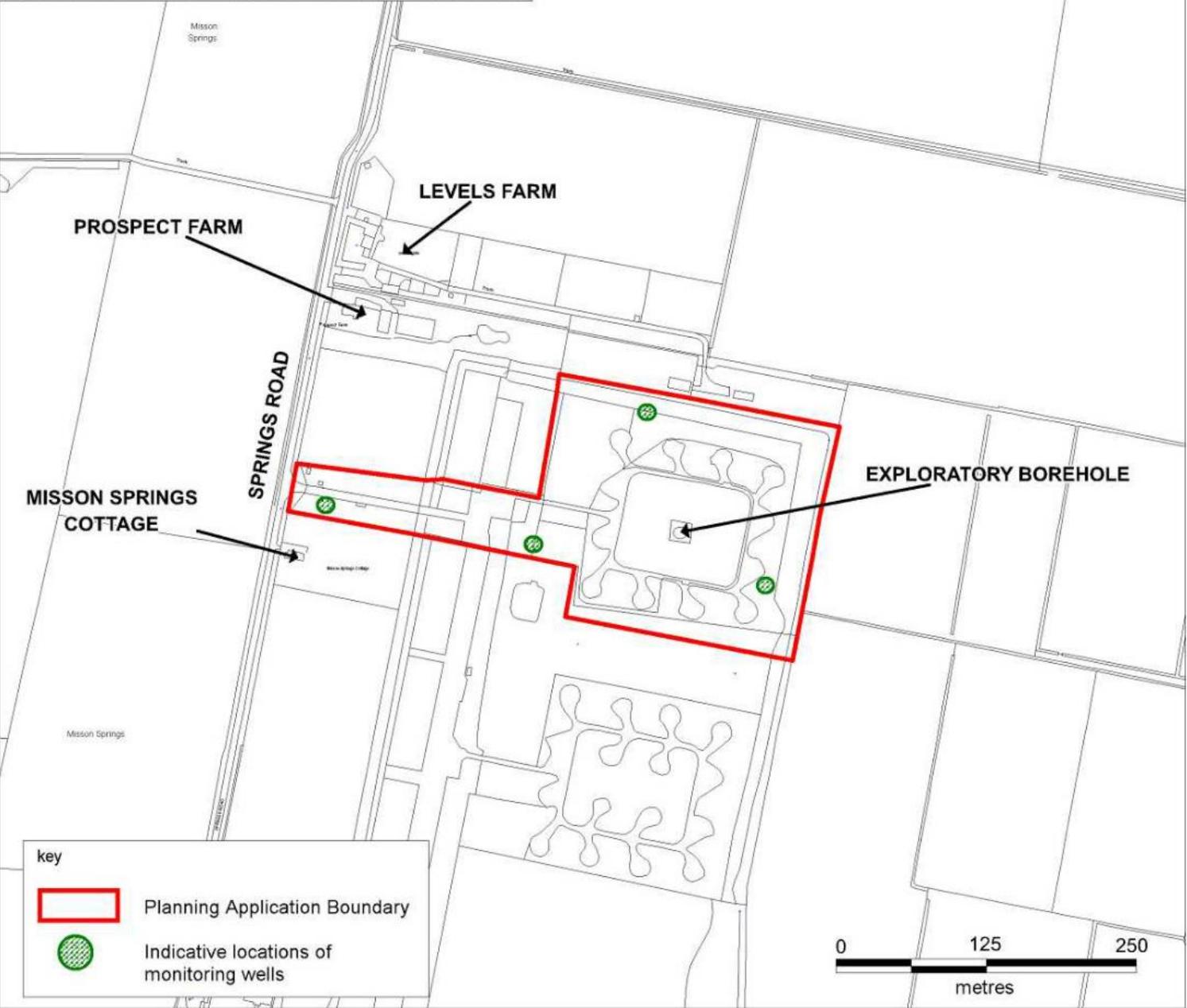
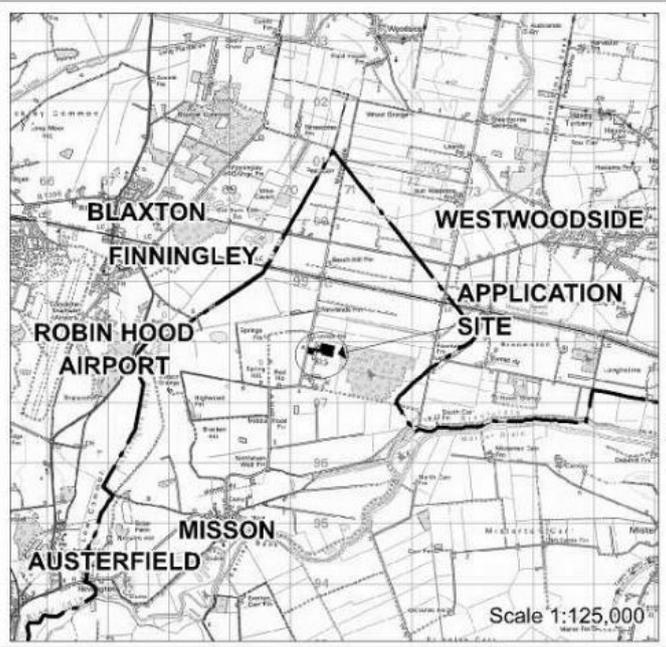
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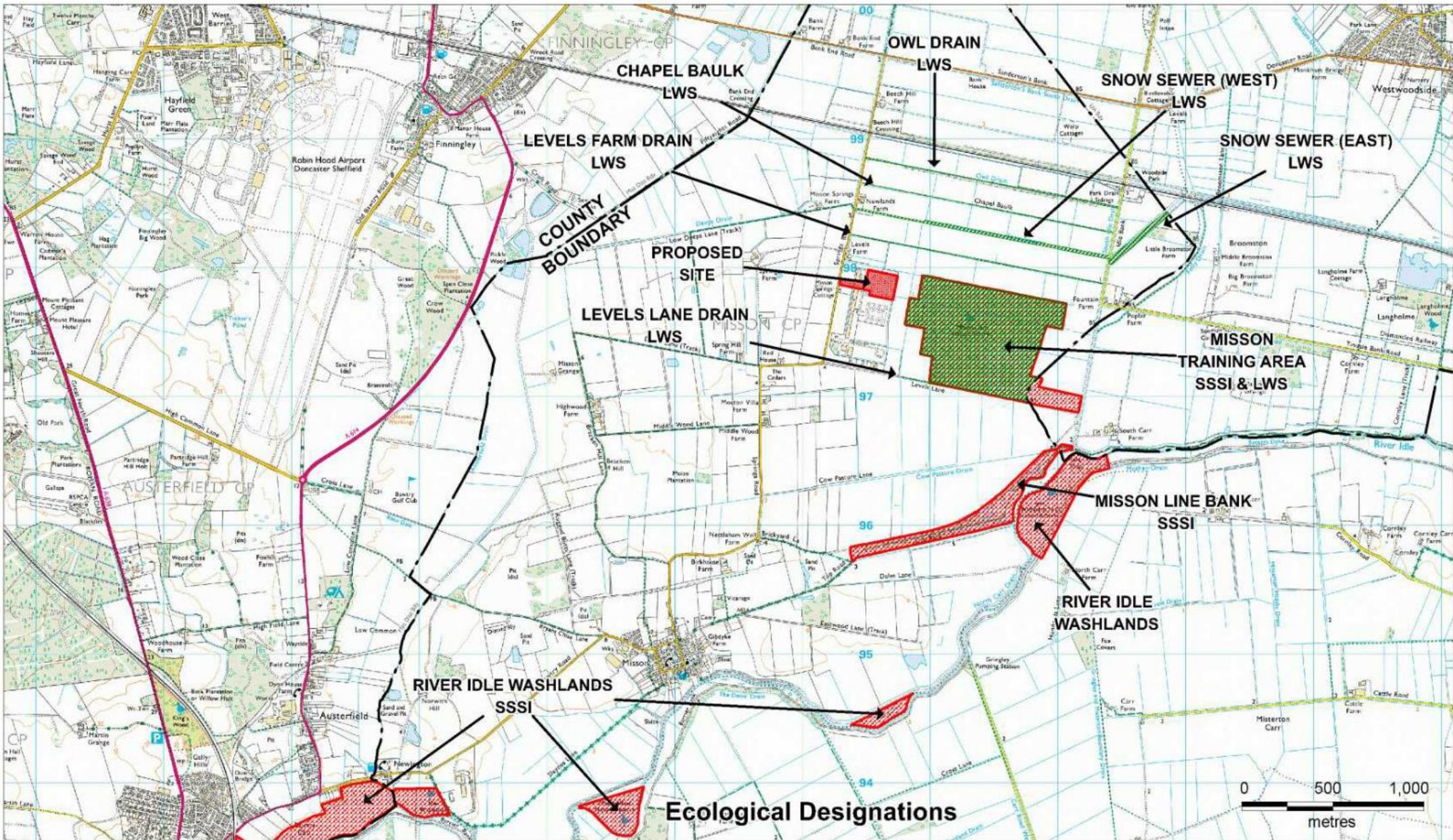
Land off Springs Road, Misson, Nottinghamshire.

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Date: JULY 2021



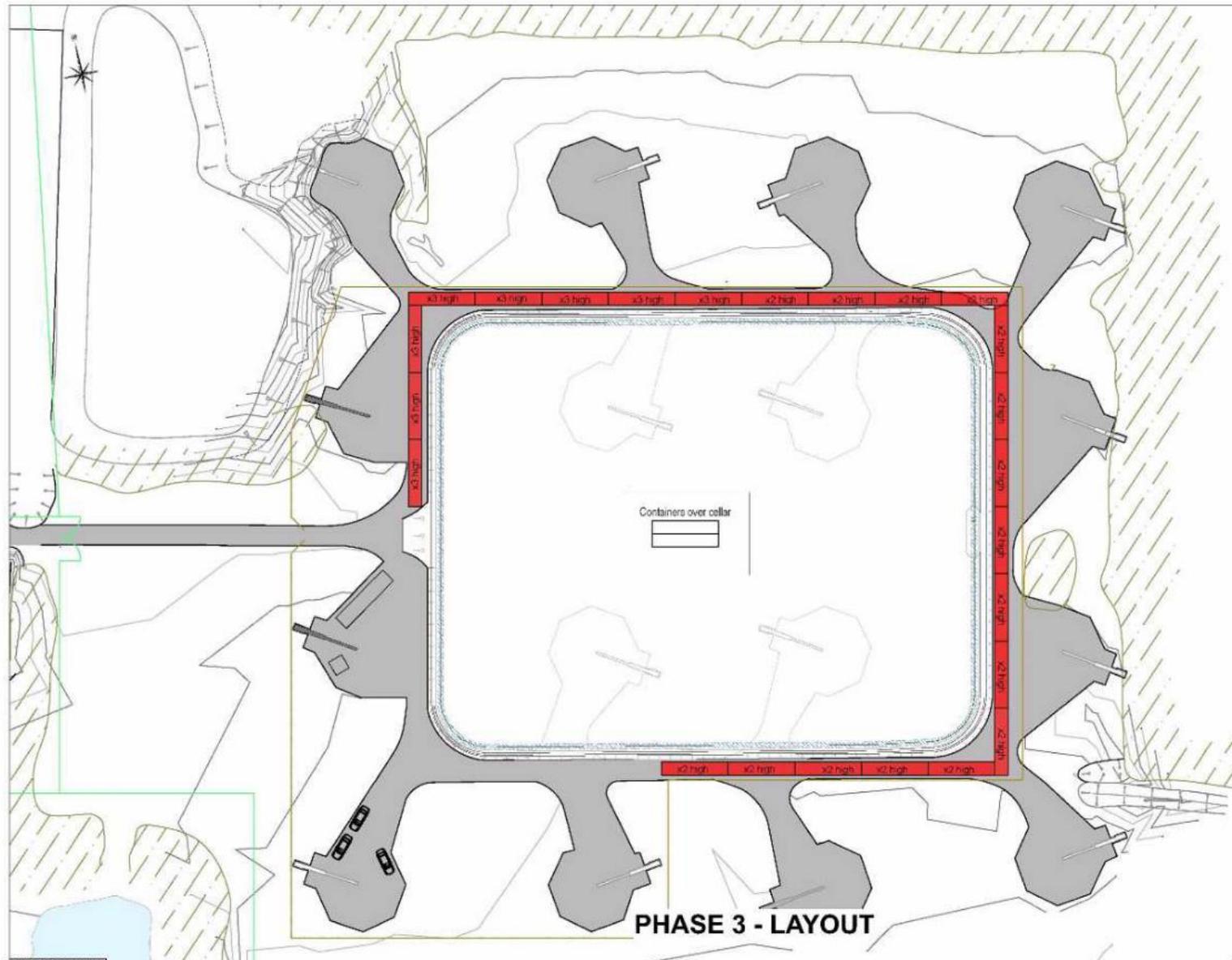


Vary Condition 4 of planning permission 1/15/01498/CDM to extend the evaluation and restoration period of the site for a further 3 years until November 2023 and to relinquish drilling the horizontal well
 Planning Application No. 1/20/01695/CDM
 Vary Condition 6 of planning permission 1/15/01034/CDM to extend the life of the groundwater monitoring boreholes for a further 3 years to fall in line with the life of the exploratory well.
 Planning Application No. 1/21/00157/CDM
 Land off Springs Road, Misson, Nottinghamshire.

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Scale 1:40,000
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 Date: JULY 2021



Key

-  Existing Vegetation
-  Existing Buildings
-  Existing Hardstanding
-  Existing Waterbody
-  2.0m high palisade fence
-  2.6m high hoarding
-  Existing Fence

Notes

HH 220 drill rig shown

PHASE 3 - LAYOUT

RECEIVED
By rk18 at 2:48 pm, Mar 28, 2019

Vary Condition 4 of planning permission 1/15/01498/CDM to extend the evaluation and restoration period of the site for a further 3 years until November 2023 and to relinquish drilling the horizontal well

Planning Application No. 1/20/01695/CDM

Vary Condition 6 of planning permission 1/15/01034/CDM to extend the life of the groundwater monitoring boreholes for a further 3 years to fall in line with the life of the exploratory well.

Planning Application No. 1/21/00157/CDM

Land off Springs Road, Misson, Nottinghamshire.



Scale 1:50,000

Produced by: JW

Date: JULY 2021



27 July 2021

Agenda Item: 8

REPORT OF CORPORATE DIRECTOR – PLACE

ASHFIELD DISTRICT REF. NO.: 4/V/2020/0560

PROPOSAL: IMPROVEMENTS TO LEEN VALLEY GOLF CLUB INCLUDING RE-GRADING AND RE-PROFILING THE EXISTING PRACTICE GROUND OUTFIELD AND PART OF THE 16TH HOLE INCLUDING A FLOOD ATTENUATION BASIN AND THE CREATION OF AN IRRIGATION STORAGE POND; AN ADVENTURE GOLF PUTTING AREA AND A SUMMER TOBOGGAN RUN USING IMPORTED WASTE SOILS; WITH ASSOCIATED ECOLOGICAL IMPROVEMENTS AND PLANTING

LOCATION: LEEN VALLEY GOLF CLUB, WIGWAM LANE, HUCKNALL, NG15 7TA

APPLICANT: ANDY KERR

Purpose of Report

1. To consider a planning application to utilise 119,721 cubic metres (approximately 191,554 tonnes) of imported inert soils to re-profile and re-landscape land relating to the existing golf course (the practice range outfield and the 16th tee) at Leen Valley Golf Club, Wigwam Lane, Hucknall, as well as providing additional recreational facilities comprising an adventure golf putting facility and a toboggan run.
2. The key issues relate to the application's compliance with both waste management and Green Belt policy, residential amenity impacts, and the magnitude of the environmental impacts associated with the construction phase particularly in relation to lorry movements, noise, ecology and landscape.
3. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1 of the report.

The Site and Surroundings

4. The application site comprises 6.3 hectares of land that forms part of the Leen Valley Golf Club; most of this land is already part of the operational golf course. The golf club lies approximately 8.5 kilometres to the north-west of Nottingham city centre, 1 kilometre to the south-east of Hucknall town centre and 1.5 kilometres to the north-west of Bestwood Village respectively (see Plan 1).

5. Leen Valley Golf Club is located on the eastern side of Wigwam Lane, which abuts its western boundary. The golf course occupies a total area of approximately 50 hectares of land on the eastern urban-rural fringe of Hucknall, situated within the Nottingham-Derby Green Belt. It is adjacent to the River Leen which runs along the eastern boundary of the golf course land. To the south-west lies an industrial estate on the opposite (south-western) side of Wigwam Lane, beyond which lies a number of residential properties within Brickyard. To the east of the golf course is a more rural setting which follows the characteristics of the River Leen Corridor comprising a gently rolling agricultural landscape. Bestwood Country Park lies 0.6 kilometres to the south-east of the site.
6. The nearest residential property to the site lies approximately 185 metres to the south-west in Porchester Close (when measured from the nearest location of the main proposed works at the northern edge of the practice range outfield), albeit separated by Wigwam Lane, and two-storey residential development within Oakenhall Avenue situated directly to the north-west, approximately 275 metres from the same location. Allotments and amenity grassland abut the north-western boundary of the golf club, providing a degree of separation between the northern part of the golf complex and the two-storey residential development.
7. The wider golf club incorporates an 18-hole course and practice range, a club house (of brick-built construction), covered driving bays, and a 137 space car park. The existing building and car park are situated within the north-western corner of the wider site with the application site abutting the built development. Access to the car park is directly off Wigwam Lane, together with pedestrian access.
8. The wider site is predominantly a high maintenance golf course and practice range comprising amenity grassland with pockets of scrub and improved grassland. Also present are small areas of woodland block planting, with a mix of mature and semi-mature trees. There is mature vegetation to the western boundary along Wigwam Lane, and a row of mature poplar trees extend along the south-eastern boundary.
9. The application site itself comprises a 250 metre long practice outfield, the immediate surrounds to the practice ground and the 16th green. It also includes an area of steeply banked terrain, which rises to the east of the car park, and is characterised by extensive semi-mature tree planting. The area is characterised by poor drainage, and frequent waterlogged conditions. It also includes a banked area just beyond the eastern side of the car park that currently comprises meadow grass and semi-mature tree planting.
10. Set within the south-western part of the golf course, the proposal site is relatively elongated, irregularly shaped and extends in a broadly linear north-west to south-east direction, with the south-western site boundary running relatively parallel to Wigwam Lane. It is bounded by the remaining areas of the Leen Valley Golf Club, except for the south-western boundary which abuts

Wigwam Lane and is characterised by mature vegetation which separates it from the adjacent highway.

11. It is located within the catchment of Baker Lane Brook, a tributary of the River Leen. There are two open water courses in close proximity to the site, Baker Lane Brook and Wigwam Lane Ditch. Baker Lane Brook enters Leen Valley Golf Course at the south-western boundary of the site and flows east, before joining the River Leen some 400 metres away. Wigwam Lane Ditch is an open ditch running parallel to Wigwam Lane along the western site boundary before joining Baker Lane Brook as it enters the golf course.
12. There are several Local Wildlife Sites (LWS) within the vicinity which are noted for their botanical interest, comprising Papplewick Ponds LWS approximately 0.6 kilometres to the north-east, River Leen Pastures, Bestwood LWS approximately 0.65 kilometres to the east, and Mill Lakes, Bestwood LWS 0.95 kilometres to the south-east. The River Leen, which is situated 0.65 kilometres from the proposal site at its closest point, flows through these Local Wildlife Sites and is also a LWS, notable for its population of native white-clawed crayfish.
13. There are no Public Rights of Way within the site. The nearest public footpath is 480 metres to the south in Bestwood Country Park and there are further recreational footpaths through the park.

Background

14. An effective design solution has been sought by the applicant, and identified by Weller Designs, to address various safety, operational, functionality and management issues associated with Leen Valley Golf Club, which it is stated have arisen over time and are linked to the present topography and grading profile of the site; and to its drainage characteristics.
15. The topography of the proposal site reflects the restoration of the former colliery tip with backfill having created a stepped landscape sloping towards Baker Lane Brook.
16. In terms of the current topography, the site itself is slightly higher in elevation compared to its immediate surroundings. It is noted that the proposal site and its immediate vicinity ranges in elevation from a ridge line height of 90 metres AOD in the north-east falling to 55 metres AOD in the south-west, at the point where Baker Lane Brook enters the golf course.
17. Bunds are present between the operational golf course land and Wigwam Lane to the west, creating a large depression at the southern end of the driving range. A second topographic depression exists at the eastern boundary of the site where the ground slopes down to a low of approximately 2 metres below the surrounding ground levels. A third topographic depression exists between the driving range and the 16th green to the south of the practice outfield.

18. Surface water drainage was installed when the golf course was first constructed. The existing drainage comprises multiple open drains and concrete pipes which in turn has created a site with multiple small catchments and in the case of the southern area of the site, all surface water drains to Baker Lane Brook. The current drainage system does not prevent waterlogging across the proposal site nor does it facilitate irrigation in the summer months.
19. The proposed scheme of works pursuant to the current application seeks to redress the current deficiencies identified across the application site.

Planning history

20. Whilst the area of land to which this proposal relates is now a golf course, it has previously been subject to a number of developments dealt with by the County Council, in its capacity as the Waste Planning Authority (WPA).
21. Historically, spoil from the Hucknall No. 2 colliery, which was located directly south of Wigwam Lane, was imported into the site from 1955 and continued into the 1980s. The County Council granted planning permission (Plg. Ref. S/5/993) in 1959 for the use of the land as a site for temporary coal stocking. Further planning consents were granted by the County Council in 1968 (Plg. Ref. S/5/2438) and 1983 (Plg. Ref. 4/44/82/0334), for an extension to an existing dirt tip; and an extension of an existing mine refuse disposal site, respectively.
22. Since the end of its use as a colliery tip and disposal site, the site has been developed into a golf course including a substantial clubhouse building, car park and practice range, completed under a number of planning permissions granted by Ashfield District Council. It is understood that the initial works to create the golf course included the importation of large amounts of inert material to remodel a former slag heap, with the golf club later expanding to include a clubhouse and practice range. The golf course opened in 1994 when the first 18 holes were set out, with the practice range outfield being granted planning permission in 2003.

Proposed Development

23. Planning permission is sought for the regrading of the southern part of the golf course using imported Environment Agency approved waste soils to improve the appearance, drainage, and functionality of the practice range outfield, and the remodelling of the 16th green, as well as creating new facilities comprising an adventure golf putting area and a toboggan run. A total of 119,721 cubic metres (approximately 191,554 tonnes) of inert soils are required to complete the works and materials would be imported into the site over a period of approximately 16 months, utilising waste soils from construction projects within Nottinghamshire.
24. The principle elements of the works comprise:

- Regrading to a 4% gradient across the outfield of the driving range together with the provision of a subsurface drainage system; to improve safety, drainage, grounds maintenance, aesthetic appearance and playability across this area;
 - Earthworks and remodelling of the 16th hole and practice range with target greens; to improve drainage and playability;
 - Drainage improvement works involving the creation of a water storage lagoon and a proposed attenuation basin connecting to Wigwam Lane ditch and Baker Lane Brook to the south of the site;
 - Landscaping involving the planting of native trees, shrubs, wildflower zones, marginal pond and wetland planting;
 - Provision of an 18 hole adventure golf putting course within artificial grass and themed landscape;
 - The provision of a summer toboggan run with associated regrading and use of artificial grass for 'donutting' and grass for caterpillar tracked toboggans;
 - An emergency access road.
25. The location of the various elements of the scheme are identified on Plan 2 and cross-sections showing the proposed changes in levels can be found on Plan 3.
26. The main elements are now considered in more detail.

Remodelling the practice range outfield

27. The main element of the works seeks to re-grade the practice range to create a more suitable landform capable of supporting a higher quality practice range with target greens.
28. A poorly graded topography has given rise to a deep, hollowed out profile, meaning that the centre of the practice range is characterised by a poorly built 'gully pot' or depression which the applicant states is impractical for play. Surface slopes across the practice range are invariably steep with low levels of topsoil and poor-quality turf. The applicant states that the fall of the land restricts visibility when the golf ball is in play and causes players to hit the ball towards the public highway (Wigwam Lane), creating a potential safety hazard. Also, the drainage problems result in water and mud collecting in the centre of the range in the winter, making it difficult to manage. As a result, the practice range has become increasingly under-used by club members.
29. To address these problems, the proposals seek to re-grade the practice range to raise the ground level and in doing so remove the 'depression'. The proposed re-grading would change the fall of the range from southerly to

northerly, so that it slopes from a high point in the southern part of the range down towards the covered bays and the clubhouse to the north. The location of the existing southern earth bund parallel to Wigwam Lane would be moved east as the driving range is rotated. The overall effect would be to re-orientate the range eastwards away from the public highway, and to create a more uniform shallower gradient across the driving range.

30. The proposed works would involve backfilling the 'depression' using up to a maximum 12 metre depth of imported waste soils to raise the ground levels sufficiently to realign the outfield. It is anticipated that this element of the works would result in a net importation of approximately 87,000 cubic metres of inert soils to complete the improvement works, with the greatest increase in ground level being 12 metres (at the centre of the 'depression'). Overall, this would create a gently undulating uniform visible outfield with an improved depth of topsoil. The ground level rise across much of the site would be significantly less than 12 metres.
31. The practice range would be re-engineered to create a series of realistic green complexes designed to replicate similar features located on the course. It is proposed to create low-level undulations around the green targets, to serve as both drainage channels and to frame the proposed green complexes. Containment mounding would be constructed to the outfield perimeter, part of which would separate the practice area from the 18th hole to the east.
32. In order to manage the drainage of the practice range, it is proposed to use a combination of ground shaping (positive falls) and sub-surface piped drainage networks.
33. The proposals seek to install a network of sub-surface drainage pipes across the outfield. The combined earthworks would involve using imported waste soils to create slope angles with a minimum 4% gradient (positive falls) across the practice range to allow water to move efficiently under gravity and to prevent the sub-surface drainage pipework from silting up.
34. The proposed re-profiling of the practice range would effectively manage surface and sub-surface flows by redistributing excess water away from 'in play zones', to the perimeter of the outfield to either soak away naturally or be directed to a purpose-built water storage lagoon, to the south-east, and an open drain at the base of the regraded slope towards its northern edge, from where surface water run-off would be slowly released into Wigwam Lane ditch via a pipe.

Improvements to the 16th Hole

35. It is proposed to incorporate more limited improvement works to the poor-quality 16th hole situated in the south-western part of the application site. The proposed works seek to re-grade hole 16 with the aim of raising ground levels whilst maintaining the existing slope towards Baker Lane Brook to the south and an attenuation basin which is proposed as part of these works.

36. This element of the works seeks to construct a new green and incorporate an attenuation basin into the fairway, providing an enhanced design for this part of the golf course and more aesthetic interest for players. The proposed attenuation basin seeks to reduce a localised flooding risk associated with the 16th hole and would be situated to the south of the remodelled 16th green complex.
37. The proposals seek to re-grade land between the existing driving range and hole 16 to raise the ground level in this area, resulting in the removal of a further depression in this part of the site and creating a slope south towards hole 16.
38. Proposed drainage infrastructure in this part of the site would involve constructing a weir and overflow pipe to the attenuation basin.

Proposed water storage pond and rainwater harvesting scheme

39. The proposals would involve developing additional drainage infrastructure, the key elements of which would comprise an attenuation basin, water storage lagoon, two new open drains and an ACO drain to ensure the existing runoff rate is not increased. The surface water drainage scheme would be managed and maintained by the site operators.
40. As part of the works, it is proposed to expand an existing depression towards the eastern boundary of the proposal site and create a water storage lagoon through the installation of a flow restrictor on a 300mm concrete pipe.
41. An attenuation basin would also be constructed to the south of the 16th hole. The attenuation basin would be connected to Wigwam Lane ditch via a weir and overflow pipe with the outlet pipe to Baker Lane Brook. The design of these water features would be finalised at the detailed design stage, however it is anticipated that neither waterbodies would store more than 2,000 cubic metres of water each.
42. In terms of 'pond' construction, it is proposed to use a combination of cutting into the existing ground level, and earth bunding, to enable a proportion of water storage above existing ground levels, and both would be lined with an artificial liner. In terms of water storage, the proposed attenuation basin/storage lagoon would provide a high head of pressure for a greater period of time, over the irrigation months. This means that a system of smaller pumps and pipes can be used in the drainage infrastructure, in terms of transferring water to the irrigation system.
43. The golf club is currently dependent on water abstracted from the underground aquifers. To redress this imbalance, the proposals seek to construct water storage/irrigation facilities of sufficient scale to capture the potential volume of surface-water runoff from the outfield and 16th green. It is anticipated that this volume of water would be sufficient to irrigate the greens and tees throughout the year; and in the event of a drought situation this volume of water would

preserve the greens. The proposed rainwater harvesting scheme would make the golf club self-sufficient in irrigation water supply.

44. The applicant states that safety shelves would be constructed around the perimeter of the waterbodies, and appropriate warning signage and life saving equipment would be installed.
45. Shrub planting and grassland/wildflower seeding would be carried out on completion of the lagoon/attenuation basin waterbodies to provide increased habitat diversity and to help assimilate the features into the surrounding landscape. This would comprise approximately 6,259 square metres of woodland planting, 7,279 square metres of wildflower meadow mix and 546 square metres of wetland area; and would be carried out in the earliest planting season following completion of the re-engineering works.
46. Overall, the proposed water storage pond would deliver a sustainable solution to meet the irrigation needs of the golf course through a system of water capture, storage and recycling.

Ancillary recreational facilities

47. It is proposed to carry out re-grading works on land to the east of the clubhouse to provide an adventure golf course with the existing slope direction (east to west) being maintained.
48. The proposed feature would essentially comprise a practice putting green of 18 individual synthetic grass holes and intermittent low-level landscaping and information boards depicting the area's mining heritage. A state-of-the-art artificial playing surface would be incorporated into the design to ensure high quality all year-round playing conditions.
49. The proposals would include the installation of a toboggan run which would utilise the existing topography in the north of the site. It is proposed to create a summer toboggan run on a natural slope located adjacent to the clubhouse and car park. The proposal would be 120 metres in length, following a zig-zagged route, as the run descends downhill to a dismount area, at the bottom of the slope. The run would comprise a flat narrow artificial liner, which the toboggans would descend down. A pathway would be constructed adjacent to the run to provide access up the slope to the start of the toboggan run. The new facility would be constructed at ground level.

Construction works

50. The proposals would involve constructing an access track from Wigwam Lane to the site for the duration of the construction works, approximately 300 metres south-east of the existing access into the golf club. It is proposed to retain the access, to a width of 6 metres, following completion of the construction works, in order to provide an emergency access point.

51. The temporary haul route and compound would be constructed by initially stripping the topsoil and placement of a geotextile membrane. The surface would then be topped with hardcore material to a minimum depth of 500mm.
52. Temporary haul routes would be installed within the proposal site to enable access to various areas of the application site, with these being completed on a needs basis.
53. Protective measures would be put in place in terms of temporary fencing around existing vegetation and woodlands to afford protection from construction works. Whilst there are no public rights of way within the application area, where the haulage route comes closer to pedestrian areas within the golf course, a system of traffic calming measures would be put in place and warning signs erected for both the lorry operatives and members of the public using the golf course.
54. Plant and machinery used in the construction works would comprise two bulldozers, a 360-excavator, a tractor, two dump trucks, and a screener which would be used on a temporary basis for possible topsoil screening towards the final phase of the development.
55. The importation of the material and its deposit, whilst a fundamental part of the development, is for a limited period only. Once delivered to the site, the soil would then be engineered, involving the grading of the material to form the golf features and to create the final contours on the land and then re-landscaped.
56. In terms of ground preparations, and prior to any subsoil importation and grading works taking place, those areas that would be subject to a change in level would be stripped of topsoil which would be stored at appropriate locations around the perimeter of the application site, for re-spreading during the restoration phase. All stripped topsoil would be stockpiled to a maximum height of 5 metres. Imported waste soils would be brought to the construction areas using tipper lorries, dump trucks and bulldozers. With regards to subsoil grading, bulldozers and excavators would be used to shape the features in accordance with the grading plan. Trenching machines would be used to create routes for pipe-work for drainage with drainage lines being installed using slotted pipes, sunk to an average depth of 650mm, backfilled with gravel drainage medium, before finally being topped with sand and soil.
57. Upon completion of soil importation, and regrading and reprofiling works, a final phase of topsoil spreading and cultivation would restore all areas where a change in levels has occurred (with the exception of those areas where wildflower spreading is to occur, and the areas of the adventure golf, the toboggan area and the basin of the water bodies). Seeding and planting works would take place in the first available planting season, with seeding taking place either in the autumn or spring months, and the planting of trees, shrubs and aquatic species in the autumn/winter months following the completion of grading works.
58. The proposed works require the importation of approximately 119,721 cubic metre of inert waste soils to the site, using HGVs carrying an average load of 8

cubic metres per delivery. This would equate to 15,063 loads or HGV trips (30,126 HGV movements) to complete the works, based on a conversion rate of 13 cubic metres (8 cubic metres compacted) per 20 tonne HGV.

59. The proposed development would result in a maximum of 10 additional vehicle trips (20 movements) during the AM and PM peak hours. At this rate of importation, it is anticipated that this would generate 63 HGV trips (126 movements) per day. In addition to the HGV movements, a maximum of 5 staff would be required during the construction phase. It is anticipated that these construction workers would arrive outside the highway peak hours.
60. Whilst the traffic impact assessment is based on a 12 month construction period, it is anticipated that waste soils would more realistically be imported over a 12-16 month period, given that the levels of waste importation into the site would be highly dependent on the rate at which suitable materials can be sourced.
61. As identified on the HGV routeing plan (Plan 4) the proposed lorry route to the site would be from the south Nottingham Road, via Portland Road and Station Road, with direct access for construction traffic from Wigwam Lane.
62. The applicant proposes to restrict operating hours for the soil importation and construction works to the hours of 07:00 hours to 17:00 hours Mondays through to Fridays, with occasional deliveries on Saturday mornings limited to between the hours of 07:30 hours to 13:00 hours. No Sunday, Public or Bank Holiday working is proposed.

Consultations

63. **Ashfield District Council (ADC)** *No objection.*
64. *It is noted that the proposal requires significant amounts of imported soils, and consideration should be given to the amount and frequency of vehicle movements associated with the construction works, which would be required to access the site off Wigwam Lane, via Station Street or the residential road off Papplewick Lane, and its subsequent impact upon the capacity of the highway network and the amenity of local residents.*
65. *Consideration should be given to the quality of the imported soil and it is expected that these would be free from contamination.*
66. **The Environment Agency (EA)** *No objection.*
67. *There are no concerns from a planning perspective, and for the purposes of the environmental permitting regulations, the applicant has applied to the EA for 'a deposit for recovery scheme' for the site, using imported waste soils to re-contour certain parts of the golf course.*

68. *It is directed that only clean, uncontaminated surface water should be discharged to ground or controlled waters; and that any discharge to ground should not be into any area that is impacted by contamination.*
69. **Highways England** *No objection.*
70. *The proposal would have no material impact on the Strategic Road Network (SRN).*
71. **NCC (Highways) Ashfield** *No objection subject to planning conditions placing controls over the proposed access in the interests of highway safety, including controls over the provision of visibility splays, and to ensure that after the construction phase the access is only used for emergencies and not for use by the public.*
72. *It is noted that based on the number of expected visitors to the site should each facility be operating at maximum capacity, using the existing 137 parking spaces available, it is indicated that the total maximum car parking demand is 119 spaces. Therefore, the existing car park can satisfactorily accommodate the expected demand for this proposal.*
73. *The transportation of material to the site is estimated to generate 126 daily HGV movements over a 12 month period. Wigwam Lane already serves a number of industrial units and has an Annual Average Daily HGV Flow (2018) of approximately 500 vehicles. Therefore, the number of HGVs expected during the construction phase is not considered to be significant.*
74. *The vehicle routing from Nottingham Road-Portland Road-Station Road-Wigwam Lane is acceptable due to the low number of vehicles expected.*
75. **NCC (Nature Conservation)** *No objection subject to planning conditions placing controls over wetland planting mixes, aftercare, and controls over Himalayan balsam; controls over vegetation clearance during the bird nesting season (from March to August inclusive); and finally, the securing of the general mitigation measures outlined in the supporting ecological appraisal, and the protected species 'reasonable avoidance' measures.*
76. *It is noted that the application is supported by an appropriate Preliminary Ecological Appraisal (PEA). No Great Crested Newts or other reptiles were recorded on site; and no protected species would be affected. The site provides habitat for nesting birds, and vegetation clearance should be avoided in the bird nesting season.*
77. *It is noted that no trees requiring removal have the potential to support roosting bats, and that lighting would be controlled to minimise impacts on foraging and commuting bats. The Construction Environment Management Plan (CEMP) confirms no artificial lighting would be used to illuminate the works area.*
78. *The wetland planting mixes shown on the supporting landscaping plan should be amended to remove hornbeam, beech and Parsley Water-dropwort, which are not locally native or rare to the county. Regarding ongoing maintenance, it*

is advised that the proposed wildflower areas be subject to an annual hay cut, and arisings removed annually from mid-August. All of these amendments should be secured by conditions. Finally, controls should be placed over Himalayan balsam to avoid colonisation of the two new water bodies.

79. **NCC (Planning Policy)** *No objection.*
80. *It is acknowledged that there are benefits to the proposed scheme for the golf course and that the EA have not raised any issue with the amount of waste to be imported. It will be for the case officer to determine whether the information given regarding alternative proposals is sufficient to demonstrate there are no sustainable alternatives as per Policy WCS5 of the Nottinghamshire and Nottingham Waste Core Strategy (WCS) (Adopted December 2013).*
81. *Attention is drawn to the letter to the Chief Planning Officers from the Department of Communities and Local Government in 2009 regarding large landscaping development using waste, particularly on golf courses. As the scheme involves importing over 100,000 tonnes of waste soils, this is a relevant consideration.*
82. *It is also noted that the EA have issued a permit for the proposed development, concluding the scheme to be a deposit for recovery waste operation.*
83. *As outlined in the National Planning Policy for Waste (NPPW) (October 2014) recovery is 'waste which can serve a useful purpose by replacing other materials that would otherwise have been used'. As outlined by the applicant themselves, the proposed scheme would use waste instead of natural resources. The scheme therefore is classified as other recovery within the waste hierarchy. However, even as a recovery site, the scheme is still to deposit waste and so the applicant will need to demonstrate that the waste intended to be used cannot be economically recycled as per Policy WCS3.*
84. *The WCS and Nottinghamshire and Nottingham Waste Local Plan (WLP) (Adopted January 2002) do not directly reference the use of waste to undertake the described works. Considering the glossary terms and policies within the WCS, as the scheme does not propose to fill a man-made void, the proposed scheme has been considered against local waste policy as a land raising, disposal scheme. Therefore, Policy WCS5 and WCS7 would not be supportive of this application, deeming it inappropriate as it is within the Green Belt. However, there are exceptions whereby certain developments would not be deemed inappropriate, provided that the proposal preserves the Green Belt's openness and does not conflict with the purposes of including land within it. Paragraph 146 of the National Planning Policy Framework (NPPF) (2019) lists these types of development, including engineering operations.*
85. *With the EA determining the proposal to be a disposal for recovery waste operation, if the scheme is deemed therefore to be an engineering operation by the case officer, with the main principle of the work to be undertaken to improve the golf course and not to dispose of waste, then the scheme under national policy would be considered not to be inappropriate. This though would be*

providing the case officer was satisfied that the proposed scheme does not affect the purpose of the Green Belt nor its openness.

86. *Finally, the applicant should bear in mind that the proposal they are putting forward constitutes a waste development, even if it is not their primary aim to dispose of waste but to improve the golf course. Whilst the applicant states that because the scheme is not generating waste itself to be disposed of, the scheme is in line with NPPW as it reduces off-site disposal, it is pointed out that the scheme itself would be an off-site disposal of waste material, with the applicant outlining that inert material could potentially be imported into the site from nearby development schemes, though the exact source of material is stated to remain unknown.*
87. *Finally, as per policy WCS13, the proposal will need to demonstrate that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby and that this would not result in an unacceptable cumulative impact. Such considerations are outlined within the saved policies in Chapter 3 of the Waste Local Plan (2002). Of particular relevance is the amount of vehicle movements the proposal would generate and the impact of this on local amenity. For these impacts, the relevant teams within the Council and relevant external bodies should be deferred to.*
88. **Via (Countryside Access)** *No objection.*
89. *It is confirmed that there would be no public rights of way affected by the proposal.*
90. **Via (Landscape)** *No objection subject to appropriate mitigation secured by planning conditions. A Landscape and Visual Appraisal (LVA) has been provided as requested and on balance there is agreement with the findings.*
91. **Impacts on landscape character** – *the site lies within the ML18 River Leen Corridor landscape policy zone. Adjacent policy zones within the study area are visible from higher ground within the site, to the south and east within the Sherwood area (SH02 Killarney Park Wooded Farmlands and SH41 Bestwood Wooded Farmlands).*
92. *Regarding the loss of existing planting and the change in landform, in terms of the impact on the existing local landscape character of the area, it is considered that the impact would be low to medium adverse during the works and low beneficial following restoration and planting works. The longer term impacts are assessed as low due to the retention of the road access from Wigwam Lane and inclusion of additional facilities, for example, the toboggan run within the existing vegetation.*
93. **Visual impacts** – *Nine viewpoints were assessed for sensitive receptors. The impacts were shown in the applicant's photograph montages and overall there is agreement with what they depict. There are no significant effects caused by the development. It is considered that the change in visual impact will be greatest to visual receptors to the western end of Oakenhall Avenue (Viewpoint 1) who*

overlook the allotments and golf course. Here the impact will be minor adverse during the construction period, but there will be no significant effect upon completion of the works. The most intrusive change in the landscape will be tracking vehicles across a changing landscape during the 16 months of soil importation.

94. **Mitigation** – mitigation should follow recommendations set out within the Greater Nottingham Landscape Character Assessment. For the Leen Valley the appropriate landscape actions are to conserve and enhance characteristic belts of linear woodland; and to enhance woodland planting around the urban edges to enhance an increasing rural character to the area.
95. It is recommended that the following information should form planning conditions should planning permission be granted:
- Retained vegetation should be protected according to BS 5837:2012, and a detailed landscape proposals plan should be provided for replacement planting, incorporating retained trees and hedges into the design.
 - A hard and soft landscape proposals plan for the new attractions should be submitted together with detailed planting proposals; any proposed planting should be native species suitable for the Magnesian Limestone Ridge character area (excluding ash).
 - Proposals for establishment maintenance of the site should be provided by the applicant with a sustainable financial mechanism for securing ongoing management post development.
 - Ecological mitigation such as bat boxes and bird boxes should be included.
96. **Via (Noise Engineer)** No objection subject to noise mitigation planning conditions.
97. Due to the Covid 19 lockdown, the current baseline sound level surveys are not representative, so for reference purposes the noise consultant has used a previous noise survey undertaken at relevant locations in October 2014 during the AM peak (between 07:45 hrs and 09:45 hrs). This is representative of the closest noise sensitive receptors (NSR's) in Porchester Close, Netherfield Cottage and Oakenhall Avenue.
98. It is noted that the distances between NSRs locations and the site boundary, to represent the point of the worst-case scenarios, and the screening attenuation corrections used between the sources and the receivers seems to be well assumed and justified.
99. There is satisfaction that the noise assessments have considered a range of typical noisy activities and their respective predicted noise levels to represent the 'worst-case' scenarios. The sound level data from the types of machinery

that would be used for the proposed construction works has been taken from Annex C of BS 5228-1. The typical noise level sources associated with the HGV movements were also presented and described. A penalty of 2dB was applied due to the tonal aspects of the HGV reversing alarm systems.

100. *It is noted that the increase of HGV traffic flows at Wigwam Lane during the peak hour is likely to bring about an increase of noise levels of approximately 0.5dB. This increase would fall into the category of a negligible adverse effect under the criteria provided by BS 5228-1:2009+A1:2014, Design Manual for Roads and Bridges (DMRB).*
101. *Whilst the results obtained at the two nearest sensitive receptors from the BS4142 assessment indicate the potential for an adverse impact, this would represent a worst-case scenario, with all plant operating at the closest point to the receptor, which is unlikely to happen for anything other than a very short period, if at all. In actuality, the only time period for which there is an adverse impact can be reduced to those periods when the construction plant is reversing.*
102. *Overall, the proposed development is acceptable subject to controls over noise levels including any penalties as per the guidance in BS4142:2014; controls over white noise reversing alarms for plant and vehicles under the operator's control; limitations on the operational plant for each phase of works including no phases occurring concurrently; and finally controls over operational hours.*
103. **Via (Reclamation)** *No objection subject to the implementation of the materials management and surface water monitoring procedures as outlined in the application.*
104. *It is noted that the site would operate an environmental management system that would have procedures in place for the management of spillages and a robust importation protocol. This would ensure incoming materials are suitable for use and the removal of non-conforming materials.*
105. *Material import would be undertaken in strict accordance with the terms of an Environmental Permit granted and regulated by the EA, and this would set out the types of material acceptable on site, volumes to be imported and all necessary environmental controls.*
106. *The site has been designed to have an attenuation pond which would outflow downgradient. Monitoring of this pond is to be undertaken on completion of the works and the quality of the Baker Lane Brook established prior to works commencing. Data would be reviewed quarterly to ensure there are no significant changes to background concentrations and that the proposed monitoring regime remains appropriate.*
107. *The applicant has provided a robust package of environmental assessments which suggest any impact to human health and/or the wider environment from the proposal would be minimal/low risk.*

108. **Cadent Gas Limited Company, National Grid Company, Severn Trent Water Limited and Western Power Distribution**, have made no response. Any comments received will be reported orally to Committee.

Publicity

109. The application has been publicised as a departure application by means of site notices, and a press notice. Eighteen neighbour notification letters have been sent to the nearest occupiers at Netherfield Cottage, Brickyard, Oakenhall Avenue and Porchester Close, Hucknall, in accordance with the County Council's adopted Statement of Community Involvement. No representations have been received in relation to the planning application.
110. Councillor John Wilmott has been notified of the application and Councillor Ben Bradley was notified of the application when it was first submitted before the recent County Council elections.
111. The issues raised are considered in the Observations Section of this report.

Observations

Need for the development

112. The applicant's supporting statement states that the most important element to a good practice golf facility is the quality of the range outfield, which is considered integral to the business success of the golf facility. The current practice outfield falls far short of a high-class efficient range. Its frequently waterlogged condition results in long periods of closure which not only affects the members but limits an important source of income for the teaching staff and the business alike. There is a desire by the applicant to create an exceptional target outfield.
113. By carrying out this scheme of improvement works, the golf club seeks to provide year-round, high quality practice facilities and diversify its sporting and recreational facilities in an attempt to remain relevant to its members and also to generate additional income streams, to support the club's viability. The aim is to retain existing club members and attract prospective members, increasing overall membership numbers as well as attracting the increasing number of independent golfers and leisure golfers, in what the applicant states is a highly competitive and evolving market.
114. Paragraph 80 of the NPPF places a requirement on the planning system to create the conditions in which businesses can 'invest, expand and adapt'. It states that significant weight should be placed on the need to support economic growth and productivity. In this context, the economic and business arguments put forward by the applicant in support of the planning application are a material consideration in support of the proposals. However, this does need to be balanced against the other material considerations relating to amenity and environmental impacts, and compliance with waste management and Green Belt policies set out in this report.

Compliance with planning policy

115. In determining the planning application, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise.
116. For the purposes of this application, the Development Plan consists of the Nottinghamshire and Nottingham Waste Core Strategy 2013 (WCS); the saved environmental protection policies of the Nottingham and Nottinghamshire Waste Local Plan 2002 (WLP) and the Ashfield Local Plan Review (ALPR) (Adopted November 2002). It is noted that there is no Neighbourhood Plan for Hucknall.
117. The relevant national policy considerations material for this proposal are those contained within the Waste Management Plan for England (January 2021), the National Planning Policy Framework (NPPF) (February 2019), the updated Planning Practice Guidance (PPG) and the National Planning Policy for Waste (NPPW) (October 2014).

Green Belt considerations

118. The Green Belt to the east of Wigwam Lane, is identified on the Proposals Map of the Ashfield Local Plan Review (ALPR) (Adopted November 2002). Therefore, of relevance to the proposed development is the ALPR's saved Policy EV1 which states that planning permission will not be granted for inappropriate development in the Green Belt, except in very special circumstances. It identifies that appropriate development within the Green Belt can include engineering operations, which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Also of relevance is national Green Belt policy, set out in the NPPF (February 2019).
119. Since the development seeks to utilise waste soils to re-engineer the golf course, consideration needs to be given to the policies of the WCS and WLP regarding development in the Green Belt, as local policies are designed to control waste operations and ensure they are suitable and appropriate, including in terms of their location. It is, however, acknowledged that within these core local waste policies there is no direct reference to the use of waste to undertake the proposed development. Therefore, having considered the policies within the WCS and WLP, given that the scheme does not propose to fill a man-made void in line with WLP W3.17, the proposed development falls to be considered against local waste policy as a land raising, disposal scheme in terms of WCS Policies WCS5 and WCS7.
120. Whilst WLP Policy W3.17 remains as the saved Green Belt policy, it only permits waste disposal in the Green Belt where it represents the best option for reclaiming mineral workings or other derelict voids to an after-use appropriate to the Green Belt. Therefore, in terms of the proposed development, the WLP policy would not be supportive of these proposals.

121. Policy WCS7: General Site Criteria would not be supportive of this application and deem it inappropriate. As such, the proposed development would conflict with this policy given its location in the Green Belt.
122. In terms of Policy WCS5 of the WCS, disposal sites would be considered inappropriate development, and 'very special circumstances' would need to be demonstrated in line with national guidance. Paragraph 7.44 reaffirms this and provides that whilst schemes that restore former mineral workings in the Green Belt may be acceptable, land raise schemes would not be viewed as acceptable within the Green Belt due to the visual impact on the otherwise open character of the landscape. As this scheme would not be filling a man-made void or enabling restoration, in terms of the WCS it would be considered as a land raising scheme and there is no policy support for waste disposal which results in land raising. Therefore, both Policies WCS5 and WCS7 of the WCS would not be supportive of this application, deeming it inappropriate development as it is within the Green Belt.
123. In terms of national policy, the NPPF at paragraph 143, defines inappropriate development as development which is harmful to the Green Belt and as such, should not be approved except in 'very special circumstances'. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, both in terms of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations (paragraph 144). However, it is noted that there are exceptions whereby certain developments would not be deemed inappropriate, provided that the proposal preserves the Green Belt's openness and does not conflict with the purposes of including land within it. Paragraph 146 of the NPPF (2019) lists these types of development and includes engineering operations.
124. On balance, the primary principle or objective of the proposed works, is to improve the golf course rather than to dispose of waste. As such, the proposed scheme is deemed to be an engineering operation. It is noted that the imported waste soils would be used to remodel an established golf course, by regrading and reprofiling parts of the course, with the purpose of enhancing the existing sports facilities including resolving drainage issues and establishing a self-sustaining water irrigation system. Therefore, as an engineering operation, the proposed scheme, under national policy, could potentially be considered as appropriate development in the Green Belt, subject to the proposed development not affecting the purpose of the Green Belt nor its openness. These matters are now considered below:
125. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and to achieve this aim development within the Green Belt is strictly controlled. It identifies that the Green Belt serves five purposes which are: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land (paragraphs 133 and 134).

126. It is noted that the proposed development would not prejudice any of these objectives. The proposed changes to the golf course would remain within the existing planning unit and would not result in any unrestricted sprawl, nor any merging of neighbouring towns, or any encroachment into the countryside. The proposed remodelling of the golf course would mainly replicate the existing open, 'natural' golf course features, with the site remaining essentially rural and open in character. There are no designated and non-designated heritage assets within the surrounding area, and finally, the continued operation of the golf course, which is supported by this proposal, would help to ensure the continued recreational use of land associated with a former coal tipping site.
127. In terms of assessing the potential impact of development on the openness of the Green Belt, the PPG outlines that a number of material considerations identified by the courts should be taken into account including the spatial and visual aspects of openness; the duration of the development and its remediability, taking into account any provisions to return land to its original state or an equivalent (or improved) state of openness; and the degree of activity likely to be generated, such as traffic generation (Paragraph: 001 Reference ID: 64-001-20190722, revision date: 22 07 2019).
128. The term openness in the Green Belt is not defined within the NPPF, but it has been established through planning case law that there are likely to be visual as well as spatial effects on the openness of the Green Belt associated with development in the Green Belt and that inherent in the policy is the need for a judgement to be made as to whether these effects are likely to be harmful or benign. In terms of applying Green Belt exception policies in the NPPF, the concept of 'openness' and what is meant by the term 'preserve' in this context has been established. As stated, openness of the Green Belt has a spatial as well as a visual dimension but it does not mean that the openness of the Green Belt land has to be left entirely unchanged, only that the effects on openness from a development proposal must not be 'harmful', in order to 'preserve' the Green Belt's openness.
129. Case law has established that when considering harm to the Green Belt, the visual dimension should be assessed through the 'prism of openness' rather than in terms of landscape considerations. In this respect, it has been established that certain aspects should be considered, particularly whether any long-distance views would be affected or cut-off; and consideration given to the visual amenity enjoyed by current users of the Green Belt, including any public right of way running through the Green Belt area.
130. Case law has also established that the visual effect of development can, in itself, reduce the harm that development would cause to the openness of the Green Belt. In this respect, the perceived effect upon openness could be less than might be expected because, for example, 'the development would have a limited effect upon people's perception of openness from beyond the boundary of the site'. Whilst this decision may seem obvious, it leaves open the possibility that even though a site may be developed completely, provided the visibility from outside the site is limited, it may be acceptable as having no or a limited impact on the openness of the Green Belt.

131. The above judgements establish the context for assessing the impact of the proposed development on the openness of the Green Belt.
132. In terms of the visual impacts of the proposals the application is supported by a Landscape and Visual Impact Assessment (LVIA) with site photographs showing the existing and proposed (following development) Zone of Visual Influence (ZVI). The levels of sensitivity and magnitude of change from each viewpoint is set out in the LVIA.
133. The proposed works would alter the landform and for the first 10-15 years open up views within the golf course until planting matures. It is acknowledged that in terms of the spatial effects, whilst the development would not include any buildings or prominent structures, part of the practice outfield would be substantially raised, with changes in ground level of up to 12 metres towards its south-western boundary. Whilst the resulting landform would be significantly higher than the existing landform, the fact that it starts from such a low base level, in terms of backfilling the hollowed out depression within the central part of the outfield, would simply realign the outfield to create a more uniform, gently undulating topography, which slopes towards the northern end of the outfield, adjacent to the club house. As the land raising would occur in a depression already situated within the site, it is considered that the realigned landform would not appear prominent or incongruous within the landscape setting nor would it unduly obstruct or filter views across the landscape. The additional mounding would only be located in areas of need, with no overall 'blanket' raising of ground levels.
134. Although parts of the re-contoured site would have elevated ground levels, it is considered that these changes would blend into the varied topography of the golf course, with none of the works extending above any ridgeline or high ground level within the immediate vicinity.
135. It is acknowledged that the proposed modifications to the landform and the additional ancillary works would alter and bring about change to the land in this part of the Green Belt, and that any change by its very nature has the potential to introduce aspects that could potentially harm the perceived open character of the Green Belt. The proposed works have the potential to impact on visual receptors both within the site (users of the golf course) and those external to the site (primarily the users of Wigwam Lane).
136. To understand the impact, nine indicative viewpoints were assessed, all of which were sensitive receptors to the site including the nearest residential streets or localities with views towards the golf club; from Wigwam Lane looking into the site at its point of access on Wigwam Lane and from within the golf club car park where there are open views towards the practice outfield (where the main backfilling and reprofiling works are proposed) and the clearest long-distance views across the site. The impacts have been clearly shown in the applicant's photograph montages. The County Council's Landscape Architect is in agreement with what they depict and is satisfied that there are no significant effects caused by the proposed development. It is considered that the change in visual impact would be greatest to visual receptors to the western end of

Oakenhall Avenue who overlook the allotments and golf course from upper storey windows. Here the impact would be minor adverse during the construction period (from the rear 1st floor). Notwithstanding this, the photomontages depict the completion of the final landform and a period (unspecified time) following planting, and again on completion of the development, there would be no significant effect nor change in terms of long-distance views of the golf course including for those residents in Oakenhall Avenue. There is agreement that overall there would be a minor beneficial effect, as the landscaping matures.

137. There would be limited views of the proposed toboggan run through the main entrance but this element of the scheme would be set against the backdrop of the existing banked terrain and mature tree planting, the majority of which would be retained to ensure that this element is visually integrated into the setting. It is noted that the secondary access would be visible to those using Wigwam Lane, but these would be transitory views from passing vehicles.
138. There are no public rights of way within the vicinity of the golf course with views either towards or across the golf course. Those public rights of way situated in Bestwood Country Park to the south of the golf course are too distant to have views either towards, into or across the golf course. Views are not readily available or evident from any distant paths or public open spaces.
139. The proposed reprofiling of the practice outfield and surrounding golf course land, and the proposed landscaping scheme would have both spatial and visual effects in that the form of the land would appear different than that existing and whilst the replacement trees and shrubs are growing there would be an absence of mature trees within this part of the golf course. However, it is not considered that views across the golf course from either private or public areas would be harmfully affected or unduly obstructed or filtered by the proposed reprofiling of the land and the proposed landscaping. It is noted that current open views across the practice outfield and the wider golf course beyond are already partially obscured and filtered by established trees from the nearest sensitive viewpoint within the carpark area of the golf club.
140. In line with the PPG, it is considered that the reprofiling of the outfield has the potential to provide an equivalent or indeed improved state of openness to the Green Belt land within the golf club site. The proposed earthworks would not necessarily reduce the openness of the site. In this respect, whilst the works are likely to shorten the views across the site when viewed from the golf club car park, it is considered that there may be better, longer and more expansive views across the surrounding landscape from the tops of the newly profiled mounds. As such, it is considered that the re-modelled golf course has the potential to beneficially enhance the open views across the Green Belt for users of the golf course and on balance to remediate any impact or change, however limited, on the openness of the Green Belt. As such, it is considered that there would be no overall harm to the openness of the Green Belt.
141. Visual harm and/or perception of visual harm is a material consideration and it has been demonstrated through the supporting visual images from the nearest

residential receptors that there would be no significant effect upon local residents' actual views or perception of openness from beyond the boundary of the site upon completion of the development. Any attendant visual impacts would mainly be confined to more distant visual receptors, and any distant views would be viewed against the established setting of the wider golf course. Views towards the site from any public vantage points would be substantially mitigated by the extent of existing vegetation around the site, the topography of the land, and the distance from the operational golf course. Overall, it is considered that there would be no significant change to the character of the area when viewed from the surrounding area with the remodelled landform having much the same massing, scale, and 'texture' as the existing golf course. It is considered that for the majority of visual receptors outside the site, both the magnitude of change and their sensitivity to it, would be relatively minor to imperceptible.

142. Whilst there would be temporary movement of vehicles bringing in the imported material and a limited number of construction workers, activity associated with the construction phase (importation of inert waste/earthworks) would be limited in duration and a temporary impact. It is noted that the County Council's Landscape Architect has identified that vehicle movements across a changing landform, during the 16 months of importation of fill material, would be the most intrusive change in the landscape. The degree of activity likely to be generated, such as traffic generation, as outlined by the PPG, would be short-term, and would be wholly mitigated on completion of the works and in the absence of any substantial built development.
143. It is considered that the regraded and reprofiled landform and the associated ancillary works are unlikely to introduce any harmful impact, whether spatial or visual, on the openness of the Green Belt. Whilst there would be some short term negative impacts during the operational phase of the development and the proposed development would indeed makes changes to the existing landform and landscaping and would affect openness to a degree, on balance, having given detailed consideration to these matters, and having taken into account the balance of evidence presented in the supporting LVIA and the County Council Landscape Architect's comments, it seems reasonable to conclude that the development upon completion would have a neutral/benign impact in terms of harm to the openness of the Green Belt.
144. As such, it is concluded that the remodelling of previously developed land and the ancillary recreational facilities would not give rise to a greater impact on the openness of the Green Belt and collectively the proposals, in terms of spatial and visual effects, would not cause harm to the openness of the Green Belt and would preserve its essential characteristic of openness in accordance with national Green Belt policy set out in the NPPF and saved Policy EV1 of the ALPR (adopted November 2002). On this basis, it is concluded that the proposals are not inappropriate development in the Green Belt for the purposes of national Green Belt policy.
145. Referring back to Policy WCS7 of the WCS, there is an underlying premise that all land-raising developments or schemes would have visual impacts that would adversely affect the open character of the landscape making such

developments inappropriate in a Green Belt setting. This conclusion is reached without any reference to specific consideration of the actual effects of a development, which arguably would be expected to vary on a case-by-case basis. In this particular case, it has been demonstrated that the visual impact of the development is neutral/slightly beneficial and that there are no adverse effects on the open character of the Green Belt in this location.

146. There is therefore evident policy tension between the approach set out within both the WCS and WLP in relation to land-raising operations in the Green Belt and that set out in the NPPF regarding engineering operations. When local policies in the development plan and national policy pull in different directions, a judgement needs to be made regarding which policy takes primacy within the planning assessment. In terms of reaching a balanced judgement, it is important to give consideration to other material considerations, and in this respect, it is considered that a substantial amount of weight can be reasonably given to the main objective of the development, which is to facilitate the re-engineering of a golf course and that within this context, the input of waste soils is considered ancillary to achieving this objective. On the basis that the re-engineering of the golf course is the primary aim of the development rather than a disposal land raising scheme and in recognition that for the purposes of this application, there is no differentiation in terms of disposal for recovery of waste in the local waste management policies, it is concluded that on balance it is not unreasonable to give primacy to national Green Belt policy.
147. In terms of implementation of national and local policy, paragraph 213 of the NPPF states that due weight should be given to Development Plan policies, according to their degree of consistency with the 2019 Framework, and the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. In line with this direction, it is considered reasonable and balanced to give greater weight to national Green Belt policy in terms of the planning decision where there is a divergence in policy. In this instance, policy support for the development to proceed as appropriate development within the Green Belt has been demonstrated within the NPPF.
148. It is concluded that the Green Belt policies incorporated in the NPPF provides the most relevant policy by which to assess the merits of the development and on this basis, it is concluded that the development is appropriate in the context of Green Belt policy. The proposed development is compliant with the NPPF and saved Policy EV1 of the ALPR (November 2002).

Government guidance relating to large-scale landscaping development using waste

149. The Department of Communities and Local Government (DCLG) issued guidance regarding large-scale landscaping development using waste in a letter to Chief Planning Officers in 2009. It advised that particular scrutiny should be given to schemes (particularly golf courses) involving the importation of more than 100,000 tonnes of waste, to ensure that material is genuinely needed for

the development and is recovered rather than being disposed of, thereby bypassing initiatives to recycle and reuse waste material.

150. In this case, the proposed development is of a sufficient scale to warrant further scrutiny, given that it would involve utilising some 119,721 cubic metres of soils (circa 191,554 tonnes). There is a requirement to ensure that as part of these proposals the waste is being used beneficially through recovery rather than simply being disposed of.
151. In accordance with DCLG advice, the County Council has sought further information from the applicant regarding what other options had been explored to deliver the scheme of works, to demonstrate that this level of waste is actually necessary to achieve the proposed development; that excessive quantities of waste are not proposed to be imported into the site; and also to demonstrate that other options had been explored.
152. A number of alternative options had been considered by the applicant prior to submitting the planning application that is the subject of this report. A do-nothing scenario has been dismissed given that there is the need to improve the golf club facilities and enhance the viability of the club. Options to improve the operational golf course utilising on site soils and a cut-to-fill scheme were not considered viable due to limited on site materials and the level of disturbance this option would create meaning closure for the club during the construction period and the associated business impact. The scheme of works could be completed using natural clean soils, but would use a naturally occurring resource, which is discounted as a least sustainable option.
153. The applicant has put forward the proposed scheme on the basis that it provides benefits to the golf club whilst minimising disruption. The proposals would ensure that a proportionate amount of waste soils would be beneficially used within the development. It is recognised in the DCLG advisory letter that in some instances, such activities would be considered as recovery operations.

Compliance with waste management policy

154. As the proposal is to improve the Leen Valley Golf Club through the importation of waste soils, a number of policies within the WCS, the WLP and national waste management policies are considered relevant.
155. The re-engineering of the golf course seeks to utilise a significant amount of waste material and it is the importation of these waste soils into the site that needs to be considered against the waste management policy context set out within the NPPW and the WCS. This seeks to ensure that waste is managed sustainably by moving it up the 'waste hierarchy', in terms of prevention, preparing for reuse, recycling, other recovery, and finally disposal. The permanent deposit of waste soils on land, which is critical to the proposed engineering works, would be at different levels in the waste hierarchy depending on whether it is classed as a recovery or disposal activity.

156. Where the process of soil import and deposition is actually positioned within the waste hierarchy is based on whether or not the waste material is being used beneficially as a 'suitable replacement' for non-waste materials. This legal test is applied by the EA as part of its decision-making process at the permitting stage, on a case-by-case basis. If it can be demonstrated that waste material is being utilised as a suitable replacement for the use of non-waste material then such works are capable of being classed as a recovery scheme.
157. The applicant states that the EA's guidance note entitled 'Defining Waste Recovery: Permanent Deposit of Waste on Land' has informed the proposed development. This identifies that the landscaping of a golf course can be considered a recovery operation where a number of specific criteria are met. These include:
- Demonstrating that the soils would provide genuine benefit;
 - Provision of evidence to demonstrate that excessive soils are not being used to achieve the intended landform;
 - Materials already on the site cannot be used;
 - Detailed drawings are presented to show how the soils would be used on site;
 - The soil types are suitable for use, and
 - The soils would provide lasting benefit.
158. As stated, waste recovery, as applied by the EA, is when the main aim is replacing a non-waste material that would have been used in the operation with a waste material that performs the same function. The applicant states that the use of inert, third-party waste material to complete this proposal is capable of being considered a recovery operation and not a disposal activity because there is a clear need to improve the practice driving range and associated facilities from a practical, financial and social aspect; the waste soils would be used to improve and re-engineer a beneficial landform; the use of waste soils would preserve natural soils that would otherwise have to be used for this purpose; the same design outcome would be achieved regardless of whether non-waste or waste were to be used; soils are not available on site which could be used and the works would provide a lasting benefit; the minimum volume is being imported; and engineering and environmental quality standards would be applied.
159. In this particular case, a decision has been made by the EA to class the proposed development as a recovery activity for the purposes of the permitting stage. Any re-profiling and re-grading works to the golf course, would be required to take place in accordance with an EA approved Waste Recovery Plan. This seeks to place controls over the types of wastes deemed suitable for completing the works.

160. It is acknowledged that there are benefits to the proposed scheme for the golf course and that the EA has not raised any issue regarding the amount of waste proposed to be imported into the site. It is also noted that the EA has issued a permit for the proposed scheme and has concluded that the scheme is a deposit for recovery waste operation. As outlined in the NPPW (2014) recovery is 'waste which can serve a useful purpose by replacing other materials that would otherwise have been used'. It is acknowledged that the proposed scheme would use waste soils instead of natural resources. Therefore, the scheme is classified as other recovery within the waste hierarchy. However, even as a recovery site, the scheme is still to deposit waste and as such, there is a requirement on the part of the applicant to demonstrate that the waste intended to be used cannot be economically recycled as required under WCS Policy WCS3.
161. As outlined in the WCS at paragraph 7.10, the WCS aims for 70% of all waste to be recycled or composted by 2025, reducing the amount of waste to be disposed of to 10% (paragraph 7.14). The WCS presumption therefore is to support facilities that are higher up the waste hierarchy, with WCS Policy WCS3: 'Future waste management provision' outlining that proposals will be assessed as follows:
- a) priority will be given to the development of new or extended waste recycling, composting and anaerobic digestion facilities;
 - b) new or extended energy recovery facilities will be permitted only where it can be shown that this would divert waste that would otherwise need to be disposed of and the heat and/or power generated can be used locally or fed into the national grid;
 - c) new or extended disposal capacity will be permitted only where it can be shown that this is necessary to manage residual waste that cannot economically be recycled or recovered.
162. Even as a recovery site, the proposed development would still fall to be determined under criterion (c) and so would need to demonstrate that the materials being imported into the site cannot be economically recycled or recovered. Supporting information that accompanies the application describes the waste as soil that would not include litter or putrescible or biodegradable matter and would be in accordance with the EA approved materials protocol. It does not though detail where the waste material would be sourced nor evidence that the waste to be used within the proposed scheme cannot be recycled or recovered and so handled higher up the waste hierarchy.
163. In this respect, in terms of applying the test set out under criterion (c), the applicant has not been able to demonstrate unequivocally that the only waste material that would be imported into the site would be residual inert waste that cannot economically be recycled or recovered.
164. It is noted that due to the difficulty in timings and the scale of the scheme, source material is yet to be confirmed. It is stated that suitable material near to

the golf course would be recovered and used without treatment from as close to the site as possible, within a radius of approximately 20 miles. Local construction and engineering projects are expected to result in suitable inert waste material being made available, and the applicant references this as material that could be re-used (without treatment) at the golf club rather than being disposed of at landfill or potentially recycled, at a higher point in the waste hierarchy.

165. There would undoubtedly be, in the mix of waste materials imported into the site, residual inert waste that by its very nature cannot be economically recycled or recovered and is compliant with WCS Policy WCS3. However, it is acknowledged that this is unlikely to make up all the imported waste, and indeed the applicant states that there would be material in any mix of waste that could potentially be recycled for use in other construction projects.
166. Whilst it is recognised that there are controls in place under the environmental permit's protocol to ensure that materials used are suitable for this type of recovery operation, there is tension between what is permissible under this protocol and the requirements of criterion (c) of WCS Policy WCS3, which stipulates that import material shall be restricted to residual waste only, which cannot be economically recycled or recovered. There is therefore some divergence or conflict with this policy. The proposal is capable of fully acceding with this policy if a planning condition were to be imposed restricting waste soil imports to reflect this policy. However, notwithstanding this, it would appear reasonable to consider whether there are any material considerations to justify an exception to this policy given the wider merits of the proposal.
167. The development, which is capable of being classed as recovery, would drive waste higher up the waste hierarchy than a purely disposal activity, in accordance with local and national waste management policy, and the operations would facilitate both a process of recovering the soils and bringing them to a beneficial use. The proposals would ensure that natural soil resources are not sourced for the re-profiling and re-grading works, and the use of a mix of materials, all of which would be in compliance with the EA's protocol of acceptable waste materials for a recovery operation, would ensure that the scheme is completed in a timely manner using appropriate waste material. Within the mix of import waste material, it is anticipated that there would be an element of waste that is compliant with WCS Policy WCS3, and that the proposed scheme would provide some capacity for managing residual waste that cannot economically be recycled or recovered. Therefore, on balance, it is considered that there are material considerations to justify an exception to this policy, given the wider sustainability merits of the proposals.
168. WCS Policies WCS5 (Disposal Sites for Non-Hazardous and Inert Waste) and WCS7 (General Site Criteria) identify the locations where preference will be given to the development of new inert waste disposal facilities. WCS Policy WCS7 has been considered in the Green Belt considerations section of the report, and it has been established that the policy does not support 'land-raise' activities involving waste material within the Green Belt.

169. WCS Policy WCS5 acknowledges that where there is a need to provide additional waste disposal capacity for inert waste, the policy is supportive of disposal schemes on greenfield sites only as a last resort in the sequential listing, being the least favoured location for disposal.
170. The policies do not differentiate between recovery and disposal operations, based on an assumption that any inert waste, which cannot be recycled, is disposed of within a disposal facility. There is no identification in the plan that some of these disposal sites may be classed as recovery operations, and therefore no differentiation between the two processes, or recognition that they are ranked differently in the Waste Hierarchy, but these policies are nevertheless relevant to this planning application.
171. It is recognised that some waste material cannot be recycled or recovered and therefore residual waste would need to be disposed of. Assuming a 70% recycling rate and 10% of waste to be disposed, the WCS calculates additional capacity required to meet future waste arisings, which includes 3.2 million cubic metres of void space for inert disposal as detailed in Table 6. It is noted that a number of inert waste disposal facilities have come on stream since the WCS was adopted, which assist in reducing the capacity shortfall. Notwithstanding this, with a shortfall in capacity around the main urban area of Nottingham and Mansfield/Ashfield, WCS Policy WCS5: Disposal sites for hazardous, non-hazardous and inert waste gives priority to sites within this urban area.
172. As such, the proposal site is geographically well located within Nottingham to provide a facility in close proximity to the shortfall area. The golf course re-engineering works at Leen Valley Golf Course could potentially provide 0.12 million cubic metres of inert waste disposal or deposit capacity and therefore could potentially make a small but positive contribution in terms of addressing this shortfall.
173. Whilst this proposed development would fall within the preferred area and contribute to the additional capacity identified, as outlined in paragraph 7.28 additional inert capacity would be expected to be met by extensions and existing and future mineral voids and so the preference for disposal sites as detailed in WCS Policy WCS5 are:
- a) extensions to existing sites;
 - b) the restoration and/or re-working of old colliery tips and the reclamation of minerals workings, other man-made voids and derelict land;
 - c) disposal on greenfield sites where there are no other more sustainable alternatives.
174. Whilst the golf course is on a previous colliery tip, the site has been fully restored and so in terms of WCS Policy WCS5 the site would be considered a greenfield site, thus falling into the last preference in terms of the sequential listing criteria above and so would need to demonstrate that other alternatives have been considered. The applicant has identified why the improvements are needed for the operation, safety and maintenance of the golf course.

Consideration has been given to alternative schemes, using less imported waste material, and an assessment made of whether these could achieve the desired improvements.

175. A well-draining practice range outfield is considered vital and slopes of between 3% to 5% gradient are essential for rapid drainage to the south, (to the lagoon and attenuation basin). The range is 250 metres long, so even a 1% slope would only result in a 2.5metre lift at its furthest end, which is not a sufficient enough fall for a winter facility or a high-class efficient range. The grading design not only seeks to create a uniform, visible outfield with good topsoil and drainage infrastructure but also seeks to create a water harvesting scheme whereby any surface-water on the outfield would be collected and pumped to a newly created irrigation lagoon. As the outfield range would have the minimal percentage incline (4%) required for efficient drainage, accordingly a reduced amount of waste material would be involved in delivering the proposed scheme. The applicant has confirmed that the minimal volume of waste material has been used in terms of achieving a balanced design, and the necessary outcomes.
176. It is acknowledged that the design outcomes could be achieved using non-waste materials and it would be feasible to do so. The use of non-waste material has been considered, and whilst this would achieve the same design outcome, it is not considered a prudent use of valuable natural resources when there is the potential to re-use existing resources in the form of inert waste soils to achieve the same design outcome. The proposed waste recovery operation therefore seeks to replace a non-waste material with a waste material that performs the same function.
177. Alternative schemes have been considered, involving using material that is already on site. However, because the golf course is confined and holes are located close together, there is not enough space to carry out the large 'cut and fill' exercise that would be required, without disrupting the day-to-day operation of the 18-hole golf course, given that the works would necessitate a significant level of woodland clearance, the creation of significant haul routes across the course and the storage of substantial amounts of topsoil material. Given these constraints, identified disturbances, and wider negative landscape impacts, as well as the amount of available material not being of sufficient quantity to achieve the final design proposal, using material that is already on site is not considered either a practical or viable option.
178. There is therefore no realistic option of undertaking a 'cut and fill' operation to re-engineer the topography of the site using on-site material, and any works to re-contour the site would require backfill materials to be imported. There is insufficient on-site material to build up the necessary contours to construct the final necessary landform.
179. The use of imported waste would allow the practice outfield and the 16th green area to be re-engineered to provide the drainage falls that are required to achieve the self-sustaining water harvesting scheme which is a primary objective of this scheme. It would also achieve an efficient drainage system

across this part of the golf course. These improvement works are necessary if a high-quality practice outfield and surrounding greens, are to be delivered.

180. It is noted that the site is not proposed as a waste disposal site but that the waste material is an integral and necessary part of the engineering operations, with the primary purpose being the backfilling operations for which the material is required. The applicant states that the proposals accord with good golfing design and safety practices and represents the minimum requirements to achieve the design and safety measures of the design brief.
181. In terms of assessing the proposed development, it is recognised that the WCS does not differentiate between disposal and recovery operations. In this context, if the proposals were to be assessed strictly as a disposal activity, Leen Valley Golf Club is appropriately located in a relatively sustainable location, in close proximity to Nottingham, within the main shortfall area identified by WCS Policy WCS5. However, as a greenfield site, it is the least favoured option, under the policy's sequential criteria listing. Notwithstanding this, it is considered that the applicant has put forward a reasoned case in terms of demonstrating that the amount of waste proposed to be used is proportionate and the minimum amount required to achieve the objectives of the improvement works. It has been further demonstrated that there is no other viable alternative other than the least sustainable option, which is to use natural clean soil resources. Therefore, on balance, it is considered that the applicant has demonstrated there is a justified need for the waste material at this particular site, to beneficially improve the golf course facilities, and to enhance the golf club's viability in what is understood to be a highly competitive market. These are benefits that would not be derived if an alternative site were to be developed. On this basis, it is determined that there are no sustainable alternatives, in the context of this development and WCS Policy WCS5 and that as such, the proposal is in accordance with this policy.
182. In terms of the location of the proposal site, it is considered appropriate development in the Green Belt in accordance with the NPPF as an engineering operation, which has been assessed as preserving the openness of the Green Belt and the purposes of including land within it. As such, there is no requirement to demonstrate 'very special circumstances' under Green Belt policy. In terms of the location of the development site, it is therefore considered appropriate in the context of Policy WCS5 of the WCS.
183. The proposal could potentially contribute to the sustainable management of inert waste enhancing the movement of waste soils up the waste hierarchy, as a recovery operation. Therefore, it is considered that there are wider sustainability benefits that could potentially support the proposal. WCS Policy WCS1 incorporates a presumption in favour of sustainable development. The management of waste within a recovery facility would be more sustainable than that within a disposal facility. As a recovery activity, the operations would facilitate a process of recovering the soils and bringing them to a beneficial use in accordance with this policy, promoting resource efficiency and preserving natural material resources. There is compliance with WCS Policy WCS1.

184. In conclusion, in terms of assessing the proposed development, in the context of waste management policy there is considered support for the improvement works to Leen Valley Golf Course. On balance, the applicant's supporting evidence points to this development being a deposit for recovery waste scheme, and it is accepted that the primary objective is to improve the golf facilities rather than to dispose of waste. It is therefore preferable, as a recovery operation, in terms of the waste hierarchy. It is acknowledged that although a recovery operation, the scheme is still to deposit waste soils, and that the facility could potentially contribute in terms of addressing the shortfall in disposal capacity, as identified in the WCS. The proposed development would provide an element of waste management capacity in proximity to the main waste generating areas of Nottingham, and as such, would potentially contribute towards the objectives of WCS Policy WCS11, in terms of reducing the distance waste is transported.

Assessment of environmental and amenity considerations

185. WCS Policy WCS13 supports waste management development only where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby and where this would not result in an unacceptable cumulative impact. In this respect, of particular relevance is the amount of vehicle movements the proposal would generate and the impact of this on local amenity. These effects are considered below.

Traffic considerations

186. WLP Saved Policy W3.14 indicates that planning permission will not be granted for activities associated with waste management facilities/activities where the vehicle movements likely to be generated cannot be satisfactorily accommodated on the highway network or where such movements would cause unacceptable disturbance to local communities. This is the key policy against which to assess the traffic impact of the development.
187. Paragraph 109 of the NPPF states that development proposals should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe. Paragraph 102 of the NPPF seeks to ensure that the potential impacts of the development on the transport networks are addressed. Also of relevance is WCS Policy WCS11 (Sustainable Transport) which aims to make the best use of the existing transport network and minimise the distances travelled in undertaking waste management.
188. A supporting transport statement has been submitted in support of the proposed development. This has given consideration to the anticipated traffic flows associated with the proposals and the capacity of the local highway network to accommodate the resulting traffic. Whilst it is anticipated that the improvement works could take up to 16 months to complete (depending on the availability of

waste soils), the transport statement has assessed traffic impacts over the anticipated minimum construction period of 12 months.

189. The transport statement identifies that waste soils would be delivered to the site in 8 wheel tipper lorries, which can typically carry approximately 8 cubic metres of soils per delivery. Given this rate of input, 15,063 lorry loads of soil would be required to complete the works. Over a 12 month delivery period this would equate to 63 deliveries a day, with a maximum of 10 HGV trips (20 two-way movements) during the morning and evening peak hours.
190. Transport movements would only take place during the proposed operational hours. HGV traffic would import waste soils into the site during normal working hours, which for the purposes of this development would be controlled to between the hours of 07:00 hours to 17:00 hours Mondays to Fridays, with no weekend, Public or Bank Holiday deliveries permitted. Controls would be imposed through a planning condition to limit the delivery hours to between 07:00 to 17:00 hours Mondays to Fridays.
191. The proposed HGV route to the site would be from the south via Nottingham Road, Portland Road and Station Road, with direct access for construction traffic from Wigwam Lane. It is considered that an appropriate and adequate vehicle routeing scheme has been put in place to minimise the impact of HGV traffic on local communities and the nearest sensitive residential receptors to the site, along and within the vicinity of Wigwam Lane. The proposed route would ensure that delivery vehicles would not travel through Hucknall town centre. The County Highways Authority has not raised any concerns regarding the lorry routing.
192. WLP Saved Policy W3.15 states that WPAs may impose lorry routing restrictions upon waste development. It is considered that in this instance, in order to ensure that the prescribed lorry route put forward by the applicant is followed, planning conditions would be imposed requiring a traffic management plan to be submitted to the County Council which would outline the agreed lorry route and set out a procedural mechanism for implementing it. Planning conditions would also require clear directional signage at the access point onto Wigwam Lane. As such, subject to planning conditions, the proposed development would accord with WLP Saved Policy W3.15.
193. Wigwam Lane already serves a number of industrial units, situated on its western side directly opposite the golf club, and has an Annual Average Daily HGV Flow (2018) off approximately 500 vehicles. Given this baseline traffic flow data, the County Council's Highway Authority considers that the number of HGVs expected during the construction phase would not be significant, in terms of impact on Wigwam Lane. It is considered that the local highway network, including Wigwam Lane, has sufficient capacity to accommodate the predicted levels of traffic, and the vehicle routing is acceptable to the Highway Authority. The addition of a further 63 vehicles per day does not represent a significant intensification in traffic volumes and would not interfere with the flow of vehicles. It is, however, considered appropriate to impose a planning condition to ensure controls over the upper limit of lorry movements.

194. The levels of traffic that would be added to existing flows as a result of the proposed development would have no significant impact in terms of road safety; and the junctions along the lorry route would continue to operate within their design capacity. It is therefore considered that the proposed lorry movements associated with the construction operations would not materially impact on the safety of the local highway network, including Wigwam Lane given the less than significant level of lorry movements associated with these proposed operations when considered against the traffic baseline levels.
195. Supplementary information in the form of a Highway Technical Note has been submitted by the applicant, which provides details relating to the parking provision for both the existing and proposed golf/recreational uses at the golf club. This gives an indication as to expected visitor numbers to the site should each facility be operating at maximum capacity, using the existing 137 parking spaces available. The summary indicates that the total maximum car parking demand would be 119 spaces, and that therefore, the existing car park can accommodate the expected demand for this proposal. The County Council's Highway Authority is satisfied that there continues to be sufficient on-site parking provision.
196. The County Council's Highway Authority is satisfied the access arrangements to serve the development meet with the necessary standards for safe visibility. The development is capable of complying in the interests of highway safety, subject to maintaining appropriate visibility splays at the entrance to the emergency access off Wigwam Lane for the life of the development; and controls to ensure the temporary access shall be retained for emergency access only and not for general use by the public. Planning conditions would seek to place controls over both the visibility splays to ensure they are safety compliant and controls over the secondary access off Wigwam Lane to ensure it complies with its functional role initially as a temporary haul route for delivery lorries and then over the longer term for emergency access only.
197. A Construction Environmental Management Plan (CEMP) has been submitted in support of this development. It is noted that the CEMP has provided a comprehensive construction management plan for the proposed works, with the construction method statement placing controls over contractors' parking, loading, unloading and storage of plant and materials and provision of wheel wash facilities to prevent material such as mud from contaminating the public highway network. Planning conditions would be put in place to secure and implement these measures for the duration of the construction phase. As such, the proposals would comply with WLP Policy W3.11, which seeks to prevent mud and other detritus entering the public highway.
198. In terms of providing provision for the deposition of waste soils within close proximity to the shortfall area in Nottingham, the proposals would potentially ensure shorter journey times for local waste operators, thereby delivering a reduction in waste miles and associated carbon emissions. In terms of the proximity principle, the proposal therefore accords with WCS Policy WCS11 (Sustainable Transport) in terms of making better use of the existing transport

network and minimising the distances travelled in the managing of local waste material.

199. Overall, the proposed development would not have a material impact on either the surrounding local road network, or the closest strategic routes. Subject to the imposition of planning conditions, it is concluded that the highway network is capable of satisfactorily and safely accommodating the vehicle movements associated with this development including peaks in vehicle movements; and that the vehicle movements would not cause an unacceptable impact on the environment and/or disturbance to local residential amenity. Overall, it is concluded that there are no identified cumulative traffic effects associated with the proposals, particularly when consideration is given to the number of additional HGV's that would use Wigwam Lane, as a result of this development. There would be a less than significant effect on this part of the lorry route.
200. The development therefore complies with WLP saved Policies W3.14 and W3.15, the NPPF paragraph 109 and the objectives of Policy WCS13 of the WCS.

Noise

201. Saved Policy W3.9 of the WLP seeks to ensure that waste developments do not cause unacceptable adverse noise impacts by ensuring the protection of sensitive receptors and the use of planning conditions where necessary to control noise emissions. The policy advises restrictions over aspects such as operating hours; sound proofing plant and machinery, alternative reversing alarms, and setting maximum noise levels to help minimise noise impacts.
202. The re-engineering and backfilling operations associated with the scheme of improvement works to the golf course would introduce plant and machinery (including excavators, bulldozers and haulage vehicles) into a sports/recreational facility, all of which would generate noise emissions to varying degrees.
203. An assessment has been undertaken to consider the magnitude of noise emissions to the nearest sensitive residential receptors from both off-site lorry movements associated with waste soil imports into the site and the on-site operations associated with backfilling operations and associated ancillary engineering and construction works. The noise assessment references the guidelines from the Joint Guidance provided by the Institute of Acoustics and the Association of Noise Consultants for use during the Covid-19 pandemic to assess noise levels at the closest noise-sensitive receptors (NSRs).
204. It is noted that the noise assessment has been undertaken following the methodologies proposed by the BS:4142:2014 + A1:2019, BS: 5228-1:2009+A1:2014, the Calculation of Road Traffic Noise (CRTN) and the Design Manual for Roads and Bridges (DMRB). Whilst the assessment methodology prescribed by BS 4142 would typically be used to assess impacts from long-term or permanent operations rather than installations of a temporary nature, it

has been used in response to a specific request from the EA to use this methodology since the works involve the use of recovered waste materials. BS 5228-1 is the standard more typically used to assess noise arising from construction activities and its methodology has therefore been used to predict noise levels arising from the proposed works at the nearest sensitive receptors. The BS 4142 methodology has then been applied to assess the likely impact arising from those predicted noise levels arrived at under the BS 5228-1's methodology.

205. As the proposals would also result in an increase in HGV traffic on the surrounding roads, impact resulting from noise levels associated with increased road traffic has been assessed using the guidance given in the CRTN and DMRB. The CRTN is the standard method applied to assessing road traffic noise based on traffic flow, percentage of heavy vehicles, traffic speed, the gradient of the road and the road surface. The DMRB assesses the effects of highway noise and vibration from construction operations, based on the magnitude of impact arising from change in road noise levels, for what would be short-term changes in the case of these proposals.
206. Due to the Covid 19 lockdown and the circumstances surrounding it, the general significant decrease in traffic and associated traffic noise means that any current baseline sound level surveys would not be representative of 'typical' daily activities. To overcome this constraint, and to establish baseline background noise levels for the proposed development, a previous noise survey undertaken in October 2014 (between the hours of 07:45 and 09:45 hours) has been used, with this being considered more representative in terms of the nearest NSRs. In this respect, background sound level ranges of 47 to 51 dBA were recorded over the 2 hour stretch for three near locations to the site, identified as receptors 1, 2 and 3 (see tables set out below in this section).
207. It is noted that the County Council's Consultant Noise Engineer is satisfied that both the distances between the nearest sensitive receptors and the site boundary accurately represent the 'worst-case' scenarios, and that the screening attenuation corrections used between the sources and the receivers are both justified and well assumed. A screening attenuation value of 5 dB has been applied to receptors 1 and 3 and a screening attenuation value of 10 dB applied to receptor 2. The noise assessments are also confirmed as satisfactory, having considered a range of typical 'noisy' activities and their respective predicted noise levels, to represent the 'worst-case' scenarios.
208. It is noted that the sound level data from the types of machinery proposed to be used during the improvement works has been taken from Annex C of BS 5228-1. These comprise a tracked excavator; a dumper (Benford 9000), a 24 tonne bulldozer, and finally, a tractor (towing equipment).
209. The typical noise level sources associated with the HGV movements have also been satisfactorily presented and described, including applying a 2dB penalty due to the tonal aspects of the HGV reversing alarm systems, as have the construction phases which have been assessed individually, and are described below:

- Phase 1 – import material and raising earth level – bulldozer;
 - Phase 2 – replacing topsoil – excavator and dumper;
 - Phase 3 – shape the ground surface – bulldozer;
 - Phase 4 – cultivation and seeding – tractor.
210. BS5228-1 is the generally accepted industry best practice for controlling noise and vibration from works on construction sites and as stated contains a methodology for estimating construction noise levels as well as recognised methods for mitigating excessive noise levels. Annex E of the standard considers the 'significance of effects' of construction noise and identifies that noise generated by construction activities is 'significant' if the total noise (pre-construction ambient plus construction noise) exceeds the pre-construction ambient noise by more than 5 dB(A), up to a maximum level of 65dB LAeq,1hr during the daytime period.
211. Indicative results of the noise survey are set out in the tables below. To provide a worst-case assessment, this was based on noise sources operating at the closest point within the site to each of the three receptors.
212. Noise modelling has been undertaken for each of the four phases of working based on the methodologies set out earlier. Predicted noise levels from construction plant activities at each receptor location during each phase of the proposed work have been assessed and quantified. The results of the noise assessment for Phase 1 and Phase 3 are set out in the table below, given that the noise levels at the noise sensitive receptors would be highest during these particular phases of the construction works.

Assessment location and phase of the operations	Predicted noise level, dB LAeq,1hr	Distance to receptor (m)	Screening correction, dB
Phase 1 – import material and raising earth level			
Receptor 1 (2, Porchester Close)	49	185	-10
Receptor 2 (Netherfield Cottage)	47	250	-10
Receptor 3 (38, Oakenhall Avenue)	46	275	-10
Phase 3 – shape the ground surface			
Receptor 1 (2, Porchester Close)	49	185	-10
Receptor 2 (Netherfield Cottage)	47	250	-10
Receptor 3 (38, Oakenhall Avenue)	46	275	-10

213. The cumulative noise level at the identified receptors from both HGV movements and construction activities is presented below. These figures have used the worst-case plant noise levels taken from Phases 1 and 3.

Assessment location	Address	Distance to receptor (m)	Predicted noise level, dB LAeq,1hr
Cumulative impact (HGV movements and construction activities)			
Receptor 1	2, Porchester Close	185	49
Receptor 2	Netherfield Cottage	250	47
Receptor 3	38, Oakenhall Avenue	275	46

214. The calculations have been based upon the worst-case scenario, where the peak hour of HGV activities and the likely worst-case scenario in terms of construction plant activity have been assessed cumulatively. The data identifies the worst-case scenario, where the proposed site workings would be undertaken at the closest point to the identified property. Actual noise levels are therefore considered likely to be lower for much of the improvement works.
215. It is noted that the predicted levels are all less than the 65dB LAeq,1hr level set out within BS5228-1. Notwithstanding the above noise data, construction activities would be likely to be audible for those periods of time when works are closest to the receptors, but not to any significant level. Based on the predicted worst-case cumulative noise levels at the nearest receptors, it is considered likely that the plant and HGV noise levels could exceed the background noise level in some locations by up to 2 dB. However, in terms of the context of this, in actuality, the only point at which the rating level would exceed the existing background noise level is when the correction of 2 dB is applied for a tonal reversing alarm. This indicates that the actual time period for which there would be an adverse impact would be limited to those periods when the construction plant is reversing.
216. BS5228-1 indicates that adverse impacts from construction noise sources are only likely to occur when the ambient level during construction exceeds the pre-construction ambient noise level at the receptor by more than 5 dB, and as stated, the ambient noise level during construction exceeds 65 dB(A). It is noted that for the duration of the proposed works, neither of these conditions would be met at any point.
217. With regards to the increase of HGV traffic flows at Wigwam Lane during the peak hour, it is noted that this is likely to bring about an increase of noise levels of approximately 0.5dB. This increase would fall into the category of a negligible adverse effect for both the short and long term, under the criteria provided by DMRB.

218. The County Council's Consultant Noise Engineer is satisfied that the proposed development is acceptable subject to controls over noise levels. Planning conditions would seek to ensure that noise levels attributable to the site operations do not exceed the noise levels stated in the cumulative table above; that there are controls over white noise reversing alarms, for plant and vehicles under the operator's control; limits on the operational plant for each phase of works as outlined above together with no two phases occurring concurrently; and finally, that operational hours are restricted to 07:00-17:00 hours Mondays to Fridays with no operations occurring on Saturdays, Sundays, and Bank and Public Holidays. This final matter slightly amends the proposed hours of operation sought planning permission, which proposed some deliveries of restoration material on Saturday mornings. Such deliveries would not be permitted.
219. It is concluded that residential amenity in respect of noise would not be adversely affected by the proposals, subject to planning conditions. Any impact would be less than significant and for a temporary period of 12 to 16 months and restricted to between the hours of 07:00 hours to 17:00 hours Mondays to Fridays. As such, the proposed development would accord with WLP saved Policy W3.9 and the NPPF.

Ecological impact

220. Paragraph 175 of the NPPF supports developments which incorporate biodiversity improvements, especially where this can secure measurable net gains for biodiversity. Paragraph 170 states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
221. The development is supported by a Preliminary Ecological Appraisal. It is identified that the site is dominated by amenity grassland under regular management as part of the golf course, with smaller areas of semi-improved grassland, scrub and young plantation trees. It is noted that the proposed development would not directly affect any Local Wildlife Sites. The ecological survey indicates that this is a site of inherently low ecological value and is species-poor.
222. The habitats present, whilst not of significant ecological value in their own right, are nevertheless suitable to support a number of protected species.
223. It is noted that whilst the mosaic of rough grassland and scrub (with apparently suitable basking areas) does appear suitable for more common species of reptile, such as Common Lizard, there is nothing to indicate that there are reptiles within the search area, with none having been recorded. No protected or notable species have been recorded within the site nor would any be affected by these proposals. Notwithstanding this, precautionary measures have been recommended in the supporting information and supported by the County Council's Nature Conservation Officer; and would be secured under planning controls. In this context, a pre-commencement habitat survey for protected

species and other precautionary measures would provide mitigation for potential species-specific impacts. Planning conditions would ensure that any protected species has been appropriately accounted for, prior to the start of works.

224. The re-development works would have no significant ecological impacts. The site provides habitat for nesting birds, which is capable of being suitably mitigated by avoidance of vegetation clearance during the bird nesting season. This would be secured by way of a planning condition. None of the trees that require removal have the potential to support roosting bats, nor would any artificial lighting be used to illuminate the works area.
225. It is noted that the remodelling of the golf course area would provide bodies of water with regards to the proposed attenuation basin and storage lagoon. Both of these features would have the potential to support biodiversity.
226. As part of these proposals, a landscaping scheme has been designed to provide habitat and develop ecological interest within the site, including species rich grassland with woodland and shrub planting, using locally sourced, native species. The low-nutrient soils across the golf course would ensure the development of species-rich grassland sward.
227. The landscaping would also include extensive areas edging the outfield planted up with a wildflower meadow mix, and wetland areas. Once established this has the potential to contribute significantly in terms of introducing ecological interest into the proposal site. Planning conditions would seek to ensure that the ecological benefits are maximised by ensuring that appropriate wildflower seed mixes are sown and that the wetland planting mixes comprise locally native species. Other planning conditions would secure controls over specimen tree species; a methodology for the establishment and ongoing management of the soft landscaping; and suitable shrub planting for bird nesting habitat and foraging habitat for other faunal species. Finally, planning controls would be placed over Himalayan balsam to mitigate any potential impact to the proposed water bodies. Subject to planning conditions, the planting scheme would introduce ecological benefit to the site in accordance with WCS Policy WCS13, which encourages waste development to maximise enhancements to the local environment through landscape schemes; and in accordance with the NPPF and NPPW.

Landscape and visual impact

228. WLP saved Policies W3.3 and W3.4 seek to minimise the visual impact of waste developments. Chapter 15 of the NPPF seeks to conserve and enhance the natural environment.
229. The planning application is supported by a Landscape and Visual Impact Assessment (LVIA) which defines the baseline landscape character and visual context of the site and the wider study area. It has sought to quantify the anticipated effects of the proposed development on both the landscape character and in terms of visual amenity.

230. The site is identified as lying within the ML018 River Leen Corridor landscape policy, with adjacent policy zones to the south and east within the Sherwood area (identified as SH02 Killarney Park Wooded Farmlands and SH41 Bestwood Wooded Farmlands).
231. The River Leen Corridor is characterised by relatively low-lying farmland with a flat to gently undulating landform, with woodland, hedgerows and scrubby vegetation which often filters views to the urban edges. The woodland is characteristically linear, with closely managed linear woodland a feature of the golf course.
232. Impacts from the development on the landscape character areas are assessed as being low to medium adverse at the construction stage for the River Leen Corridor policy zone and low adverse to negligible for the two landscape policy zones within Sherwood. Fifteen years on from planting, subject to maintenance operations and management of the site during the establishment period, there would be an overall low beneficial effect for these three landscape policy areas. The County Council's Landscape Architect considers that the longer-term impacts are low beneficial rather than medium beneficial as assessed in the LVIA because the access road is proposed to be retained and also because of the inclusion of additional recreational facilities in the scheme of works.
233. In terms of the visual impact on the landscape, this would involve some relatively limited tree removal and vegetation clearance including along a stretch of the western boundary to Wigwam Lane to facilitate the construction of the access road. This would open up views into the site from a short section of the public highway. However, it is anticipated that these views would be intermittent and fleeting from vehicles passing by. There is no residential development opposite the entrance, with development limited to industrial/business units on the western side of Wigwam Lane.
234. Landscape impacts would be limited to more localised disturbance of what is mainly amenity grassland.
235. Some temporary visual impacts would occur as a result of initial earthworks, with the stripping of amenity grassland and topsoils, and the placement of soils into storage mounds. These works would be undertaken on a phased basis to minimise the amount of affected land at any one time. Following completion of the regrading/reprofiling of the land, the site would be re-seeded and returned to amenity grassland. The scheme would involve wider landscaping, including woodland and shrub planting, a wildflower meadow mix and wetland planting to give visual interest across the site for users of the golf course.
236. Although parts of the re-contoured site would have elevated ground levels, these changes would be visually integrated into the varied topography of the golf course, with none extending above any ridgeline or high ground levels within the area. Once the site is re-seeded and landscaped the visual impact from the changes to the ground level would be negligible, albeit that the additional landscaping over the longer term would have some beneficial visual

effects. The additional landscaping would enhance the visual appearance of the site. WLP Policies W3.3 and W3.4 are therefore satisfied.

237. In terms of the visual impact of the adventure golf facility and the toboggan run, these features would include soft and hard landscaping in the form of trees, grasses and shrubs; and a number of low-level boulder features/rock features and pathways. The toboggan run would be located to the immediate east of the existing car park and as such, there would be direct views towards it from the main entrance to the golf club from Wigwam Lane. However, a photomontage of this viewpoint demonstrates that the visual impact would be less than significant and that landscaping which is proposed as part of these proposals would integrate the toboggan run into the existing setting. In terms of the visual envelope from Wigwam Lane, the toboggan run would be barely visible so well is it visually integrated into its setting. The County Council's Landscape Architect has confirmed that the landscape impacts from Wigwam Lane would be marginal. The temporary/emergency access would be similarly viewed from Wigwam Lane, and again landscaping would to some degree mitigate visual impact when viewed from Wigwam Lane.
238. The golf course is extremely well screened from the surrounding area by mature tree planting towards the peripheral areas and the perimeter of the site, with blocks of trees and distinctive linear woodland planting, which is in character with the area. These landscape features would remain largely unaffected by these improvement works.
239. It has been demonstrated through the LVIA that the proposed improvement works would not impact on the character and distinctiveness of the Leen Valley Corridor once the proposed landscaping scheme has been established and matured. The proposed landscaping scheme proposes to use planting which is appropriate to the character of the area, using native species only. As such, it is anticipated that the planting scheme when established would become more cohesive and better integrated with the surrounding landscape.
240. It is acknowledged that the principle of a golf course use has been established and that the remodelling works would be similar in character to the works previously approved at the site when originally restored to a golf course. Whilst there are topographical changes, the existing landscape character of the site, which is generally one of rolling contours, with its associated mounds, greens, tees, and grass banks, would be maintained and would not be significantly altered by the proposed improvement works. It would remain essentially rural in character and characteristic of its surroundings.
241. In line with the recommendations made by the County Council's Landscape Architect, planning conditions would seek to ensure that an appropriate mitigation scheme is submitted which is in line with the landscape characteristics of the area (River Leen Corridor). Essentially this means reflecting the appropriate landscape actions for the Leen Valley Corridor set out within the Greater Nottingham Landscape Character Assessment, which aim to conserve and enhance belts of linear woodland which are characteristic of the area; and enhance woodland planting around the urban fringe to enhance an

increasingly rural character to the area. The landscaping scheme would seek to reflect the local native provenance of tree and shrub species. Any scheme would need to be informed by the visual and landscape character as well as giving consideration to local biodiversity objectives.

242. The County Council's Landscape Architect has recommended that the applicant provides a sustainable financial mechanism for securing ongoing management post development. However, having given this matter consideration, officers have concluded that such a mechanism would not be appropriate or proportionate and that the aftercare and establishment maintenance of the landscaping scheme is more than adequately provided for under standard planning conditions, which would cover the establishment and aftercare period. In the spirit of paragraph 205 criteria (e) of the NPPF, albeit that this proposal is not a minerals development, it is considered that 'exceptional circumstances' have not been demonstrated to justify a financial mechanism of this order.
243. Subject to a suitable landscaping scheme with appropriate planting and establishment/maintenance proposals, it is considered that the proposed improvement works would not have a significant impact on the wider landscape character of the area. Once the planting becomes established, over the longer term, there would be some beneficial enhancements to the landscape character of the area. On balance, the proposed development would be compliant with the objectives of section 15 of the NPPF and with WLP saved Policies W3.3 and W3.4.
244. With regards to the visual impact of the development this has largely been considered in the Green Belt policy section of the report.
245. The most prevalent views of the proposed remodelled golf course would be from within the golf course complex itself. There are no views into the site from public vantage points such as public footpaths, bridleways or open public space.
246. Based on the LVIA's nine selected viewpoints, all of which were described as sensitive receptors, the County Council's Landscape Architect is satisfied that there are no significant effects caused by the development.
247. It is considered that once the trees, shrubs and wildflower area proposed around the practice outfield and the 16th tee have matured, the proposals would conserve the landscape quality and character of the area. As such, the development is in compliance with WLP saved Policies W3.3 and W3.4.

Air Quality/Dust

248. Waste operations including associated HGV movements have the potential to cause a dust nuisance to any sensitive receptors to the site. Saved WLP Policy W3.10 identifies that dust emissions from waste activities are capable of being managed and reduced by implementing appropriate dust mitigation practices. Saved WLP Policy W3.11 seeks to ensure that mud and other debris does not contaminate the public highway.

249. A Dust and Emission Management Plan (DEMP) has been submitted in support of the proposed development. Leen Valley Golf Club is not located in an Air Quality Management Area. Notwithstanding this, an assessment of the potential dust impact from the proposals has been undertaken to identify any risks associated with the development, and to quantify the potential for change in levels of dust deposits/emissions to sensitive receptors within 1,000 metres of the site.
250. It is recognised that waste operations/activities have the potential to cause a residual dust nuisance to any identified sensitive receptors to the site. It is also recognised that local microclimatic conditions can give rise to localised, albeit usually limited dust emissions.
251. Dust has the potential to be emitted from the stripping of topsoil, the wheels of plant and vehicles operating on site, stockpiles of topsoil, HGVs as they deliver waste material, stockpiles of material, during the placement of material and prior to the establishment of vegetation. Particles may be tracked from site on to the southern part of Wigwam Lane, and emissions from vehicles, HGVs, plant and machinery would be expected.
252. The receptors within 1,000 metres of Leen Valley Golf Club may be impacted by dust and other emissions such as nitrogen dioxide from mobile plant and vehicles.
253. With regards to atmospheric dust, the acceptable air quality threshold for human health impact is $40\mu\text{g}/\text{m}^3$. In terms of the assessment, it has been identified that whilst there may be potential for a minor increase in atmospheric dust for the surrounding area, any environmental dust concentrations are anticipated to be well below the air quality threshold. It is also anticipated that air quality impacts resulting from vehicle emissions associated with the importing of waste soils and on-site plant emissions would be less than significant. Attention is drawn to the fact that there are other dust, particulate and emissions sources within 1,000metres of the golf club, such as demolition contractors, recycling centres, concrete suppliers, car dealers, to name but a few. The proposed activities are temporary and as such time-limited, and it is also stated that the mobile plant and equipment proposed to be used would have the lowest possible emissions ratings; plant is regularly maintained and the contractor has a policy of switching off engines when stationary to reduce emissions. In terms of the assessment, there is nothing to indicate that the overall effects on atmospheric dust and air quality resulting from the delivery traffic, on-site plant and equipment and associated activities would be anything other than less than significant.
254. Nuisance from fugitive dust emissions released to the atmosphere is therefore not anticipated and the pollution control authorities (Environmental Health and the EA) have not raised any concerns relating to environmental impacts such as dust and air quality that could potentially affect public health.
255. Notwithstanding the absence of any significant air quality impacts, the DEMP identifies mitigation measures to ensure any potential dust emissions are minimised. This would follow waste industry best practice, which seeks to

prevent, avoid and reduce residual dust emissions. The measures set out in the DEMP include the sheeting of material on lorries, wheel wash facilities to ensure vehicles can have wheels free from excessive mud or debris before leaving the site, speed limits will apply along the haul routes, low drop heights, and low drop speeds to reduce the likelihood of airborne particles being dispersed in the wind.

256. The temporary haul routes would be constructed with hardcore material, installed to a minimum depth of 300mm, with a width of 4 metres, and would be maintained and graded to reduce any build-up of mud and debris and the potential for dust generation.
257. Other measures would include controls over topsoil storage heights and using a water bowser to dampen haul routes and other exposed surfaces during dry periods. There would be no treatment or crushing of waste material on site and minimal sorting, which would be manual rather than by screening plant, and no double handling. Works would stop during extremely dry, windy and dusty weather or when winds are extremely strong from the prevailing west/south-west.
258. Subject to securing the dust controls identified in the DEMP, by way of a planning condition, it is concluded that the proposed development is capable of being undertaken without significant impacts to residual dust emissions or air quality. On this basis, it is not anticipated that there would be any associated residential amenity impacts with regards to dust. As such, the proposals accord with WLP saved Policies W3.10 and W3.11.

Ground and Surface Water/Flood Risk

259. WLP Saved Policies W3.5 and W3.6 seek to ensure that waste developments do not cause an unacceptable adverse impact in terms of the water environment. The policies seek to avoid pollution of ground and surface water through implementing engineered solutions including the use of appropriate drainage systems and control over waste types.
260. The applicant has submitted a Hydrological Risk Assessment (HRA) in support of these proposals, with the assessment having identified the risks of contamination for groundwater and surface water receptors associated with the site.
261. The surface water regime is considered to be the more sensitive receptor for the purposes of this assessment, with it having been established that under normal operating conditions and waste acceptance procedures, there would be no impact on the groundwater in the aquifer. However, overall the risks are considered to be low, and if all waste acceptance procedures are adhered to, there is a low likelihood that backfill material could generate leachate at concentrations above the freshwater environmental quality standards.
262. The site has been designed to have an attenuation pond which would outflow downgradient at greenfield rates. Monitoring of this pond is to be undertaken on

completion of the works and the quality of the Baker Lane Brook established prior to works commencing given the history of the site and the presence of colliery spoil. Data would be reviewed quarterly to ensure there are no significant changes to background concentrations and that the proposed monitoring regime remains appropriate. It is noted that the recommended monitoring regime is outlined in the supporting HRA, and a planning condition would be imposed to ensure that this scheme of monitoring is followed through and implemented fully.

263. The implementation of the surface water monitoring procedures as outlined in the application would serve to mitigate any potential impacts, in terms of polluting local surface water. As such, the proposed development would be fully in accordance with WLP saved Policy W3.5.
264. The likelihood of seepages from the proposed backfill material, in terms of migrating into the surface water regime has been assessed and the scheme is considered to be acceptable. It is noted that the strict importation controls would place limits on waste types imported into the site, and analysis and leachability testing would place controls over the surface water regime. A 'rogue load' assessment has demonstrated that there is resilience in the system and that even if a quantity of non-inert material were to unknowingly be accepted, it would have a low likelihood of causing unacceptable impacts on the surface water regime.
265. It is acknowledged that there is a low likelihood of adverse impact on the hydrological setting of the site.
266. Paragraph 163 of the NPPF states that when determining any planning application local planning authorities should ensure that flood risk is not increased elsewhere.
267. In accordance with paragraph 163, the proposed development is also supported by a site-specific flood risk and drainage assessment (FRA), which identifies that the site is situated entirely within Flood Zone 1. Flood Zone 1 represents a low probability of fluvial or ground water flooding occurring, which is consistent with the elevated topography across the site. Neither the Baker Lane Brook nor the River Leen pose a risk of flooding to the site.
268. With regards to the risk of surface water flooding, with the exception of some isolated areas of high risk, the site is identified as being at very low risk. Those areas of high risk correspond to the topographical depressions identified within the site, where localised waterlogging can and does occur following heavy rainfalls. Other than that, no significant overland surface water flows have been identified across the site, and there are no historical records of surface water flooding at the site.
269. To comply with the requirements set out in the FRA, surface water from the proposed redevelopment must be maintained at its existing rates or returned back to the greenfield runoff rate for the site. It is noted that the attenuation

storage provided in the two water storage areas and open ditches with check dams would ensure this requirement is met.

270. All existing drainage above and below ground would be retained, with all drainage ultimately discharging to Baker Lane Brook. Additional open drains and water storage areas would be installed to ensure that there is no increase in flood risk to or from the site. Compensatory measures would ensure that sufficient controls over waterflow are built into the system including creating a water storage lagoon and an attenuation basin. It is noted that the proposed water storage lagoon would attenuate water below ground level and therefore would not pose a flood risk to the site.
271. As stated, the existing surface water drainage system discharges to Baker Lane Brook, and the FRA confirms that the proposed changes to the drainage scheme which form part of the re-grading works would maintain this method, and the existing rate of flow.
272. During the site set-up, importation and construction process, and topsoil reinstatement/cultivation, temporary attenuation drainage measures would be put in place to facilitate the adequate collection of surface water run-off, and to ensure that excess silt from the works does not enter any watercourses or affect Wigwam Lane. This would involve surface water being intercepted using temporary bunds, drains and ditches to channel excess water to either temporary attenuation/holding lagoons or once constructed, the proposed surface water drainage scheme. The temporary drainage infrastructure would be maintained throughout the duration of the construction works. All temporary interceptors and settlement areas would be provided with cut-off valves to control flow, including enabling discharges to be stopped in the event of spillages.
273. The FRA demonstrates that the proposed redevelopment works would not increase flood risk to or from the site subject to implementing the compensatory mitigation drainage measures, which form an integral part of this scheme. No adverse effect to the surrounding area is anticipated as a result of the redevelopment works.
274. The development is therefore considered to be compliant with WLP saved Policies W3.5 and W3.6 since the design of the site satisfactorily safeguards against water pollution, including during the construction phase; and in accordance with the objectives of Policy WCS13 of the WCS and paragraph 163 of the NPPF by not increasing onsite flood risk or increasing it elsewhere.

Contamination

275. The proposed development would utilise waste soils originating as inert construction waste potentially from multiple sources. It is anticipated that the material would come from local construction and engineering projects. In each case, the waste must be classified as non-hazardous and the potential for any contamination risk managed.

276. It is noted that the site would operate an environmental management system, and in support of the proposed development, the applicant has submitted a Construction Environmental Management Plan (CEMP) as part of this process. This seeks to ensure that for the duration of the improvement works, there is a robust importation protocol in place together with procedures for the management of any on-site spillages during the reprofiling works. In addition to the importation protocol, visual conformance checks would be made on incoming materials. This would enable a rapid response to the removal of non-conforming materials. The importation protocol would ensure that any incoming waste materials are suitable for use and also that any non-conforming materials are removed in line with the protocol and are not used on site.
277. Material import would be undertaken in strict accordance with the terms of an Environmental Permit granted and regulated by the EA, and this would set out the types of material acceptable on site, volumes to be imported and all necessary environmental controls. This seeks to ensure that all imported waste material falls within an acceptable category that does not give rise to contamination of ground or surface-water drainage.
278. The CEMP outlines the soil importation procedure (which accords with the EA's environmental permit). To determine a waste's acceptability for use at the site, the protocol would be applied to ensure that the waste's properties are fully assessed and to check that the importers of the material are suitably licensed. A list of permitted wastes is set out in the environmental permit and this is reflected in the CEMP. The plan puts in place a series of controls to ensure that any waste material imports are suitable for use. Any non-compliant material will be reloaded onto the tipper and returned to its original source.
279. Whilst it would not be appropriate to duplicate the controls imposed by the environmental permit, it is considered reasonable to attach a planning condition requiring the site to operate in accordance with the CEMP.
280. It is noted that the County Council's Reclamation Officer is satisfied that the applicant has provided a robust package of environmental measures that indicate that any impact to human health and/or the wider environment from the proposal would be minimal/low risk.
281. It is concluded that any potential contamination risks posed by the imported waste material are capable of being appropriately controlled subject to a planning condition ensuring the development is carried out in accordance with the CEMP. As such, the proposal is compliant with WCS Policy WCS13.

Other Issues

282. Substantive environmental controls covering the regrading and reprofiling works at Leen Valley Golf Course would be dealt with under a bespoke environmental permit authorised by the EA and enforced by them. It is confirmed that the EA has issued a permit for a deposit for recovery waste operation for the carrying out of these works.

Other Options Considered

283. 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.
284. With regards to the proposed improvement works, the applicant undertook a feasibility study, as part of the planning application process, giving consideration to various options, including the 'do nothing' scenario; using only on-site soils to carry out the improvements; a cut and fill operation; and finally, the use of natural clean soils to achieve the same design. The proposal scheme was adopted on the basis that it beneficially uses waste soils to achieve the development, causes the least disruption to the golf club and supports the economic viability of the golf club.

Statutory and Policy Implications

285. 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

286. The development would be located within an established golf club benefiting from perimeter security fencing and gates, security lighting and CCTV coverage to the club house and carpark. Furthermore, existing mature vegetation offers a degree of protection to the golf course, effectively screening the site from Wigwam Lane. For the duration of the works, the contractor's site compound would be fenced off with Heras security fencing.

Data Protection and Information Governance

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

Human Rights Implications

288. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected. The proposals have the potential to introduce impacts such as noise and traffic impacts upon the

residential amenity of the nearest residential occupiers. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as supporting the economic viability of a local sport and recreational facility in Hucknall and facilitating the beneficial use of waste soils in accordance with the waste hierarchy. 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

289. The report and its consideration of the planning application has been undertaken in compliance with the Public Sector Equality duty. Potential direct, indirect and cumulative impacts from the proposal have been considered equally to all nearby receptors and resulting from this there are no identified impacts to persons with a protected characteristic.

Implications for Sustainability and the Environment

290. These have been considered in the Observations section of the report.
291. There are no financial, human resource, or children/adults at risk safeguarding implications. There are no implications for County Council service users.

Statement of Positive and Proactive Engagement

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

RECOMMENDATIONS

293. 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 (SG 19/07/2021)

This decision falls within the Terms of Reference of the Planning and the Rights of Way Committee to whom responsibility for the exercise of the Authority's functions relating to planning applications.

Financial Comments (SES 13/07/2021)

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

Hucknall North

Cllr John Wilmott

Report Author/Case Officer

Deborah Wragg

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

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RECOMMENDED PLANNING CONDITIONS

Commencement

1. The development hereby permitted shall be begun within 3 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 Waste Planning Authority (WPA) shall be notified in writing of the date of commencement of the development at least seven days, but not more than 14 days, prior to the commencement of development, of:

- (a) The date of commencement of the development; and
- (b) The date of commencement of waste material importation.

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

Duration of Planning Permission

3. The importation of waste soils, and soil making waste materials to the site and their grading to the final approved levels shall be completed within 16 months of the date of commencement of waste material importation, as notified under Condition 2(b) above. The WPA shall be notified in writing of the date when the importation of materials has been completed.

Reason: To ensure the restoration of the site is completed within a satisfactory timescale.

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 WPA during normal working hours.

Reason: To enable the WPA to monitor compliance with the conditions of the planning permission and for the avoidance of doubt.

5. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application, documents and recommendations of reports, and the following plans:
- (a) Drawing No. 1745.04.0, titled 'Sections', dated 14th November 2018, received by the WPA on 17th June 2020;
 - (b) Drawing No. 1745.05.0, titled 'Construction Works Plan', dated 27th November 2018, received by the WPA on 17th June 2020;
 - (c) Drawing No. 1745.13.01, titled 'Isopachyte Plan', dated 4th August 2020, received by the WPA on 7th August 2020;
 - (d) Drawing No. 001, Job No. 16-1147, titled 'Construction Access Arrangement', dated 4th November 2020, received by the WPA on 13th November 2020;
 - (e) Drawing No. 1745.08, titled 'Tree Survey Plan', dated 14th November 2020, received by the WPA on 18th November 2020;
 - (f) Drawing No. 1745.02.0, titled 'Red Line Application Boundary Plan', dated 14th November 2020, received by the WPA on 18th November 2020;
 - (g) Drawing No. 1745.03.0 Rev. B, titled 'Grading Plan', dated 16th November 2020, received by the WPA on 10th June 2021;
 - (h) Drawing No. 1745.06, titled 'Landscaping Plan', dated 11th May 2020, received by the WPA on 10th June 2021;
 - (i) Drawing No. 1745.07, titled 'Tree Clearing Plan', dated 14th November 2020, received by the WPA on 10th June 2021.

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

Method of working

6. Prior to the commencement of waste material importation, to be notified under Condition 2(b) above, a further plan based on Drawing No. 1745.03.0 Rev. B, titled 'Grading Plan', dated 16th November 2020, received by the WPA on 10th June 2021, but only showing the final proposed contours, shall be submitted to the WPA.

Reason: To assist with the monitoring of the site and to ensure that the re-grading and re-profiling works, and landscaping is carried out in accordance with the approved plans.

7. All works including haulage importation of waste soils, and engineering, construction and landscaping operations shall be carried out in accordance with the details set out in the Construction Environment Management Plan (CEMP)V1, dated 4th August 2020, by Weller Designs Ltd, received by the WPA on 7th August 2020.

Reason: To ensure that the development protects surrounding residential amenity and does not cause environmental impacts in accordance with the objectives of WCS Policy WCS13.

8. A topographical survey of the site shall be submitted to the WPA within three months following the commencement of waste material importation as notified under Condition 2(b) above; and every three months thereafter until the recontouring and landscaping works are completed. The topographical surveys shall include the location, volume and contours of any stripped soil mounds.

Reason: To assist with the monitoring of the site and to ensure that the re-grading and re-profiling works, and landscaping is carried out in accordance with the approved plans.

Soil Importation

9. Only uncontaminated soils and soil making materials which are fit for the purpose for re-landscaping the golf course shall be imported into the site. All soil imports shall be accompanied with documentation which shall incorporate a chain of custody and where appropriate the results of chemical testing to demonstrate that the soils are fit for purpose. The documentation shall be retained by the site operator for the duration of the development and provided to the WPA for inspection within 7 days of a written request.

Notwithstanding the above, if, in the opinion of the WPA, it is considered that the materials being imported into the site are not fit for purpose then, within two weeks of a written request from the WPA, detailed chemical analyses of samples of the materials imported onto the site shall be undertaken and submitted to the WPA for assessment and for its approval in writing. The analyses, based on criteria derived from BS:3882 and guidance from the Contaminated Land Exposure Assessment, shall provide data on the concentrations of the following and any other compounds or substances deemed appropriate by the WPA:

- (a) pH;
- (b) Arsenic;
- (c) Asbestos;
- (d) Boron;
- (e) Cadmium;
- (f) Chromium (III and IV);
- (g) Copper;

- (h) Hydrocarbons;
- (i) Lead;
- (j) Mercury (inorganic);
- (k) Nickel;
- (l) Selenium; and
- (m) Zinc.

Should the results of the analyses confirm that unsuitable material has been imported onto the site, the material shall be removed from the site within one week of notification from the WPA, and disposed of at a suitably licensed site.

Reason: To ensure there is no unacceptable risk of pollution to groundwater or surface water, in accordance with Saved Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.

Protection of ground and surface water

10. 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 Saved Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

Drainage

11. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the WPA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
 - (a) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken;
 - (b) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical

rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.

- (c) Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- (d) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- (e) Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

Reason: Details are required prior to the commencement of development to prevent the increased risk of flooding; to improve and protect water quality; and to ensure the future maintenance of the sustainable drainage structures, in accordance with WCS Policy WCS14 and the objectives of the National Planning Policy Framework (February, 2019).

12. The developer shall ensure that the quality of the Baker Lane Brook is established prior to works commencing and monitoring of the attenuation pond shall be undertaken for a period after completion of the works in accordance with the details set out within Table 6: 'Surface Water Monitoring', on page 12, of the Hydrological Risk Assessment by McDonnell Cole, Ref:1752-01, dated April 2020, received by the WPA on 16th June 2020; and the data shall be reviewed quarterly to ensure there are no significant changes to background concentrations and that the proposed monitoring regime remains appropriate in accordance with the details set out within Table 6: 'Surface Water Monitoring'.

Reason: To ensure there is no unacceptable risk of pollution to surface water, in accordance with Saved Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.

Hours of Work

13. Unless in the event of an emergency when life, limb or property is in danger, details of which shall be notified to the WPA within 48 hours of their occurrence, the activities hereby permitted comprising the delivery of waste soils and their placement to facilitate the re-contouring of the golf course shall only be

undertaken between the hours of 07:00 hours – 17:00 hours Mondays to Fridays. No works shall be undertaken on Saturdays, Sundays, Public or Bank Holidays.

Reason: In order to minimise disturbance due to construction operations and in the interests of amenity in accordance with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Dust Controls

14. Dust shall be routinely controlled in accordance with the details set out within the Dust and Emission Management Plan (DEMP) prepared by Contour Golf Limited Version Number 1, dated April 2020, received by the WPA on 16th June 2020. In the event that these measures prove inadequate, then within one week of a written request from the WPA, a scheme including revised and additional steps or measures to be taken in order to prevent dust emissions shall be submitted to the WPA for its approval in writing. The approved steps shall be implemented immediately upon their approval and thereafter maintained throughout the operational life of the site.

Reason: To ensure that dust impacts associated with the operation of the development are minimised, in accordance with Saved Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

Noise

15. Noise levels attributable to the site operations shall not exceed the noise levels stated in the table below including any penalties as set out in the guidance in BS 4142:2014.

Receptor	Address	Predicted noise level LAeq,1hr
1	2 Porchester Close	49
2	Netherfield Cottage	47
3	38 Oakenhall Avenue	46

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

16. Operational plant for each phase of works shall be limited to that outlined below with no phases occurring concurrently:

- **Phase 1** (import material and raising earth level) – **Bulldozer**

- **Phase 2** (Replacing topsoil) – **Excavator and Dumper**
- **Phase 3** (Shape the ground surface) – **Bulldozer**
- **Phase 4** (Cultivation and seeding) - **Tractor**

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

17. In the event of a justifiable noise complaint being received by the WPA, the applicant shall conduct a noise survey to determine compliance with the noise levels set out in Condition 15 above. In the event the noise levels are exceeded the applicant shall submit a scheme of noise mitigation for approval to the WPA within 30 days, including the provision of further noise surveys to demonstrate that the mitigation measures are effective. Once approved the applicant shall install any agreed mitigation within a further 30 days and undertake any additional surveys to confirm their effectiveness.

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

18. Plant and vehicles under the operator's control shall be fitted with broadband type (white noise) reversing alarms.

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

19. No crushing or screening operations shall be undertaken within the site.

Reason: To minimise potential noise disturbance in accordance with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Access and Vehicle Movements

20. The development hereby permitted shall not be brought into use until a traffic management plan detailing measures with respect of HGV traffic routeing to and from the site has been submitted to and approved in writing by the WPA. The traffic management plan shall include the following details:

- (a) Details of appropriate signage to direct delivery traffic leaving the site to turn right onto Wigwam Lane, then via Station Road, then via Portland Road and finally, via Nottingham Road towards the A611.
- (b) Written instructions to be given to drivers to inform them of the appropriate route to be taken to and from the site.

The traffic management plan shall be implemented in accordance with the approved details and signage and shall be maintained thereafter for the duration of the development.

Reason: In the interest of highway safety and local amenity and in accordance with Saved Policies W3.9 and W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

21. The temporary haul road shall be constructed and hard surfaced along its entire length from Wigwam Lane to the development site in accordance with the specification set out in Figure 2 – Temporary haul road construction specification and paragraph 7.8.3 of the Construction Environment Management Plan (CEMP), V1, dated 4th August 2020, prepared by Weller Designs Ltd, received by the WPA on 7th August 2020, prior to the commencement of material importation activities associated with the recontouring of the golf course. The haul road shall be suitably maintained for the duration of the development.

Reason: In the interest of highway safety and local amenity and in accordance with Saved Policies W3.9 and Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

22. All haulage vehicles delivering waste materials to the site or exiting the site shall only obtain access along the temporary haul road leading from Wigwam Lane.

Reason: In the interests of highway safety in accordance with Saved Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

23. Measures shall be employed to prevent the deposit of mud, clay and other deleterious materials on the surrounding public highway during the course of the re-engineering works. Such measures shall include the use of the wheel wash facilities by all delivery vehicles prior to them leaving the site and re-entering the public highway and the regular sweeping and cleaning of the access road, vehicular circulation routes and the adjacent public highway. In the event that such measures prove inadequate, then within one week of a written request from the WPA, a scheme including revised and additional steps or measures to be taken in order to prevent the deposit of materials upon the public highway shall be submitted to the WPA for its approval in writing. The approved steps for the protection of the surrounding roads shall be implemented immediately upon their approval and thereafter maintained throughout the restoration works.

Reason: In the interests of highway safety in accordance with Saved Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.

24. No part of the development hereby permitted shall commence until the temporary access has been provided for the construction phase as shown for indicative purposes on drawing titled 'Construction Access Arrangement' Job. No. 16-1147 Drawing No. 001, received by the WPA on 18th November 2020.

Reason: In the interests of highway safety in accordance with Saved Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

25. No part of the development hereby permitted shall be brought into use until the temporary access detailed in Condition 24 has been improved to provide an emergency access following the construction phase in accordance with details to be first submitted to and approved in writing by the WPA and thereafter the emergency access shall only be used for emergencies and not for use by the public.

Reason: In the interests of highway safety and to maintain the integrity of the emergency access in accordance with Saved Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

26. No part of the development hereby permitted shall commence until the visibility splays of 2.4m x 47m are provided for the temporary access and retained for the emergency access in accordance with details to be first submitted to and approved in writing by the WPA. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

Reason: To maintain the visibility splays for the life of the development and in the interests of highway safety in accordance with Saved Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

27. The number of HGVs entering or leaving the site in connection with the development hereby permitted shall not exceed a maximum of 126 two-way HGV movements per day (63 HGVs into the site and 63 HGVs out of the site), over a 5 day working week – Monday to Friday. A record of all daily vehicle movements shall be kept at the site, which shall be made available to the WPA in writing within one week of a written request.

Reason: In the interests of highway safety and to protect surrounding residential amenity and to accord with Saved Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

Protection of Public Access

28. Prior to the commencement of the development the operator shall obtain the WPA's written approval of a method statement to ensure that public access and

safety is maintained and appropriately managed during the course of haulage movements on the golf course. The method statement shall incorporate but not be limited to specifications for crossing points and signage, control of vehicle speeds and arrangements for instructing delivery drivers of the potential presence of the public who shall be given priority. Thereafter, the operator shall ensure that the method statement is fully implemented at all times during the duration of the haulage works.

Reason: Details are required to be submitted prior to the commencement of the development to ensure public safety on the golf course is maintained throughout the development.

Soil Stripping

29. The development hereby permitted shall not be commenced until details of the arrangements for the stripping and storage of soils from within the development site, including the route of the haul road, have been submitted to and approved in writing by the WPA. Works shall be carried out in compliance with the approved scheme. Soil stripping shall not commence until any vegetation has been cut and removed. Topsoil, subsoil (where relevant) and soil making material shall be stripped to their full depth and only stripped when in a dry and friable condition.

Reason: Details are required prior to the commencement of development to ensure soils reserves are conserved and managed in accordance with Saved Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

30. All topsoil and subsoil storage mounds which are to remain in-situ for more than six months or over winter shall be sown with grass seed in the first growing season following their construction in accordance with details previously agreed in writing by the WPA and thereafter maintained free of weeds until they are required for final restoration works.

Reason: To ensure soils are managed and conserved for beneficial purposes to ensure the satisfactory restoration of the site.

Landscaping and Ecology

31. The development hereby permitted shall not be commenced until details of the measures to protect all retained trees, hedges and shrubs in the vicinity of the works have been submitted to and approved in writing by the WPA. Existing vegetation to be retained shall be protected according to BS 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations'. The protection measures shall be implemented and maintained throughout the duration of the works in accordance with the approved details.

Reason: Details are required prior to the commencement of development to ensure the protection of vegetation on the site in accordance with Saved Policy W3.23 of the Nottinghamshire and Nottingham Waste Local Plan.

32. Site clearance operations that involve the removal or destruction of vegetation shall not be undertaken during the months of March to August inclusive except with the prior written approval of the WPA and in such circumstances following the carrying out and submission to the WPA for its approval in writing of an ecological appraisal undertaken by an appropriately qualified person to demonstrate that no nesting birds would be adversely affected by the development.

Reason: In the interests of protecting species and their habitats in accordance with Saved Policies W3.21, W3.22 and W3.23 of the Nottinghamshire and Nottingham Waste Local Plan.

33. Immediately prior to the commencement of the works a walk-over survey shall be carried out by an appropriately qualified ecologist to ensure that no protected species has become established within the working area. The results of the walk-over survey shall be submitted in writing to the WPA. If a protected species is present, a working design, method and timetable to mitigate any undue adverse effects on this species shall be submitted to the WPA for approval in writing. The mitigation measures shall be implemented as approved.

Reason: In the interests of safeguarding a protected species and to ensure compliance with the Wildlife and Countryside Act 1981.

34. For the duration of the works, all importation, construction and landscaping works shall be carried out in full compliance with Section 4 'Reasonable Avoidance Measures' of the Protected Species Survey-February 2020, by EBS (Environmental Business Solutions), dated 11th March 2020, received by the WPA on 3rd July 2020.

Reason: In the interests of safeguarding a protected species and to ensure compliance with the Wildlife and Countryside Act 1981.

35. No artificial construction lighting shall be used to illuminate the works area.

Reason: To minimise impacts on foraging and commuting bats.

36. Within 3 months of the date of commencement, as notified under Condition 2a, a landscape scheme shall be submitted to the WPA for its written approval. The landscape scheme shall generally accord with the details contained on Drawing No. 1745.06, titled 'Landscaping Plan', dated 11th May 2020, received by the WPA on 10th June 2021; except for the identified tree and plant species which shall be native species (with the exclusion of Ash)

suitable for the Magnesian Limestone Ridge character area and shall identify and include details of:

- a) any retained trees and hedges shall be incorporated into the design proposal and it shall provide replacement trees, new hedgerow planting, shrub planting and grass, wildflower and bulb planting;
- b) areas to be planted/seeded within the application site, including tree and shrub planting shall be local native species;
- c) the ground preparation and cultivation including any plant protection required for the establishment period;
- d) species, planting density, size and position of trees and shrubs to be used within the landscape planting works;
- e) the wetland planting mixes shown on a Drawing No. 1745.06 shall be amended to remove horn beam, beech and Parsley Water-dropwort;
- f) details of wildflower seeding mixes and rate of application and the provision of low nutrient soils (ideally subsoils and/or former colliery material) if required to ensure the development of a species-rich grassland sward;
- g) a maintenance schedule for the landscape planting to run for a period of 15 years following the successful completion of planting and seeding. This shall include details of an annual hay cut of the wildflower areas; and arisings removed annually from mid-August;
- h) Proposals for the establishment maintenance of the site for the 15 year aftercare period shall be provided by the applicant for securing ongoing management post development. This shall include provision for the submission of an annual aftercare report for the 15 year aftercare period which shall detail works undertaken in the previous 12 months and those proposed for the following 12 months.

Any retained trees and shrubs shall be protected in accordance with the approved details. All planting shall be carried out in accordance with the details approved in the first available planting and sowing seasons respectively following the completion of the development. The planting scheme shall be maintained in accordance with the approved maintenance scheme for a period of fifteen years following its successful implementation and any plants or trees which die, are removed, or become seriously damaged or diseased shall be replaced in the following planting season with similar specimens to those originally planted.

Reason: In the interests of visual amenity and enhancing biodiversity to ensure compliance with Saved Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.

37. Within 3 months of the date of commencement, as notified under Condition 2a, a hard and soft landscape proposals plan for the toboggan run and the adventure golf putting course shall be submitted to the WPA for its approval in writing. Any retained trees and shrubs shall be incorporated into the design proposal. This shall include detailed planting proposals including specification, species, size at planting, spacing, ground preparation and tree pit details; and a detailed maintenance scheme. Any proposed planting shall be native species (with the exclusion of Ash) suitable for the Magnesian Limestone Ridge character area. Any retained trees and shrubs shall be protected in accordance with the approved details in Condition 31.

All planting shall be carried out in accordance with the details approved in the first planting and sowing seasons respectively following the completion of the development. The planting scheme shall be maintained in accordance with the approved maintenance scheme for a period of five years following its implementation and any plants or trees which die, are removed, or become seriously damaged or diseased shall be replaced in the following planting season with similar specimens to those originally planted.

Reason: In the interests of visual amenity and enhancing biodiversity to ensure compliance with Saved Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.

38. Within 3 months of the date of commencement, as notified under Condition 2a, a scheme of control for eradicating Himalayan balsam which has been recorded on the stream to the south-east of the application site shall be submitted to the WPA for its written approval. The measures shall involve pulling up the plant during the summer (before seed sets). Thereafter, the approved scheme of control shall be implemented for a period of at least three years or until the plant is eradicated (which should be readily achievable).

Reason: There is a risk that this non-native species will colonise the two proposed water bodies.

39. Upon completion of soil importation and restoration works, ecological mitigation measures such as bat boxes and bird boxes shall be installed at the golf course in accordance with the details in the Preliminary Ecological Appraisal Rev. 02, by Environmental Business Solutions, dated 25th June 2020, received by the WPA on 3rd July 2020.

Reason: In the interests of protecting a protected species and enhancing biodiversity to ensure compliance with Saved Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan and WCS Policy WCS13.

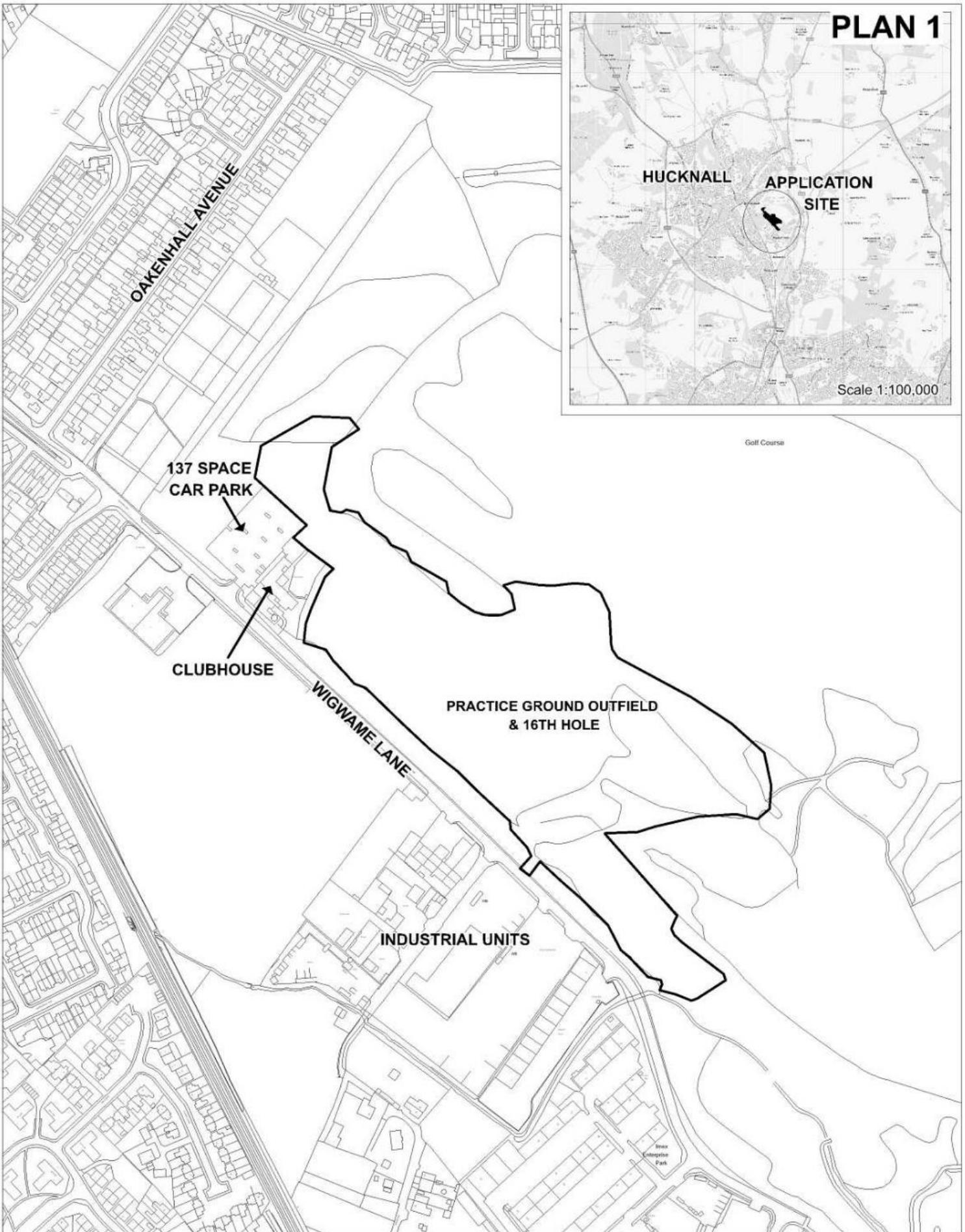
Restoration

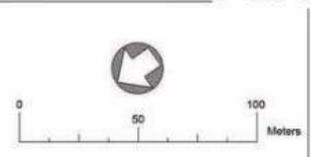
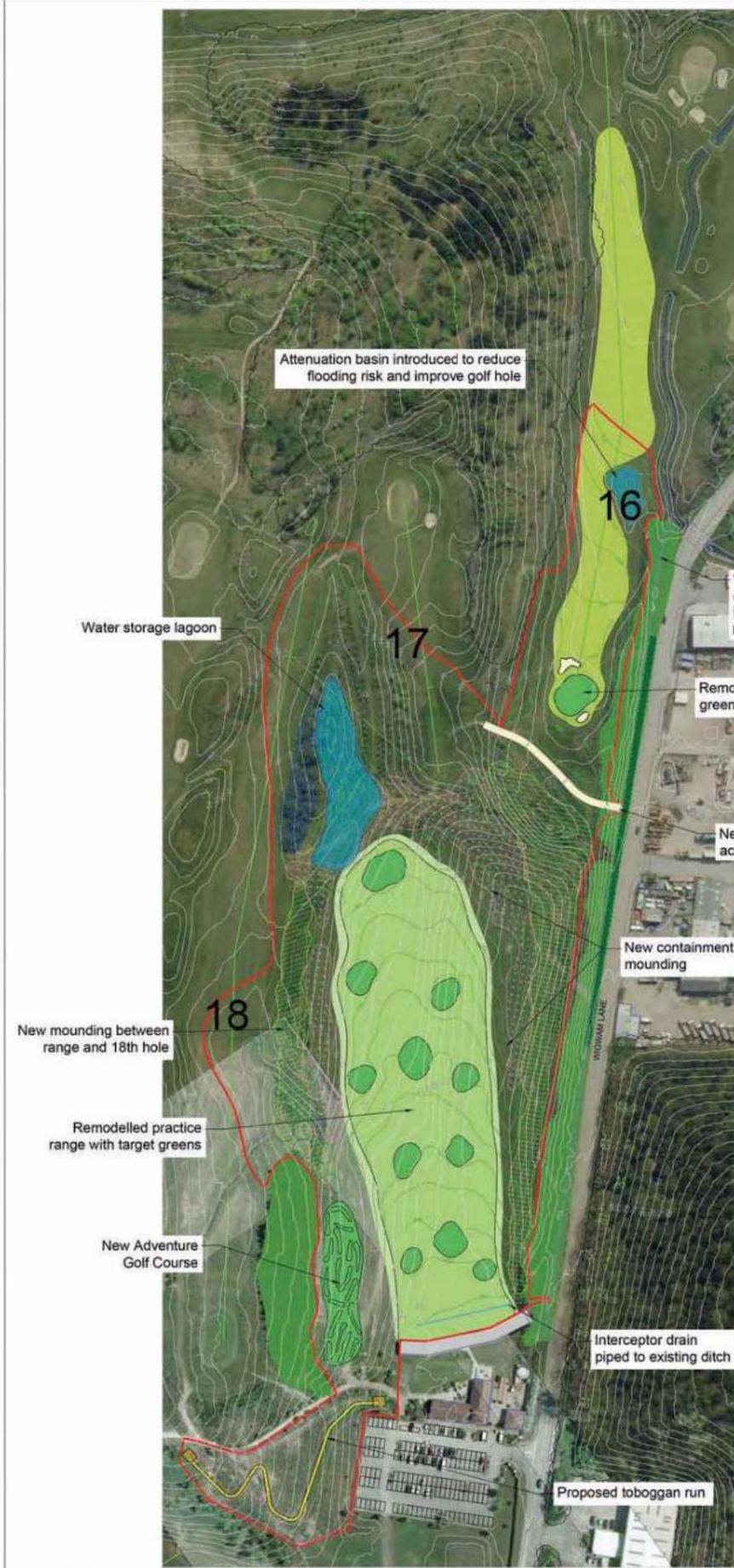
40. Within 28 days of the completion of soil importation or within an alternative time period if conditions are not suitable for soil movements which shall be agreed in writing by the WPA, the top-soils and sub-soils that have been stored shall be replaced. Restoration planting shall be undertaken during the first seeding and planting seasons following completion of soil placement. The seeding and planting shall be carried out in accordance with the details agreed with the WPA under Conditions 36 and 37.

Reason: To ensure soils reserves are conserved and managed in accordance with Saved Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan, and to ensure the restoration/aftercare of the site is carried out in a timely manner in accordance with Saved Policies W4.1 and W4.6 of the Nottinghamshire and Nottingham Waste Local Plan.

Informatives/notes to applicants

1. The proposal makes it necessary to construct a temporary access for the construction phase over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. The applicant is required to contact VIA East Midlands, in partnership with Nottinghamshire County Council on tel: 0300 500 8080 to arrange for these works to be carried out.
2. This access shall be improved to an emergency access following the construction phase. The applicant is therefore required to contact VIA East Midlands, in partnership with Nottinghamshire County Council on tel: 0300 500 8080 to arrange for these works to be carried out.
3. It is an offence under Section 148 and Section 151 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's attention is drawn to the fact that Nottinghamshire Biodiversity Action Group can be contacted on 0115 9932588 for further help or advice on eradicating the Himalayan balsam, which has been identified on the stream to the south-east of the application site.





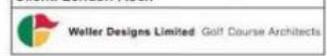
- Key:**
- Existing Ground (1m contour intervals)
 - Existing Open Drain
 - Existing Ditch/Stream
 - Red Line Application Boundary
 - Proposed Ground Level (1m contour intervals)
 - Proposed Pipe
 - Proposed Attenuation Basin
 - Existing Trees Retained

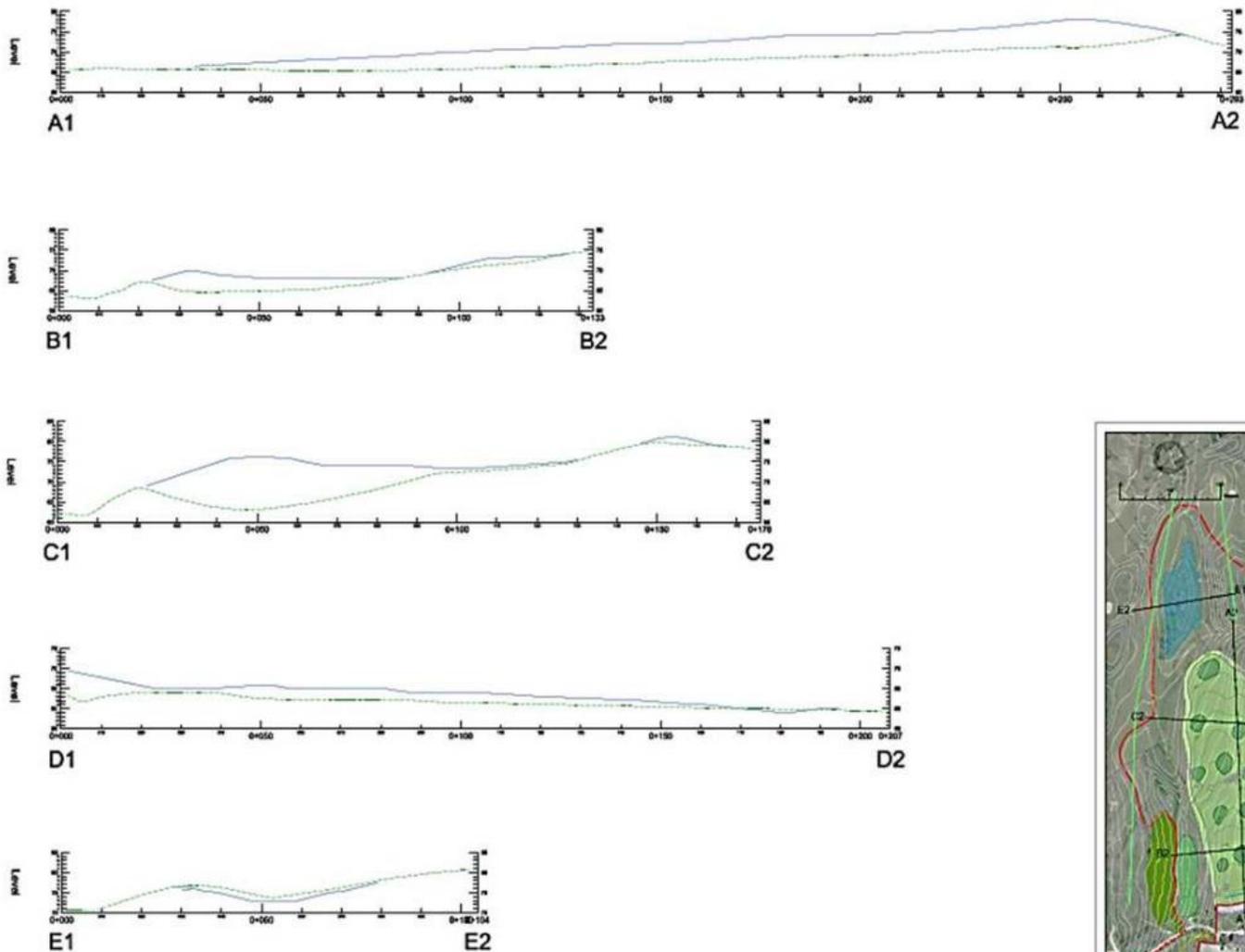
B - Adjusted water storage lagoon to retain existing Poplar Trees

A - 20th Feb 19 - Addition of toboggan run

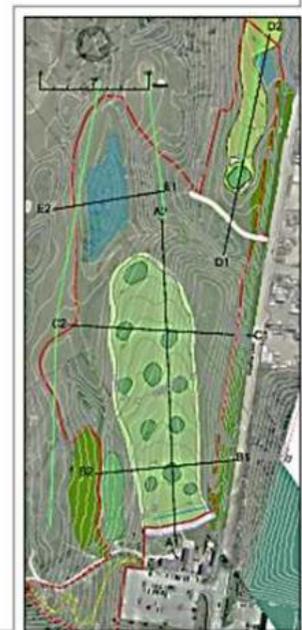
Revision No.:

Project Name: Leen Valley GC
 Drawing Name: Grading Plan
 Drawing No: 1745.03.0 Rev B
 Drawn By: SR
 Checked By: BW
 Scale: 1:1000 @ A1
 Date: 16th November 2020
 Client: London Rock



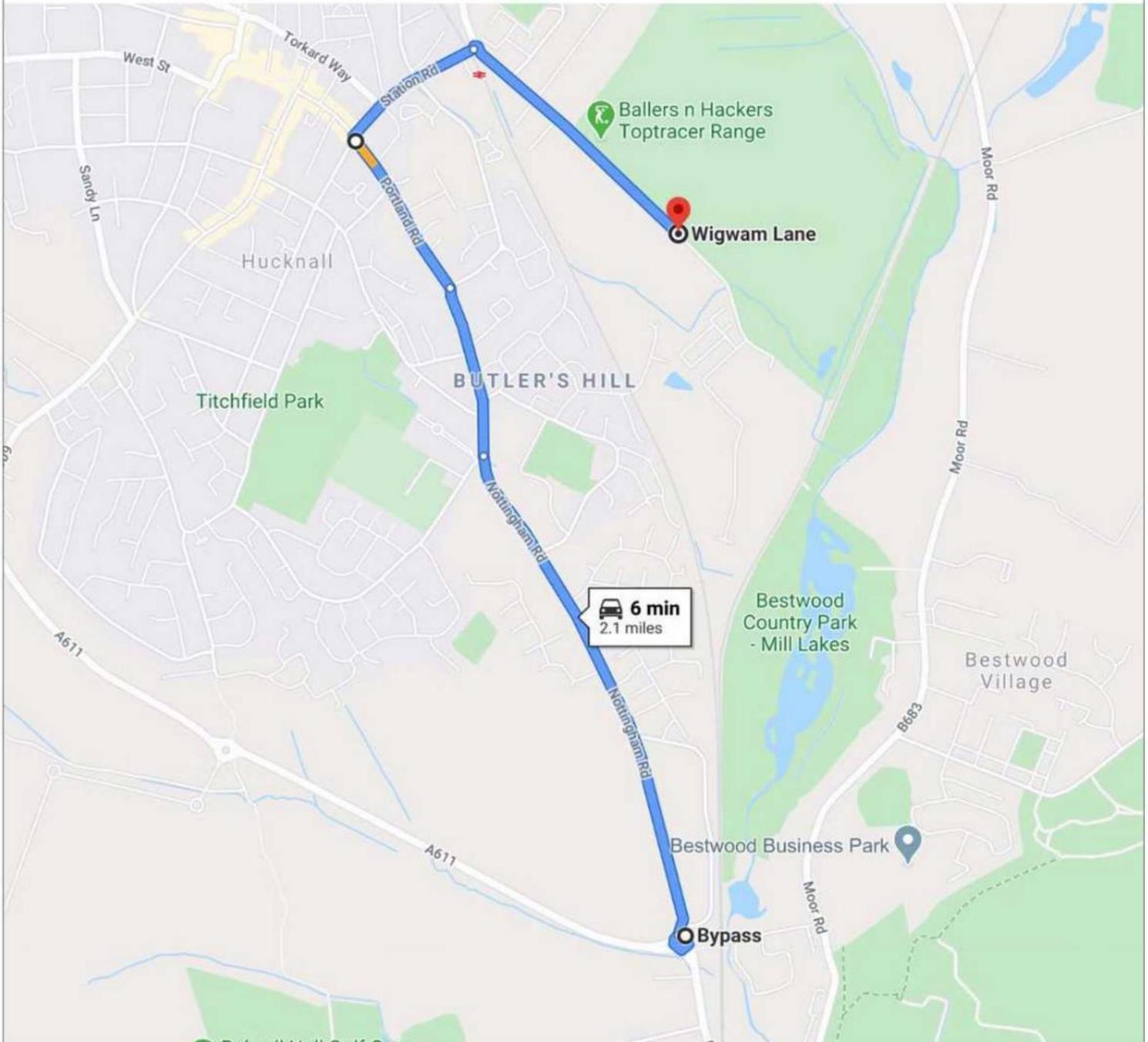


Key:
 - - - Existing ground surface
 — Proposed ground surface



Revision No.:	
Project Name:	Leen Valley GC
Drawing Name:	Sections
Drawing No.:	1745.D4.D
Drawn By:	BR
Checked By:	BW
Scale:	1:500 / 1:200 @ A1
Date:	14th November 2018
Client:	London Rock
Water Designs Limited Golf Course Architects	

Cross Sections showing the proposed changes in levels



HGV Routeing Plan



27th July 2021

Agenda Item: 9

REPORT OF CORPORATE DIRECTOR - PLACE

DEVELOPMENT MANAGEMENT PROGRESS REPORT

Purpose of the report

1. To report on planning applications received by the Development Management Team between 4 June 2021 and 16 July 2021, to confirm the decisions made on planning applications since the last report to Members on 22nd June 2021, and to detail 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 Committee's work programme for forthcoming meetings of Planning and Rights of Way Committee and Members are asked to give consideration to the need for any site visits they consider would be beneficial on any application scheduled to be reported to committee in the near future.

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 – (RHC 16/07/2021)

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

Financial Comments – (DJK 19.07.2021)

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

Background Papers Available for Inspection

None

Electoral Division(s) and Member(s) Affected

All

For any enquiries about this report please contact:

Report Author / Case Officer
Rebecca Kirkland
0115 9932584

Planning Applications Received and Determined
From 4th June 2021 to 16th July 2021

Division	Member	Received	Determined
BASSETLAW			
Tuxford	Cllr John Ogle	Site drainage and resurfacing of playground with ramped access to existing multi-use games area. Non-compliance with Condition 10 of planning permission reference 1/17/01446/CDM (alternative flood compensation) at North Wheatley Primary School; received 29/06/2021	
Worksop South	Cllr Nigel Turner		Variation of conditions 3 (Amended layout in Soil Management Area B to include weighbridge) and 6 (hours of working), of planning permission 1/18/00791/CDM for the soil management areas at Tetron Welbeck LLP Soil Management Area, Welbeck Colliery; GRANTED 04/06/2021
Warsop/Worksop South	Cllr Andy Wetton/Cllr Kevin Greaves/Cllr Bethan Eddy/Cllr Nigel Turner		Variation of conditions 3 (restoration scheme), 8 (hours of working), 23 (location of sand martin nests) and removal of 26 (Rail line) of planning permission 2/2017/0525/NCC for the restoration of the northern part of Welbeck Colliery spoil heap involving the importation of suitable engineering fill, recovered aggregates and other suitable inert materials at Welbeck Colliery; GRANTED 04/06/2021

Division	Member	Received	Determined
Worksop East	Councillor Glynn Gilfoyle		Retrospective application for the placement of a Storage Container for flood boards at Worksop Library; GRANTED 08/07/2021
Retford East	Cllr Mike Introna		Erection of 2.0m high Heras Pallas Fencing in black RAL 9005 at the Former Retford Oaks Academy; GRANTED 16/06/2021
Worksop South	Cllr Nigel Turner		Retrospective application for the erection of and operation of a single storey 2-bay modular porta-cabin, associated with providing training sessions at Tarmac National Skills & Safety Park, Nether Langwith Quarry; GRANTED
MANSFIELD			
Warsop/Worksop South	Cllr Andy Wetton/Cllr Kevin Greaves/Cllr Bethan Eddy/Cllr Nigel Turner		Variation of conditions 3 (restoration scheme), 8 (hours of working), 23 (location of sand martin nests) and removal of 26 (Rail line) of planning permission 2/2017/0525/NCC for the restoration of the northern part of Welbeck Colliery spoil heap involving the importation of suitable engineering fill, recovered aggregates and other suitable inert materials at Welbeck Colliery; GRANTED 04/06/2021
Warsop	Cllr Andy Wetton/Cllr Bethan Eddy		Erection of an external platform lift extension to serve both floors and the conversion of a WC into a disabled WC at Birklands Primary School; GRANTED 09/07/2021

Division	Member	Received	Determined
NEWARK & SHERWOOD			
Ollerton	Cllr Mike Pringle/Cllr Scott Carlton	Environmental Impact Assessment (EIA) Scoping Opinion for the A614/A6097 Major Road Network Improvement Project between Ollerton and East Bridgford in accordance with Regulation 15(1) of The Town and Country Planning (EIA) (England and Wales) Regulations 2017 (as amended). This project consists of six schemes (namely <u>Ollerton roundabout</u>; Mickledale Lane junction; White Post roundabout; Warren Hill junction; Lowdham roundabout and Kirk Hill junction); received 07/06/2021	

Division	Member	Received	Determined
Sherwood Forest	Cllr Scott Carlton	<p>Environmental Impact Assessment (EIA) Scoping Opinion for the A614/A6097 Major Road Network Improvement Project between Ollerton and East Bridgford in accordance with Regulation 15(1) of The Town and Country Planning (EIA) (England and Wales) Regulations 2017 (as amended). This project consists of six schemes (namely Ollerton roundabout; <u>Mickledale Lane junction</u>; <u>White Post roundabout</u>; <u>Warren Hill junction</u>; <u>Lowdham roundabout</u> and Kirk Hill junction); received 07/06/2021</p>	
Muskham and Farnsfield	Cllr Bruce Laughton	<p>Environmental Impact Assessment (EIA) Scoping Opinion for the A614/A6097 Major Road Network Improvement Project between Ollerton and East Bridgford in accordance with Regulation 15(1) of The Town and Country Planning (EIA) (England and Wales) Regulations 2017 (as amended). This project consists of six schemes (namely Ollerton roundabout; <u>Mickledale Lane junction</u>; <u>White Post roundabout</u>; <u>Warren Hill junction</u>; <u>Lowdham roundabout</u> and Kirk Hill junction); received 07/06/2021</p>	

Division	Member	Received	Determined
Muskham and Farnsfield	Cllr Bruce Laughton/Cllr Roger Jackson	Environmental Impact Assessment (EIA) Scoping Opinion for the A614/A6097 Major Road Network Improvement Project between Ollerton and East Bridgford in accordance with Regulation 15(1) of The Town and Country Planning (EIA) (England and Wales) Regulations 2017 (as amended). This project consists of six schemes (namely Ollerton roundabout; Mickledale Lane junction; White Post roundabout; <u>Warren Hill junction</u>; Lowdham roundabout and Kirk Hill junction); received 07/06/2021	
Southwell	Cllr Roger Jackson	Environmental Impact Assessment (EIA) Scoping Opinion for the A614/A6097 Major Road Network Improvement Project between Ollerton and East Bridgford in accordance with Regulation 15(1) of The Town and Country Planning (EIA) (England and Wales) Regulations 2017 (as amended). This project consists of six schemes (namely Ollerton roundabout; Mickledale Lane junction; White Post roundabout; <u>Warren Hill junction</u>; <u>Lowdham roundabout</u> and Kirk Hill junction); received 07/06/2021	

Division	Member	Received	Determined
Muskham and Farnsfield	Cllr Bruce Laughton	Planning application to retain existing temporary classroom for 5 years (ref; 3/16/01247/FULR3N expires 31 July 2021) at Kneesall C of E Primary School; received 01/07/2021	
ASHFIELD			
Selston	Cllr David Martin		Retention of existing steel storage unit for a further period at Westwood Infant School; GRANTED 05/07/2021
BROXTOWE			
Beeston Central & Rylands	Cllr Kate Foale	Site drainage and resurfacing of playground at John Clifford Primary School; received 25/06/2021	
Beeston Central & Rylands	Cllr Kate Foale		Refurbishment and Change of Use of former Beeston Children's Centre to new office for Children and Families Services to include creation of additional car parking within adjacent Youth Centre, including lighting, drainage, new surfacing, gate, security fencing and cycle storage at Beeston Children's Centre; GRANTED 13/07/2021
GEDLING			

Division	Member	Received	Determined
Carlton East	Cllr Mike Adams	Installation of new plant and equipment and relocation of 2 No. existing tanks at Bio Dynamic (UK) Ltd, Private Road No 4, Colwick Industrial Estate; received 30/06/2021	
Carlton West 1	Cllr Jim Creamer/Cllr Errol Henry		Siting of a single decker bus for school use (library) on a concrete plinth, with path and ramp access at Phoenix Infants and Nursery School; GRANTED 14/06/2021

Division	Member	Received	Determined
Carlton East	Cllr Mike Adams		Retrospective planning application to retain on Unit 1: Parts and storage racking to rear of main site office; Increased RDF Area; Bays in aggregate area; Storage bays in wood recycling yard; SRF refinement plant; Loading canopy to main sorting building; Scrap metal storage area and metal push wall; Wheel wash; Screening wall in aggregate area & four Storage cabins, and on Unit 2 : External storage area of baled sorted waste; Storage bays adjacent bale storage area; Storage bays to rear of processing shed & Mobile glass cleaner and consolidation of existing planning permissions and operational controls imposed under planning permissions 7/2012/0976NCC, 7/2015/0561NCC, 7/2016/0234NCC and 7/2017/0988NCC into one consent covering the full extent of the site at Enviro Building, Private Road No 4, Colwick Industrial Estate; GRANTED 30/06/2021
RUSHCLIFFE			

Division	Member	Received	Determined
Bingham East	Cllr Purdue-Horan/Cllr Upton/Cllr Clarke	Environmental Impact Assessment (EIA) Scoping Opinion for the A614/A6097 Major Road Network Improvement Project between Ollerton and East Bridgford in accordance with Regulation 15(1) of The Town and Country Planning (EIA) (England and Wales) Regulations 2017 (as amended). This project consists of six schemes (namely Ollerton roundabout; Mickledale Lane junction; White Post roundabout; Warren Hill junction; Lowdham roundabout and <u>Kirk Hill junction</u>); received 07/06/2021	
Keyworth	Cllr John Cottee	Erection of two-storey office block at John Brooke Sawmills Limited; received 30/06/2021	

Division	Member	Received	Determined
Leake and Ruddington 2	Cllr Andrew Brown/Cllr Reg Adair/Cllr Matt Barney		Outline application (with some matters reserved) for the erection of a Primary School for up to 2-forms of entry (in phases), plus 26 place nursery with associated car parking. Associated areas of soft play, hard play, grass playing field with landscaping works. Erection of 2m high security fencing and gates to perimeter and sprinkler tank. Provision of bound surface and lit 3m shared pedestrian and cycle path on route of Public Footpath East Leake FP5. Bound surface and lit path and bridge between Sheepwash Way and Public Footpath East Leake FP5 at Rempstone Road, East Leake; GRANTED 30/06/2021

Division	Member	Received	Determined
Bingham West	Cllr Neil Clarke		<p>Construction of new 315 (1.5FE) place primary school with 26 place nursery over two phases (1st phase 1FE 210 place with 26 place Nursery) associated playing fields, car parking (including lighting columns 4m high), lit service areas and sprinkler tank, hard surfaced outdoor play and footpaths. Associated landscaping and covered areas to nursery/reception classes, sun canopies, fenced sprinkler tank and bin store, 2.4m high security fencing and gates to boundary, including lit path between Widnall Drive and Dunsmore Avenue, associated highway works and safe pedestrian movement at Land off Widnall Drive, Bingham; GRANTED 30/06/2021</p>

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

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

Target Committee	Planning App No.	Location	Development
14th September 2021	7/2021/0648NCC	Land off Private Road No3, Colwick Industrial Estate, Nottingham, Colwick, NG4 2BA	Development of a waste management facility comprising a waste transfer station incorporating refuse derived fuel (RDF) production, a two storey office/welfare building, fire water tank and pump house, two weighbridges, a weighbridge office, parking areas for HGVs and staff and visitors, odour abatement system with 17.5m stack, external bays for the storage of inert materials, glass, road sweepings and wood, an area for the storage of bin skips, perimeter fencing, fuel tank and associated works.
14th September 2021	4/V/2021/0386	32 Sudbury Drive, Huthwaite, Sutton-in-Ashfield, NG17 2SB	Change of use from a residential dwelling to a small (2-bed) home for children in the care of the local authority. Alteration of front drive
14 th September 2021	4/V/2021/0397	Two Oaks Quarry, Coxmoor Road, Sutton In Ashfield, NG17 5LZ	Variation to hours for mineral conveying, processing/treatment & servicing, testing, maintenance of plant/machinery to 24 hours per day Mondays to Saturdays inclusive and lighting (conditions 21 and 15 of planning permission 4/V/2019/0300). (No working on Sundays or Bank/Public Holidays). No changes to the times for soils or overburden stripping, or the hours that vehicles may enter or leave the site. Variation to allow for floodlighting during extended working hours.
2 nd November 2021	3/20/01244/FULR3N	British Sugar Corporation Ltd Sports Ground, Great North Road, Newark On Trent, NG24 1DL	Change of use from former sports field to land to be used for conditioning (drying by windrowing) of topsoil material recovered from sugar beet delivered and excavated from soil settlement lagoons onsite, and engineering works to construct an internal access route to serve the soil conditioning area and excavate a flood storage compensation area.

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

Planning Application:	5/13/00070/CCM
Location:	Shilo Park, Shilo Way, Cossall
Proposal:	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings
Planning Application:	8/17/02096/CMA
Location:	Land off Green Street, Mill Hill and land at Barton in Fabis, off Chestnut Lane, Nottingham
Proposal:	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.
Planning Application:	2/2018/0040/NCC
Location:	Ratcher Hill Quarry, Southwell Road West, Rainworth, Mansfield, NG21 0HW
Proposal:	Retrospective permission for silica sand extraction and associated revised site restoration proposals.
Planning Application:	3/19/00100/CMM
Location:	Cromwell North Quarry, Land Between Carlton on Trent and Cromwell, Newark
Proposal:	Proposed extraction of 1.8 million tonnes of sand and gravel together with the erection of mineral processing plant and associated ancillary infrastructure. the provision of a new access, and the progressive restoration of the site to nature conservation over a period of 9 years.
Planning Application:	1/20/00544/CDM
Location:	Daneshill Landfill Site, Daneshill Road, Lound, DN22 8RB
Proposal:	Temporary operations for 10 years for Soil Treatment Facility including Asbestos Picking Operations
Planning Application:	ES/4217
Location:	Bantycok Quarry, Staple Lane, Balderton, Newark on Trent
Proposal:	Proposed southern extension to Bantycok Quarry, extension to the time limit for mineral operations until 31st December 2044 and amendments to the restoration scheme