

Planning and Licensing Committee

Tuesday, 18 September 2018 at 10:30

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

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| 1 | Minutes of the last meeting held on 17 July 2018 | 3 - 8 |
| 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 | |
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Notes

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

Customer Services Centre 0300 500 80 80

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

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

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

Meeting **PLANNING AND LICENSING COMMITTEE**

Date **Tuesday 17 July 2018 (commencing at 10.30 am)**

Membership

Persons absent are marked with 'A'

COUNCILLORS

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

A - Pauline Allan	Rachel Madden
Andy Brown	Kevin Rostance
Neil Clarke MBE	Tracey Taylor
Sybil Fielding	Keith Walker
Paul Henshaw	Andy Wetton
John Longdon	

OFFICERS IN ATTENDANCE

Pete Barker – Chief Executive's Department
Rachel Clack – Chief Executive's Department
Mike Hankin – Place Department
Neil Lewis – Place Department
Debbie Wragg – Place Department

1. MINUTES OF LAST MEETING HELD ON 5th June 2018

The minutes of the meeting held on 5 June 2018, having been circulated to all Members, were taken as read and were confirmed and signed by the Chair.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Allan (illness)

3. DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

No declarations of interest were made.

4. DECLARATIONS OF LOBBYING OF MEMBERS

No declarations of lobbying were made.

5. LAND AT LANGFORD QUARRY, NEWARK ROAD, NEAR COLLINGHAM

Mr Hankin introduced the report and informed Committee that an application had been made for southern and western extensions to the Langford Quarry, near Newark. The submission also incorporated alterations to the previously approved restoration arrangements for the existing quarry as well as seeking consent for the retention and continued use of the existing plant site and access to serve the extended quarry.

Mr Hankin explained to Committee that the key issues with the determination of the planning application related to the need for the minerals in the context of national and local minerals planning policy and the fact that the development site is not allocated for mineral extraction in the Development Plan.

Mr Hankin informed Committee that the report before them incorporated a detailed assessment of the appropriateness of the site for minerals extraction in the context of local environmental impacts notably visual and landscape effects, ecology and archaeology.

Mr Hankin reminded members that a report was due to go before the Communities and Place Committee on 19th July seeking approval to undertake public consultation on the new draft Nottinghamshire Minerals Local Plan. The proposals include an extension allocation at Langford Quarry which coincides with the boundaries of the current application site. Mr Hankin informed Committee that very little weight should be attached to the draft plan when determining the present application as the new minerals plan is still at an early stage of preparation.

Following the introductory remarks of Mr Hankin, Mr Deal, an estate manager employed by Tarmac, had the opportunity to speak and a **summary** of that speech is set out below:-

- I am a practising Chartered Surveyor with 33 years' experience and the site subject to the application is the best one I have been to. The infrastructure is of a high quality and the layout and safety for visitors is very good.
- The site is one of strategic importance in Nottinghamshire, producing a very significant proportion of sand and gravel in the County. Without approval of the extension the quarry will be worked out by October 2018.
- The demand for construction materials is expected to grow strongly over the next 10 years as national and regional infrastructure projects have an effect as well as the need for more housing and local facilities to support community growth.
- Ordinarily approval would have been sought further in advance but this has allowed more detailed work to be completed, for example taking into account archaeological concerns.
- Tarmac have demonstrated that they have the expertise to deliver successful restoration schemes which ultimately provide high quality new and sustainable landscapes.
- Tarmac have shown their respect for the environment in their day to day operations and their completion of environmental assessments, and have

also shown their respect for the communities in which their quarries operate.

- Tarmac are committed to delivering long term environmental and economic benefits.
- Tarmac have the patience to achieve the long term operation of the quarry producing construction materials for the next Minerals Plan to 2036 and beyond.
- Mr Hankin has produced a very clear and balanced report, which is not something I have experienced widely across other planning authorities, and I hope the Committee will be able to support the recommendation for approval.

There were no questions.

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

- Generally, sites are restored in stages and at the earliest opportunity. If a company goes bankrupt the need to restore the whole site should therefore be avoided. The authority can take out a bond if it is concerned with the viability of any firm. In the case of this application, the conditions should ensure a phased restoration and there are no concerns about Tarmac's viability.
- The application does not include any additional floodlighting. There have been problems in the past that have been dealt with by re-angling the lights. Any future problems can be dealt with through the regular liaison meetings.
- The Environmental Statement details how the presence of badgers, foxes and amphibians will be managed.
- Members requested a presentation on the work of the Authority's Archaeology Team in connection with planning applications.
- In terms of restoration, the emphasis is on the best and most versatile land of which there is only a relatively small section in this application. Permissive footpaths will be installed and wetland areas will be managed by the RSPB.
- The quarry already has a Section 106 agreement in force.
- All quarries in the area have routeing agreements which mean lorries avoid Collingham.
- There is only one public footpath on the site and this will be accessible for the duration of the works. The permissible path will be around the lake and once opened will be available in perpetuity as per the legal agreement.

The Chair summarised the situation as follows:

- Councillor Maureen Dobson, the local county councillor and a member of the liaison group, supports the application.
- The withdrawn Minerals Local Plan would have identified the application site and the draft Minerals Local Plan includes the site.
- Paragraph 107 of the report makes clear that in this case greater weight should be given to the NPPF policy rather than the MLP.

- Paragraph 112 of the report explains the importance of giving great weight to the economic benefits of mineral extraction.
- Nottinghamshire currently has a landbank of mineral reserves of 10.3 years but national mineral policy states that planning permission should not simply be refused where there is an excess of 7 years' reserves.

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

RESOLVED 2018/017

- 1) That subject to the completion of the legal agreement before the 17th October 2018 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
- 2) That in the event the legal agreement is not signed by the 17th October 2018, or within any subsequent extension of decision time agreed with the Minerals/Waste/County 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.

6. SCROOBY TOP QUARRY, SCROOBY TOP, DONCASTER

Mr Hankin introduced the report which considered a planning application seeking retrospective planning permission to regularise an extended waste management facility for the recycling of inert construction and demolition waste at Scrooby Top Quarry, Scrooby Top, Doncaster, the site area of which has been extended beyond the footprint of the permission area.

The key issues relate to whether the changes to the scale of operations remains acceptable in terms of highways impacts and to ensure there are no unacceptable environmental impacts associated with the development.

Following the introductory remarks of Mr Hankin, Mr Standen, an agent for the quarry, was given the opportunity to speak and a **summary** of that speech is set out below:-

- The operation has been undertaken within Scrooby Top Quarry for over 20 years and provides a local facility which contributes to meeting an identified local need for the management and re-use of local inert arisings.
- Recycling has historically been an integral part of the quarry's operation with mineral being used for blending with the processed waste stream to produce a marketable product.
- The operational area is discretely located within the existing quarry workings. The operation uses mobile plant and employs the very same amenity safeguards which apply to the existing minerals processing operation, including hours of operation.

- There are no significant environmental impacts associated with the operation or the minerals processing and extraction site within which it is located.
- Scrooby Top is strategically located on the A638, an arterial route between Bawtry and Retford and the neighbouring areas. The existing quarry entrance is engineered to a high specification such that safe access and egress can be obtained as required.
- The continued use of the development accords with the waste hierarchy in that it enables the re-use of inert materials which would otherwise be used in a less sustainable way.
- The proposal accords with national policy and the development plan in that it meets the key objective of maximising the recycling of inert waste and assisting in driving waste up the waste hierarchy.

There were no questions.

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

- No routing agreements are in place, the expectation is that lorries will travel up and down the strategic network using the A638 in a continuation of what happens at present. There have been no highway objections to the application. Local residents have been contacted and no objections have been received and no complaints have been received from residents regarding existing traffic.
- Concern was expressed that traffic may prove to be problematical in the future.

The Chair summarised the situation as follows:

- The application is retrospective but in this case this is not a material consideration.
- Some permissions were in place with differing dates, approval of this application will regularise activities on the site.

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

Resolved 2018/018

That planning permission be granted subject to the conditions set out in Appendix 1.

7. DEVELOPMENT MANAGEMENT PROGRESS REPORT

Mr Hankin introduced the report and confirmed that it was the usual regular report detailing which reports were likely to come before Committee.

Clarification was requested as to which electoral division the application regarding the Waste to Energy Power Generator falls (Appendix A – Page 119).

Resolved 2018/019

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

The meeting closed at 11.23am

CHAIR

18 September 2018**Agenda Item: 5****REPORT OF THE SERVICE DIRECTOR PLACE AND COMMUNITIES****APPROVED PREMISES FOR CIVIL CEREMONIES****Purpose of the Report**

1. To provide an annual update and overview of the County Council's role in licensing premises for the solemnization of marriages and the registration of civil partnerships.

Information and AdviceBackground

2. This report provides an update and overview regarding the County Council's role in licensing premises for marriages and civil partnerships.

Approved Premises

3. Current legislation allows for the solemnization of marriages (for any couple) and the formation of civil partnerships (for same-sex couples only) to take place in venues other than register offices. Secular premises such as historic buildings, stately homes, civic buildings, sports stadia and hotels can all be licensed, provided there is no compromise of Parliament's intention to maintain the solemnity of the occasion. To be approved, a venue must be seemly and dignified, it must be a permanently immovable structure, comprising at least one room, or any boat or other vessel which is permanently moored. Premises outside this definition, such as the open air, a tent, marquee or any other temporary structure, and most forms of transport, are not eligible for approval. An approved venue cannot be a religious premise, other than for the formation of Civil Partnerships, and it must be regularly available to the public, which precludes a domestic home.
4. There are currently 69 Approved Premises in Nottinghamshire, which is the same number as last year. These are listed at Appendix A. There is one new premise (The Hostess, Sookholme Road, Mansfield) and one premise that did not renew their licence (The Richard Herrod Centre). The fee for approval of a premise is included in the set of registration fees, which is reported annually for approval by the Communities and Place Committee.

Civil Partnerships in Religious Premises

5. The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 allow civil partnership ceremonies to be conducted in places of worship in England and

Wales. The Registration Services' role is to approve the premises. Nationally, the leaders of Liberal Judaism, the Quakers and the Unitarians have all expressed interest in holding ceremonies. The procedure, and the basis on which approvals will be granted, is broadly the same as that which currently applies to secular premises. Once approved, a premise will be included in the list of approved venues for civil partnerships, indicating that they are a religious premise. However, at present there have been no applications for a religious building in Nottinghamshire to be licensed for Civil Partnerships.

Procedures

6. The registration service procedures for approval of premises have been developed following 'The Registrar General's Guidance to Authorities for the approval of premises as venues for civil marriage and civil partnerships' (Sixth Edition, Revised June 2015). The premises are assessed for suitability, fire safety, and the need (or otherwise) for planning permission. Once granted, each approval lasts for three years.

Statutory and Policy Implications

7. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working 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

8. There are no financial implications contained in this report.

RECOMMENDATION/S

- 1) That members agree to receive an update report in the next 12 months and that this be included in the work programme.

DEREK HIGTON

Service Director, Place and Communities

For any enquiries about this report please contact:

Robert Fisher, Group Manager, Emergency Planning and Registration
Tel: 0115 977 3681, Email: Robert.fisher@nottsc.gov.uk

Constitutional Comments (SLB 23/08/2018)

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

Financial Comments [RWK 29/08/2018]

10. The financial implications are set out in paragraph 8 of the report.

Background Papers

The Registrar General's Guidance to Authorities for the approval of premises as venues for civil marriage and civil partnerships' (Sixth Edition, Revised June 2015)

Electoral Division(s) and Member(s) Affected

All

List of Approved Premises in Nottinghamshire

Premises name	Location
Arnot Hill House	Arnot Hill Park, Arnold
Beeston Fields Golf Club	The Old Drive, Wollaton Road, Beeston
Bestwood Lodge Hotel	Bestwood Country Park, Arnold
Blacksmiths	Town Street, Clayworth, Retford
Blotts Country Club	Adbolton Lane, Holme Pierrepont
Bridgford Hall	Bridgford Road, West Bridgford
Carriage Hall	Station Road, Plumtree
Chapel on the Hill	Knowle Hill, Kimberley
Clumber Park	The National Trust, Worksop
Clumber Park Muthu Hotel and Spa	Worksop
Cockliffe Country House	Burntstump Country Park. Nr Arnold
Country Cottage Hotel	Easthorpe Street, Ruddington
County House	Chesterfield Road South, Mansfield

Premises name	Location
Deincourt Hotel	London Road, Newark
East Bridgford Hill	Kirk Hill, East Bridgford
Eastwood Community Hall	Nottingham Road, Eastwood
Eastwood Hall	Mansfield Road, Eastwood
Forever Green Restaurant	Southwell Road, Mansfield
Full Moon Inn	Main Street, Morton, Southwell
Gilstrap	Castle Gate, Newark
Goosedale	Goosedale Lane, Bestwood Village
Grange Hall	Vicarage Lane, Radcliffe on Trent
Hazel Gap Barn	Budby, Ollerton
Hodsock Priory	Blyth, Nr Worksop
Holme Pierrepont Hall	Holme Pierrepont, Nottingham
Hostess	Sookholme Road, Mansfield
Kelham Hall	Kelham, Newark
Kelham House Country Manor Hotel	Main Street, Kelham, Newark

Premises name	Location
Kingsway Hall	Forest Town, Mansfield
Langar Hall	Langar, Nottinghamshire
Lion Hotel	Bridge Street, Worksop
Mansfield Manor Hotel	Carr Bank Park, Windmill Lane, Mansfield
Mill, Rufford Country Park	Ollerton, Newark
Mour Hotel	Lake View Drive, Annesley
Newark Castle	Castle Gate, Newark
Newark Town Hall	Market Place, Newark
Newstead Abbey	Newstead Abbey Park, Ravenshead
Norwood Park Country House	Southwell, Notts
Nottingham Forest Football Club	City Ground, Nottingham
Nottinghamshire County Cricket Club	Trent Bridge, Nottingham
Nottinghamshire Golf and Country Club	Stragglethorpe, Nottinghamshire
Old Vicarage	Park Lane, Elkesley, Retford
Old Vicarage Boutique Hotel	Westhorpe, Southwell

Premises name	Location
Oscar's Lounge & Restaurant	Main Street, Calverton
Papplewick Pumping Station	Off Longdale Lane, Ravenshead
Pheasantry Brewery	High Brecks Farm, East Markham, Newark
Portland College	Nottingham Road, Mansfield
Pumping House	Brake Lane, Boughton, Newark
Ramsdale Park Golf Centre	Oxton Road, Calverton
Retford Town Hall	Market Square, Retford
Riding Hall	Thoresby Park, Newark
Rowan Suite	Chancery Lane, Retford
Ruddington Grange Golf Club	Wilford Road, Ruddington
Rufford Park Golf and Country Club	Rufford Lane, Rufford, Newark
Saracens Head Hotel	Market Place, Southwell
Secret Garden	Lancaster Road, Gringley on the Hill
Sherwood Forest Oak Room	Edwinstowe, Mansfield
Southwell Racecourse	Rolleston, Nr Newark

Premises name	Location
Sutton Bonington Hall	Main St, Sutton Bonington, Loughborough
Swancar Farm Country House	Trowell Moor, Trowell
Thrumpton Hall	Church Lane, Thrumpton
Victoria Suite	Memorial Avenue, Worksop
Village Hotel Nottingham	Brailsford Way, Chilwell
Welbeck Hall	Welbeck Road, West Bridgford
West Retford Hotel	North Road, East Retford
Woodborough Hall	Bank Hill, Woodborough
Worksop Masonic Hall	Potter Street, Worksop
Worksop Town Hall	Potter Street, Worksop
Ye Olde Bell Hotel	Barnby Moor, Retford

18th September 2018**Agenda Item: 6****REPORT OF CORPORATE DIRECTOR – PLACE**

**PROPOSAL 1: TO VARY CONDITION 3 OF PLANNING PERMISSION 1/29/97/10 TO
EXTEND THE CESSATION DATE FOR PERMITTED WASTE
PROCESSING OPERATIONS UNTIL 31st DECEMBER 2023**

BASSETLAW DISTRICT REF. NO.: 1/18/00217/CDM

**PROPOSAL 2: TO VARY CONDITION 3 OF PLANNING PERMISSION 1/29/05/00008 TO
EXTEND THE PERMISSION FOR AN EXTENSION TO A STOCKPILING
AREA FOR RECYCLED INERT MATERIAL UNTIL 31st DECEMBER
2023**

BASSETLAW DISTRICT REF.NO.: 1/18/00218/CDM

**PROPOSAL 3: TO VARY CONDITION 4 OF PLANNING PERMISSION 1/29/06/00010 TO
EXTEND THE PERMISSION FOR TEMPORARY STOCKPILING OF
INERT WASTE UNTIL 31st DECEMBER 2023**

BASSETLAW DISTRICT REF. NO.: 1/18/00219/CDM

LOCATION: DANESHILL LANDFILL SITE, LOUND ROAD, RETFORD DN22 8RB

APPLICANT: FCC RECYCLING (UK) LIMITED

Purpose of Report

1. To consider three variation applications at FCC Recycling (UK) Limited's waste recycling facility at Daneshill Landfill Site, Daneshill Road, Lound, Retford.
2. The three applications (Proposals 1, 2 and 3) seek planning permission to extend the use of the recycling compound for a further temporary period of five years, for the recycling of inert construction and demolition waste.
3. The applicant has agreed with the County Council's request to scale back the original proposals from a proposed twenty year extended use to one of five years, with a view to ceasing recycling activities by the end of December 2023 to link in with the final phase of restoration at Daneshill Landfill site. By this date, the recycling compound would be cleared of all associated plant and

material stockpiles in preparation for a final scheme of restoration which would see the application site being subsumed into the wider landfill site.

4. The key issues relate to the continuing need for the recycling facility and the impacts on nature conservation/ecology interests from extending recycling operations and delaying restoration.
5. The planning applications are being reported to Planning and Licensing Committee on the grounds that the maximum annual level of projected throughput of inert waste, of potentially up to 216,000 tonnes per annum with an average throughput of 100,000 per annum, exceeds the threshold of 30,000 tonnes per annum that can reasonably be determined under delegated powers by this Authority, as Waste Planning Authority (WPA).
6. The recommendation is to approve the three Section 73 applications subject to the conditions set out in the appendices of the report.

The Site and Surroundings

7. The Daneshill recycling compound site utilises an area within the curtilage of the wider Daneshill Landfill site for the purposes of an inert aggregates recycling operation.
8. Daneshill Landfill site is situated to the north of Retford between Torworth and Lound; and is located in open countryside in Bassetlaw, approximately 4.5 kilometres north-west and 2.2 kilometres west, of Retford and Lound respectively. The nearest settlements are the villages of Torworth approximately 1 kilometre and Ranskill approximately 1.3 kilometres, to the west and north-west respectively (see Plan 1).
9. The landfill site lies to the north of Daneshill Road from which vehicular access is gained via the existing landfill haul road, with Daneshill Road connecting to the A638 to the west and Mattersey Road to the east. Lound Footpath No. 2 runs along the existing access road off Daneshill Road.
10. The nearest sensitive residential receptors to the site are two cottages (Daneshill Cottages) situated on the northern side of Daneshill Road close to the junction with the landfill access road, some 500 metres to the west. Additionally, there is a travellers' site approximately 220 metres south of the site within Daneshill Road.
11. The application site occupies an area of land in the south-eastern part of the landfill site, partially abutting the southern boundary of the wider landfill site. A household waste recycling centre is situated to the immediate north-east and within the same vicinity lies a landfill gas compound, beyond which is restored landfill.
12. Three separate planning units which are interconnected, collectively make up the Daneshill recycling compound (see Plan 1). The original 1.5 hectare site (Plg. Ref. 1/23/97/10) occupies the south-western part of the recycling compound, partially abutting the southern boundary of the landfill site. The extension site (Plg. Ref. 1/29/05/00008) extends the site broadly south-

eastwards, with a triangular footprint. Finally, the temporary stocking area (Plg. Ref. 1/29/06/00010) has extended the length of the site in a north-westerly direction, following a broadly linear footprint. The recycling facility therefore now covers an area of around 4.5 hectares.

13. The application site is currently non-operational with intermittent stockpiles of soils remaining, with the purpose of being used for the final restoration of the landfill site; and areas of concrete rubble located around the site periphery. The area within the site boundary is largely devoid of vegetation, although some scattered shrub and grassland habitat has developed over the soil storage bunds. Areas of broken concrete rubble are located around the site periphery. Two ponds are situated at approximate distances of 179 metres and 240 metres to the north of the site.
14. Woodland is located to the south and east of the site with scattered trees and shrubs located to the north and west providing substantial screening of the recycling compound. Beyond the application site and wider landfill site, the surrounding landscape is predominantly open countryside made up of a mosaic of agricultural land, open fields and extensive wooded areas. There is restored landfill to the east, north and west. Between the landfill site and Daneshill Road, in part, is mature woodland and agricultural land.
15. The site itself does not lie within any area of designation as shown on the Bassetlaw Core Strategy proposals maps. However, it is noted that Mattersey Hill Marsh Site of Special Scientific Interest (SSSI) is located to the north of the landfill and Daneshill Lakes and Woodland Local Wildlife Site (LWS) lies to the south-west of the site.

Background

16. Daneshill is a long-standing operational landfill site occupied and managed by FCC Environment under a long-term lease from Nottinghamshire County Council that runs until 2092.
17. The continued movement of waste up the Waste Hierarchy means that existing landfill sites are taking longer to reach their full capacity. Added to this, the landfill tax escalator has created a strong incentive to divert waste from landfill, and whilst the landfill at Daneshill has permission to continue operating with final restoration not being required until May 2048 under extant planning consent 1/29/93/8, in practice the landfill closed to waste imports in January 2017 with capping being undertaken during the Autumn period of 2017.
18. Whilst the three Section 73 planning applications under consideration in this report originally sought to retain the capacity to undertake waste recycling operations up until the year ending 2037, this was intrinsically linked to the landfill site remaining operational or at the very least having a realistic chance of resuming waste importation/landfill operations at some future date. However, agreement has now been reached between the applicant, FCC Recycling (UK) Limited, and this Authority, to amend the proposals accordingly, and seek to reinstate waste recycling operations for a more limited period of time which more accurately reflects the time needed for completing restoration works at the

landfill site. These proposals now reflect the fact that landfill operations have permanently ceased at Daneshill; and in principle it is not anticipated that completion of the restoration works would be prejudiced by extending the use of the recycling facility for a further five years up until the end of 2023.

19. The anticipated timescales to restore the Daneshill landfill facility, based on the current status of the site, as detailed in the 2018 Aftercare Report, indicates a reduced term of five years to deliver a revised scheme of restoration. This is based on a requirement of sourcing a minimum of approximately 140,000 tonnes of soils which at current import rates would take around five years or so to complete, in order to cap an outstanding area of 53,000 square metres. This Authority is of the opinion that the period required for restoration, which appears to be dictated by the amount of soils that are required, should reflect the amount of soils referenced in the aftercare report, and based on current import rates, it is considered that an appropriate timeframe for restoration purposes would be five years.
20. Based on this assessment, the County Council advised that a more realistic timeframe for retaining the recycling compound would be five years rather than the twenty years originally being sought, to link in with the remaining restoration obligations indicated in the 2018 Aftercare Report.
21. The applicant has agreed to the suggested amendment and the three Section 73 planning applications have been amended accordingly to reflect this fact. The amendment seeks to address initial concerns raised by the County Council's Nature Conservation Officer, regarding the length of postponement in terms of restoring the recycling compound. These comments are set out in paragraphs 54-56 of this report.

Planning history

22. The three applications relate to an established Waste Recycling Facility which principally operates under three extant planning permissions granted by the WPA, with the site being situated within the current landfill consent boundary.
23. Daneshill Landfill site was originally part of a former Royal Ordnance Factory, occupying some 250 hectares. The site was acquired by the County Council for a major land reclamation scheme, 40 hectares of which were allocated for waste disposal. Planning permission (Plg. Ref. 1/29/80/13D) was duly granted by the County Council in August 1981. Daneshill Landfill site involved the phased tipping of household, commercial and non-hazardous industrial wastes. The site opened in 1984 and was operated by the County Council until March 1993 when it was transferred to Waste Notts Ltd.
24. Waste Notts Ltd was subsequently granted planning consent (Plg. Ref. 1/29/93/8) in June 1995 for an extension to the landfill site, and the relocation of a household waste and recycling centre to Daneshill. This permission also updated planning conditions relating to the remainder of the landfill site including Condition 1 which placed a requirement on the landfill site to be restored before the 18th May 2048.

25. The final restoration scheme for Daneshill Landfill site was subject to amendment, with the County Council granting planning permission (Plg. Ref. 1/29/11/00010) in November 2012. Due to the early closure of the landfill site and pursuant to Condition 38, a revised interim restoration plan with revised contours, and an amended aftercare scheme have been drafted by the applicant and submitted to the WPA on 8th August 2018. These revised details are currently out for consultation with the County Council's Landscape and Nature Conservation Teams, Natural England and Nottinghamshire Wildlife Trust.
26. A separate planning consent (Plg. Ref. 1/29/97/10) was granted in October 1997 for the use of part of the extended landfill site for an inert aggregate recycling facility. It was envisaged that the derelict concrete works site, incorporating the aggregate recycling facility, would not be due to be prepared for filling until 2018. To this end, Condition 3 was attached ensuring that all recycling operations should cease and any associated plant and material stockpiles be removed by the 31st December 2017 in preparation for future landfilling. The inert waste recycling operations were subsequently subject to two further planning permissions (Plg. Refs. 1/29/05/00008 and 1/29/06/00010), granted in May 2005 and October 2006 respectively which permitted an extension to the recycling area, and the subsequent temporary stockpiling of recycled inert waste.
27. The Daneshill Recycling compound continues to be covered by extant planning permissions 1/29/97/10, 1/29/05/00008 and 1/29/06/00010, and whilst the consented waste recycling facility is currently not operational, it continues to be subject to a regular management and monitoring regime by the applicant. The monitoring regime is further supplemented by regular monitoring undertaken by the WPA, in accordance with the County Council's adopted Local Enforcement Plan (May 2015).

Proposed Development

28. Planning permission is sought to extend the duration of the permitted waste operations from the approved cessation date of 31st December 2017 until the 31st December 2023. This request has been submitted pursuant to Section 73 of the Town and Country Planning Act 1990. At the request of the County Council, the planning applications have been amended to bring the recycling operations into line with the timeframe for completing the final phase of restoration at the landfill site.
29. The consented development allows for the import, stockpiling and recycling of inert construction and demolition waste materials to produce aggregate products for export from the site, and the stockpiling of residual soils for restoration purposes. Three related variation applications seek to extend the life of the recycling compound at the Daneshill Landfill site, extending its period of operation by five years to 31st December 2023 in line with the revised restoration dates for the landfill site. This extension of time is intrinsically linked to the final phase of restoration of the landfill site.

30. Under an approved restoration plan (see Plan 2 which identifies the recycling compound within the broader context of the wider landfill site) the recycling compound is due to be restored to a mix of native broadleaf planting and open heathland restoration. The proposals seek to extend the date for restoring the recycling compound and temporary stockpiling area. The recycling facility is presently mothballed, but the time extension to the extant planning permissions would retain the site's permitted land use as a waste processing site.
31. As stated, the area of these three variation applications falls within that of the wider landfill site, with the intention that this area will eventually be subsumed by the landfill site and final restoration scheme (as stated in Condition 21 of planning permission 1/29/11/00010).
32. In relation to extant planning conditions 3, 3 and 4 of planning permissions 1/29/97/10, 1/29/05/00008 and 1/29/06/00010 respectively the following variation is therefore sought:

'This permission shall be for a limited period only, expiring on 31st December 2023, by which time the site shall be cleared in order that the final phase of the restoration is not prejudiced'.

33. The applicant has confirmed in supporting information that the operator seeks to retain the option to resume inert waste recycling operations at Daneshill Landfill site beyond the current expiry date of the 31st December 2017, and in to the next five years, and seeks to vary the above planning conditions to facilitate this extension of time. No other changes are being proposed.
34. Whilst the site is currently mothballed, it is envisaged that when operational, the waste operations would be broadly implemented as before, with the recycling compound continuing to be controlled by the re-imposition of extant planning conditions to any new planning consents.
35. The key elements of the recycling operations, as previously operated, are as follows.

Operational Procedure/processes

36. There are no dedicated parking areas or haul routes except the entrance route due to the transient nature of the machinery and stockpiles.
37. Hours of operation would continue to be Mondays through to Fridays 07:30 hrs to 16:30 hrs; and Saturdays 07:30 hrs to 11:30 hrs. No operations that would involve the movement of materials or operation of any plant or machinery would be carried out on Sundays or Public and Bank Holidays.
38. All material is weighed on arrival at the site, with the weighbridge operator then deciding whether material is suitable for recycling (i.e. screening/crushing) by carrying out a visual check of the load. Any unsuitable material is identified and immediately placed within a loading shovel bucket and readied for transfer off site.
39. Suitable waste streams include: brick rubble, concrete, soils (topsoil and subsoil), sand and gravel, or any mixture of these materials. If suitable for

recycling, the vehicle is directed to a designated area for unloading, for initial storage, prior to screening. Plant includes a wheeled/tracked loading shovel or a 360 degree excavator; and a 'live head' screen and two-stage conveyor belt for screening. Stockpiled material would then be fed over the screen. This process would generate three types of product: an oversize material; a clean brick/concrete rubble, and soils. These three products would be stockpiled separately.

40. The stockpiled 'oversize' material may be stored for a period of up to 12 months, during which time a temporary, hired in mobile crushing plant would be utilised on site so as to reduce the size of this material into a useable product. The size of the crushed aggregate would vary to suit market demand. The stockpiled brick/rubble would be stored for up to three years and would be utilised for site road maintenance or sold as recycled aggregate. The stockpiled soils would be stored on site for a period of up to three years and it is envisaged would be utilised for on-site restoration purposes.
41. The site has the capacity to handle up to 216,000 tonnes of imported material per annum (tpa) (as stated in the 'Recycling Area Method Statement dated February 2005). At the time, this equated to 40 loads per day and was typically split into 144,000 tonnes of concrete/rubble and 72,000 tonnes of soils. Approximately 90,000 tonnes of the 144,000 tonnes of concrete and rubble would be crushed prior to sale, with the remaining 54,000 tonnes being used either within the wider Daneshill site or sold as clean brick rubble.
42. Historically the soils have been stored on site prior to their use as and when required, as restoration materials.
43. It is confirmed by the applicant that the anticipated throughput would be approximately 100,000 tpa, but that they are seeking to retain the maximum limit of 216,000 tpa. The flexibility allowed by the maximum upper limit would allow the operations to react quickly to market demand as and when they arise. Whilst the maximum limit needs to be retained, the 100,000 tonnes per annum figure represents a reasonable estimate of annual throughput in the current climate.
44. Lorry movements would continue to be controlled by the re-imposition of extant planning conditions, which would seek to ensure that the reinstated recycling operations do not generate any additional lorry movements above the levels historically permitted for landfill operations.
45. At the time of the original application it was envisaged that the recycling operations would generate an average of 10 vehicle movements per day, but this was set against a baseline figure of 160 HGVs (320 vehicle movements) per day, which was the volume of traffic permitted to visit Daneshill landfill site. Any lorry movements associated with the recycling facility were counted in as part of this overall total figure.
46. The above seeks to give a general indication of the Daneshill recycling operations if reinstated.

Consultations

47. These comments relate to all three linked planning applications. Each of the three planning applications has been consulted on separately and the subsequent responses are summarised jointly as follows:
48. **Bassetlaw District Council** *No objection.*
49. **Anglian Water Services Limited** *No comment.*
50. *As the proposals are not related to drainage, Anglian Water Services is unable to comment on the proposed applications.*
51. **The Environment Agency (Waste) (EA)** *No comment.*
52. *It is noted that there may be implications for the Permit but this would be dealt with via other means.*
53. **Natural England** *No comment.*
54. **NCC (Nature Conservation)** *No objection.*
55. *The initial response noted that the proposal would have had the effect of delaying the site's restoration by 20 years, and hence delaying the delivery of biodiversity benefits that the restoration would bring. It was questioned whether there was a need for this site if it is mothballed and whether there was the need for it to be given such a long extension. In terms of ecology, an Ecological Constraints Plan has been provided; and this must be adhered to (and conditioned as appropriate). It is noted that the site is under regular management, and such management should continue to prevent the site undergoing natural succession and developing notable habitats, or gaining more potential to support protected species. It is suggested that such management (to be carried out at least annually) be conditioned.*
56. *Having previously queried the length of time being sought, the fact that this has been reduced from 31st December 2037 to 31st December 2023, allowing the biodiversity benefits of the restoration to be achieved much sooner is welcomed.*
57. **NCC (Countryside Access)** *No objection.*
58. *Lound Footpath No. 2 is located on the access route to Daneshill Landfill Site, but is not on the indicative site. Provided that its availability is not affected by these proposals, there is no objection.*
59. **NCC (Landscape)** *No objection.*
60. *Planning approval 1/29/93/8 relates to the permission to extend the landfill site and relocate the household waste and recycling centre at the Daneshill Landfill Site (June 1995).*
61. *Under Condition 1 of the 1995 consent, the landfill must be restored before May 2048. The extension of 20 years is therefore in compliance with this consent, albeit that the proposals*

62. **Highways England** *No objection.*
63. *It is noted that the site is approximately 5km from the nearest part of the strategic road network and the continuation of consented activities would not result in any increase in vehicular traffic generated by the site.*
64. **NCC (Highways) Bassetlaw** *No objection.*
65. *Having considered the history of the site, the Highways Authority has no objection to the principle of this proposal.*
66. **NCC (Planning Policy)** *No objection.*
67. *The planning policy comments have been re-issued in light of the revisions to the NPPF published on 24th July 2018.*
68. *Policy 5.8 of the Nottinghamshire and Nottingham Waste Local Plan is of relevance to the proposal stating that temporary aggregate recycling centres will be permitted at waste disposal sites, provided that the facility is linked to the life of operations of the waste disposal facility and that the recycling operation does not create any unacceptable environmental impacts.*
69. *Extensions to existing waste management facilities is also covered under Nottinghamshire and Nottingham Waste Core Strategy (WCS) Policy WCS8, which supports the extension, redevelopment or improvement of existing waste management facilities, stating that they will be supported where this would increase capacity or improve existing management methods, or reduce environmental impacts.*
70. *The policies relating to environmental protection from impacts potentially caused by waste operations can be found in Chapter 3 of the Nottinghamshire and Nottingham Waste Local Plan.*
71. *This facility is located on hardstanding that is a remnant of the site's previous use as a munitions facility, with no remaining standing structures present and given its context could be classed as being within an area of open countryside, under the criteria stated in WCS Policy WCS7. Under this policy open countryside locations are suitable for landfill and land raise operations, however not so for aggregates recycling facilities (which are only supported on employment land). Therefore, under Policy WCS7, with a view to Policy 5.8 and WCS8, the extension in time to this facility would be acceptable in policy terms while there remains a demonstrable link between the recycling facility and the landfill, with the recycling facility being clearly tied to the life of the landfill permission which covers the area of the recycling facility.*
72. *Under these circumstances the facility would continue to meet the relevant policies within the Waste Local Plan and Waste Core Strategy. There may be a need for conditions to be attached to any planning permissions for these variation applications to enable the control of this facility and to cover the potential earlier restoration of the site.*
73. *The proposals may also reduce the need for the transport of materials to an additional site, in which case the proposals would comply with Policy WCS11 in*

respect of sustainable transport by minimising the distances travelled in undertaking waste management.

74. *In relation to national policy, the proposed continuation of the facility's operation adheres to the National Planning Policy for Waste (NPPW) in respect of moving waste up the waste hierarchy and away from disposal.*
75. **NCC (Flood Risk) Statutory** *No objection.*
76. *This Authority does not want to make any comment on the proposals in relation to flood risk.*
77. **NCC (Noise Engineer)** *No objection.*
78. *It is noted that the site is relatively remote from nearby sensitive receptors and there appears to be no history of noise complaints. There are existing noise controls in place to protect any potential affected residential receptors in the future.*
79. *In terms of conclusions and recommendations, there are no objections to make to the extension of time on noise grounds.*
80. **NCC (Reclamation)** *No objection.*
81. *The time extension would not have any significant detrimental effects from the view of contaminated land considerations, assuming that the materials being recycled are still classified as inert and that the monitoring controls and inspection routines already in place are continued.*
82. **Lound Parish Council, Nottinghamshire Wildlife Trust, Cadent Gas Limited, National Grid Company PLC PYLON, Severn Trent Water Limited and Western Power Distribution** have not responded. Any response received will be orally reported.

Publicity

83. The three applications have been publicised by means of site notices and press notice (as affecting a public right of way) and neighbour notification letters have been sent to the nearest occupiers in Daneshill Road, Lound, in accordance with the County Council's adopted Statement of Community Involvement.
84. Councillor Tracey Taylor has been notified of the applications.
85. No representations have been received.

Observations

Introduction

86. Whilst the site is currently not in active use, the applicant seeks to retain the ability to recommence operations at short notice to meet market demands, as

and when they arise. Collectively the applications seek to secure the operations at Daneshill over the short term and avoid the recycling capacity being lost at the present time, as would be the case under the current planning consents. The extension of the date by which the site must be restored would provide operational flexibility to the operator and ensure that the associated environmental benefits delivered through the recycling operations are available until the end of 2023.

87. The proposals seek to avoid the permanent loss of an Environment Agency permitted recycling facility, without which inevitably any associated recycling activities would have to be handled elsewhere. This could potentially be at more distant locations, incurring both higher carbon emissions and transport costs.
88. By allowing the proposed amendment and suspending the restoration at this stage, the Daneshill recycling facility would continue to be available at immediate notice to react quickly to market conditions and commence recycling activities as and when required.
89. The principle of using the site for waste recycling operations has been established under the previous extant planning consents, with the suitability of the site having been assessed against relevant policy criteria, with this including the physical and environmental constraints on the development; existing neighbouring land uses; and any significant adverse impacts on the quality of the local environment.
90. Reference is now made to those material considerations relevant to the determination of this planning application.
91. The overarching benefit of the proposed extension of time is that it would retain the site's recycling capacity to meet a demand in North Nottinghamshire and bring the site back into operational use in accordance with the principles of sustainable development. The proposal represents a sustainable use of resources, both in terms of conserving primary aggregates through the recycling of waste materials and their reconstituted use as secondary aggregates in the construction industry; generating residual soils for on-site restoration purposes, and maximising the use of an existing facility and associated infrastructure prior to site clearance and restoration. In principle, WCS Policy WCS8 continues to provide material support for the extended use of the facility up until the year ending 2023, provided any identified environmental and amenity effects remain capable of being effectively mitigated, and remain less than significant; and provided the aggregate recycling operations remain linked to the life of the operations at the landfill site.
92. A key consideration in determining these planning applications relates to the environmental and amenity effects arising from extending the operational life of the Daneshill recycling compound beyond December 2017. These matters have been subject to further re-assessment in the context of the updated consultee responses.
93. It is also necessary, given that the recycling facility is presently 'mothballed' to establish that there is a continuing need for this facility. This is material to this

decision in terms of assessing the acceptability of extending operations for another five years.

Need for development

94. In national planning policy terms, the proposed development is given due consideration in light of the revised National Planning Policy Framework (NPPF) (July 2018), the Planning Practice Guidance (PPG) (published on-line in March 2014 and periodically updated), and the National Planning Policy for Waste (NPPW) (October 2014). Relevant policies and direction as set out in these documents are material considerations to the determination of the applications.
95. The revised NPPF (July 2018) seeks to ensure that sustainable development is pursued in a positive way, and paragraph 11 states that in decision taking a presumption in favour of sustainable development should apply. The role of the planning system in terms of achieving sustainable development means encouraging mutually beneficial economic, social and environmental development, with this theme continuing to run through decision-taking.
96. The application has been submitted by FCC Recycling (UK) Limited to update the extant planning consents covering recycling operations at Daneshill, to remove the time constraint on the land use as a waste management activity. Whilst the recycling compound has been mothballed in recent years, it is considered that the most significant influencing factor upon the site's underuse has been the requirement to restore the site by December 2017, the condition which the above-mentioned planning applications are seeking to amend.
97. The need for the applications and reasoning behind the proposal is to overcome current restrictions on the site and to effectively reinstate its operational capacity as an inert waste recycling facility. The applicant states that a number of potential recycling operator partners for the site have expressed an interest in establishing operations within the compound to meet the recycling needs of the local market. However, the requirement for the immediate restoration of the site has been a significant constraint and has ultimately resulted in deterring operators from using the facility.
98. The capital investment required to run a modern and environmentally acceptable recycling operation is such that it is essential to have a predictable import of waste, capable of being managed through a secure facility, and this means demonstrating that the site is covered by a valid planning consent, which in this case can guarantee at least five years of operational capacity. As such, the approval of the aforementioned planning applications would remove current restrictions and allow the site to be made available again to meet the local market's recycling needs.
99. Paragraphs 80 and 81 of the revised NPPF indicate that when making planning decisions, significant weight should be placed on the need to support sustainable economic growth and productivity in a positive and proactive way. The planning system should not act as an impediment to sustainable growth; and significant weight should be placed on the need to support economic growth. The economic argument put forward by the applicant in respect of

these planning applications is therefore a material planning consideration in support of the proposal, but one which needs to be balanced against any potential adverse environmental effects which may arise from extending recycling operations beyond the end of 2017.

Extended use of the site and compliance with waste planning policy

100. The revised NPPF makes clear that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the purposes of this application, the Development Plan comprises the key strategic policies in the Waste Core Strategy (WCS) and relevant saved environmental protection policies in the Nottingham and Nottinghamshire Waste Local Plan (WLP) and the Bassetlaw 2011 Core Strategy and Development Management Policies DPD (BCS) (Adopted December 2011).
101. The WCS and WLP set out the County Council's policies material to the development, with a general presumption in favour of sustainable development.
102. This is directly reflected in WCS Policy WCS1, with this particular policy stating that planning applications which accord with Core Strategy policies and any other relevant policies in the other plans that make up the Development Plan, will be approved by the County Council without delay, unless material considerations indicate otherwise. It states that when considering development proposals, the County Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the revised NPPF. This policy offers principle support for these proposals.
103. Overarching policy direction for waste is set out in the NPPW with a presumption in favour of sustainable development and resource efficiency (including supporting local employment opportunities and wider climate change benefits), and supporting activities which drive waste management up the waste hierarchy.
104. The waste hierarchy which is set out in Appendix A of the NPPW and Figure 2.1 of the WCS identifies that recycling and preparing for reuse of waste material is preferred to disposal, with this being reflected in WCS Policy WCS3 which prioritises the development of new or extended waste recycling facilities. The proposals would be compliant with these principles, involving an extension of time to an existing waste recycling facility, which would increase the site's capacity to beneficially manage and process demolition and construction waste streams over a longer period of time. This would facilitate the recycling of more waste material for an extended period of time subject to there being no unacceptable environmental impacts and subject to the life of the waste management operations remaining intrinsically linked to that of the wider landfill site. As such, the extended waste recycling facility would accord with the WCS and NPPW delivering on the key objectives of maximising the recycling of inert waste streams and assisting in the process of driving waste up the waste hierarchy.

105. The proposals therefore support an upward trajectory in the recycling of construction and demolition waste, giving appropriate consideration to the waste hierarchy.
106. Also of relevance is Policy WCS3 (Future waste management provision), which aims to provide sufficient waste management capacity to meet the county's needs, with priority being given to the development of new or extended waste recycling facilities. Such developments should accord with the WCS's aim of achieving a 70 per cent target for the recycling of all waste by 2025. The proposals under consideration in this report accord with the policy aims and objectives in terms of contributing towards the delivery of sufficient and appropriate waste management capacity across the county. Retaining the Daneshill recycling operation, which would be facilitated by the granting of these planning applications, would ensure that some 100,000 tpa of inert wastes (construction and demolition) would be capable of being recycled annually in this part of North Nottinghamshire. Consenting a further time extension would ensure that this facility continues to meet a local need.
107. There is a need to meet EU and national recycling targets, and the WCS's core objective is to support and encourage sustainable waste management solutions for all waste to support these targets.
108. Whilst the 70 per cent national target for recycling rates for construction and demolition inert wastes has largely been surpassed, this target is supported by more ambitious aspirational targets as reflected in table 5 of the WCS. This provides figures for indicative additional treatment capacity to meet the aspirational targets in WCS Policy WCS2 (Waste awareness, prevention and re-use). In this respect, it is indicated that the additional treatment capacity required for construction and demolition waste would equate to some 908,000tpa. Extending the time-limit on the Daneshill facility would retain its waste management capacity, and the contribution it could potentially make towards the WCS's targets, both established and aspirational, for recycled inert waste. As such, the proposals would accord with WCS Policies WCS2 and WCS3.
109. Also relevant to the proposals is WCS Policy WCS7. The criteria-based approach of this policy sets out what type of development is likely to be acceptable in which locations. Under this policy whilst open countryside locations are suitable for landfill and land raise operations, this is not the case for aggregates recycling facilities which are only supported on employment land.
110. However, whilst not strictly complying with the locational criteria listed under WCS Policy WCS7, the County Council's Waste Policy Team is satisfied that when the development is considered under this policy in conjunction with WCS Policy WCS8 (Extensions to existing waste management facilities), the extension in time to this facility would be acceptable in policy terms whilst there remains a demonstrable link between the recycling facility and the landfill, with the recycling facility being clearly tied to the life of the landfill permission which covers the area of the recycling facility. In reaching this policy position, attention is drawn to the fact that the principle of the acceptability of the development in terms of its location has been established under extant planning consents 1/29/97/10, 1/29/05/00008 and 1/29/06/00010, and the proposals do not relate

to a new facility which in principle would not be acceptable in the open countryside, but to an established, existing facility which has previously been granted planning permission. The retention of the recycling compound is tied into the timeframe for finalising the landfill restoration works. Extant planning conditions would be re-attached to control the cessation of recycling operations and ensure the removal of all associated infrastructure and material stockpiles, prior to restoring the site.

111. As stated, support is provided by WCS Policy WCS8 given that it would retain the facility for a further five years thereby supporting waste recycling capacity in this part of the county. In line with this policy, the proposal represents an economically viable and sustainable option and one which would enable the site to be brought back into beneficial use, reinstating its use as a waste management facility and retaining its recycling capacity for the handling of inert construction and demolition waste. As such, the proposal accords with WCS Policy WCS8 subject to it being demonstrated that by extending the life of the recycling operations it would not create any unacceptable environmental impacts, in terms of ecological impacts or from additional noise, increased traffic and visual impact, for example.
112. As stated, in general terms, it is noted that the suitability of the site has previously been assessed against relevant policy criteria including locational criteria, physical and environmental constraints on the development, and existing and proposed neighbouring land uses. Daneshill recycling compound is an existing site, albeit not operational and has the benefit of existing transport infrastructure and good highway connectivity. Its location in terms of the operational site being distant to residential development is significant in supporting this development. When operational it also represents a relatively large scale waste management operation, with a capacity to deal with up to 216,000 tpa of inert waste if required, and one which is expected to deal with some 100,000 tpa over the next five years. Therefore, in terms of capacity this waste management facility has the potential to make a relatively significant contribution to the local waste aggregate market in North Nottinghamshire; and without these planning applications that contribution to local waste recycling capacity in the north of the county would be lost.
113. It is concluded that the local development plan is broadly supportive of the principle of extending the life of the inert waste recycling facility at Daneshill and reinstating operations subject to the development meeting the requirements of WCS Policy WCS13 (Protecting and enhancing our environment) which requires waste facilities to demonstrate acceptable environmental effects. These effects are considered below.

Consideration of environmental and amenity impacts

114. WCS Policy WCS13 supports extended waste treatment facilities 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 such development would not result in unacceptable environmental impacts.

115. NPPW Appendix B (locational criteria) sets out the potential environmental considerations that could arise from waste developments and their associated activities. Of particular relevance in the context of this application are matters relating to ecology impacts and traffic effects and any associated noise, and air emissions including dust.
116. The policy support for the development provided for by these policies is conditional upon the operation of the site resulting in no unacceptable environmental impacts.

Ecological Impact and restoration

117. Section 15 'Conserving and enhancing the natural environment' Paragraph 170 of the revised NPPF indicates that local planning authorities in determining planning applications should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 170 also places emphasis on planning decisions contributing to and enhancing the natural and local environment by way of remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
118. These proposals represent a significant improvement on the original proposals which would have seen a delay of some twenty years in terms of achieving restoration of the site, which is not insignificant. A delay of this magnitude was without justification, and broke the link between the recycling operations and the landfill operations and was contrary to WCS Policy WCS8. The County Council's Ecologist is now satisfied with the proposals and supports the fact that the biodiversity benefits of the restoration scheme would be achieved in a timely manner.
119. The amended proposals restore the link between the recycling compound and the wider landfill site operations, albeit that these operations now strictly relate to restoration operations as the landfill site moves into its final phase of restoration.
120. Under the approved restoration plan (Drawing 348R307B) the recycling compound is due to be restored to a mix of native broadleaf planting and open heathland restoration. There would be a net gain in terms of biodiversity as a direct result of the restoration scheme, and this proposal would delay those benefits for only a moderate length of time. Added to this, it is considered that the environmental benefits delivered through the operation of the recycling compound would on balance offset this delay. Those benefits would include a reduction in the demand for primary aggregates and conserving high grade aggregates for higher quality applications; and reducing the volumes of recyclable materials disposed of to landfill. The recycling operations would also conserve and stockpile soils from demolition and construction works, for restoration purposes at Daneshill. Therefore, material to the planning application are the wider environmental benefits of the proposal, which in itself lowers the impact on the natural environment.
121. Paragraph 007 of the Planning Practice Guidance (PPG) states that local planning authorities should take a pragmatic approach, where the aim should be

to fulfil statutory obligations in a way that minimises delays and burdens. The land is currently not of significantly high environmental value as previously developed land with a recycling waste management use, and an area that has been effectively managed to prevent the site undergoing natural succession and developing notable habitats with the potential to support protected species. Whilst there is some potential for suitable nesting habitat in an area of scrub within the west of the site; and the site also contains habitat suitable for use by reptiles, the indications are that subject to adopting a precautionary method of works, no significant ecological interest would develop within the site.

122. It is not unreasonable to consider that the waste management use continues to be an acceptable and effective use of the land subject to controls over resultant environmental effects. It is considered that the proposal would not give rise to significant harm to protected species and habitats, subject to planning conditions adopting a precautionary approach. Restoration of the site would continue to be implemented in a timely manner under the wider restoration scheme for Daneshill landfill site resulting in net gains for local biodiversity, with habitat restoration across the wider area.
123. It is important that existing management controls over the site continue to prevent the site from naturally regenerating and providing suitable habitat conditions for amphibians including a protected species. It is considered that the proposals would result in less than significant harm subject to planning conditions ensuring that the management regime detailed in the Ecological Constraints Plan is adhered to and is carried out annually throughout the lifetime of the extended operations. As such, it is considered that subject to appropriate controls including the on-going management of the site, the proposed development would be in compliance with WCS Policy WCS13, the revised NPPF and the NPPW.
124. Over the longer term, the ecological benefits of the wider site restoration including that of the recycling compound would be delivered in accordance with the revised NPPF and the core objective S08 of the BCS and its supporting Policy DM9 which seek to conserve and enhance Bassetlaw's biodiversity, habitats and species.

Restoration of the wider Daneshill site

125. It is noted that capping and final soil placement up to the required levels across the site will be dependent upon securing imports of suitable restoration soils. It is envisaged that reinstatement of the waste recycling operations at Daneshill would result in the generation of residual soils, as a by-product of recycling operations. There are therefore obvious benefits in retaining and reinstating recycling activities, and it is envisaged that these operations would be beneficial in helping to generate residual soils for restoration purposes. This would be in accordance with policy direction contained in the Planning Practice Guidance at Paragraph: 005 (Reference ID: 28-005-20141016 Revision date: 16 10 2014) which seeks to ensure that land raising or landfill sites are restored to beneficial after-uses (examples include agriculture, biodiversity, forestry, and amenity) at the earliest opportunity and to high environmental standards.

126. There is an agreed position that both the County Council and the applicant, require a timely restoration of the Daneshill site albeit that this Authority recognises that this is based on the current and anticipated future availability of soil materials in the area. It is envisaged that the retention of the recycling compound for a further period of time as sought under the current planning applications, would go some way to making up the present shortfall in available soils.

Visual Impact

127. WLP Saved Policy W3.3 seeks to minimise the visual impact of waste management facilities and associated activities by siting them in locations which minimise impacts to adjacent land, providing appropriate screening and minimising building and storage heights. Similarly, WLP Saved Policy W3.4 seeks to secure both the retention and protection of existing features which have value in terms of screening, and the appropriate use of screening and landscaping to minimise visual impacts, including earth mounding, fences, and/or tree and shrub planting.
128. By virtue of the site's location, it is naturally well screened from local residential receptors and road users. Any views of the site are substantially ameliorated due to the extensive screening provided by established tree planting and vegetation, and blocks of woodland. Views from the east, north and west are restricted by the existing topography.
129. The visual impact of the development is assessed as being low to insignificant. With regards to surrounding sensitive receptors, it is anticipated that there would be negligible views of the recycling compound from any surrounding residential location due to a combination of distance from the site and mitigation screening. In this respect, the site is not visible from Daneshill Cottages due to existing vegetation along the access road; and similarly a travellers' site which is relatively distant to the recycling compound, has restricted views towards the site by virtue of existing woodland to the south of the site.
130. Views are substantially filtered by existing vegetation, the topography of the land, and distance from the site. As such, the development accords with WLP Saved Policies W3.3 and W3.4 in terms of visual amenity impacts. It is noted that the County Council's Landscape Team is satisfied that the restoration of the landfill would not be prejudiced by extending the use of the recycling facility.

Traffic and Highways

131. WLP Saved Policy W3.14 indicates that planning permission will not be granted for activities associated with waste management facilities 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. Paragraph 109 of the revised 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 revised 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.

132. At the time of the original application it was envisaged that the development would generate an average of 10 vehicle movements per day. The volume of traffic permitted to visit Daneshill landfill site is set at 160 HGVs (320 vehicle movements) per day. However the applicant provided evidence of traffic movements during 1997 to demonstrate that the average number of vehicles was significantly below that level at 54 HGVs per day (108 vehicle movements). The development was expected to divert some of the loads originally destined for landfill disposal to the inert waste recycling facility and it was envisaged that this element would not create any significant additional traffic movement.
133. It was envisaged that some element of additional traffic would be generated firstly through the importation of materials for recycling and secondly from exporting processed materials. In addition the development would require the periodic movement of mobile plant in and out of the site. It was considered that the hauliers bringing in waste for recycling would make loaded return trips. Extant planning conditions attached to the waste recycling permissions restricted lorry movements to those permitted for the landfill site, so that the recycling operations in themselves did not generate any extra lorry movements above and beyond the 160 HGVs per day permitted to visit the Daneshill site.
134. Having considered the historical context of the site, the Highways Authority does not object to the principle of the proposals, and there are no further recommendations. It is noted that neither of the highways authorities by way of the County Council or Highways England seek to impose alternative arrangements with regards to highways traffic, nor place any further controls over lorry numbers. There is nothing to indicate that the historical controls over vehicles numbers would no longer be acceptable, and it is considered prudent to continue to link lorry movements to recycling waste operations so that at no time do vehicle numbers exceed 320 lorry movements per day. It is anticipated that in actuality that figure would be significantly lower, being associated with the waste recycling operations and restoration operations across the landfill site only.
135. Subject to the re-imposition of the existing extant planning conditions controlling vehicular traffic, it is considered that the reinstatement of recycling operations for a further five years would not generate significant adverse impacts either in terms of highway capacity or on residential amenity at the properties known as Daneshill Cottages, nearest to the entrance to Daneshill landfill site. It is not anticipated that vehicular traffic would go back to historical levels. It is noted that the occupiers at Daneshill Cottages were notified of the planning applications and no objections have been raised. It is considered that the proposals, subject to planning conditions placing controls over vehicular traffic, would accord with WLP Saved Policy W3.14 and the revised NPPF which makes reference to the fact that development should only be refused on transport grounds when associated residual cumulative impacts are assessed as being severe.

136. It is considered that the development would not result in a significant material impact on the local highway network in terms of highway capacity or highway safety; or on residential amenity. The site benefits from having good connectivity, with Daneshill Road (off which is the access haul route to the waste recycling site) having direct access to the A638 Great North Road and onward to the main local urban centres of Worksop and Retford to the south-west and south-east respectively; and to Newark. In this respect, the proposal would accord with WCS Policy WCS11 in that it would support the reinstatement of a waste management facility within close proximity to the main urban centres of north Nottinghamshire. This would help to deliver a reduction in waste miles and associated carbon emissions.

Public Rights of Way

137. Whilst it is identified that Lound Footpath No. 2 is located on the access route to Daneshill Landfill site, it does not fall within the constraints of the indicative site. The proposal would therefore not impact on the availability and access to this footpath. As such, there would be no direct impacts on this part of the network nor would there be any impacts on the amenity of rights of way users.

Noise Impact

138. WLP Policy W3.9 seeks to ensure that when planning permission is granted for waste management facilities conditions are imposed to reduce potential noise impacts. Such conditions may include the enclosure of noise generating uses; stand-off distances between operations and noise sensitive locations; restrictions over operating hours; using alternatives to reversing beepers and setting maximum noise levels.
139. The original planning application was informed by a Noise Assessment in 1997 including background noise modelling, which took into account a worst-case scenario in the case of the only sensitive locations within 500 metres of the recycling compound, at Daneshill Cottages and the travellers' site. The results for the worst-case scenario revealed readings of 50.9 DBA LAeq at the travellers' site and 52.6 DBA at Daneshill Cottages. However, on the application of adjustments, in terms of distance and attenuation screening, noise levels were reduced to 46 DBA and 40 DBA, at the travellers' site and Daneshill Cottages respectively. Such noise readings were well within acceptable limits.
140. It was envisaged that attenuation measures such as aggregate stockpiles and planting would further ensure effective screening from noise. The development would also only be worked periodically and planning conditions would limit the hours of operation at the site including the operating times of the crushing and screening processes.
141. Since then, there has been substantial restoration of significant parts of the landfill site, with the establishment of tree belts and the ceasing of landfill operations, which have provided further attenuation in terms of the proposed reinstatement of recycling operations at Daneshill compound.

142. In terms of the current proposals, the County Council's Noise Consultant notes that the site is relatively remote to nearby sensitive receptors and that there is no apparent history of noise complaints. Subject to the existing noise controls being re-imposed on any new planning consents, the Noise Consultant is satisfied that there would be adequate protection in place for any potentially affected residential receptors in the future. Such measures would include the sound proofing of fixed and mobile plant; and noise levels associated with the site operations not exceeding 55dB (A) LAeq 1 hour at any time when measured at the nearest boundary to the travellers' site and Daneshill Cottages.
143. Subject to the re-imposition of extant planning conditions, it is concluded that noise from the operation of the site would be satisfactorily controlled to ensure it is not intrusive at the nearest sensitive receptors, in accordance with the objectives of WLP Saved Policy W3.9 and in compliance with WCS Policy WCS13.

Air Quality/Dust

144. 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 processing facilities are capable of being managed and reduced by implementing appropriate dust mitigation practices.
145. Further policy direction is provided under Appendix B (Locational Criteria) of the NPPW where it states that the extent to which adverse air emissions, including dust, is capable of being controlled through the use of appropriate measures, is a material consideration. It is considered that subject to the re-imposition of extant planning conditions covering dust mitigation measures, such as the sheeting of lorries, the enclosing of dust generating fixed plant and machinery; and the use of water bowsers to dampen haul roads, stockpiles and the site area, adverse dust emissions from the proposed waste recycling operations are capable of being suitably controlled in line with the NPPW and WLP Policy W3.10.
146. 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.

Odour

147. WLP Saved Policy W3.7 seeks to reduce the amenity impact of odour associated with the proposed development. It encourages the use of controls to reduce the potential for odour impacts from waste management facilities, and identifies a series of mitigation measures. Such measures could include: the sheeting of lorries, restrictions on temporary storage of waste, enclosure of waste reception and storage areas, and the use of contingency measures such as odour masking agents or removal of malodorous material.

148. Odour is not considered to be a significant issue associated with these proposals given that the waste being handled consists of inert materials (construction and demolition waste) which is not malodorous. Notwithstanding this, an extant planning condition covering malodorous materials would be re-imposed, placing a requirement on the operator to inspect all incoming loads upon receipt and not to accept or stockpile any putrescible or potentially odorous waste. This would ensure that odour emissions continue to be satisfactorily controlled and do not result in amenity impacts. As such, the proposal would comply with Saved WLP Policy W3.7.
149. Attention is drawn to the fact that a waste permit covering on-site waste operations would be the primary regulator with regards to odour management control.

Ground and Surface Water/Flood Risk

150. WLP Saved Policies W3.5 and W3.6 seek to restrict development that would cause unacceptable risk of pollution to groundwater or surface water, or where the development would adversely impact upon a floodplain, in terms of its integrity or function.
151. The County Council as the Lead Flood Risk Authority has no concerns regarding the proposals in relation to flood risk. It is noted that the site is located within Flood Zone 1 and as such, given that the proposed waste use is classed as being 'less vulnerable' development, the proposed development would continue to be acceptable as an appropriate type of development over an extended period of time of five years, within its existing location. This accords with the PPG and the NPPW's policy direction.
152. It is noted that all surface water produced on the site would be encouraged to run off into existing and any future perimeter drainage ditches in such a way as to discourage the presence of suspended solids.
153. The proposal is in compliance with WLP Saved Policies W3.5 and W3.6 subject to the reinstatement of extant planning conditions controlling the discharge of foul or contaminated surface water from the site to prevent its drainage into the groundwater system or indeed, into any other surface waters.

Contamination

154. The recycling facility in terms of its waste management function, only manages inert waste streams (construction and demolition waste), which are not contaminant hazardous waste streams. Extant planning conditions would be re-imposed to place suitable controls over biodegradable, putrescible or potentially odorous or polluting wastes, which may inadvertently be brought into the site within incoming loads of inert waste. As such, the development would not unacceptably impact on environmental quality, and would remain compliant with WCS Policy WCS13.
155. It is noted that the County Council's Contaminated Land Consultant is satisfied with the time extension for the recycling operations, and considers that there

would be no significant detrimental effects from the view of contaminated land considerations, provided the materials being recycled are still classified as inert and that the monitoring controls and inspection routines already in place are continued.

Sustainability

156. This proposal represents a sustainable approach to the supply of aggregates. It is important that any recycled aggregates are technically, economically and environmentally acceptable as substitutes for primary materials; and therefore, there has been an onus on using demolition and construction waste. This affords the saving of raw materials and can reduce the areas worked for new materials, as well as pushing waste higher up the waste hierarchy. National and local policy therefore encourages the use of secondary and recycled materials in construction, and there has been a commitment to increasing the level of such use. This objective has been increasingly strengthened through the NPPW and WCS.
157. The applications have been considered against the revised NPPF (July 2018), the NPPW, the WCS and the WLP, all of which are underpinned by the objective of achieving sustainable development. The proposed development would deliver sustainable development by reinstating the capacity of a sustainable waste management operation to recycle inert waste streams of construction and demolition waste, and extending its use for a further five years.
158. The proposal accords with the principles of sustainable development, and in line with this policy direction, delivers on core objectives in terms of supporting an existing waste materials recycling operation, albeit non-operational; and restoring the facility's economic viability to bring it back into use.

Other Issues

159. The environmental permit authorised by the Environment Agency would also control waste operations, and the WPA is satisfied that the waste management facility would be appropriately regulated to ensure that it meets current environmental standards.

Other Options Considered

160. The report relates to the determination of three Section 73 planning applications. The County Council is under a duty to consider the planning applications as submitted. Accordingly no other options have been considered. Notwithstanding this, following on from negotiations between this Authority and the applicant, agreement has been reached to reduce the extension of time being sought to retain the recycling facility from twenty to five years, and the three Section 73 planning applications have been amended accordingly.

Statutory and Policy Implications

161. 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

162. The development is located within a secure compound benefiting from perimeter security fencing to its boundaries, within a wider landfill site.

Data Protection and Information Governance

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

Human Rights Implications

164. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered. The proposals have the potential to reintroduce increased levels of traffic and associated noise and dust particularly upon those occupiers within Daneshill Road, nearest the entrance to Daneshill Landfill site. However, these potential impacts need to be balanced against the wider benefits the proposals would provide in retaining the recycling compound's role in terms of beneficially managing local inert waste streams (construction and demolition) and contributing to the overall waste management capacity in North Nottinghamshire. 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

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

Implications for Sustainability and the Environment

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

Statement of Positive and Proactive Engagement

168. In determining these three planning applications the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the revised National Planning Policy Framework (July 2018).

RECOMMENDATIONS

Recommendation 1

169. It is RECOMMENDED that planning permission be granted for planning application 1/18/00217/CDM subject to the conditions set out in Appendix 1.

Recommendation 2

170. It is RECOMMENDED that planning permission be granted for planning application 1/18/00218/CDM subject to the conditions set out in Appendix 2.

Recommendation 3

171. It is RECOMMENDED that planning permission be granted for planning application 1/18/00219/CDM subject to the conditions set out in Appendix 3.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [SJG 31/08/2018.]

The recommendation falls within the remit of the Planning and Licensing Committee by virtue of its terms of reference. Responsibility for the regulatory functions of the Council in relation to planning, monitoring, enforcement and licensing.

Comments of the Service Director - Finance [RWK 29/08/2018]

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

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Misterton

Cllr Tracey Taylor

Report Author/Case Officer

Deborah Wragg

0115 9932575

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

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RECOMMENDED PLANNING CONDITIONS (1/18/00217/CDM)**Scope of the permission and approved plans**

1. This permission is for the reinstatement and continued operation of a construction and demolition waste recycling facility involving the importation, stockpiling and recycling of inert construction and demolition waste materials using mobile plant to produce aggregate products for export from the site. The crushing, screening and stockpiling of waste and processed materials shall only take place within the area edged red on Plan Drawing No. NT13454 Drawing titled '1/23/97/10 Red Line Boundary' dated November 2017 and received by the Waste Planning Authority (WPA) on 21st November 2017. The development hereby permitted also includes the provision of a lorry turning area and associated works as shown on Drawing No. DAN A 107 received by the WPA on 1st May 1997.

The development shall be carried out and maintained in accordance with the following documents, unless otherwise agreed in writing with the WPA or where amendments are made pursuant to the other conditions below:

- (a) Drawing No. DAN A 107 received by the WPA on 1st May 1997;
- (b) Drawing No. DAN 142 B received by the WPA on 23rd February 1998;
- (c) Drawing No. DAN 142 C dated 19.2.98 received by the WPA on 9th March 1998;
- (d) Supporting letter Ref: ST/NT13454/002 dated 17 November 2017 and planning application form received by the WPA on 21st November 2017;
- (e) Ecological Constraints Plan by RammSanderson Ecology, date of issue 20/06/2017, Reference RSE_1112 Daneshill Landfill Site, received by 21st November 2017;
- (f) Drawing No. NT13454 Drawing titled 'Boundaries' dated November 2017 and received by the WPA on 21st November 2017;
- (g) Drawing No. NT13454 Drawing titled '1/23/97/10 Red Line Boundary' dated November 2017 and received by the WPA on 21st November 2017;
- (h) Drawing No. 348T019A Drawing titled 'Site Location Plan' Revision A dated 19th January 2000 and received by the WPA on 21st November 2017;
- (i) Planning Statement by Wardell Armstrong, date issued: November 2017, Job Number: NT13454, Report Number: 001, received by the WPA on 30th November 2017.

Reason: To define the permission and for the avoidance of doubt.

2. This permission shall be for a limited period only, expiring on 31st December 2023, by which time the site shall be cleared in order that the final phase of the restoration is not prejudiced.

Reason: To ensure that the operations do not adversely affect the future landfilling of the site.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (as amended, replaced or enacted), no fixed plant buildings or machinery shall be erected, extended, installed, rearranged or replaced on the site without the prior written approval of the WPA.

Reason: To enable the WPA to control the development and to minimise its impact on the amenity of the local area in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

Access and Wheelwashing

4. All heavy goods vehicles (HGVs) associated with the development hereby permitted shall access and egress the site via the lorry turning area using the existing weighbridge and wheelwash facilities.

Reason: In the interests of highway safety.

5. The number of HGVs entering the Landfill Site (to deposit waste within the Landfill Site or to either deposit materials for recycling or collect processed materials within the development hereby permitted or to deliver restoration material directly to the landfill) shall not in total exceed 160 each day.

Reason: In the interests of residential amenity.

6. Permitted signs erected at each end of the access road warning pedestrians of HGV use and informing HGV drivers of pedestrian use shall be implemented in accordance with the approved details identified on Plan Drawing No. DAN A 142C dated 19.2.98 received by the WPA on 9th March 1998; and details listed and approved by the WPA in a letter dated 20th February 1998 including further information received by the WPA on 3rd December 1997 from Global Environmental including an attached drawing showing the location of the 'Give way' and 'Give way Ahead' signage. The signage shall thereafter be maintained in accordance with the approved details for the duration of the development.

Reason: In the interests of highway safety.

Site Layout

7. The site layout including the position of all plant used on the site; all areas used for the storing of waste and processed materials; all internal haul routes and parking areas including surfacing materials; and boundary hedges and trees to be protected, managed and enhanced throughout the operation shall be implemented in accordance with the approved details identified on Plan Drawing No. DAN A 142C dated 19.2.98 received by the WPA on 9th March 1998; and details listed and approved by the WPA in a letter dated 20th February 1998 including

further information received by the WPA on 3rd December 1997 from Global Environmental including attached drawings showing the location of the crushing and screening plant; the location of storage bunds for waste (feedstock) and product (processed materials); the location of internal haul routes and parking areas (surfaced with hardcore and compacted); showing the location of existing shrubs and trees to be retained and additional tree planting. The plant, storage areas (waste and processed materials), internal haul routes and parking areas, and all boundary hedges and trees (to be protected, managed and enhanced throughout the operation), shall thereafter be maintained in accordance with the approved details for the duration of the development.

Reason: To ensure that the development is carried out in an environmentally acceptable manner.

8. The means of enclosure of the site and of areas within the site as described in Condition 7 shall be implemented in accordance with the approved details identified on Plan Drawing No. DAN A 142C dated 19.2.98 received by the WPA on 9th March 1998; and letters dated 30th March 1998 received by the WPA on 6th April 1998, 24th June 1998 Reference DH.DARF(1) received by the WPA on 25th June 1998, and 26th June 1998 Reference DH.DARF(2) received by the WPA on 30th June 1998 from Global Environmental and approved in a letter from the WPA dated 26th June 1998. The means of enclosure both of the site and of areas within the site shall thereafter be maintained in accordance with the approved details for the duration of the development.

Reason: To ensure that the development is carried out in an environmentally acceptable manner.

9. The drainage works to the site shall be implemented in accordance with the approved details identified on Plan Drawing No. DAN A 142B (details also shown on revised plan Drawing No. DAN A 142C) received by the WPA on 23rd February 1998 and details contained in a letter dated 11th February 1998 from Global Environmental received by the WPA on 13th February 1998. Both of which revised drainage details at the waste recycling centre at Daneshill Landfill Site approved in a letter from the WPA dated 3rd March 1998. The drainage scheme shall thereafter be maintained in accordance with the revised details for the duration of the development.

Reason: In the interests of ground and surface water protection.

Operational Matters

10. Stockpiles of raw materials and recycled materials shall not exceed 5m in height above ground level without the prior written approval of the WPA.

Reason: In the interests of visual amenity.

11. The storage of any biodegradable, putrescible or potentially polluting material accepted at the site shall be stored on an impervious area and any contaminated run-off collected in a sealed tank for suitable disposal off site, in accordance with the details set out in paragraph 2 of a letter from Waste Recycling Group dated 6th May 2003 received by the WPA on 7th May 2003; and approved by the WPA in a letter dated 15th May 2003 subject to the

restriction that should it prove impossible to place this unsuitable material in the secure container provided by the scheme that the unsuitable material is taken off site for disposal at a suitably authorised site with immediate effect. The storage of any such biodegradable, putrescible or potentially polluting materials and collection of contaminated run-off shall thereafter be maintained in accordance with the approved details for the duration of the development.

Reason: In the interests of ground and surface water protection.

12. Unless in emergency, or as otherwise previously agreed in writing by the WPA, the site shall only operate between the hours of 7.30am to 6.00pm on Mondays to Fridays and between 7.30am and 1.00pm on Saturdays. Within these times crushing and screening operations shall only take place between the hours of 9.00am and 5.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. No operations that would involve the movement of materials or operation of any plant or machinery shall be carried out on Sundays or Public or Bank Holidays.

Reason: In the interests of residential amenity.

13. All fuel, oil and liquid chemical storage tanks and their associated filling points, vents, gauges, sight glasses and pipework are to be placed on impervious floors and enclosed within a bund of at least 110% capacity of the tanks, which is to be maintained at that capacity or greater by the removal of liquid and debris. Each bund shall be designed so as to prevent the release of stored materials in the event of a leak or spillage. Any leaked or spilled substance, removed liquid and debris are to be disposed of to a facility licensed for that purpose.

Reason: In the interests of ground and surface water protection.

14. There shall be no discharge of foul or contaminated surface water from the site into either the groundwater system or any surface waters.

Reason: In the interests of ground and surface water protection.

Environmental Controls

15. Best practicable means shall be employed to ensure that no vehicles shall leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the public highway. These shall include:

- (a) the compulsory use by HGVs of wheelwashing facilities on site;
- (b) where necessary, the provision and use of brush and vacuum facilities for cleaning site roads and the adjacent public highway.

Reason: In the interests of highway safety.

16. Noise levels associated with site operations, when measured at the nearest boundary to the Travellers' Site and Daneshill Cottages, shall not exceed 55 dB(A) LAeq 1 hour at any time.

Reason: In the interests of residential amenity.

17. Best practicable means shall be used to ensure that noise and dust emissions are minimised. This shall involve taking all or any of the following measures as appropriate:
- (a) the use of water bowzers to dampen haul roads, stockpiles and the site area;
 - (b) enclosing dust generating fixed plant and machinery;
 - (c) the sheeting of lorries;
 - (d) sound proofing of fixed and mobile plant;
 - (e) upon the request of the WPA the temporary cessation of waste importation, sorting, screening, crushing and loading of materials for export during periods of dry and windy weather.

Reason: To ensure that the development is carried out in an environmentally acceptable manner.

18. No plant, machinery or vehicles shall be used on the site unless fitted with silencers maintained in accordance with the manufacturers' recommendations and specifications.

Reason: In order to minimise the noise impact of operations.

Restoration

19. The site shall be restored in accordance with the provisions of the restoration conditions imposed on Planning Permission No. 1/29/11/00010, namely conditions 21 to 40.

Reason: To provide for the beneficial use and appearance of the land after use hereby permitted has ceased.

20. The areas of concrete rubble to the site periphery shall be protected and incorporated into the final restoration design. Plans showing the final restoration design incorporating this feature shall be submitted to the WPA for its written approval. The final phase of restoration shall thereafter be implemented in accordance with approved details.

Reason: To provide an appropriate restoration scheme for the former recycling area incorporating existing features into the scheme, given the high potential for reptiles to be harmed if these features were to be dismantled by machinery, and to accord with the revised National Planning Policy Framework (July 2018) and to accord with the Conservation of Habitats and Species Regulations (as amended).

Ecology

21. In the event that waste management operations have not re-commenced within two years of the date of this planning permission, there shall be no further stockpiling of recycled inert materials within the application site until an

amphibian and protected species survey has been carried out by a suitably qualified ecologist and a report detailing the results of the survey has been submitted to and approved in writing by the WPA. The submitted report shall include detailed mitigation measures including timings in the event that the survey area contains important species of nature conservation interest. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: In order to ensure that the application site is assessed for potential ecological interest and appropriate mitigation measures are adopted in the event that the site contains important species of nature conservation interest.

22. In the event that recycling activities recommence, the Precautionary Method of Working for nesting birds, amphibians and common reptiles detailed in the Ecology Walk-Over Survey by RammSanderson Ecology, dated 20/06/2017, Reference RSE_1112 Daneshill Landfill Site, received by the WPA on the 21st November 2017 shall be followed and the detailed mitigation measures set out in the Ecology Walk-Over Survey shall be fully implemented. The development shall be carried out in accordance with the approved scheme of working, and all relevant mitigation measures shall be implemented and maintained for the duration of the recycling operations.

Reason: To ensure that the potential ecological interest including protected species is appropriately mitigated and to accord with the Conservation of Habitats and Species Regulations (as amended).

23. Regular management of the waste recycling site shall continue for the duration of the development and shall be carried out at least annually to prevent the site undergoing natural succession and developing notable habitats, or gaining more potential to support protected species.

Reason: In order to ensure that the application site does not develop into one of nature conservation interest.

RECOMMENDED PLANNING CONDITIONS (1/18/00218/CDM)

Scope of the permission and approved plans

1. This permission is for the reinstatement and continued operation of a construction and demolition waste recycling facility involving the importation, storage and stockpiling of inert materials only in the area identified and edged red on Plan Drawing No. NT13454 Drawing titled '1/29/05/00008 Red Line Boundary' dated November 2017 and received by the Waste Planning Authority (WPA) on 21st November 2017.

The development shall be carried out and maintained in accordance with the following documents, unless otherwise agreed in writing with the WPA or where amendments are made pursuant to the other conditions below:

- (a) Daneshill Landfill-Recycling Area Method Statement February 2005 received by the WPA on 4th March 2005;
- (b) Supporting letter Ref: ST/NT13454/002 dated 17 November 2017 and planning application form received by the WPA on 21st November 2017;
- (c) Ecological Constraints Plan by RammSanderson Ecology, date of issue 20/06/2017, Reference RSE_1112 Daneshill Landfill Site, received by 21st November 2017;
- (d) Drawing No. NT13454 Drawing titled 'Boundaries' dated November 2017 and received by the WPA on 21st November 2017;
- (e) Drawing No. NT13454 Drawing titled '1/29/05/00008 Red Line Boundary' dated November 2017 and received by the WPA on 21st November 2017;
- (f) Drawing No. 348T019A Drawing titled 'Site Location Plan' Revision A dated 19th January 2000 and received by the WPA on 21st November 2017;
- (g) Planning Statement by Wardell Armstrong, date issued: November 2017, Job Number: NT13454, Report Number: 001, received by the WPA on 30th November 2017.

Reason: To define the permission and for the avoidance of doubt.

2. The site shall be operated in accordance with the Method Statement submitted with the planning application received by the WPA 4th March 2005.

Reason: For the avoidance of doubt and to allow the development to be monitored.

3. This permission shall be for a limited period only, expiring on 31st December 2023, by which time the site shall be cleared in order that the final phase of the restoration is not prejudiced.

Reason: In order that the situation may be reviewed in the light of circumstances then pertaining and to secure the satisfactory restoration of the site.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (as amended, replaced or enacted), no fixed plant buildings or machinery shall be erected, extended, installed, rearranged or replaced on the site without the prior written approval of the WPA.

Reason: In the interests of visual amenity.

Access and Wheelwashing

5. All heavy goods vehicles (HGV's) associated with the development hereby permitted shall access and egress the site via the lorry turning area using the existing weighbridge and wheelwash facilities.

Reason: In the interests of highway safety.

6. The number of HGV's entering the landfill site (to deposit waste within the Landfill site or to either deposit materials for recycling or collect processed materials within the development hereby permitted or to deliver restoration material directly to the landfill) shall not in total exceed 160 each day.

Reason: In the interests of residential amenity.

Site Layout

7. The site layout including all areas used for the storage of waste or processed materials; all internal haul routes and parking areas including surfacing materials; boundary hedges and trees to be protected, managed and enhanced throughout the operation; and the means of enclosure of the site and of areas within the site as listed here, shall be implemented in accordance with the approved details identified on Plan titled 'Planning Application Boundary' Drawing No. 348A029 dated 01.02.05 and Plan titled 'Extension to Inert Recycling Area' Drawing No. 348A058 dated 11.02.06 received by the WPA on 21st August 2007; and the supporting statement (submitted under cover of the planning application for planning permission 1/29/06/00010) dated 14th June 2006 Reference: MH/DANEH/PP/14.06.06 received by the WPA on 27th June 2006; and approved by the WPA in a letter dated 10th August 2007. The storage areas for waste or processed materials; internal haul routes and parking areas (including surfacing materials); boundary hedges and trees (to be protected, managed and enhanced throughout the operation); and the means of enclosure of the site and areas within the site, shall thereafter be maintained in accordance with the approved details for the duration of the development.

Reason: To ensure that the development is carried out in an environmentally acceptable manner.

8. The drainage works to the site shall be implemented in accordance with the approved details the supporting statement (submitted under cover of the planning application for planning permission 1/29/06/00010) dated 14th June 2006 Reference: MH/DANEH/PP/14.06.06 received by the WPA on 27th June

2006; and approved by the WPA in a letter dated 10th August 2007. The approved drainage scheme shall thereafter be maintained in accordance with the approved details for the duration of the development.

Reason: In the interests of ground and surface water protection.

Operational Matters

9. Stockpiles of raw materials and recycled materials shall not exceed 5m in height above ground level without the prior written approval of the WPA.

Reason: In the interests of visual amenity.

10. The storage of any biodegradable, putrescible or potentially polluting material accepted at the site shall be stored on an impervious area and any contaminated run-off collected in a sealed tank for suitable disposal off site, in accordance with the details set out in the supporting statement (submitted under cover of the planning application for planning permission 1/29/06/00010) dated 14th June 2006 Reference: MH/DANEH/PP/14.06.06 received by the WPA on 27th June 2006; and approved by the WPA in a letter dated 10th August 2007. The storage of any such biodegradable, putrescible or potentially polluting materials and collection of contaminated run-off shall thereafter be maintained in accordance with the approved details for the duration of the development.

Reason: In the interests of ground and surface water protection.

11. Unless in emergency, or as otherwise previously agreed in writing by the WPA, the site shall only operate between the hours of 7:30am to 6:00pm on Mondays to Fridays and between 7:30am and 1:00pm on Saturdays. Within these times crushing and screening operations shall only take place between the hours of 9:00am and 5:00pm on Mondays to Fridays and between 9:00am and 1:00pm on Saturdays. No operations that would involve the movement of any plant or machinery shall be carried out on Sundays or Public or Bank Holidays.

Reason: In the interests of residential amenity.

12. All fuel, oil and liquid storage tanks and their associated filling points, vents, gauges, sight glasses and pipework are to be placed on impervious floors and enclosed within a bund of at least 110% capacity of the tanks, which is to be maintained at that capacity or greater by the removal of liquid debris. Each bund shall be designed so as to prevent the release of stored materials in the event of a leak or spillage. Any leaked or spilled substance, removed liquid and debris are to be disposed of to a facility licensed for that purpose.

Reason: In the interests of ground and surface water protection.

13. There shall be no discharge of foul or contaminated surface water from the site into either the groundwater system or any surface waters.

Reason: In the interests of ground and surface water protection.

Environmental Controls

14. All possible measures shall be employed to ensure that no vehicles shall leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the public highway. These shall include:

- (a) the compulsory use of HGVs of wheelwashing facilities on site;
- (b) where necessary, the provision and use of brush and vacuum facilities for cleaning site roads and the adjacent public highways.

Reason: In the interests of highway safety.

15. Noise levels associated with site operations, when measured at the nearest boundary to the Travellers site and Daneshill Cottages shall not exceed 55dB (A) LAeq 1 hour at any time.

Reason: In the interests of residential amenity.

16. All possible measures shall be used to ensure that noise and dust emissions are minimised. This shall involve taking all or any of the following measures as appropriate:

- (a) the use of water bowsters to dampen haul roads, stockpiles and the site area;
- (b) enclosing dust generating fixed plant and machinery;
- (c) the sheeting of lorries;
- (d) sound proofing of fixed and mobile plant;
- (e) upon the request of the WPA the temporary cessation of waste importation, sorting, screening, crushing and loading of materials for export during periods of dry and windy weather.

Reason: To ensure that the development is carried out in an environmentally acceptable manner.

17. No plant, machinery or vehicles shall be used on the site unless fitted with silencers maintained in accordance with the manufacturer's recommendations and specifications.

Reason: In order to minimise the noise impact of the operations.

Restoration

18. The site shall be restored in accordance with the provisions of the restoration conditions imposed on Planning Permission No. 1/29/11/00010, namely conditions 21 to 40.

Reason: To provide for the beneficial use and appearance of the land after use hereby permitted has ceased.

19. The areas of concrete rubble to the site periphery shall be protected and incorporated into the final restoration design. Plans showing the final restoration design incorporating this feature shall be submitted to the WPA for its written approval. The final phase of restoration shall thereafter be implemented in accordance with approved details.

Reason: To provide an appropriate restoration scheme for the former recycling area incorporating existing features into the scheme, given the high potential for reptiles to be harmed if these features were to be dismantled by machinery, and to accord with the revised National Planning Policy Framework (July 2018) and to accord with the Conservation of Habitats and Species Regulations (as amended).

Ecology

20. In the event that waste management operations have not re-commenced within two years of the date of this planning permission, there shall be no further stockpiling of recycled inert materials within the application site until an amphibian and protected species survey has been carried out by a suitably qualified ecologist and a report detailing the results of the survey has been submitted to and approved in writing by the WPA. The submitted report shall include detailed mitigation measures including timings in the event that the survey area contains important species of nature conservation interest. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: In order to ensure that the application site is assessed for potential ecological interest and appropriate mitigation measures are adopted in the event that the site contains important species of nature conservation interest.

21. In the event that recycling activities recommence, the Precautionary Method of Working for nesting birds, amphibians and common reptiles detailed in the Ecology Walk-Over Survey by RammSanderson Ecology, dated 20/06/2017, Reference RSE_1112 Daneshill Landfill Site, received by the WPA on the 21st November 2017 shall be followed and the detailed mitigation measures set out in the Ecology Walk-Over Survey shall be fully implemented. The development shall be carried out in accordance with the approved scheme of working, and all relevant mitigation measures shall be implemented and maintained for the duration of the recycling operations.

Reason: To ensure that the potential ecological interest including protected species is appropriately mitigated and to accord with the Conservation of Habitats and Species Regulations (as amended).

22. Regular management of the waste recycling site shall continue for the duration of the development and shall be carried out at least annually to prevent the site undergoing natural succession and developing notable habitats, or gaining more potential to support protected species.

Reason: In order to ensure that the application site does not develop into one of nature conservation interest.

NOTES TO APPLICANT:

1. Central Networks provided advice on their network within close proximity to the proposed development and copies of their plans were attached to extant planning permission 1/29/05/00008 for information and attention.

RECOMMENDED PLANNING CONDITIONS (1/18/00219/CDM)**Scope of the permission and approved plans**

1. This permission is for the temporary stockpiling of recycled inert materials only in the area identified and edged red on Plan Drawing No. NT13454 Drawing titled '1/29/06/00010 Red Line Boundary' dated November 2017 and received by the Waste Planning Authority (WPA) on 21st November 2017.

The development shall be carried out and maintained in accordance with the following documents, unless otherwise agreed in writing with the WPA or where amendments are made pursuant to the other conditions below:

- (a) Supporting letter Ref: ST/NT13454/002 dated 17 November 2017 and planning application form received by the WPA on 21st November 2017;
- (b) Ecological Constraints Plan by RammSanderson Ecology, date of issue 20/06/2017, Reference RSE_1112 Daneshill Landfill Site, received by 21st November 2017;
- (c) Drawing No. NT13454 Drawing titled 'Boundaries' dated November 2017 and received by the WPA on 21st November 2017;
- (d) Drawing No. NT13454 Drawing titled '1/29/06/00010 Red Line Boundary' dated November 2017 and received by the WPA on 21st November 2017;
- (e) Drawing No. 348T019A Drawing titled 'Site Location Plan' Revision A dated 19th January 2000 and received by the WPA on 21st November 2017;
- (f) Planning Statement by Wardell Armstrong, date issued: November 2017, Job Number: NT13454, Report Number: 001, received by the WPA on 30th November 2017.

Reason: To define the permission and for the avoidance of doubt.

2. This permission shall be for a limited period only, expiring on 31st December 2023, by which time the site shall be cleared in order that the final phase of the restoration is not prejudiced.

Reason: In order that the situation may be reviewed in the light of circumstances pertaining and to secure the satisfactory restoration of the site.

3. Notwithstanding the provisions of the Town and Country (General Permitted Development Order) 2015 (as amended, replaced or enacted), no fixed plant buildings or machinery shall be erected, extended, installed, rearranged or replaced on the site without the prior written approval of the WPA.

Reason: In the interests of visual amenity.

Access and Wheel washing

4. All heavy goods (HGV's) associated with the development hereby permitted shall access and egress the site via the lorry turning area using the existing weighbridge and wheelwash facilities.

Reason: In the interests of highway safety.

5. The number of HGV's entering the landfill site (to deposit waste within the landfill site or to either deposit materials for recycling or collect processed materials within the development hereby permitted or to deliver restoration material directly to the landfill) shall not in total exceed 160 each day.

Reason: In the interests of residential amenity.

Operational Matters

6. No crushing and screening operations shall take place within the application site as shown on plan Drawing No. NT13454 Drawing titled '1/29/06/00010 Red Line Boundary' dated November 2017 and received by the WPA on 21st November 2017.

Reason: To accord with the submitted details and in the interests of residential amenity.

7. Stockpiles of unprocessed and processed inert materials shall not exceed 4 metres in height above existing ground level without the prior written approval of the WPA.

Reason: In the interests of visual amenity and to accord with the submitted details.

8. Only clean inert waste materials shall be stockpiled on site. There shall be no biodegradable, putrescible or potentially polluting material accepted or stockpiled at the site.

Reason: In the interests of ground and surface water protection.

9. Unless in emergency, or as otherwise previously agreed in writing by the WPA, the site shall only operate between the hours of 7.30am to 6.00pm on Mondays to Fridays and between 7.30am and 1.00pm on Saturdays. No operations shall take place on Sundays, Public or Bank Holidays.

Reason: To accord with the submitted application details and in the interests of local amenity.

10. There shall be no discharge of foul or contaminated drainage from the site into either the ground water or any surface waters, whether direct or via soakaways.

Reason: In the interests of ground and surface water protection.

11. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to

the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above the ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: In the interests of ground and surface water protection.

Environmental Controls

12. All operations shall be carried out in a manner to minimise the emission of dust from the site. In order to control dust from the internal traffic movements, all haul roads within the site shall be maintained in a good condition and shall be kept moist in dry and windy conditions as necessary. Any dry exposed area/material shall be watered as necessary in windy conditions to prevent dust becoming airborne. Dust filters shall be fitted where appropriate on all plant and machinery.

Reason: In the interests of local amenity.

13. All possible measures shall be employed to ensure that no vehicles shall leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the public highway. These include:

- (a) HGV's to use the wheelwashing facilities as necessary;
- (b) where necessary, the provision and use of brush and vacuum facilities for cleaning site roads and the adjacent public highways.

Reason: In the interests of highway safety.

14. Noise levels associated with the site operations, when measured at the nearest boundary to the Travellers site and Daneshill Cottages shall not exceed 55dB (A) Laeq 1 hour at any time.

Reason: In the interests of residential amenity.

15. All possible measures shall be used to ensure that noise and dust emissions are minimised. This shall involve taking all or any of the following measures as appropriate:

- (a) the use of water bowsers to dampen haul roads, stockpiles and the site area;
- (b) enclosing dust generating fixed plant and machinery;
- (c) the sheeting of lorries;
- (d) sound proofing of fixed and mobile plant;
- (e) upon the request of the WPA the temporary cessation of stockpiling of

- (f) materials for export during periods of dry and windy weather.

Reason: To ensure that the development is carried out in an environmentally acceptable manner.

16. No plant, machinery or vehicles shall use the site unless fitted with silencers maintained in accordance with the manufacturer's recommendation and specifications.

Reason: In order to minimise the noise impact of the operations.

Restoration

17. The site shall be restored in accordance with the provisions of the restoration conditions imposed on Planning Permission No. 1/29/11/00010, namely conditions 21 to 40.

Reason: To ensure that the site is satisfactorily restored.

18. The areas of concrete rubble to the site periphery shall be protected and incorporated into the final restoration design. Plans showing the final restoration design incorporating this feature shall be submitted to the WPA for its written approval. The final phase of restoration shall thereafter be implemented in accordance with approved details.

Reason: To provide an appropriate restoration scheme for the former recycling area incorporating existing features into the scheme, given the high potential for reptiles to be harmed if these features were to be dismantled by machinery, and to accord with the revised National Planning Policy Framework (July 2018) and to accord with the Conservation of Habitats and Species Regulations (as amended).

Ecology

19. In the event that waste management operations have not re-commenced within two years of the date of this planning permission, there shall be no further stockpiling of recycled inert materials within the application site until an amphibian and protected species survey has been carried out by a suitably qualified ecologist and a report detailing the results of the survey has been submitted to and approved in writing by the WPA. The submitted report shall include detailed mitigation measures including timings in the event that the survey area contains important species of nature conservation interest. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: In order to ensure that the application site is assessed for potential ecological interest and appropriate mitigation measures are adopted in the event that the site contains important species of nature conservation interest.

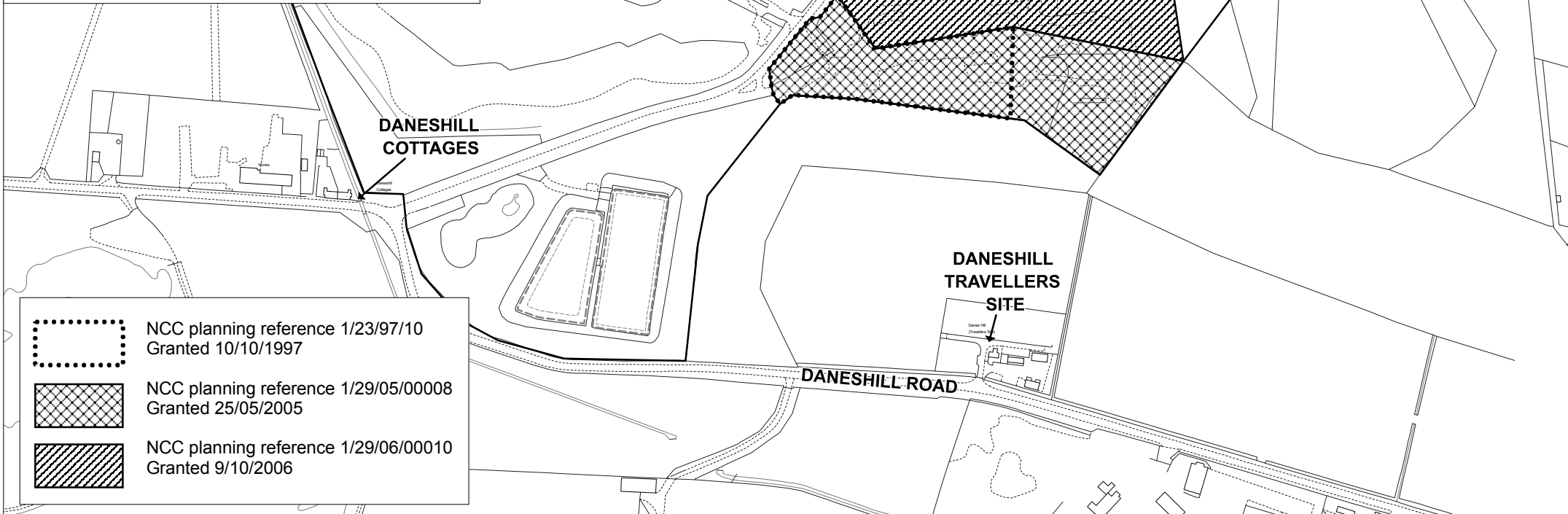
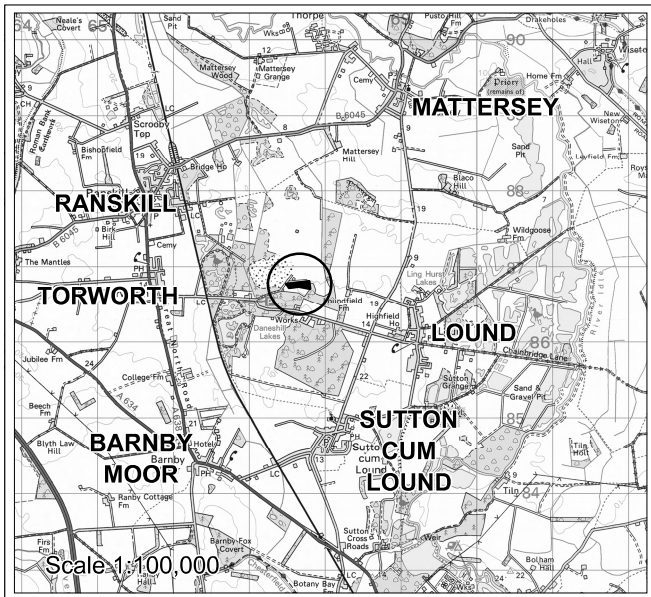
20. In the event that recycling activities recommence, the Precautionary Method of Working for nesting birds, amphibians and common reptiles detailed in the Ecology Walk-Over Survey by RammSanderson Ecology, dated 20/06/2017,

Reference RSE_1112 Daneshill Landfill Site, received by the WPA on the 21st November 2017 shall be followed and the detailed mitigation measures set out in the Ecology Walk-Over Survey shall be fully implemented. The development shall be carried out in accordance with the approved scheme of working, and all relevant mitigation measures shall be implemented and maintained for the duration of the recycling operations.

Reason: To ensure that the potential ecological interest including protected species is appropriately mitigated and to accord with the Conservation of Habitats and Species Regulations (as amended).

21. Regular management of the waste recycling site shall continue for the duration of the development and shall be carried out at least annually to prevent the site undergoing natural succession and developing notable habitats, or gaining more potential to support protected species.

Reason: In order to ensure that the application site does not develop into one of nature conservation interest.





**Nottinghamshire
County Council**

1/18/00219/CDM To vary condition 4 of planning permission 1/29/06/00010 to extend the permission for temporary stockpiling of inert waste until 31 December 2023. 1/18/00218/CDM To vary condition 3 of planning permission 1/29/05/00008 to extend the permission for an extension to stockpiling area for recycled inert material until 31 December 2023. 1/18/00217/CDM To vary condition 3 of planning permission to extend the cessation date for permitted waste processing operations until 31 December 2023.

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Daneshill Recycling Compound, Daneshill Road, Daneshill, Nottinghamshire.
Planning Application No.'s 1/18/00219/CDM & 1/18/00218/CDM & 1/18/00217/CDM

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Produced by: KET
Date: SEPT 2018



PLAN 2



18 September 2018

Agenda Item: 7

REPORT OF CORPORATE DIRECTOR – PLACE

MANSFIELD DISTRICT REF. NO.: 2/2018/0449/NCC

PROPOSAL: VARIATION OF CONDITION 2 OF PLANNING PERMISSION 2/2011/0307/ST TO ERECT A NEW COVERED WASTE STORAGE BAY ON EXISTING FOOTPRINT. FULL PLANNING APPLICATION FOR NEW WASH DOWN AREA AND DRAINAGE

LOCATION: AB WASTE DISPOSAL LIMITED, BLEAKHILL SIDINGS, SHEEPBRIDGE LANE, MANSFIELD, NOTTS. NG18 5EP

APPLICANT: AB WASTE DISPOSAL

Purpose of Report

1. To consider a planning application for a variation of approved plans to erect a covered waste bay building at AB Waste Disposal, Bleakhill Sidings, off Sheepbridge Lane, Mansfield. The application also seeks full approval for a small wash down area. The key issues relate to visual appearance and residential amenity concerns. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

2. This application concerns an existing skip waste recycling yard situated in the built up area of Mansfield on the edge of the industrial area between Hermitage Lane and Sheepbridge Lane, 1.5km south-west of the town centre. (Plan 1)
3. The site is an elongated area of approximately 1.5ha beside the railway line which provides the northern boundary. Historically it was a railway siding, but no longer has any connection. Vehicular access is primarily by a private driveway at the eastern end of the site leading off Sheepbridge Lane at its junction with Quarry Lane. This also serves several neighbouring small industrial units. There is also a secondary entrance only from Hermitage Lane from the west. An embankment with trees and scrubby vegetation borders part of the railway boundary. There are residential dwellings beyond the railway to the north overlooking the western part of the site where the boundary vegetation stops short. These are on Wellcroft Close and Washington Drive on slightly elevated land and at their closest these houses are 25 to 30 metres from the site boundary. A public footpath runs in a fenced alleyway along the southern

boundary and crosses the access driveway. The River Maun lies 100m to the south.

4. Present on the site is an open-frontage building used for waste sorting, measuring approximately 15m by 18m and around 8.5m high. This is partly clad in green coloured profiled steel sheeting with its open front facing west into the yard. Adjacent are a series of open concrete storage bays following the northern boundary with the railway. There is a portacabin and weighbridge at the site entrance to the east. To the west beyond the storage bay area is an area dedicated to the open storage of empty skips and for vehicle parking. (Plan 2)

Planning history

5. Planning permission (2/2011/0307/ST) was previously granted in 2011 to: *Construct a roof to cover the waste storage bays and tipping/sorting area and to construct an additional storage bay.* Monitoring records confirm that a technical implementation of the permission took place with the construction of the additional storage bay. The covered building structure over the top of these storage bays has not been built to date, but the permission remains in place to allow its erection. The approved plans show a sizable steel framed and clad structure -effectively a building- covering the series of open waste storage bays. The building would back onto the railway line and be enclosed apart from open-frontages into the yard. The footprint of the approved building is demarked on plan 2.
6. The site has subsequently been taken over by the current operator who now wishes to erect a similar covered waste storage bay, but over a single bay at this time. Officers are content that this building structure, for the same purpose, and of very similar dimensions, although smaller in length, can be dealt with by means of Section 73 to vary the extant/approved plans.

Proposed Development

7. The application seeks to erect a covered storage bay/building over the footprint of one of the existing bays within the eastern part of the site. The new building would measure 20m by 15m comprising lower level concrete push walls and profiled steel sheeting atop. The applicant has clarified they wish to finish this in Olive Green. It would be 10.5m high with a mono-pitched roof rising up to 12m at its open front facing south into the yard. The roof would be finished as Goosewing Grey (See plan 3). It would be sited circa 55 metres from the nearest dwellings on Washington Drive and Century Avenue.
8. In terms of drainage, surface roof water would be captured for use in cleaning and dampening down the site. Water or effluents from the concrete floor would be drained into a catchpit, from where this can be pumped out for disposal by specialist waste contractors.
9. The building would supplement the existing one on the site and used to store and segregate wastes arising from the applicant's skip hire business, before it is

transported for onward recycling or treatment. The remaining external bays would also remain for continuing use, but the new building would enable some of these materials to be kept under cover.

10. The applicant does not wish to increase waste throughput or fundamentally change the operation of the site, nor the types of waste accepted, although the building may allow for plasterboard to be accepted in addition to the existing types of wastes - typically builders wastes, green wastes, and household wastes (not food waste) as controlled by the site's environmental permit.
11. The application also seeks approval to create a concrete hardstanding and in-built drainage to form a wash down area for a single vehicle. This would be situated on the southern side of the site within the main operational area.

Consultations

12. **Mansfield District Council** – *No objection.*

13. **Environment Agency** – *No objection.*

The proposal does not suggest that any increase in waste volumes or change in waste types is proposed and as such the current permit would still be fit for purpose. The operator would be required to amend and update site plans and the Environmental Management System to reflect the changes to site layout and operations. Management and disposal of waste water and the drainage arrangements for the site would also need to be in line with the expectations of the environmental permit.

14. **NCC (Flood Risk)** - *Standing advice applies.*

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

The proposals should offer an overall slight benefit in terms of noise, as it will offer some additional screening from tipping operations.

It is recommended that the currently permitted operational hours of 07:00-18:00 Mon-Fri and 07:30-13:00 Saturdays, are specified to explicitly include the use of the wash down facility.

16. **NCC (Highways)** - *Raises no objection.*

17. No response has been received from **Network Rail Civil Engineering** and **Via (Reclamation)**. Any responses received shall be orally reported.

Publicity

18. The application has been advertised by a press notice; site notices and 11 neighbour notifications in accordance with the County Council's Adopted Statement of Community Involvement.

19. Five nearby residents have made representations raising concerns primarily in relation to pre-existing environmental and amenity concerns as follows:
 - (a) Noise from operations, loading, plant and machinery, radio noise;
 - (b) Infestation of rats/vermin;
 - (c) Queries about potential for odour;
 - (d) Some objectors believe that the applicant's other site at Mansfield Woodhouse is more suited to being developed due to the greater separation distance from housing.
20. Councillors Andy Sissons and Stephen Garner have been notified of the application.
21. The issues raised are considered in the Observations Section of this report.

Observations

Planning policy assessment

22. As an application under Section 73, the decision maker should be concerned with the matter of the conditions being varied (and hence the development being proposed) and not re-consider the planning permission afresh. However applications should still be considered against policies within the Development Plan so far as they are material to the proposal.
23. The proposed building works relate to a long-established and authorised waste management site. Policies WCS8 and WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy are considered particularly relevant in this case.
24. Policy WCS8 states that *'the extension, or redevelopment or improvement of existing waste management facilities will be supported where this would increase capacity or improve existing waste management methods, and/or reduce existing environmental impacts.'*
25. Policy WCS13 states that *'New or extended waste treatment or disposal facilities will be supported 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. All waste proposals should seek to maximise opportunities to enhance the local environment through the provision of landscape, habitat or community facilities.'*
26. The applicant's primary rationale for the proposed building structure is to improve the standards of waste management (as well as health and safety) at this site as opposed to expanding operations. Indeed the applicant has made it clear that it does not wish the site to accept any greater quantities of wastes

than is currently permitted (max 220 tonnes per day as subject to a planning condition, although the site operates below this level).

27. The proposed building structure would provide an enclosure of waste to contain it from the elements. By containing it from wind and rain, the quality of the sorted waste output would be improved, whilst the structure would also offer a barrier from the residential properties beyond the railway line. The addition of proper drainage arrangements for this and for the washing of vehicles would also offer an improvement to the current standards of drainage. The proposed development is therefore supported by Policy WCS8 as an investment in improved waste management and standards of recycling.
28. In accordance with Policy WCS13 it is necessary to assess relevant amenity and environmental concerns, before a conclusion can be reached.

Design and Visual Appearance

29. WCS Policy WCS15 seeks high standards of design and landscaping for new or extended waste management facilities. Policies W3.3 and W3.4 of the WLP guide the details required for the design of buildings and screening. New buildings should be located so as to minimise impacts to adjacent land; grouped together to prevent unsightly sprawl; kept as low as practicable and finished in appropriate materials and colour. Screening features such as trees or landscape bunds should be maintained or provided to further reduce visual impacts.
30. The proposed covered bay is in effect an open-fronted steel-framed building of similar form and dimensions to the existing covered building on the site. The existing building measures around 8.5m high but as part of the extant permission has consent for its roof to be increased up to 11m high to tie into the height of the consented/but not implemented covered storage bays. The proposed covered bay would be 1m higher at its maximum than the consented scheme in order to accommodate the height of the 360° grab but otherwise is of similar form to the consented scheme. Its cladding would also be finished in a matching green colour.
31. The location, scale and form of the proposed building would not result in any undue visual effects to nearby properties and would be entirely in character with the industrial type uses and buildings on the southern side of the rail line.
32. The presence of mature trees and dense Hawthorn scrub along the rear of the proposed bay (on railway land) provide an area of screening to residential properties directly to the north. This vegetation also forms part of an embankment/cutting against which the building would be sited. Similarly with the southern site boundary there is a mix of close boarded fencing to the public footpath as well as dense hedgerows screening the site from neighbouring businesses. Given the presence of the embankment and trees/scrub, no additional landscape planting is considered necessary to screen the new building. Some pruning to overhanging vegetation may be required and a condition can require these to be done to avoid impacts to breeding birds.

33. Accordingly the building is considered to have an appropriate siting, form and visual appearance complying with the above policies. A condition is recommended to stipulate a matching green coloured cladding. The previous scheme envisaged some climbing plants under planning condition, but it was not a practical solution and would serve little purpose for the present application. As such it is not considered necessary to re-impose these conditions.

Noise

34. In addition to Policy WCS13 covering general amenity, WLP Policy W3.9 enables planning conditions to be imposed to control noise.
35. The County Council's appointed Noise Engineer has considered the application along with the currently approved scheme and extant planning conditions. No objection is raised and the proposed building is considered to create a beneficial barrier effect reducing operational impacts to nearby residential properties. The building would be sited circa 55 metres from the nearest dwellings at the end of Washington Drive and Century Avenue.
36. The current planning permission is subject to strict noise and hours of operation conditions, which are recommended to be carried forward if this variation is granted. In particular the permitted hours are 07.00 to 18.00 hrs Monday to Friday; 07.30-13.00hrs on Saturdays and no working on Sundays or public/bank holidays and this condition would be amended but only to confirm that it includes the use of the wash down facility, as recommended by the Noise Engineer. There is an allowance however for six vehicles to leave the site between 06.00 and 07.00hrs but subject to further controls to keep their noise to an absolute minimum.
37. There are further conditions setting noise limits in accordance with relevant British Standards to protect the nearby residents; one that requires noise to be minimised from plant/machinery and the loading/unloading of skips; and also a complaints mechanism which can require the operator to investigate and reduce any excess noise which may have led to a complaint being made.
38. It is also notable that the current permission allows the operation of a crusher and screener and wood chipper, but subject to restricted operations. However the current operator/ applicant does not operate these types of equipment on site. On-site plant and machinery is limited to a 360° grab and a front-end loader to move and load materials around the site and in/out of skips and vehicles.
39. Whilst the concerns from residents are duly noted, these relate to previous and/or pre-existing concerns as opposed to any expected problems resulting from the proposed development in this application. The planning conditions can be carried forward to address any ongoing issues. Periodic site monitoring will also continue to be undertaken by the WPA.
40. Notwithstanding this the applicant has responded making the following points:
- Reversing beacons are a must for health and safety reasons.

- Only operate 2 machines. 1 loader and 1 360 grab compared with the previous operator who operated 3 as well as loading articulated trailers.
- Radio noise can be addressed.
- Banking and clanking of skips would reduce because the building would screen the noise. Repairs would also be made to holes in the ground.
- A 5mph site speed limit will be enforced.
- Noise readings are taken to highlight any peaks.

Vermin

41. A previous infestation of rats has been raised as a concern by nearby residents. It is possible that previous works at the site caused disturbance to a nest. The applicant responds that this occurred under the previous operator and which reflected the types of waste accepted and their standards of management at that time, but which are no longer being accepted to the site.
42. This explanation is plausible and likely related to putrescible types of waste which were at times being accepted. Whilst green wastes such as garden trimmings are currently accepted these do not create the risk of vermin that food waste would. As such the concerns about vermin are considered historic. The applicant is required to manage vermin as part of the site's Environmental Permit including by contracting specialist pest controllers, as required.

Odour

43. Odour is briefly raised by a resident as a concern, however this is not considered to be significant issue. The operator does not accept food waste (which may have been the cause of previous instances of odour) and green wastes are managed and regularly moved on. Odour control primarily rests with the permitting system, as opposed to the planning system, however there are planning conditions on the extant planning permission requiring the quick transfer of green wastes to prevent odour. This can be carried forward on any new grant of variation.

Residential amenity

44. In assessing all relevant factors above and taking into account the responses of the residents and consultees, the proposed development would safeguard and possibly slightly improve the amenity of local residents situated beyond the railway, by better enclosing waste and providing a partial barrier to reduce noise. The site will also continue to be regulated by the Environment Agency via the Environmental Permit. The visual appearance of the building would be in keeping with the industrial context on this side of the railway. Accordingly the application is considered to accord with Policy WCS13.

Ground and Surface Water Drainage

45. WLP Policies W3.5 and W3.6 seek to protect ground and surface waters from possible pollution from waste management facilities and ensure that drainage arrangements are designed accordingly.
46. The applicant has proposed arrangements for the separate collection of clean roof waters from the proposed building and for any surface waters. The roof water would be captured into an Intermediate Bulk Container (IBC) so it could be re-used for on-site cleaning and dust management. Surface floor water from the bay would collect into a catch pit where it can be pumped out for disposal off site. The wash down area would have an in-built interceptor to capture oil/hydrocarbon contaminants before discharge to a soakaway. All other existing arrangements will remain in place. The Environment Agency confirm that drainage is also a matter for the site's Environmental Permit. Subject to a condition the arrangements satisfy the objectives of the above policies.

Contamination

47. It is possible the site may be subject to historic ground contamination which could be mobilised as a result of construction works, particularly foundation works. A planning condition on the extant planning permission can be carried forward onto any grant of this variation to address this matter, particularly if piling works are required. It would also be prudent to add a further condition to deal with any unexpected contamination.

Other issues

48. Objectors make a comparison between the application site and a sister site the company operates at Raymond Way, off Old Mill Lane, Mansfield Woodhouse. There is concern that the applicant is expanding operations at the application site, instead of the sister site. They draw attention to the immediate proximity of housing at the application site whereas at Mansfield Woodhouse the nearest properties are 280m distant.
49. The application site is used as a pre-sorting and bulking up facility. Typically this waste is then transferred to the sister site for more intensive recycling and processing stages. The new covered bay/building may allow the receipt of plasterboard waste to be accepted (currently this is dealt with at the sister site) but the applicant is not seeking to expand the overall permitted operations at the application site and is fully mindful of neighbouring residents. The proposed development should therefore be considered on its individual merits and facts.

Conclusion and planning conditions

50. Considering all relevant matters the proposed development is considered compliant with WLP Policies W3.3 and W3.4, W3.5, W3.7, W3.9, W3.10, WCS Policies WCS13 and WCS15. Planning conditions from the extant planning permission include operational planning controls for the site as a whole and

should be carried forward onto any grant of this variation subject to a review. However such a review is not an opportunity to rewrite a valid planning permission. A review has been undertaken by officers and no significant amendments are required to the conditions except that the provision of landscaping is no longer considered necessary as there is a sufficient screen of vegetation in place behind the proposed building. A minor change to the hours of operation condition is proposed to restrict the use of the wash down facility to those hours presently permitted.

Other Options Considered

51. The applicant has the alternative of erecting the previously approved plans for a larger building structure covering all of the waste bays. This is therefore a fall-back option if permission was to be refused. However the applicant has submitted a Section 73 application to vary the approved plans and the County Council is under a duty to consider the planning application as submitted.

Statutory and Policy Implications

52. 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

53. The development would be located within an established industrial area benefiting from perimeter security fencing, security lighting and CCTV coverage.

Data Protection and Information Governance

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

Human Rights Implications

55. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Public Sector Equality Duty Implications

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

Implications for Sustainability and the Environment

57. These have been considered in the Observations section above.
58. There are no financial; human resource; children/adults at risk safeguarding; implications. There are no implications for service users.

Statement of Positive and Proactive Engagement

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

RECOMMENDATIONS

60. 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 [SIN 28/08/2018]

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

Comments of the Service Director - Finance [EWK 29/08/2018]

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

Background Papers Available for Inspection

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

Electoral Divisions and Members Affected

Mansfield South	Councillor Andy Sissons
Mansfield South	Councillor Stephen Garner

Report Author/Case Officer

Joel Marshall

0115 9932578

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

RECOMMENDED PLANNING CONDITIONS

Commencement

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

Approved Plans

2. The development hereby permitted shall only be carried out in accordance with the following plans and documents, except where amendments are made pursuant to other conditions below or through the approval of a non-material amendment to the permission:

- a) Planning application forms, location and layout plans and Dwg 001904/A 'Waste Storage Building' (with the exception of the cladding colour which is specified in condition 6) dated 30 May 2018 and received by the Waste Planning Authority (WPA) on 21 June 2018 for the purposes of constructing a single covered storage bay building.

The following plans for the purposes of constructing the remaining development and its operation:

- b) Drawing No. ICSP2/3 Rev D titled 'Existing and Proposed Site Plan' – received by the WPA on 24 March 2011;
- c) Drawing No. ICSP2/2 Rev B titled 'Proposed Elevation Views' – received by the WPA on 13 January 2011;
- d) Planning Application Forms – received on 13 January 2011;
- e) Design and Access Statement – received on 13 January 2011;
- f) Report Ref: R11.1003/1/DRK titled 'Noise Impact Assessment' (undertaken by Noise and Vibration Consultants Ltd) – received by the WPA on 27 October 2011.

Reason: For the avoidance of doubt.

3. There shall be no waste processing other than within the area hashed red as shown on Plan No. ICSP2/3 Rev D titled 'Existing and Proposed Site Plan' – received by the WPA on 24 March 2011.

Reason: To safeguard the amenities of the area and to ensure the satisfactory working of the site in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

4. There shall be no waste storage other than within the designated waste storage bays and the quarantine area as shown on Plan No. ICSP2/3 Rev D titled 'Existing and Proposed Site Plan' – received by the WPA on 24 March 2011.

Reason: To safeguard the amenities of the area and to ensure the satisfactory working of the site in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

Construction

5. Unless in the event of an emergency when life, limb or property is in danger or with the prior written agreement of the WPA no construction work shall be carried out or plant operated other than between the following hours:

07:30 hours to 18:00 hours on Mondays to Fridays; and between

08:00 hours to 13:00 hours on Saturdays

No construction work shall take place on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenity of nearby occupiers and in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

6. The profiled steel side cladding on the development hereby permitted shall be finished to match the colour and textural appearance of the existing building (Olive Green). The roof sheeting shall be finished in goosewing grey.

Reason: In the interest of visual amenity and to accord with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS15 of the Nottinghamshire and Nottingham Waste Core Strategy.

7. Piling using penetrative methods shall not be permitted other than with the express written consent of the WPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: To prevent risk of negative impact on the water resources in the area in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the WPA) shall be carried out until the developer has submitted a remediation strategy to the WPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the WPA. The remediation strategy shall be implemented as approved.

Reason: To prevent risk of negative impact on the water resources in the area in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.

9. Surface waters shall be managed in accordance with the details provided in the application and shall ensure that there would be no discharge of foul or contaminated surface waters from the site, into either the groundwater system or any surface waters, whether direct or via soakaways.

Reason: To reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in line with Policies W3.5 and W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

10. Operations that involve the removal and destruction of vegetation, including any felling, clearing or removal of trees, shrubs or hedgerows on site, shall not be undertaken during the months of March to August inclusive except where it has been confirmed to the WPA that the vegetation to be removed has been checked for nesting birds by a suitably qualified ecologist and that any necessary mitigation measures to protect active nests have been (or shall be) put in place.

Reason: In the interests of avoiding disturbance to birds, their nests and eggs which are protected by the Wildlife and Countryside Act 1981 (as amended).

Lighting

11. No additional floodlighting shall be used to illuminate the site except in accordance with full details to be submitted and approved in writing by the WPA prior to its installation.

Reason: In the interests of visual amenity and in accordance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

Hours of Operation

12. With the exception of the vehicle movements permitted by Condition 13 of this permission, or in an emergency, which shall be notified to the WPA in writing within no more than 48 hours of its occurrence, or as otherwise previously agreed in writing by the WPA, no waste processing, treatment, transfer or waste vehicle movements either into or out of the site, nor the use of the wash down facility shall take place except between the hours of 07:00 – 18:00 on weekdays and 07:30 – 13:00 on Saturdays, and not at all on Sundays, Public and Bank Holidays. Crushing and wood shredding operations shall only take place between the hours of 09:00 and 15:00, and on not more than one day in any given week and at no other times. Screening operations shall only take place between 09:00 and 15:00 Monday to Friday, and not at all on Saturdays, Sundays, Public and Bank Holidays.

Reason: To safeguard the amenity of nearby residents and in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste

Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

13. Between the hours of 06:00 – 07:00 on Monday to Friday, no more than six trade waste vehicles shall be permitted to leave the site and only via the Sheepbridge Lane access. The six vehicles shall be parked overnight only in the area shown edged red on the plan entitled “Vehicle parking area” attached to the 2007 permission (2/2006/0810/ST) and during the period 06:00 – 07:00 hours:
- a) no more than three vehicles shall be permitted to warm up and leave the site at any one time;
 - b) vehicles shall not be permitted to reverse; and
 - c) any revving of engines during warm up and when exiting the site onto Sheepbridge Lane shall be minimised.
 - d) no more than two vehicles shall be permitted to return to the site.

Reason: To safeguard the amenities of nearby residents in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

14. The entrance to the site from Hermitage Lane shall be permanently gated and kept securely fastened between the hours of 18:00 and 07:00 on weekdays and 13:00 on Saturdays and 07:00 on the following Monday. With the exception of the use authorised by Condition 15, the access shall not be used in connection with site operations except in case of an emergency.

Reason: To safeguard the amenities of nearby residents in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

Vehicle Movements & throughout

15. The number of waste vehicles entering the site from Hermitage Lane shall not exceed 6 vehicles per hour and not more than 40 vehicles per full weekday or 4 vehicles per hour and not more than 20 vehicles on a Saturday morning unless otherwise agreed in writing by the WPA. No vehicles shall exit the site onto Hermitage Lane except for 1 car or light van when securing the site at the end of the permitted working hours.

Reason: To safeguard the amenities of nearby residents in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

16. Details of all vehicle movements permitted by Condition 15 in any one week shall be provided in writing to the WPA upon its request.

Reason: In the interests of highway safety.

17. The maximum daily amount of waste material accepted at the site shall not exceed 220 tonnes. A written record shall be kept of the amounts accepted and it shall be made available to the WPA upon its request.

Reason: To safeguard the amenities of the area and to ensure the satisfactory working of the site.

Noise

18. The levels of noise generated by the crusher, screener and wood shredder/chipper shall not exceed the sound power levels of equipment as detailed in the planning application and in supporting details received by the WPA on 1 November 2000 and 22 November 2000 in respect of Planning Permission 2/2000/14983/0083/P granted on 12 February 2001.

Reason: To safeguard the amenities of nearby residents in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

19. A written record shall be kept of all times when the mobile screener, crusher and the wood shredder/chipper are on site and available for operations or in operation. Such records must be made available to the WPA within 7 days of request.

Reason: To safeguard the amenities of nearby residents in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

20. Measures shall be used to ensure that noise is minimised. All vehicles, plant and equipment to be used on site in the processing and movement of materials shall be fitted with effective silencers and maintained in accordance with the manufacturers' specifications. All vehicles delivering skips to the site shall have the lifting chains sheathed in an appropriate manner to minimise noise from skip movements to, from or within the site.

Reason: To safeguard the amenities of nearby residents in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

21. Screening of material is only to be carried out using the McCloskey International 412R Trommel, unless otherwise previously agreed in writing by the WPA.

Reason: To safeguard the amenity of nearby residents and in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

22. In the event that a complaint is received regarding noise arising from the trommel which the WPA considers may be justified the operator shall, within 1 month of a written request from the WPA, undertake and submit to the WPA for its written approval a BS4142 noise survey to assess whether noise from the development exceeds the day time criterion of 5dB(A) above the existing

background noise level after the addition of the 5dB(A) penalty to reflect tonal, discrete or impact noise as advised in BS4142.

The monitored noise levels are to be “free field” carried out at a height of 1.2m to 1.5m above the ground level and presented as a Laeq, 1hour value.

In the event that the WPA considers such a complaint is justified in accordance with BS4142 the submitted survey shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criterion. These measures shall be implemented within 1 month of the submission of the survey in accordance with the approved details.

Reason: To safeguard the amenity of nearby residents and in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Litter

23. Any litter from the site which is deposited on adjacent land shall be removed and returned to the site to the satisfaction of the WPA.

Reason: To safeguard the amenities of nearby residents and in accordance with Policy W3.8 of the Nottinghamshire and Nottingham Waste Local Plan.

Dust

24. The measures to be employed to ensure that dust emissions from the site are minimised shall be carried out in accordance with the following as submitted under cover of a letter dated 29 May 2004:

- a) use of a hose and sprinkler system in the Working Area A (operating area) and along the through road in Area B (skip storage);
- b) a water bowser will be towed around the yard and along the roads during hotter/drier conditions;
- c) a contracted road-sweeping vehicle will visit the site on a weekly basis, or increased frequency should conditions require;
- d) potentially dusty loads will be taken directly to a suitable disposal site; and
- e) additionally, upon the request of the WPA the temporary cessation of waste importation, recycling operations, loading of materials and vehicle movements.

The above measures shall be maintained in working order and implemented throughout the life of the development.

Reason: To safeguard the amenities of nearby residents and in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

Odour and Air Quality

25. No material shall be stored within the main transfer bay for any longer than four days, and any tree/shrub/plant waste imported to the site shall be processed / removed off site within a period of two weeks from the date of importation.

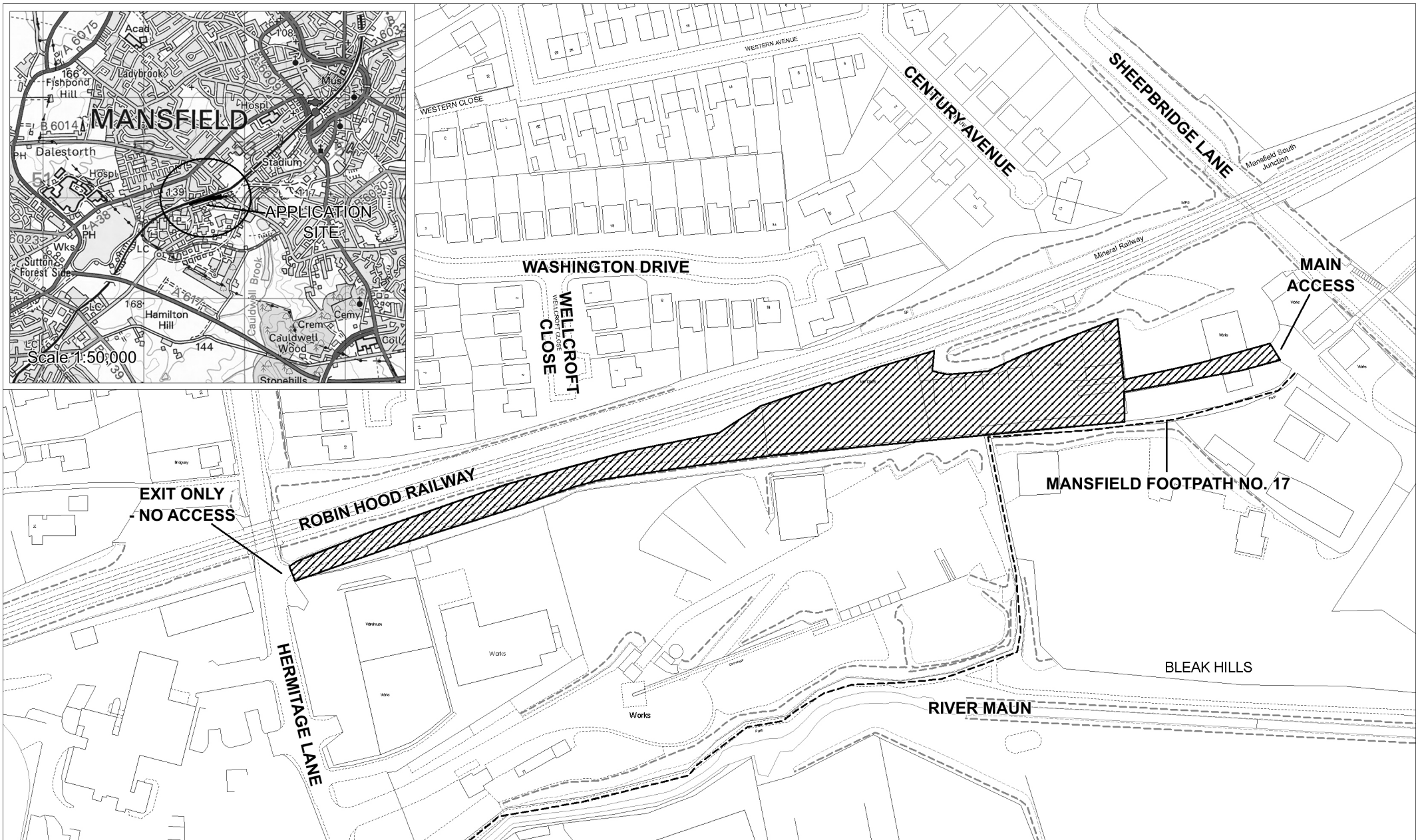
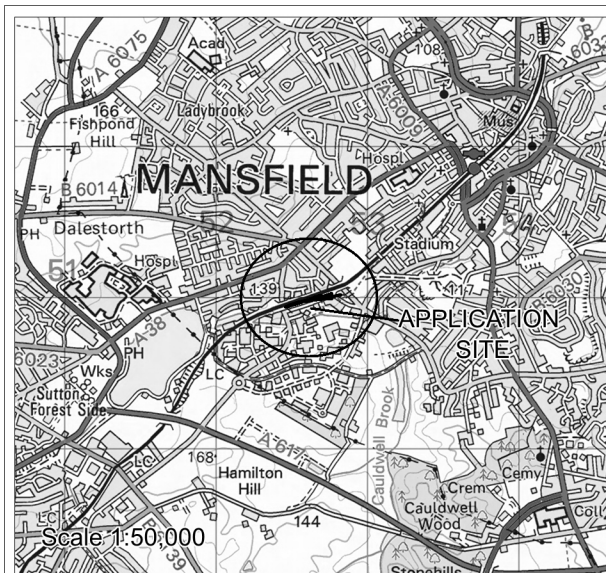
Reason: To safeguard the amenities of the area and to ensure the satisfactory working of the site in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.

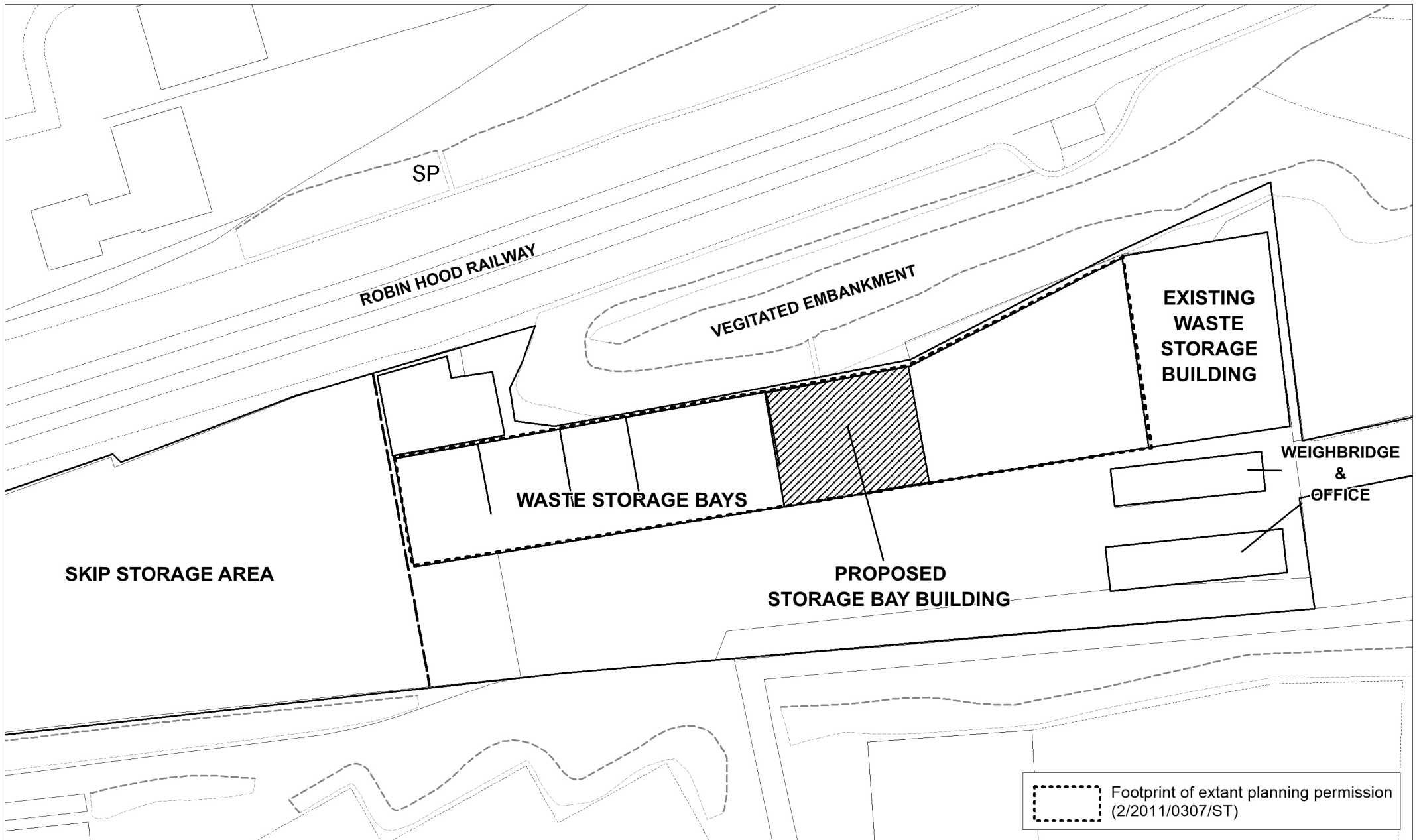
26. Only inert waste shall be stored in the westernmost waste storage bay hereby permitted.

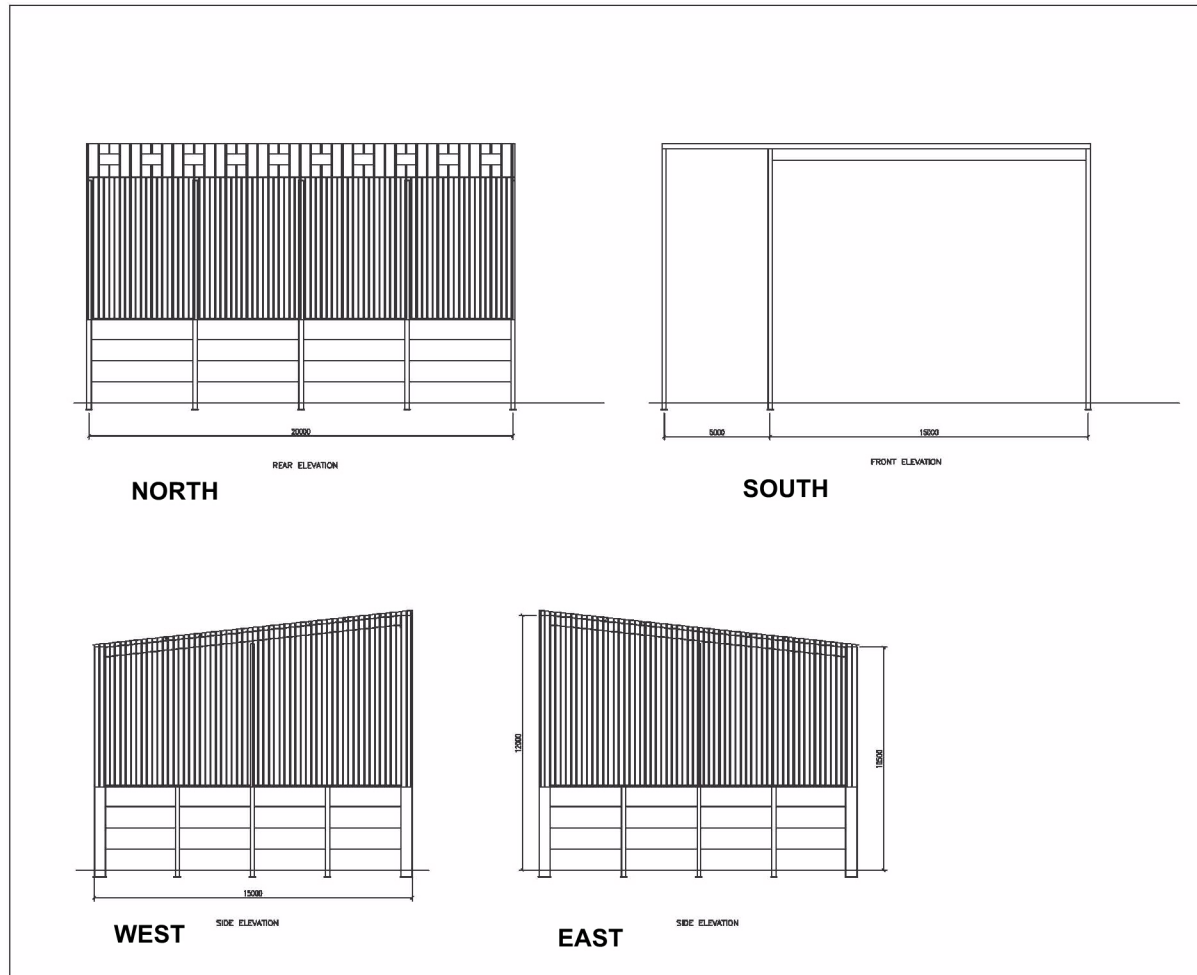
Reason: To safeguard the amenities of the area and to accord with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.

27. There shall be no burning of materials on the site.

Reason: To safeguard the amenities of the area and to accord with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.









18th September 2018

Agenda Item: 8

REPORT OF CORPORATE DIRECTOR – PLACE

DRAFT RESPONSE TO THE MINISTRY OF HOUSING, COMMUNITIES AND LOCAL GOVERNMENT AND THE DEPARTMENT FOR BUSINESS, ENERGY AND INDUSTRIAL STRATEGY ON THE TWO CONSULTATION PAPERS RELATING TO SHALE GAS PROPOSALS.

Purpose of Report

1. To seek Members views and input on the County Council's draft response to the Government's consultation papers relating to shale gas proposals entitled 'Permitted development for shale gas exploration' and 'Inclusion of shale gas projects in the nationally significant infrastructure project regime'. The views of Members on this report will be used to finalise the County Council's final response on these two consultations which will be brought to Planning and Licensing Committee in October for final approval prior to being submitted to the Government as the Council's formal response.

Background information

2. On the 19th July 2018 the Government published two consultation papers relating to shale gas proposals. The Ministry of Housing, Communities and Local Government published a consultation on the principle of whether non-hydraulic fracturing shale exploration development should be granted planning permission through a permitted development right. This consultation paper can be found at Appendix 1 of this report. The second paper, published by the Department for Business, Energy and Industrial Strategy, is consulting on the criteria required to trigger the inclusion of shale gas production projects into the Nationally Significant Infrastructure Projects regime. This consultation paper can be found at Appendix 2 of this report. The closing date for comments on both consultations is 25th October 2018.
3. An Inquiry by the Parliamentary Housing, Communities and Local Government Committee held in May this year examined matters relating to fracking applications, including whether they should be permitted development and also whether they should be dealt with as national infrastructure (NSIPs) under the 2008 Planning Act. Their conclusions on these issues are set out in paragraphs 28 and 42-45 of this report.

Ministerial Written Statement relating to shale gas made on 17th May 2018

4. On 17th May 2018 the Secretary of State for Business, Energy and Industrial Strategy released a written statement on his own behalf and on behalf of the Secretary of State for Housing, Communities and Local Government reiterating the Government's view that there are substantial benefits from the safe and sustainable exploration and development of onshore gas resources. He also wished to set out the actions they are taking to support this. He outlined the potential to deliver substantial economic benefits to the UK economy and the creation of British jobs. He stated that recent decisions on shale gas exploration planning applications remain disappointingly slow against the statutory 16 week timeframe. He outlined a number of measures to apply to such proposals in England.
5. This Statement is now a material consideration in plan-making and decision-taking, alongside relevant policies of the National Planning Policy Framework. He said the Government expects Minerals Planning Authorities to give great weight to the benefits of mineral extraction, including to the economy. He stated that the revised NPPF (which was subsequently published on 24th July 2018) will sit alongside the Written Ministerial Statement. He stated the intention to publish revised planning practice guidance on shale development to provide clarity on issues such as cumulative impact and local plan making, and provide confirmation that planners can rely on the advice of regulatory experts.
6. In the Statement he announced that these two consultations would take place in summer 2018. He also stated that the Government will strengthen community engagement by consulting in due course on the proposal to make pre-application consultation a statutory requirement. Other measures, including support for those involved in decision making, matters relating to the shale regulators, and community benefits were also set out in the statement which was made in both the House of Commons and the House of Lords.

Consultation paper entitled 'Permitted development for shale gas (published by Ministry of Housing, Communities and Local Government - July 2018)

7. Paragraphs 8 to 26 below set out the issues raised in the consultation paper which can be found in Appendix 1. The questions posed by the consultation and the draft responses are set out in Appendix 3 to this report.

Permitted development

8. Permitted development rights are a national grant of planning permission. They provide a simpler, more certain route to encourage development and speed up the planning system, and reduce the burden on developers and local planning authorities by removing the need for planning applications.

9. Permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015. The Order sets out both what is allowed under each permitted development right, and any exclusions, limitations and conditions that apply to comply with the legal duty to mitigate the impact of development granted under permitted development. For example, most permitted development rights are subject to conditions that seek to minimise their impact and to protect local amenity. Others are subject to geographic exclusions to ensure environmental protections are maintained.
10. If a proposal falls outside permitted development rights, it requires the submission of a planning application to the local planning authority so that the authority can consider all the circumstances of the case.
11. Permitted development only covers the planning aspects of the development. It does not remove requirements under other regimes such as environmental licensing and permitting or requirements under environmental legislation.
12. In April 2016 the Town and Country (General Permitted Development) (England) Order 2015 was amended to allow for development consisting of the drilling of boreholes for the purpose of carrying out ground water monitoring and seismic monitoring which is preparatory to potential petroleum exploration (which includes shale gas). These permitted development rights are subject to restrictions and conditions. This consultation paper proposes to extend these permitted development rights to the exploratory phase of oil and gas extraction.

Definition of non-hydraulic fracturing shale gas exploration

13. The exploratory phase of oil and gas extraction seeks to acquire geological data to establish whether hydrocarbons are present, which in the case of shale gas may involve drilling an exploration well, and conducting seismic surveys. This is then followed by an appraisal (testing) stage, and then a production stage. At the present time, there are two planning permissions in the county for shale gas exploration: at Springs Road, Misson; and on land off the A634 between Barnby Moor and Blyth.
14. It is proposed in the consultation paper that any permitted development right for exploratory shale drilling would only apply to **shale gas exploration, and for non-hydraulic fracturing operations to take core samples for testing purposes. The consultation states that it would not be appropriate for permitted development rights to extend to allow for the injection of any fluids for the purposes of hydraulic fracturing. The right would not apply to all onshore oil and gas exploration and/or extraction operations.** To also ensure that no hydraulic fracturing would take place it is necessary to tightly define in legislation what development is permitted. Any permitted development right for non-hydraulic fracturing shale gas exploration would not be designed to circumvent the regulatory processes currently culminating in the hydraulic fracturing consent provisions.

15. The following definition is proposed: **'Boring for natural gas in shale or other strata encased in shale for the purposes of searching for natural gas and associated liquids, with a testing period not exceeding 96 hours per section test'**.
16. Where a developer intends to use hydraulic fracturing as part of the operation, or as would be necessary at the appraisal stage, they would be required to obtain planning permission from the relevant minerals planning authority.

Development not permitted

17. The consultation paper proposes that the formulation of any permitted development right will have regard to environmental and site protection laws along with other exemptions. The full list of proposed excluded sites is as follows;
 - Areas of Outstanding Natural Beauty
 - National Parks
 - The Broads
 - World Heritage Sites
 - Sites of Special Scientific Interest
 - Scheduled Monuments
 - Conservation areas
 - Sites of archaeological interest
 - Safety hazard areas
 - Military explosive areas
 - Land safeguarded for aviation or defence purposes
 - Protected groundwater source areas
18. In addition, in accordance with legislation, development which is likely to have significant effects on the environment requiring an Environmental Impact Assessment would not be permitted development. If the proposed development would fall into Schedule 2 of the Environmental Impact Assessment Regulations, it would only be permitted where a local planning authority has issued a screening opinion determining that the development is not Environmental Impact Assessment development, or where the Secretary of State has directed that it is not Environmental Impact Assessment development,

or that the development is exempt from the Environmental Impact Assessment Regulations.

Development conditions and restrictions

19. In the consultation paper it is recognised that due to the scale of shale gas exploration any permitted development right would require specific conditions and restrictions to mitigate any potential adverse impacts of the development. Existing permitted development rights for minerals exploration carry conditions and restrictions to ensure the impact of the development is mitigated, these include:
 - Agreement with the relevant mineral planning authority on the restoration of the land to the condition it was in before the development took place;
 - Limits on the height of any structure assembled or provided;
 - Limits on the height of any substructures and ancillary drilling compounds;
 - Time-limits on both the operation and duration of works;
 - Restrictions on any operations carried out within a certain distance of sensitive site uses;
 - Restrictions on the number of wells within a certain area;
 - Restrictions on development near an aerodrome or airport;
 - No removal of trees from the land.
20. Permitted development rights can also require the local planning authority to consult with bodies with a relevant interest in the impact of the development, this can include the Environment Agency, the Health and Safety Executive, Highways Agency, Natural England, Historic England, as well as others.
21. The consultation seeks comments on what conditions and restrictions would be appropriate for a permitted development right for non-hydraulic shale gas exploration development. Once agreed these conditions would be outlined in the legislation.

Prior approval

22. A condition of any permitted development right can also be a requirement that the developer has to seek prior approval from the local planning authority. Prior approval means that a developer has to seek approval from the local planning authority that specified elements of the development as listed in the legislation are acceptable before work can proceed. The matters for prior approval vary

depending on the type of development, but it can involve a requirement for public engagement through site or written notices to allow representations from local residents, and the views of statutory consultees. Prior approval is a light-touch process which applies where the principle of the development has already been established.

23. For shale gas exploration, local consideration of particular elements of the development may potentially be required to be approved by the relevant minerals planning authority through a prior approval process. The prior approval considerations might include transport and highways impact, contamination issues, air quality and noise impacts, visual impacts, proximity of occupied areas, setting in the landscape, and could include an element of public consultation.
24. The consultation paper seeks views on the potential considerations that a developer should apply to the local planning authority for determination before beginning the development.

Time limited or permanent permitted development right

25. In line with other types of development permitted by the regime it could be appropriate that the proposed changes to the permitted development rights for non-hydraulic fracturing shale gas exploration would only apply for a trial 2 years period starting from the date at which the secondary legislation implementing these changes comes into force, thereby allowing the Government to monitor and measure the success of the right before making a decision on whether to make the change permanent.
26. The consultation paper therefore seeks views on whether the proposed change should apply for 2 years or be made permanent from the start.

Nottinghamshire County Council context

27. In terms of planning applications for shale gas proposals in Nottinghamshire the following have been determined.
 - (a) **Misson Springs site** - planning permission was granted in January 2016 for the drilling and installation of up to 4 sets of ground water monitoring boreholes. In October 2016 planning permission was granted, subject to a legal agreement, for the development of a hydrocarbon well site and the drilling of two exploratory wells, the first vertical and the second horizontal.
 - (b) **Tinker Lane site** – in March 2017 planning permission was granted, subject to a legal agreement, for the development of a hydrocarbon well site comprising a vertical multicore well to target the Bowland shale and Millstone grit geological formations, together with 3 sets of monitoring boreholes to sample and monitor groundwater and ground gas during the drilling of the exploratory well.

28. The decisions for both sites were issued on 24th May 2017 following the completion of the associated legal agreements.
29. Although the terms (restrictions, conditions, prior approval requirements) of the permitted development proposal set out in this consultation paper are still to be determined it is likely that all the applications submitted for Misson Spring and Tinker Lane would have been permitted development had they not required an Environmental Impact Assessment (EIA). As an EIA was volunteered by the applicants for both sites the screening process to determine whether EIA was necessary was not undertaken. This gives a clear indication of the scale of development that could take place (if an EIA were not required) if these extended permitted development rights were introduced. Of course any such proposals would be subject to the conditions, restrictions and any prior approval requirements that the Government deem necessary should this become permitted development.

Parliamentary Housing, Communities and Local Government Committee comments on permitted development

30. The principle of whether non-hydraulic fracturing shale exploration development should be treated as permitted development did not form part of the original remit of the Parliamentary Select Committee, however the final report did briefly cover the issue. The following statement about permitted development was made in the report:

“Shale gas development of any type should not be classed as a permitted development. Given the contentious nature of fracking, local communities should be able to have a say in whether this type of development takes place, particularly as concerns about the construction, locations and cumulative impact of the drill pads are yet to be assuaged by the Government”.

Consultation paper entitled ‘Inclusion of Shale gas production projects in the Nationally Significant Infrastructure Project regime’ (published by Department for Business, Energy and Industrial Strategy - July 2018)

31. Paragraphs 31 to 40 below set out the issues covered in the consultation paper which can be found in Appendix 2. The questions posed by the consultation and the draft responses are set out in Appendix 4 to this report.

Current planning practice for shale gas development

32. Under the current planning regime shale gas proposals must go through the following process:

- Obtain a Petroleum Exploration and Development Licence issued by the Oil and Gas Authority which covers the total area for onshore extraction of hydrocarbons;
 - Obtain planning permission (under the Town and Country Planning Act 1990) from the Minerals Planning Authority for that area or from the Secretary of State for the Ministry of Housing, Communities and Local Government on appeal or if a planning application is called-in by him for determination; and
 - Receive the relevant permits and approvals from regulators such as the Oil and Gas Authority (OGA), Environment Agency (EA) and Health and Safety Executive (HSE).
33. The regulatory regimes are separate, but complementary, to planning permission. In 2015 the Infrastructure Act introduced a range of further requirements that must be met before an operator can carry out high volume hydraulic fracturing in a responsible, sustainable and safe manner. These include the assessment of environmental impacts, groundwater monitoring, community benefits and the exclusion of protected areas. The regulations ensure that the risk of seismic activity during hydraulic fracturing is assessed and that operations are monitored to allow action to be taken where necessary.

National planning regime

33. The Planning Act 2008 provides the legal framework for applying for, examining and determining applications for Nationally Significant Infrastructure Projects (NSIP). This planning process deals with developments including energy, water, road and rail transport and hazardous waste disposal. For projects falling within the scope of what is defined in the Planning Act 2008 as an NSIP then this is the only route for obtaining planning consent and the final decision rests with the relevant Secretary for State. For energy projects including shale gas developments this would be the Secretary of State for Business, Energy and Industrial Strategy.

National Policy Statements

34. A National Policy Statement sets out the national need in policy terms for new or expanded NSIPs. National Policy Statements provide clarity and certainty for developers in establishing national need and certainty in terms of timescale on decision making. National Policy Statements provide a framework within which the Planning Inspectorate makes its recommendation to the Secretary of State on development consent applications. The Secretary of State must also have regard to any local impact report submitted by the local authority and any other relevant matters.

National Significant Infrastructure Projects

35. The NSIP regime is bespoke in three ways:

- Establishes the need: If an application demonstrates that it meets the national evidence base and 'need' in planning policy terms as set out in the National Policy Statement this does not need to be revisited during the determination of the application.
- Timescales: The Planning Act 2008 sets out prescribed timescales for the determination of applications. This means decisions are made within one year of commencement of the examination, unless deadlines are extended by the SoS.
- Single application: If a Development Consent Order is granted it can incorporate other powers which cannot be included in a planning permission, such as compulsory acquisition of land.

Development Consent process

36. Under the Planning Act, an operator wishing to construct a NSIP must submit a development consent application to the Secretary of State (SoS). As part of the application the operator will need to have assessed any likely impacts of the proposed development. The SoS will appoint an 'Examining Authority' to examine the application. This will be either a single inspector or a panel of between two and five inspectors. Following the examination the Examining Authority will make a recommendation to the SoS who will decide whether to grant or refuse consent.

The role of local communities and local authorities within the NSIP regime

37. Members of local communities and local authorities are able and encouraged to get involved throughout the NSIP process;

- Pre-application stage - local communities must be consulted on the proposed project at the pre-application stage. Before commencing consultation the developer must prepare a draft consultation strategy known as a Statement of Community Consultation which must be sent to the relevant local authority for comment. Subsequent consultation must be carried out in accordance with this document.
- Acceptance – All applications must be accompanied by a Consultation Report which must show that the applicant has complied with the pre-application consultation requirements and that they have had regard to the responses they received. The Planning Inspectorate will consider whether this has been complied with and whether to accept the application for examination.
- Examination - If an application is accepted, members of the public have the opportunity to register their interest and participate in the examination. The

host local authority will automatically be an interested party at the examination stage. Local authorities can submit Local Impact Reports which the Examining Authority and Secretary for State must have regard to.

Moving shale gas production into the NSIP regime – criteria for inclusion

38. The consultation document states that “In the UK at present the shale gas sector is in the exploration phase with no commercially active sites in operation”. In this consultation paper the Government is seeking views to ensure that the most appropriate criteria and timings are set for potentially including major shale gas production in the NSIP regime. Planning applications which do not meet the criteria to be considered nationally significant will continue to be subject to the planning process under the Town and Country Planning Act 1990 (i.e. determined by the relevant local authority).
39. The potential criteria which could determine if a shale gas production project is considered nationally significant are set out below:
- Number of wells – the number of wells will vary depending on the geology and gas properties, however with multiple wells from one well-site and potentially multiple wells within a Petroleum Exploration and Development Licence (PEDL) this could provide criteria for when a production project is nationally significant.
 - Recoverable Gas - Other NSIPs have storage capacity as one of the criteria for inclusion in the NSIP regime.
 - Gas production – Sites can vary in the level of production over a given time despite having similar estimated recoverable volumes. Sites could have high flow rates for a number of years and be considered nationally significant.
 - Local or National Grid Connection – A production site may require a direct connection to the local gas distribution network or national transmission system, available for homes and businesses.
 - Associated Equipment – various factors could require equipment to be installed on site. These could include water treatment facilities, micro-generation plants and other gas processing facilities which when combined could result in an expansive development project.
 - Shared Infrastructure – Where there is more than one well-site some operators may develop shared infrastructure, such as road networks, gas/water pipelines and communications/fibre optic cables. Larger scale projects could be considered as nationally significant.

Timing for inclusion

40. In the consultation paper the Government is also seeking views on the most appropriate stage in the industry's development for major shale gas production projects to be included in the NSIP regime. For instance, it may be appropriate to have this in place prior to the first production site application; or alternatively, it may be appropriate to reach an as yet undefined level of shale gas exploration and appraisal activity to inform the viability and scale of shale gas production within England.
41. The topics covered above form the basis of the questions posed by the consultation paper. The actual questions and officers' initial responses are set out in Appendix 4 to this report.

Parliamentary Housing, Communities and Local Government Committee comments on the NSIP regime

42. Following the Select Committee Inquiry a full report of the proceedings and conclusions was published. The following three paragraphs set out their conclusions on this topic.

"There is little to be gained from bringing fracking planning applications at any stage under the NSIP regime; there is limited evidence that it would expedite the application process and such a move is likely to exacerbate existing mistrust between local communities and the fracking industry. We are particularly concerned that if the NSIP regime were adopted, there would be no relationship between fracking applications and Local Plans in communities. Furthermore, we note that the Government has not provided any justification or evidence for why fracking has been singled out to be included in a national planning regime in contrast to general mineral applications.

Fracking planning applications should not be brought under the NSIP regime. While we note that the NSIP regime does provide opportunities for consultation with Mineral Planning Authorities and local communities, such a move could be perceived as a significant loss to local decision-making. Mineral Planning Authorities are best placed to understand their local area and consider how fracking can best take place in their local communities.

Despite our recommendation above and the overwhelming evidence we received, if NSIP were to be used for fracking applications, it is essential that a National Policy Statement is prepared as a matter of urgency that would include suitable measures to restrict inappropriate proliferation of well-pads and unacceptable impacts on landscapes. We consider that the North Yorkshire Draft Joint Minerals and Waste Plan offers an appropriate template for such guidance. While we note that the Government stated that the issue of cumulative impact "would be addressed on a case by case basis as part of the NSIP examination process," the National Policy Statement should ensure that it is

considered automatically as part of every determination. Every decision should also be consistent with Local Plans.”

Statutory and Policy Implications

43. 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.

Human Rights Implications

44. 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.

RECOMMENDATIONS

45. It is recommended that Members consider the draft response to the questions posed by the two consultation papers issued by the Government and provide comments to officers in order that they can finalise the County Council's formal response, which will be brought back to this committee in October for final approval.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [SJG 31.8.2018]

The recommendation falls within the remit of the Planning and Licencing Committee.

Comments of the Service Director – Finance [RWK 29.8.2018]

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

Background Papers Available for Inspection

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

Electoral Divisions and Members Affected

All

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



Ministry of Housing,
Communities &
Local Government

Permitted development for shale gas exploration

Consultation



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About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant, who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

Scope of the consultation

Topic of this consultation:	<p>This consultation seeks views on the principle of granting planning permission for non-hydraulic shale gas exploration development through a permitted development right. It covers the following areas:</p> <ol style="list-style-type: none"> 1. Whether to introduce a permitted development right for non-fracturing shale gas exploration development 2. Definition of non-hydraulic fracturing shale gas exploration 3. Development not permitted 4. Development conditions and restrictions 5. Prior approval 6. Time-limited or permanent permitted development right 7. Public sector equality duty
Scope of this consultation:	The Ministry of Housing, Communities and Local Government is consulting on the principle of granting planning permission for non-hydraulic shale gas exploration development through a permitted development right, as introduced through the 17 May 2018 joint Written Ministerial Statement on Energy Policy.
Geographical scope:	These proposals relate to England only.
Impact Assessment:	Impact assessment not required.

Basic Information

To:	This consultation is open to everyone. We are keen to hear from a wide range of interested parties from across the public and private sectors, as well as from the general public.
Body/bodies responsible for the consultation:	Ministry of Housing, Communities and Local Government
Duration:	This consultation will last for 14 weeks from 19 July 2018.
Enquiries:	For any enquiries about the consultation please contact: shaleconsultation@communities.gsi.gov.uk
How to respond:	<p>You may respond by completing an online survey at:</p> <p>https://www.surveymonkey.co.uk/r/9LDDSVZ</p> <p>We strongly encourage responses via the online survey, particularly from organisations with access to online facilities such as local authorities, representative bodies and businesses. Using the online survey greatly assists in our analysis of the</p>

responses, enabling more efficient and effective consideration of the issues raised for each question.

Alternatively you can email your response to the questions in this consultation, using the pro forma found at the end of this document, to:

shaleconsultation@communities.gsi.gov.uk

If you are responding in writing, please make it clear which questions you are responding to.

Written responses should be sent to:

Shale Consultation
Planning Infrastructure Division
Ministry of Housing, Communities and Local Government
3rd Floor
Fry Building
2 Marsham Street
LONDON
SW1P 4DF

When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name,
- your position (if applicable),
- the name of organisation (if applicable),
- an address (including post-code),
- an email address, and
- a contact telephone number

Background to the consultation

1. Domestic onshore gas production, including shale gas has the potential to play a major role in further securing our energy supplies and creating economic benefits locally and nationally, including new jobs.
2. The UK is approaching an important moment in the exploration stage of shale gas extraction. Shale gas operators have been making steady progress at the various stages of applying for the relevant permissions and consents for shale gas extraction. Later this year, we may see the first shale gas extraction activity since 2011.
3. Written Ministerial Statements on energy and planning policy¹ made by Greg Clark and James Brokenshire on 17 May 2018 reiterated the Government's view that there are potentially substantial benefits from the safe and sustainable exploration and development of our onshore shale gas resources.
4. The statement announced a range of measures to facilitate timely decisions on shale planning applications and support Mineral Planning Authorities, including:
 - Holding an early stage consultation, in summer 2018, on the principle of whether non-hydraulic fracturing shale exploration development should be granted planning permission through a **permitted development right**;
 - Consulting, in summer 2018, on the criteria required to trigger the **inclusion of shale production projects into the Nationally Significant Infrastructure Projects regime**.
5. The Government have also consulted on a draft revised National Planning Policy Framework (NPPF). The consultation closed on 10 May 2018. In due course the revised National Planning Policy Framework will sit alongside the Written Ministerial Statement. We intend to publish revised planning practice guidance on shale development once the revised National Planning Policy Framework has been launched, ensuring clarity on issues such as cumulative impact, local plan making, and confirmation that planners can rely on the advice of regulatory experts.
6. The purpose of this consultation is to seek views on the **principle of whether non-hydraulic fracturing shale gas exploration development should be granted planning permission through a permitted development right**, and in particular the circumstances in which it would be appropriate. Any permitted development right would not apply to the appraisal and production operations of shale gas extraction.

¹ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-05-17/HCWS690>

7. Further to this consultation, the Government will strengthen community engagement by consulting on whether developers should be required to conduct pre-application consultation prior to shale gas development. This consultation will be launched in Autumn 2018.

Whether to introduce a permitted development right for non-hydraulic fracturing shale gas exploration development

8. It is the Government's view that there are potentially substantial benefits from the safe and sustainable exploration and development of our onshore shale gas resources.
9. 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. The development of the shale gas industry so far has already led to millions of pounds being invested in the UK, supporting businesses and the supply chain, and creating British jobs. We have recently seen five planning approvals for exploratory shale development.
10. The Government remains fully committed to making planning decisions faster and fairer for all those affected by new development, and to ensure that local communities are fully involved in planning decisions that affect them. These are long standing principles. No one benefits from the uncertainty caused by delay.
11. Recent decisions on shale exploration planning applications remain disappointingly slow against a statutory time frame of 16 weeks where an Environmental Impact Assessment is required. Where there has been agreement on time extensions, applications determined by mineral planning authorities have taken up to 83 weeks for decision. The Government is committed to help ensure every planning application is dealt with as quickly as possible.
12. The UK has world class regulation to ensure that shale gas exploration can happen safely, respecting local communities and safeguarding the environment. Any developments that would be permitted through any potential permitted development right for non-hydraulic fracturing shale gas exploration, would still be required to receive the appropriate consents from the three regulators (the Environment Agency, the Health and Safety Executive and the Oil and Gas Authority) before development can proceed.
13. The measures announced in the joint Written Ministerial Statement on 17 May 2018 to consult on the principle of whether non-hydraulic fracturing shale gas exploration development should be granted planning permission through a permitted development right aims to support a decision-making regime that is fit for the future needs of the energy sector.

Permitted development rights

14. Permitted development rights are a national grant of planning permission. They provide a simpler, more certain route to encourage development and speed up the planning system, and reduce the burden on developers and local planning authorities by removing the need for planning applications. Since 2013 we have brought forward a range of new permitted development rights including change of use of offices, shops and other high street uses and agricultural buildings to residential use, installation of digital communications masts (up to 25 metres), and increased rights to extend homes and business premises.
15. Permitted development rights are set out in the [Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#). The Order sets out both what is allowed under each permitted development right, and any exclusions, limitations and conditions that apply to comply with the legal duty to mitigate the impact of development granted under permitted development. For example, most permitted development rights are subject to conditions that seek to minimise their impact and to protect local amenity, others are subject to geographic exclusions to ensure environmental protections are maintained. All however, are subject to clearly defined restrictions to cover the specific nature and scope of the operation or quantum of development that would benefit from a permitted development right.
16. Where a proposed development does not fall within the permitted development limits, this does not mean that the development is not acceptable and cannot be built. It means that an application for planning permission needs to be made so that the local planning authority can consider all the circumstances of the case.
17. Permitted development only covers the planning aspects of the development. It does not remove requirements under other regimes (e.g. environmental licencing and permitting or environmental legislation).
18. Some permitted development rights are subject to a requirement to seek the prior approval of the local planning authority for certain planning matters before carrying out development.

The definition of non-hydraulic fracturing shale gas exploration

19. The exploratory phase of oil and gas extraction seeks to acquire geological data to establish whether hydrocarbons are present, which in the case of shale gas may involve drilling an exploration well, and conducting seismic surveys. This is then followed by a (testing) appraisal stage, and then a production stage.
20. In line with the broad focus of the Written Ministerial Statement on supporting shale gas development, any permitted development right for exploratory shale drilling would only apply to **shale gas exploration, and for non-hydraulic fracturing operations to take core samples for testing purposes. We consider that it would not be appropriate for it to allow for the injection of any fluids for the purposes of hydraulic fracturing. The right would not apply to all onshore oil and gas exploration and / or extraction operations.** To also ensure that no hydraulic fracturing would take place and to ensure that the right is fit-for-purpose to align with the 2017 Conservative Manifesto commitment, it would be necessary to tightly define in legislation what development is permitted. Any permitted development right for non-hydraulic fracturing shale gas exploration would not be designed to circumvent the regulatory processes currently culminating in the hydraulic fracturing consent provisions.
21. We consider that an appropriate definition could be:
- **'Boring for natural gas in shale or other strata encased in shale² for the purposes of searching for natural gas and associated liquids, with a testing period not exceeding 96 hours per section test'.³**
22. Where a developer intends to use hydraulic fracturing as part of the operation, or as would be necessary at the appraisal stage, they would be required to obtain planning permission from the relevant mineral planning authority.

Question 1

- a) Do you agree with this definition to limit a permitted development right to non-hydraulic fracturing shale gas exploration? Yes/No
- b) If No, what definition would be appropriate?

² "Source-rock production" means the getting of Petroleum contained in -
(a) shale or other strata encased in shale; or
(b) coal seams;

by drilling Wells into the strata in which that Petroleum is contained - [The Petroleum Licensing \(Exploration and Production\) \(Landward Areas\) Regulations 2014](#).

³ [Oil and Gas Authority Consolidated Onshore Guidance](#) - Drill Stem Tests. More extensive testing is considered to be an extended well test.

Question 2

Should non-hydraulic fracturing shale gas exploration development be granted planning permission through a permitted development right? Yes/No

Development not permitted

23. The Government remains committed to ensuring that the strongest environmental safeguards are in place. The formulation of any permitted development right will have regard to environmental and site protection laws such as those for Areas of Outstanding Natural Beauty, Scheduled Monuments, conservation areas⁴, Sites of Special Scientific Interest and World Heritage Sites, National Parks or Broads⁵.
24. **By law, development which is likely to have significant effects on the environment requiring an Environmental Impact Assessment would not be permitted development.**⁶ If the proposed development would fall into Schedule 2 of the Environmental Impact Assessment Regulations, it would only be permitted where a local planning authority has issued a screening opinion determining that the development is not Environmental Impact Assessment development, or where the Secretary of State has directed that it is not Environmental Impact Assessment development, or that the development is exempt from the Environmental Impact Assessment Regulations.
25. Some existing permitted development rights also exclude various other types of land.⁷ For example there are restrictions on agricultural change of use on sites designated as a scheduled monument, safety hazard areas, and military explosive areas. Others do not permit development on land safeguarded for aviation or defence purposes.

Question 3

a) Do you agree that a permitted development right for non-hydraulic fracturing shale gas exploration development would not apply to the following? Yes/No

⁴ An area designated as a conservation area under section 69 of the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) (designation of conservation areas).

⁵ Known as Article 2(3) land by virtue of the [General Development Permitted Order \(2015\)](#).

⁶ <http://www.legislation.gov.uk/ukxi/2015/596/article/3/made>

⁷ <http://www.legislation.gov.uk/ukxi/2015/596/schedule/2/made>

- Areas of Outstanding Natural Beauty
- National Parks
- The Broads
- World Heritage Sites
- Sites of Special Scientific Interest
- Scheduled Monuments
- Conservation areas
- Sites of archaeological interest
- Safety hazard areas
- Military explosive areas
- Land safeguarded for aviation or defence purposes
- Protected groundwater source areas

b) If No, please indicate why.

c) Are there any other types of land where a permitted development right for non-hydraulic fracturing shale gas exploration development should not apply?

Development conditions and restrictions

26. The UK has a world class regulatory regime to ensure that shale exploration can happen safely, respecting local communities and safeguarding the environment. To control the impact of a proposed development, protect local amenity, and ensure compliance with the legal duty to mitigate the impact of development,⁸ permitted development rights can impose specific conditions and restrictions that are nationally prescribed in legislation.

27. We understand that despite being a temporary operation, due to the scale of shale gas exploration development, any permitted development right would require specific conditions and restrictions to mitigate any potential adverse effects and impacts of the development.

28. Some existing permitted development rights for the use of land in respect to mineral exploration carry conditions and restrictions to ensure the impact of the development is mitigated, including:

- Agreement with the relevant mineral planning authority on the restoration of the conditions of the land before the development took place;
- Limits on the height of any structure assembled or provided;
- Limits on the height of any substructures and ancillary drilling compounds;
- Time-limits on both the operation and duration of works;

⁸ <http://www.legislation.gov.uk/ukxi/2017/571/contents/made>

- Restrictions on any operations carried out within a certain distance of sensitive site uses;
- Restrictions on the number of wells within a certain area;
- Restrictions on development near an aerodrome or airport;
- No removal of trees from the land.⁹

29. Permitted development rights can also require the local planning authority to consult with bodies with a relevant interest in the impact of the development. In the case of shale gas exploration this can include: the Environment Agency, the Health and Safety Executive, Highways Agency, Natural England, Historic England, as well as others.

30. For a permitted development right for non-hydraulic fracturing shale gas exploration development, in addition to being a temporary operation, any conditions and restrictions attached would be outlined in the legislation, which would create the national permission for the development.

Question 4

What conditions and restrictions would be appropriate for a permitted development right for non-hydraulic shale gas exploration development?

Prior approval

31. A condition of any permitted development right can also be a requirement that the developer has to seek prior approval from the local planning authority. Prior approval means that a developer has to seek approval from the local planning authority that specified elements of the development as listed in the legislation are acceptable before work can proceed. A local planning authority cannot consider any other matters when determining a prior approval application. The matters for prior approval vary depending on the type of development, but it can involve a requirement for public engagement through site or written notices to allow representations from local residents, and the views of statutory consultees.

32. The requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, as prior approval is a light-touch process which applies where the principle of the development has already been established.

⁹ [General Development Permitted Order \(2015\) Part 17](#) Class K – use of land etc for mineral exploration.

33. For shale gas exploration, local consideration of particular elements of the development may potentially be required to be approved by the relevant mineral planning authority through a prior approval process. By way of example, the prior approval considerations might include transport and highways impact, contamination issues, air quality and noise impacts, visual impacts, proximity of occupied areas, setting in the landscape, and could include an element of public consultation.

Question 5

Do you have comments on the potential considerations that a developer should apply to the local planning authority for a determination, before beginning the development?

Time-limited or permanent permitted development right

34. At this stage it is unclear the impact a permitted development right for non-hydraulic fracturing shale exploration development would have or even whether such a right would be effective given the exclusions, limitations and restrictions that it may be subject to. Consistent with other types of development permitted by the regime, the Government could seek to monitor and measure the success of the right by granting it time-limited consent. Time-limited permitted development rights enable for a review of the impacts and outcomes, and inform whether permitted development rights should be retained permanently.
35. In line with other types of development permitted by the regime it could be appropriate that a permitted development right for non-hydraulic fracturing shale gas exploration would only apply for 2 years starting from the date at which the secondary legislation implementing these changes comes into force.

Question 6

Should a permitted development right for non-hydraulic fracturing shale gas exploration development only apply for 2 years, or be made permanent?

Public sector equality duty

36. We are required to assess these proposals by reference to the public sector equality duty contained in the Equality Act 2010. We do not consider that the matters raised in this consultation will have a negative direct or indirect impact on people with protected characteristics, having regard to the need to eliminate discrimination, foster good relations or and advance equality of opportunity. However, we would welcome your comments as part of this consultation.

Question 7

Do you have any views the potential impact of the matters raised in this consultation on people with protected characteristics as defined in section 149 of the Equalities Act 2010?

Annex A

Personal data

The following is to explain your rights and give you the information you are entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gsi.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

The Data Protection Act 2018 states that, as a government department, MHCLG may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

3. With whom we will be sharing your personal data

Your personal data will not be shared with any organisation outside of MHCLG

4. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for two years from the closure of the consultation

5. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected

d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

6. The data you provide directly will be stored by Survey Monkey on their servers in the United States. We have taken all necessary precautions to ensure that your rights in terms of data protection will not be compromised by this.

7. Your personal data will not be used for any automated decision making.

8. Your personal data will be stored in a secure government IT system.

If you submit information to this consultation using Survey Monkey, it will be moved to our internal systems at a date following the consultation publication date.



INCLUSION OF SHALE GAS PRODUCTION PROJECTS IN THE NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT REGIME

Initial consultation on the timings and criteria
for including major shale gas production
projects in the Nationally Significant
Infrastructure Project regime



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Any enquiries regarding this publication should be sent to us at: shalegas.NSIP@beis.gov.uk

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General information

Why we are consulting

This initial consultation is intended to gather views from industry, regulators and other interested parties on the timings and criteria for including shale gas production projects in the Nationally Significant Infrastructure Project regime under the Planning Act 2008.

Consultation details

Issued: 19 July 2018

Respond by: 25 October 2018

Enquiries to:

Oil and Gas Exploration and Production Team
Department for Business, Energy & Industrial Strategy,
Orchard 2, Third Floor
1 Victoria Street
London, SW1H 0ET

Email: shalegas.NSIP@beis.gov.uk

Consultation reference: Inclusion of Shale Gas Production Projects in the Nationally Significant Infrastructure Project Regime Consultation.

Audiences:

We encourage responses to this consultation from the following in particular:

- onshore oil and gas operators with an interest in developing shale gas production sites;
- anyone conducting research or providing advisory services relating to the exploration and development of shale gas resources;
- industry bodies, groups or individuals with an interest in the production of onshore shale gas;
- regulators dealing with the use, management and protection of onshore shale gas resources; and
- planning authorities responsible for plan-making and decision taking in relation to planning applications for shale gas projects.

Territorial extent:

The proposal in this initial consultation to include shale gas production projects in the Nationally Significant Infrastructure Project regime is intended to apply only in England.

How to respond

Respond online at: <https://beisgovuk.citizenspace.com/energy-development/nsip-shale-gas>

or

Email to: shalegas.NSIP@beis.gov.uk,.

or

Write to:

Oil and Gas Exploration and Production Team
Department for Business, Energy & Industrial Strategy,
Orchard 2, Third Floor
1 Victoria Street
London, SW1H 0ET

When responding, please state whether you are responding as an individual or representing the views of an organisation. Your response will be most useful if it is framed in direct response to the questions posed, though further comments and evidence are also welcome.

Confidentiality and data protection

Information you provide in response to this consultation, including personal information, may be disclosed in accordance with UK legislation (the Freedom of Information Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential please tell us but be aware that we cannot guarantee confidentiality in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded by us as a confidentiality request.

We will process your personal data in accordance with all applicable UK and EU data protection laws. For further information please see our [privacy policy](#) and a general privacy notice in Annex A.

We will summarise all responses and publish this summary on [GOV.UK](#). The summary will include a list of names or organisations that responded, but not people's personal names, addresses or other contact details.

Quality assurance

This consultation has been carried out in accordance with the government's [consultation principles](#).

If you have any complaints about the way this consultation has been conducted, please email: beis.bru@beis.gov.uk.

Executive summary

This initial consultation seeks views on the timings and criteria for major production phase shale gas projects to be included in the Nationally Significant Infrastructure Project regime under the Planning Act 2008.

Overview

The Written Ministerial Statement of 17 May 2018 stated that government would ‘(...) *consult in summer 2018, on the criteria required to trigger the inclusion of shale production projects into the Nationally Significant Infrastructure Project regime.*’¹

Natural gas still makes up around a third of UK 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. The UK has gone from being a net exporter of gas in 2003 to importing over half (53%) of gas supplies in 2017 and estimates suggest we could be importing 72% of our gas by 2030.

Development of onshore gas resources has the potential to deliver substantial economic benefits to the UK economy and for local communities where supplies are located, by creating thousands of new jobs directly in extraction, local support services, and the rest of the supply chain. A potential new shale gas exploration and production sector in the shale basins of England could provide a new economic driver. There is also an opportunity to work with industry on innovation to create a “UK Model” - the world’s most environmentally robust onshore shale gas sector - and to explore export opportunities from this model, a core theme of our modern industrial strategy. The UK has a robust regulatory system which provides a comprehensive regime for all oil and gas activities including shale gas.

The government recognises that the development of shale gas needs to be alongside support from the local communities which could potentially benefit. Local communities must be fully involved in planning decisions and any shale planning application – whether decided by councils or government.

Currently, any organisation wishing to undertake a shale gas development must submit its planning applications to local Mineral Planning Authorities under the Town and Country Planning Act 1990.

The Planning Act 2008 created a planning process for Nationally Significant Infrastructure Projects in fields of development including energy, water, waste water, road and rail transport and hazardous waste disposal. For projects falling within scope of what is defined in the Planning Act 2008 as a Nationally Significant Infrastructure Project, this becomes the only route for obtaining planning consent. The Planning Act 2008 defines the type and scale of infrastructure developments considered to be nationally significant and therefore required to

¹ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-05-17/HCWS690>

obtain development consent. The final decision for granting development consent rests with the relevant Secretary of State depending on the type of infrastructure project.

If the Planning Act 2008 was amended to include major shale gas production projects as a Nationally Significant Infrastructure Project, then all future shale gas production projects that met defined threshold(s) would have to apply for development consent within the Nationally Significant Infrastructure Project regime. This would only apply to production phase projects, however, and not exploration or appraisal projects for which planning applications would continue to be considered under the Town and Country Planning Act 1990.

Automatically including eligible major shale gas production projects into the Nationally Significant Infrastructure Project regime would bring such applications into a well-defined process with clear, established governance and timelines designed for larger and more complex infrastructure projects. This would bring such shale gas production projects in line with other energy projects of national significance such as the development of wind farms and gas fired generation stations. In this case, the final decision for granting or refusing development consent would rest with the Secretary of State for the Department of Business, Energy & Industrial Strategy (BEIS).

Aims of the consultation

The government is seeking views on the potential timing and the criteria for major shale gas production projects to be included in the Nationally Significant Infrastructure Project regime. The industry is still in the exploration stage in the UK and this initial consultation is focused on preparing for a potential future production phase.

This document describes the context for the consultation and provides an overview of the current application process (under the Town and Country Planning Act 1990), as well as the potential future application process were shale gas production projects to be included in the Nationally Significant Infrastructure Project regime under the Planning Act 2008. For more detailed information, and when responding to consultation questions, respondents should refer to the [Town and Country Planning Act 1990](#) and the [Planning Act 2008](#).

The consultation questions, which we would appreciate your responses to, are listed in the Consultation Questions Section.

Consultation context

This section describes the scope of the consultation and gives an overview of the current planning regime for shale gas development; it also provides detail on the Planning Act 2008 and the Nationally Significant Infrastructure Project regime.

Consultation context

- The proposal being consulted on only applies to production from shale gas.
- This consultation is only considering the question of moving production phase shale gas projects into the Nationally Significant Infrastructure Project regime and is not looking to change the planning application process for exploration and appraisal projects.
- This initial consultation is not proposing, or seeking views on, a National Policy Statement for shale gas production at this stage.

What is shale gas?

Shale gas is natural gas found deep underground in impermeable (shale) rock and requires hydraulic fracturing to flow. This technique involves injecting a mixture of water and sand into the shale at high pressure to create tiny fractures (about the width of a hair) and keep them open, see Figure 1 below. Small quantities of chemicals are also included to improve effectiveness.

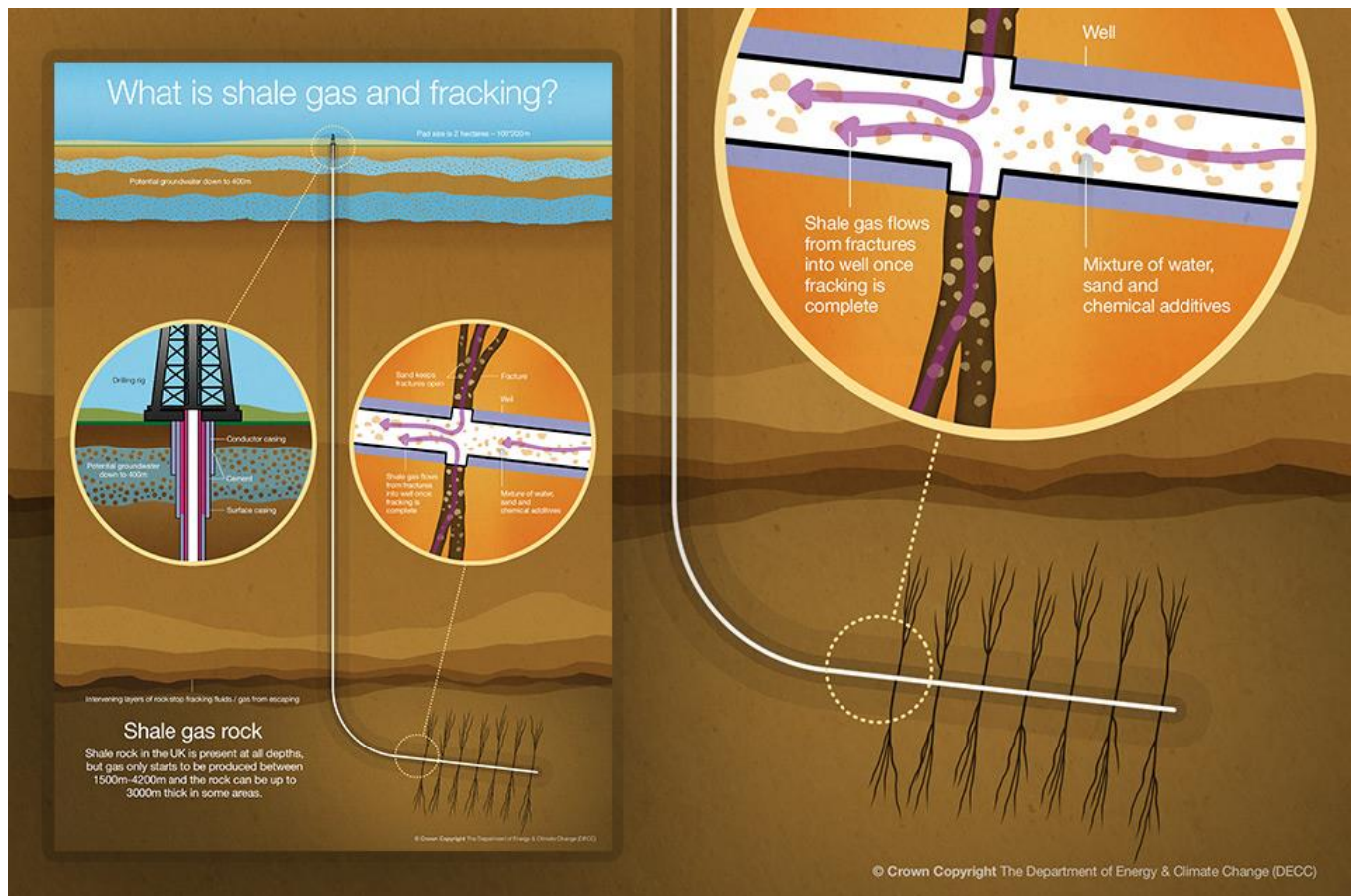


Figure 1: Schematic diagram of hydraulic fracturing (note diagram is not to scale), source gov.uk.

The areas in England identified by the British Geological Survey with potentially large reserves of shale gas and oil are the Bowland-Hodder area in northern England and the midlands and the Weald Basin in southern England. UK geology is promising, with significant potential levels of gas initially in place, but further exploration and appraisal is required to determine the potential recoverable volume of shale gas in the UK. There are multiple stages to extracting onshore shale gas resources which are shown in Figure 2 below.

The onshore oil and gas industry in the UK has been in existence for over 150 years and around 2,000 onshore oil and gas wells have now been drilled in the UK, with about 10% of them having been safely hydraulically fractured², however, only one well has conducted high volume hydraulic fracturing treatment in shale gas to date which was at the Preese Hall exploration site (Lancashire) in 2011. The UK has over 50 years of experience of regulating the onshore oil and gas industry, and is among the world leaders in well regulated, safe and environmentally sound oil and gas developments.

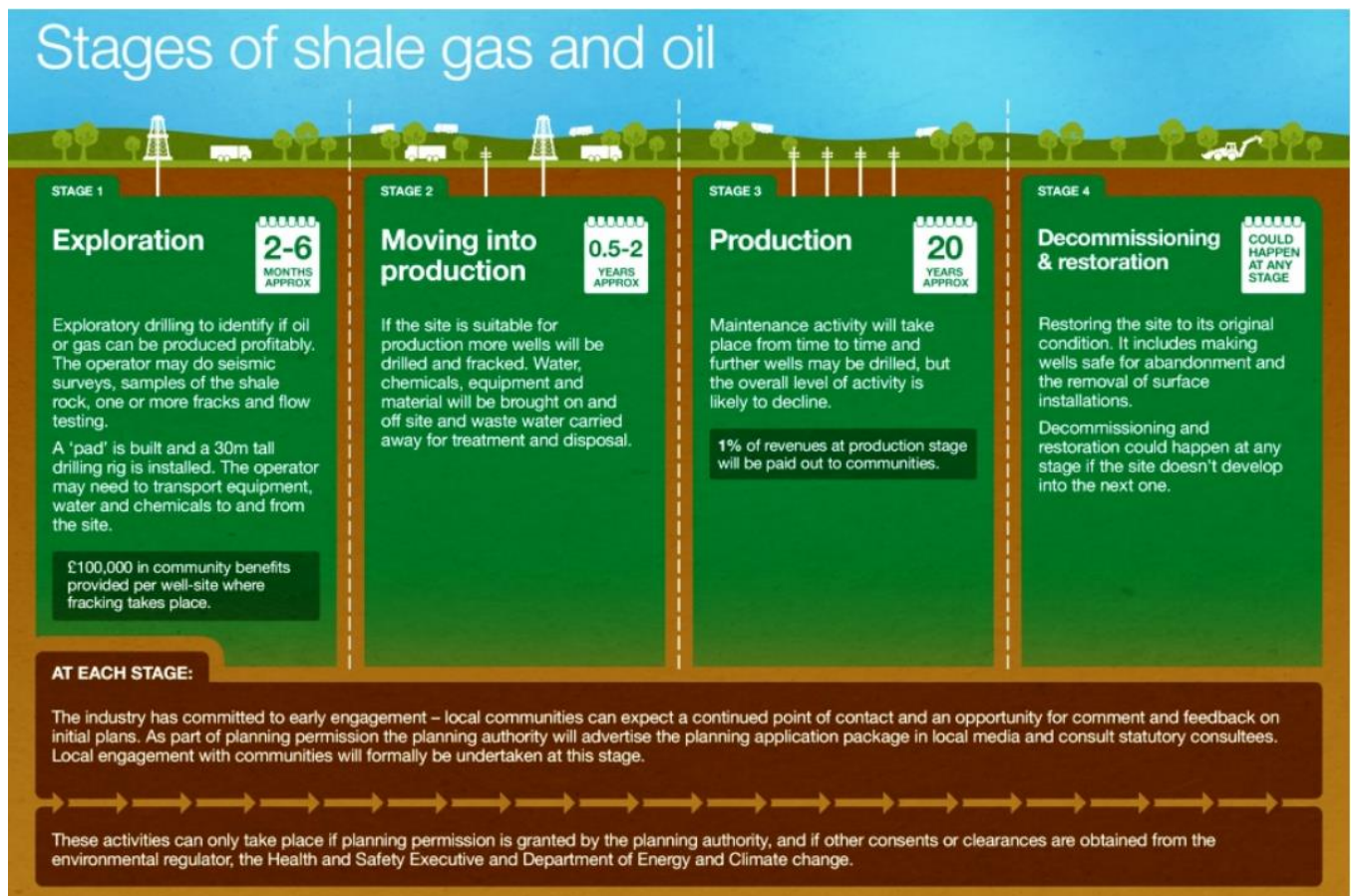


Figure 2: The various stages of shale gas and oil extraction, the industry is still within the exploration phase across the UK, source gov.uk

Summary of onshore shale gas operations

The industry is in the initial stages of exploration (see Figure 2) as it seeks to gather information on the potential recoverable volumes, flow rates or number of wells/well-sites required for shale gas resources to be economically viable in the UK.

- There are currently fewer than ten operators with ownership of an onshore Petroleum Exploration and Development Licence with the primary target to explore for shale gas.
- Only one well has conducted high volume hydraulic fracturing treatment in shale gas at the Preese Hall exploration site in Lancashire in 2011.
- No shale gas wells have yet been appraised by flow testing gas to the surface.
- There is no commercial production from any hydraulically fractured shale gas resources onshore in the UK at present.

Current planning practice

Under the current planning regime, any shale gas projects looking to enter the production phase would need to go through the same permitting and permissions process as other onshore oil and gas production phase projects, including:

- having a Petroleum Exploration and Development Licence covering the total area for onshore extraction of hydrocarbons;
- obtaining planning permission (under the Town and Country Planning Act 1990) from the local Minerals Planning Authority or from the Secretary of State for the Ministry of Housing, Communities & Local Government (MHCLG) on appeal or if a planning application is called-in by him for his determination; and
- receiving the relevant permits and approvals from regulators such as the Oil and Gas Authority (OGA), Environment Agency (EA) and Health and Safety Executive (HSE) - the UK are among the world leaders in well regulated, safe and environmentally sound oil and gas developments designed to protect individuals and communities.

For the production phase the operator would also submit a Field Development Plan to the OGA who then give consent for field production.

Planning permission

The planning system controls the development and use of land in the public interest and this includes ensuring that the new development is appropriate for its location, taking account of the effects (including cumulative effects) such as pollution, visual impact, transport movements and flood risk among many others.

The extraction of hydrocarbons, including shale gas, can only take place in licenced areas under the Petroleum Exploration and Development Licence issued by the OGA. Many production projects will be within an already granted Petroleum Exploration and Development Licence location from the exploration and appraisal phase. However, if any additional wells/well-sites are required which fall outside of the current licence then the operator will first need to be granted a Petroleum Exploration and Development Licence.

As necessary, an operator must seek planning permission under the Town and Country Planning Act 1990 for the extraction of hydrocarbons from the local Mineral Planning Authorities or from the Secretary of State for MHCLG on appeal or if a planning application is called-in by him for his determination. This applies for both conventional hydrocarbons and unconventional hydrocarbons such as shale gas and coalbed methane. There is a statutory timeframe of 16 weeks where an Environmental Impact Assessment is required and 13 weeks in all other cases unless a timeline is otherwise agreed with the applicant.

Regulatory framework

In the UK, we have been regulating for gas and oil drilling, both onshore and offshore, for many years and have tough regulations in place to ensure on-site safety, prevent water contamination, and mitigate seismic activity and air pollution. The regulatory regimes are separate but complementary to the planning permissions.

To reinforce our already robust regulations, the Infrastructure Act 2015 introduced a range of further requirements that must be met before an operator can carry out high volume hydraulic fracturing in a responsible, sustainable and safe manner. These include the assessment of environmental impacts, groundwater monitoring, community benefits and the exclusion of other protected areas. In addition, our regulations ensure that the risk of seismic activity during hydraulic fracturing is assessed and that operations are monitored to allow action to be taken where necessary.

Further details of the planning process and regulatory framework can be found on the 'Developing Shale Gas in the UK' page on gov.uk which can be accessed here:

<https://www.gov.uk/government/publications/about-shale-gas-and-hydraulic-fracturing-fracking/developing-shale-oil-and-gas-in-the-uk>

An interactive flow chart and further information on the planning and regulatory framework of the consent process for an exploration/appraisal well following the submission of a planning application can be found within the 'Onshore Oil and Gas Exploration in the UK: regulation and best practice' pdf via this link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/503067/Onshore_UK_oil_and_gas_exploration_England_Dec15.pdf.

National planning regime

Planning Act 2008

The Planning Act 2008 provides the legal framework for applying for, examining and determining applications for Nationally Significant Infrastructure Projects; taking into account any National Policy Statements where necessary.

The Planning Act 2008 created a planning process for Nationally Significant Infrastructure Projects in fields of development including energy, water, waste water, road and rail transport and hazardous waste disposal. For projects falling within scope of what is defined in the Planning Act 2008 as a Nationally Significant Infrastructure Project, this becomes the only route for obtaining development consent. The Planning Act 2008 defines the type and scale of infrastructure developments considered to be nationally significant and therefore required to obtain development consent. The final decision for granting development consent rests with the relevant Secretary of State, for matters relating to the field of energy this would be the Secretary of State for BEIS.

National Policy Statements

A National Policy Statement sets out, for the relevant sector, the national need in planning policy terms for new or expanded Nationally Significant Infrastructure Projects. For projects in that sector where a National Policy Statement has effect, it provides clarity and certainty for scheme developers in establishing the national need for the infrastructure and certainty in terms of timescales on decision-making.

It is not a requirement to have a National Policy Statement to support a Nationally Significant Infrastructure Project, but when designated, National Policy Statements set out the criteria by which development consent applications for that type of Nationally Significant Infrastructure Project are determined. They include the government's objectives for the development of Nationally Significant Infrastructure Projects in a particular sector.

National Policy Statements provide a framework within which the Planning Inspectorate makes its recommendation to the Secretary of State on development consent applications. In making decisions on such applications, the Secretary of State must also have regard to any local impact report submitted by a local authority, and any other matters which the Secretary of State considers are both important and relevant to any decision.

There are currently designated National Policy Statements which are grouped into fields including an overarching field of energy (EN-1). There are a further five specific Energy National Policy Statements which cover:

- fossil fuel electricity generation (EN-2);
- renewable energy (EN-3);
- gas supply infrastructure and gas and oil pipelines (EN-4);
- electricity networks (EN-5); and
- nuclear power generation (EN-6).

Nationally Significant Infrastructure Projects

Nationally Significant Infrastructure Projects are major infrastructure developments of a type and scale defined under the Planning Act 2008, the Nationally Significant Infrastructure Project regime is bespoke in three main ways:

- **Establishes the need:** If an application for development consent demonstrates that it meets the national evidence base and 'need' in planning policy terms set out in the National Policy Statement, that national need does not need to be revisited again during the examination nor in determining the application.
- **Timescales:** The Planning Act 2008 sets out prescribed timescales for the examination and determination of applications for development consent. This means, in effect, that decisions must be made within one year of commencement of the examination, unless one or more of the relevant deadlines are extended by the Secretary of State. There are extensive requirements on applicants to consult with local authorities, communities and statutory consultees at the pre-application stage as set out in the Planning Act 2008. There is the opportunity for local authorities, statutory bodies and other interested parties to participate

in the examination of an application. Members of the public can also take part in the examination stage if they register as an interested party.

- **Single application:** Finally, if a Development Consent Order is granted, it can incorporate other powers which cannot be included in a planning permission under the Town and Country Planning Act 1990. For example, powers for the compulsory acquisition of land.

If individual infrastructure projects meet the relevant thresholds set out within the Planning Act 2008, then the Secretary of State automatically becomes the decision-maker for determining an application for development consent.

Development consent process

Under the Planning Act 2008, an operator wishing to construct a Nationally Significant Infrastructure Project must submit a development consent application to the Secretary of State. As part of this process, the operator will need to have assessed any likely significant impacts of the proposed project.

For such projects, where an application is accepted, the Secretary of State will appoint an 'Examining Authority' to examine the application in accordance with any relevant National Policy Statement. The Examining Authority will be arranged by the Planning Inspectorate and will be either a single Inspector or a panel of between two and five Inspectors. The examination will take into account any information and have regard to any local impact report submitted by the local authority as well as representations from statutory bodies, non-governmental organisations and other interested parties including the local community.

Once the examination has been concluded, the Examining Authority will reach its conclusions and make a recommendation to the Secretary of State, who will make the decision on whether to grant or to refuse consent. The timeline for applications for a Nationally Significant Infrastructure Project under the Planning Act 2008 is shown in Figure 3 below.

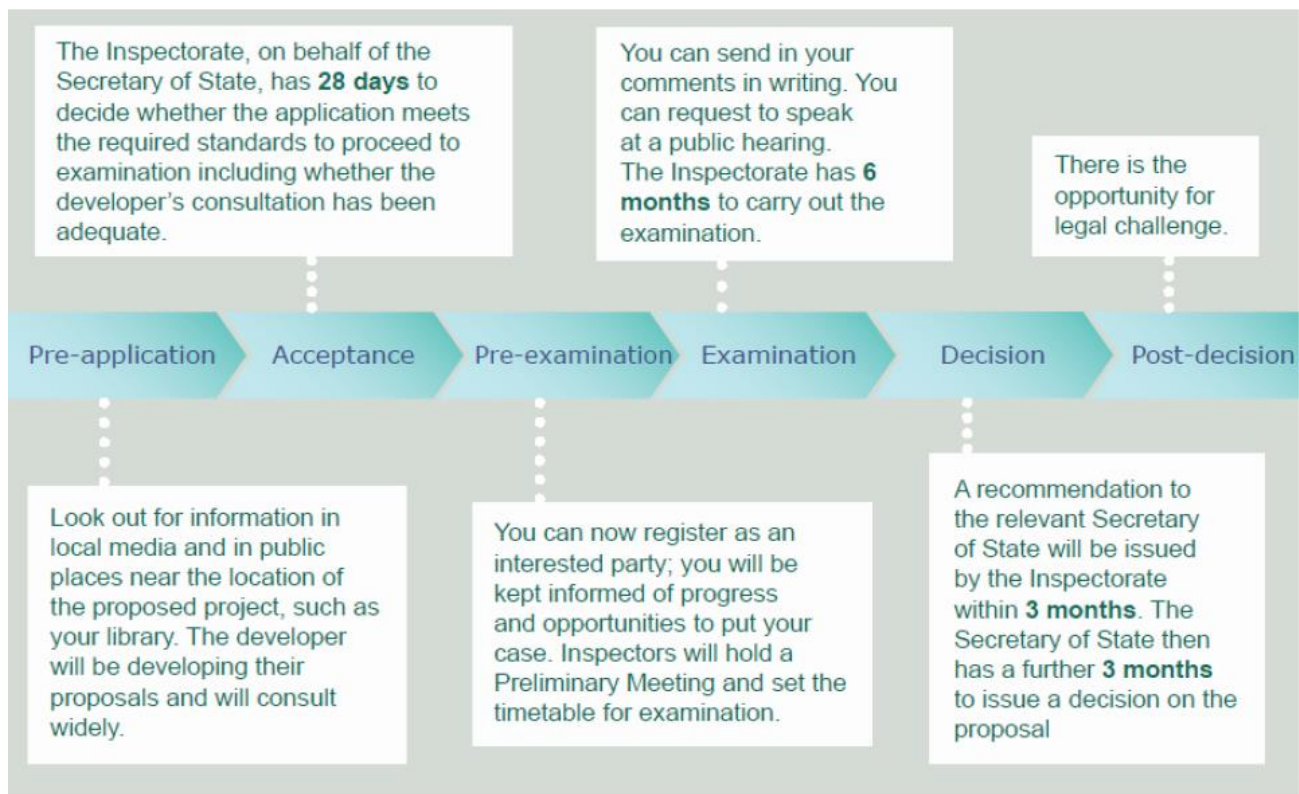


Figure 3: Timeline for development consent for energy infrastructure in the Nationally Significant Infrastructure Project regime under the Planning Act 2008.³

Directing projects into the Nationally Significant Infrastructure Project regime

There is already a mechanism for planning applications to be directed into the Nationally Significant Infrastructure Project regime by the relevant Secretary of State under Section 35 of the Planning Act 2008 (on a case-by-case basis).

In order for a direction to be given the project needs to fall within one of the specified fields of energy, transport, water, waste water or waste and the relevant Secretary of State needs to consider that the project is of national significance, either by itself or when considered with one or more other projects or proposed projects in the same field.

Were the Secretary of State to decide that a project should be directed into the Nationally Significant Infrastructure Project regime, then the project would be subject to the same requirements and go through the same process as a project which was a Nationally Significant Infrastructure Project by virtue of meeting the relevant thresholds.

³ The Planning Inspectorate (2016): <http://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-8-1v4.pdf>

The role of local communities and local authorities within the Nationally Significant Infrastructure Project regime

Members of the local community and the local authorities are able and encouraged to get involved in Nationally Significant Infrastructure Project applications from the pre-application stage through to the examination of the application⁴.

- **Pre-application:** Under the Nationally Significant Infrastructure Project system, people living in the vicinity of the site have to be consulted on proposed projects at the pre-application stage. Before commencing consultation, the developer must prepare a draft consultation strategy known as the Statement of Community Consultation. The developer is required to send a copy of the draft Statement of Community Consultation to the relevant local authorities and to have regard to any comments they make about the proposed consultation strategy, before producing the final document. Developers must carry out their pre-application consultation with the local community in line with the Statement of Community Consultation.
- **Acceptance:** All applications must be accompanied by a Consultation Report. In this document the developer (now applicant) must show that they have complied with the statutory pre-application consultation requirements, and that they have had regard to the responses that they have received to the consultation. The Planning Inspectorate will consider the Consultation Report, alongside any representations made by a local authority about the adequacy of consultation before deciding whether or not the applicant has complied with the statutory pre-application procedure and whether or not to accept the application for examination.
- **Examination:** If an application is accepted for Examination, members of the public will have the opportunity to register their interest and participate in the examination by making a Relevant Representation during the pre-examination period and so becoming an interested party. The Relevant Representation period will be advertised on the dedicated project page of the National Infrastructure Planning website, and in notices placed by the developer in local and national newspapers. The host local authority will automatically be an interested party at the examination stage and neighbouring local authorities may also register to become interested parties. Local authorities can submit Local Impact Reports which are defined as reports “*in writing giving details of the likely impact of the proposed development on the authority’s area (or any part of that area)*”. The Examining Authority and the Secretary of State must have regard to any Local Impact Reports submitted by a relevant local authority.

Moving shale gas production into the Nationally Significant Infrastructure Project regime

The Nationally Significant Infrastructure Project regime has a well-defined process with clear, established governance and timelines designed for the consideration of large and complex infrastructure projects. Major shale gas developments which are at the production phase would be most suitable for inclusion in the Nationally Significant Infrastructure Project regime as these could be of a scale to be considered nationally significant. The current shale gas exploration and appraisal stage projects are of a smaller scale and are more appropriate for consideration under the Town and Country Planning Act 1990 as at present.

Data from the first exploration sites, currently under development, will provide useful evidence and an indication of the viability of the industry. It is likely that data from multiple additional exploration and appraisal wells will be needed to give an indication of the timing on commercialisation and production of shale gas in England.

Eligible major shale gas production projects would fall within the field of energy and so the final decision for granting or refusing development consent would rest with the Secretary of State for BEIS.

The Planning Act 2008 covers both England and Wales; however, this initial consultation is only proposing the inclusion of eligible major shale gas production projects in England in the Nationally Significant Infrastructure Project regime – as also stated in the Written Ministerial Statement of 17 May 2018.

Planning applications for production projects which do not meet the criteria to be considered nationally significant will still be subject to the planning process under the Town and Country Planning Act 1990. The UK has world class regulation to ensure that shale gas exploration can happen safely, respecting local communities and safeguarding the environment. It is likely that there would be no change to the responsibilities and remit of the non-planning bodies if shale gas production were to be included into the Nationally Significant Infrastructure Project regime, since all current approvals from the various bodies would probably still be required.

Criteria for inclusion of shale gas under the Nationally Significant Infrastructure Project regime

Currently the shale gas sector is in the exploration phase in the UK with no commercially active sites in operation yet. Government is seeking views in this initial consultation to ensure the most appropriate criteria and timings are set for potentially including major shale gas production in the Nationally Significant Infrastructure Project regime.

The consultation questions in the next section outline some potential criteria which could determine if a shale gas production project is considered nationally significant. A summary of these criteria is below.

- **Number of Wells:** Since shale gas is within very low permeability rock the gas does not easily flow. Therefore, to access and produce commercial amounts of natural gas multiple horizontal wells are drilled and hydraulically fractured as demonstrated in Figure 4. The

number of horizontal wells will vary depending on the geology and gas properties, however, with multiple wells from one well-site and potentially multiple well-sites within a Petroleum Exploration and Development Licence this could provide criteria for when a production project is nationally significant.

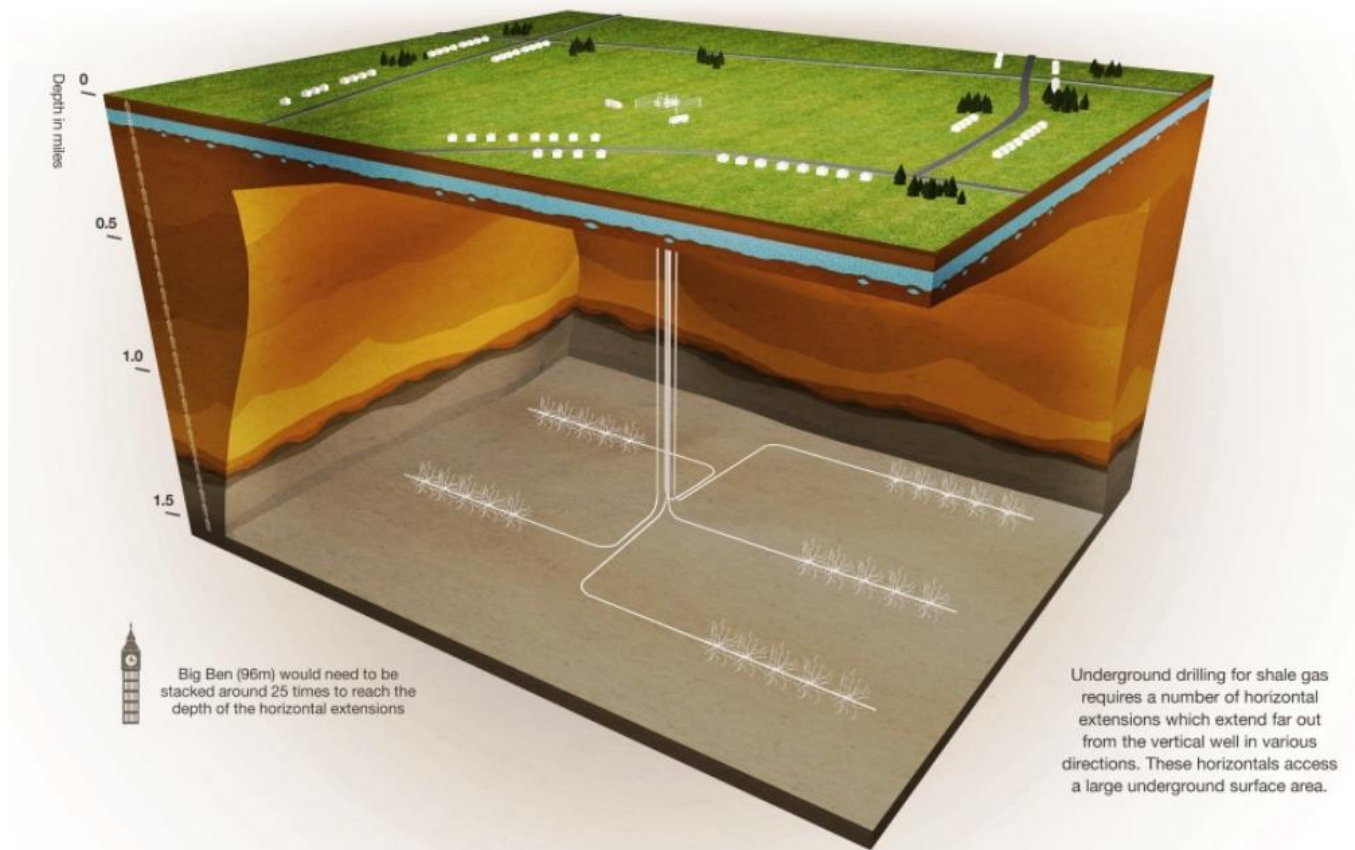


Figure 4: Schematic diagram of multiple lateral wells from one surface well-site, source gov.uk.

- **Recoverable Gas:** Other Nationally Significant Infrastructure Projects such as Liquefied Natural Gas plants and underground gas storage have the storage capacity as one of the criteria for inclusion in the Nationally Significant Infrastructure Project regime. Similarly, once operators have completed exploration and appraisal work they will have an estimate of what can be produced/recovered from the development and the quantity of gas demand the production site could meet.
- **Gas Production:** Sites can vary in the level of production over a given time period (e.g. per day, month, year or well lifetime) despite having similar estimated recoverable volumes. This will depend on the geology and the number of horizontal wells and quality of well completions such as hydraulic fracturing operations. Therefore, sites could have high flow rates for a number of years and be considered nationally significant.
- **Local or National Grid Connection:** A production site may require a direct connection to the local gas distribution network or national transmission system. This would put the

produced gas directly into the supply network for homes and businesses. These new connections would require application and approval from National Grid.

- **Associated Equipment:** Various factors such as the number of producing wells and the composition of the recovered gas could require equipment to be installed on-site. These could include water treatment facilities, micro-generation plants and other gas processing facilities which when combined could result in an expansive development project.
- **Shared Infrastructure:** Where there is more than one well-site some operators may develop shared infrastructure to connect operations. These could include road networks, gas/water pipelines and communications/fibre optic cables. Larger scale production projects with significant levels of new physical and digital infrastructure could be considered nationally significant.

It may be appropriate to have a combination of criteria to determine whether a shale gas production project is nationally significant. Some example Nationally Significant Infrastructure Projects with combinations include liquefied natural gas plants which in addition to a threshold on the storage capacity also have a threshold on the daily output of gas from the plant.

Timing for Inclusion

Government is also seeking views on the most appropriate stage in the industry's development for major shale gas production projects to be included under the Nationally Significant Infrastructure Project regime.

Larger scale production across multiple sites in England may still be many years away, but with the potential for exploration and appraisal activity to occur this year, it is feasible that applications for the first production site(s) could be ready in the coming years.

In addition to the different options for the design of the relevant criteria, there is also a question as to the timing for the inclusion of major shale gas developments into the Nationally Significant Infrastructure Project regime. For instance, it might be appropriate to have this in place prior to the first production site application; alternatively, it may be appropriate to reach an as yet undefined level of shale gas exploration and appraisal activity to inform the viability and scale of shale gas production within England.

Consultation questions

The government would welcome responses to the following questions.

- 1. Do you agree with the proposal to include major shale gas production projects in the Nationally Significant Infrastructure Project regime?**
- 2. Please provide any relevant evidence to support your response to Question 1.**
- 3. If you consider that major shale gas production projects should be brought into the Nationally Significant Infrastructure Project regime, which criteria should be used to indicate a nationally significant project with regards to shale gas production? Please select from the list below:**
 - a. The number of individual wells per well-site (or 'pad')
 - b. The total number of well-sites within the development
 - c. The estimated volume of recoverable gas from the site(s)
 - d. The estimated production rate from the site(s), and how frequently (e.g. daily, monthly, annually or well lifetime)
 - e. Whether the well-site has/will require a connection to the local and/or national gas distribution grid
 - f. Requirement for associated equipment on-site, such as (but not limited to) water treatment facilities and micro-generation plants
 - g. Whether multiple well-sites will be linked via shared infrastructure, such as gas pipelines, water pipelines, transport links, communications, etc
 - h. A combination of the above criteria – if so please specify which
 - i. Other – if so please specify
- 4. Please provide any relevant evidence to support your response(s) to Question 3.**
- 5. At what stage should this change be introduced? (For example, as soon as possible, ahead of the first anticipated production site, or when a critical mass of shale gas exploration and appraisal sites has been reached).**
- 6. Please provide any relevant evidence to support your response to Question 5.**

Next steps

Following this initial consultation closing on 25 October, the government will consider the replies and issue a response. Since secondary legislation would be required in order to implement any proposed changes it is intended that a further consultation would need to be carried out. This further consultation would build on the evidence from this initial consultation and be accompanied by a full impact assessment.

Annex

Annex A – General Privacy Notice

Personal data

The following is to explain your rights and give you the information you are be entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Department of Business, Energy & Industrial Strategy (BEIS) is the data controller. The Data Protection Officer can be contacted at:

BEIS Data Protection Officer
Department for Business, Energy & Industrial Strategy
1 Victoria Street
London
SW1H 0ET

Email: dataprotection@beis.gov.uk

2. What data we need

The personal data we collect from you will include:

- an email address or other contact address
- a given name

The legal basis for processing this data is to perform a task in the public interest.

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

The Data Protection Act 2018 states that, as a government department, BEIS may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

4. For how long we will keep your personal data, or criteria used to determine the retention period.

We will only retain your personal data for as long as:

- it is needed for the purposes set out in this document
- the law requires us to

In general, this means that we will only hold your personal data for a minimum of 1 year and a maximum of 7 years.

5. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

6. Your personal data will not be sent overseas

7. Your personal data will not be used for any automated decision making.

8. Your personal data will be stored in a secure government IT system.

This consultation is available from: <https://www.gov.uk/government/consultations/inclusion-of-shale-gas-production-projects-in-the-nationally-significant-infrastructure-project-nsip-regime>

If you need a version of this document in a more accessible format, please email enquiries@beis.gov.uk.
Please tell us what format you need. It will help us if you say what assistive technology you use.

The questions and draft responses to the Consultation paper “Permitted development for shale gas exploration”.

Question 1

a) Do you agree with the following definition (‘Boring for natural gas in shale or other strata encased in shale for the purposes of searching for natural gas and associated liquids, with a testing period not exceeding 96 hours per section test’) to limit a permitted development right to non-hydraulic fracturing shale gas exploration?

This is quite a technical question. Paragraph 20 of the Consultation document indicates that the purpose would be to allow “*operations to take core samples for testing purposes*” (i.e. the core samples would be tested). However, the suggested definition indicates there would be a testing period not exceeding 96 hours, with the OGA Consolidated Onshore Guidance explaining that “*when testing a discrete section of the well, each section can be produced for a maximum of 96 hours but the total quantity of oil produced from all sections should not exceed 2,000 tonnes per section*”.

This means the suggested definition would allow for a degree of production, which seems to contradict the approach that is being taken in paragraph 20.

As such, officers do not agree with the proposed definition

b) If ‘No’, what definition would be appropriate?

Officers recommend the following, more appropriate, definition:

“Boring for natural gas in shale or other strata encased in shale for the purposes of searching for natural gas and associated liquids by obtaining borehole logs and taking core samples for testing purposes”

This suggested definition is based upon officers’ experience of dealing with a planning application for a monitoring borehole at the Tinker Lane site where the Environmental Statement stated:

“The well has been designed to obtain logs and core. This would enable an understanding of the geological sequence beneath the site to be obtained. Logging is the physical measurement of subsurface properties by lowering specialist tools down the wellbore. Coring is the collection of rock samples from the wellbore. These would then be analysed at the surface in order to understand the small scale properties of the rocks”.

There is a fundamental difference between collecting geological information in the form of borehole logs and core samples and testing the in situ rock (either with or without fracturing). Officers are of the view that there would not be an issue with putting gas monitoring equipment on top of the borehole for 96 hours to record any ‘natural’ flows of gas due to the pressure release. To not do so would be a missed opportunity in terms of data collection.

Question 2

Should non-hydraulic fracturing shale gas exploration development be granted planning permission through a permitted development right? Yes/No

No, officers do not consider that it would be appropriate for exploration to be granted planning permission through a permitted development right, for the reasons stated below.

Local involvement

The effect of the proposed legislation would be to make a national grant of planning permission for shale gas exploration and thereby removing the local level of decision making and local accountability that communities expect. Although the Government has stated that it remains fully committed to ensuring that local communities are fully involved in planning decisions that affect them, it remains to be seen how the permitted development process would enable full public involvement as the purpose of the consultation is to take shale gas exploration out of the current planning process.

Permitted development legislation

The GPDO legislation has been subject to significant levels of amendment in recent years, each time increasing the scope of permitted development with varying degrees of effectiveness. In some instances the new or amended rights have been particularly high profile with a large uptake from developers. For example research from the Local Government Association (LGA) found that 1 in 10 new homes across England in the last two years had come about through the new office to residential conversion permitted development rights, with some cities recording a majority of new homes being created this way. The LGA though highlighted that this has impacted on the inability of local authorities to secure any developer contributions towards local infrastructure or affordable housing requirements.

Paragraph 34 of the consultation document acknowledges that it is unclear how effective the proposed legislation would be (in the Government's aim to further the industry) given it envisages a range of exclusions, limitations and restrictions. This shows that these types of proposals would result in multiple and complex planning issues which require expert consideration by planning and regulatory experts with local knowledge on a case by case basis.

Prior approval and fee income

In some of the more recent amendments to the GPDO the legislation has introduced the requirement for prior approval for certain limited and technical matters such as flooding, noise and transport. The introduction of a similar type of procedure for shale exploration would allow at least some consideration of these technical matters at a local level and provide additional safeguards to prevent unacceptable developments. It does however introduce additional work for the Minerals Planning

Authorities which has not been matched with an appropriate level of fee payment (currently £96 or £206 for prior approvals). The consultation also considers whether there should be a level of public consultation which, together with the technical assessments, can result in a similar level of work as a full planning application. If such an approach is taken forward it would be appropriate to make an accompanying amendment to the Town and Country Planning (Fees for Applications, etc.) Regulations to set an appropriate fee level. Officers suggest that it sets the fee as it would be the same if a full application was being made. For the applications dealt with at Nottinghamshire Tinker Lane attracted a fee of just under £10,000 and Misson Spring just under £23,000. Officers suggest there should be a fee schedule based upon a certain amount per well, or based on the site area similar to planning application fees at present.

Another potential method of dealing with a fee shortfall might be for there to be an extension of the existing shale wealth fund provisions which would allow for grants to be paid to the MPAs who deal with these matters.

Unreasonable delays

This proposal to make shale gas exploration permitted development appears to be an attempt to speed up the time it takes to get exploration off the ground, which would remove the thorough consideration of potential impacts and the measures which can be put in place (through conditions and S106) to mitigate and compensate such impacts.

With reference to Paragraph 11 of the consultation document in relation to the time taken to deal with the application, this states that MPAs have taken up to 83 weeks for a decision with agreement for time extensions. This is a direct reference to the Misson Springs planning application. However, in the case of that application the delays were due to multiple Regulation 22 requests for further information, which the applicant was slow at providing; the long and complex Section 106 negotiations; and delays caused by the legal challenges relating to restrictive covenants raised by objectors during committee proceedings. All these factors increased the time taken to deal with an already complex application. It is likely that even if exploration were made permitted development there may be so many processes, limitations and other complex considerations that decisions may not be much quicker than the current process.

Enforceability

If shale gas exploration development was to be defined as permitted development the limitations list would have to be very carefully worded to cover all the possible impacts and issues which might fall to be considered in the planning arena for each any every possible site. These would then have to be enforceable which would no doubt be via an enforcement notice for unauthorised development if it fell outside those permitted. If only one aspect was breached the County Council would have to consider whether it would be expedient to take enforcement action bearing in mind the undoubted public pressure the authority would be put under to act.

To conclude, permitted development rights should only be used to free up the planning system by allowing uncontroversial and limited impact development to be granted. Officers do not consider that this should relate to shale gas exploration for the reasons given above.

Question 3

a) Do you agree that a permitted development right for non-hydraulic fracturing shale gas exploration development would not apply to the following?

Areas of Outstanding Natural Beauty; National Parks; The Broads; World Heritage Sites; Sites of Special Scientific Interest; Scheduled Monuments; Conservation Areas; Sites of archaeological Interest; Safety hazard areas; Military explosive areas; Land safeguarded for aviation or defence purposes; and protected groundwater source areas.

This appears to be a relatively comprehensive list and, as such, officers generally agree with the suggested list of excluded areas where permitted development rights would not apply. Additionally, if the development would be EIA development then the new rights do not apply and officers consider that it would be useful to make reference to this within this list of restrictions.

All excluded areas set out above have definitions within the legislation so it would be beneficial for the legislation to cross reference to these definitions. For instance:

“Sites of archaeological interest” (as defined in The Town and Country Planning General Permitted Development (England) Order 2015) means land which:

- (a) *is included in the schedule of monuments compiled by the Secretary of State under section 1 of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments);*
- (b) *is within an area of land which is designated as an area of archaeological importance under section 33 of that Act (designation of areas of archaeological importance) (19), or*
- (c) *is within a site registered in any record adopted by resolution by a county council and known as the County Sites and Monuments Record.*

It will be necessary to provide absolute clarity in terms of the definitions of the various excluded areas within the list. For instance if “sites of archaeological interest” included any site with a Historic Environment Record (HER) on it, there may be very few sites in Nottinghamshire that would qualify for permitted development. Both the Misson Springs and Tinker Lane sites have records as they have been identified as having archaeological interest and would, in planning terms, be regarded as Non Designated Heritage Assets.

The definition of “Protected groundwater source areas” is set out in The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 as follows:

- (1) *For the purposes of Class JA, “protected groundwater source area” means any land at a depth of less than 1,200 metres beneath a relevant surface area.*
- (2) *In paragraph (1), “relevant surface area” means any land at the surface that is:*
 - (a) *within 50 metres of a point at the surface at which water is abstracted from underground strata and which is used to supply water for domestic or food production purposes, or*
 - (b) *within or above a zone defined by a 50-day travel time for groundwater to reach a groundwater abstraction point that is used to supply water for domestic or food production purposes.”*

It is worth noting that reference to protected groundwater source areas, as defined above, appears to be the same as Source Protection Zone 1 (Inner Protection Zone) only, and would not include SPZ2 and 3. In the case of the planning applications submitted to Nottinghamshire County Council, Tinker Lane fell into SPZ3 and Misson Springs was just outside a SPZ 3.

b) If ‘No’, please indicate why

Officers recommend some additional area should also be protected from non-hydraulic fracturing shale gas exploration development, as detailed in the answer to (c) below.

c) Are there any other types of land where a permitted development right for non-hydraulic fracturing shale gas exploration development should not apply?

Irreplaceable habitats

The revised NPPF includes greater protection for ‘irreplaceable habitats’ including ancient woodlands and trees. They are defined in the NPPF as *Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.*

In line with this and the Government’s 20 year Environment Plan, this additional protection could be given. This would be particularly relevant to Nottinghamshire in the case of Sherwood Forest.

Listed Buildings

Whilst the demolition of a Listed Building would require planning permission there is no restriction where a proposal would indirectly affect the setting of a listed building. Currently Article 5 offers the only power available to MPAs in such cases where there would be an unacceptable adverse impact to the setting of a Grade I listed building. This is a very limited power and does not fully respond to the legal duty local authorities and the Secretary of State have to preserve listed buildings and their settings and

Conservation Areas. It is not possible to set an arbitrary stand-off to listed buildings as their settings can vary greatly. It is a professional judgment which is required on a case by case basis. This also applies to stand-offs to ecological designations. This matter was relevant to the Misson Springs site with its proximity to a SSSI.

It is suggested that Article 5 could be amended to give MPAs greater ability to restrict developments where appropriate, such as to include the protection of all listed buildings or the setting of conservation areas.

Question 4

What conditions and restrictions would be appropriate for a permitted development right for non-hydraulic shale gas exploration development?

Officers consider that the protection of residential amenity seems to be generally lacking here, except for the reference to “restrictions on any operations carried out within a certain distance of sensitive site users”.

The starting point for restrictions should be Class KA as introduced in The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016. If the Government decides not to make the new permitted development right subject to any local prior approval process it should at the least require a prior notification, allowing the MPA the opportunity to consider the use of an Article 5 direction (which should be widened in scope as suggested in the answer to Question 3 above).

As set out in the answer to Question 3 above if the development would be EIA development then the new rights do not apply by virtue of Article 3 (10) and (11). It would be useful to provide a cross reference to this within any list of restrictions that may be specified so to make it clear that it is likely that the developer would have to engage with the MPA to screen the proposal for EIA Regulation purposes.

In officers’ experience of dealing with the two sites in Nottinghamshire, there were a significant amount of site specific conditions (and matters covered under the associated legal agreements) that were needed to make both developments acceptable in planning terms. Officers remain extremely concerned about the effectiveness of generic conditions or restrictions being used to mitigate the specific impacts at different sites. This highlights why this type of development is not suitable for the permitted development regime.

However, one area that would benefit from specific restrictions is noise. In line with the Planning Practice Guidance, day time noise limits at the nearest sensitive receptors should be limited to no more than 10dB above background level, with total noise not exceeding 55dB. With regards to night time noise, levels should be no higher than 42dB at the nearest sensitive receptors.

Question 5

Do you have comments on the potential considerations that a developer should apply to the local planning authority for a determination, before beginning the development?

Paragraph 33 of the consultation paper states:

“By way of example, the prior approval considerations might include transport and highway impact, contamination issues, air quality and noise impacts, visual impacts, proximity of occupied areas, setting in the landscape and could include elements of public consultation”.

The prior approval topics set out are very similar to the topics that would be covered in a planning application, but without the democratic decision making process involved in a planning application. Also, as raised in officers’ response to Question 2 above, the amount of work involved (officer time and cost) would be comparable to that of a planning application, albeit with no planning application fee associated with it. It would be unreasonable to significantly increase the workload of MPAs in this way without adequate financial recompense for the work that would need to be undertaken and which would allow the MPA to properly resource the work. Suggestions that this could be adequately covered by a Planning Performance Agreement (PPA) are misguided. Covering these costs under a PPA would rely on the goodwill of the applicant/developer to pay the authority, with no requirement for them to do so. Officers would welcome the continuation/expansion of the shale wealth fund to guarantee funds to MPAs to deal with these matters.

Furthermore, there are concerns about the amount of time that would be given to consider these issues. For example, the County Council has recent experience of dealing with prior approvals under Part 17 Class K (b), which allows for the carrying out of seismic surveys. This basically allows 28 days for the MPA to agree additional conditions. Such a time period would not be adequate to consider the issues listed in Paragraph 33 above.

Question 6

Should a permitted development right for non-hydraulic fracturing shale gas exploration development only apply for 2 years, or be made permanent?

Officers have interpreted this question as asking whether the permitted development rights should be changed permanently, or whether they should be trialled for a two year period before being made permanent. The draft response is based on that assumption.

Given the clear lack of understanding as to the impact that the changes would have, or how effective they would be (as admitted in Paragraph 34), going ahead with permanently changing the permitted development rights would seem to be quite a risk. However, it would be less risky for the Government to make the change temporary with the option to remove the permitted development rights in two years’ time, rather than permanently changing them. This two year trial would allow for a full

assessment of the effectiveness of the permitted development regime for this type of development and enable Government and MPAs to judge what the impacts have been and whether any exploratory development has been sufficiently controlled and its impacts properly mitigated.

Question 7

Do you have any views the potential impact of the matters raised in this consultation on people with protected characteristics as defined in section 149 of the Equalities Act 2010?

Officers have no specific comments on this question.

**The questions and draft responses to the Consultation paper
“Inclusion of shale gas production projects in the nationally
significant infrastructure project regime”**

Question 1.

**Do you agree with the proposal to include major shale gas production projects
in the Nationally Significant Infrastructure Project regime?**

The response to this question is based upon the County Council’s response provided in April this year to the questions posed on this matter by the Housing, Communities and Local Government Committee and the evidence given by the Group Manager Planning at the subsequent Select Committee.

i) Nottinghamshire County Council can see a strong argument for decisions on fracking applications remaining at a local level, i.e. by members of the Council’s Planning and Licensing Committee following consideration of committee reports compiled by planning officers. This would seem to be the most democratic method of decision making, i.e. determination by members who represent local communities within the county. As with many planning decisions, particularly those unpopular with local people, the County Council has frequently been reassured that even if the local residents are not happy with the decision/outcome they are generally content with the fair and transparent process that led to that decision. Objectors and supporters alike are given the opportunity to speak at planning committee meetings and if decisions were not made at the local level this opportunity may be lost.

ii) In the light of the Written Ministerial Statement of the 16th September 2015 the County Council can see some benefits in the applications for all shale gas proposals, not just those involving fracking, being classified as national infrastructure allowing shale gas companies to apply directly to the Planning Inspectorate. Planning applications for shale gas proposals (Nottinghamshire has dealt with planning applications on two sites, both for ground water monitoring and exploratory boreholes) are extremely demanding on Council resources, particularly staffing. This is the case, both during the determination stage and after the decisions are made, including intensive monitoring of the sites and dealing with complaints/enquiries from the local community. The planning fees accompanying the planning applications were wholly inadequate to cover the additional costs incurred but, in mitigation, the County Council applied for, and received, shale gas funding made available to Minerals Planning Authorities by the then DCLG. This enabled the County Council to employ staff to cover the extra development management workload, implement necessary upgrades to IT systems and meet legal costs etc. This extra financial burden on the County Council was to some degree mitigated by this Government funding. However, shale gas proposals will continue to be extremely demanding on Council resources and the proposed removal of this extra workload created by shale gas proposals could be advantageous for some minerals planning authorities. In particular, employing additional staff with the necessary yet specialist minerals and waste planning experience at such short notice could be problematic given the specialist nature of this type of planning work. Also, given that Minerals Planning Authorities are usually given

little to no notice of when an application is going to be submitted, recruiting additional resources through standard recruitment procedures is not a speedy process and can quite easily take as long as the statutory determination period for a shale gas application (13 to 16 weeks).

iii) Nottinghamshire has little experience in dealing with proposals for national infrastructure under the 2008 Planning Act. From published guidance available on the matter it appears that the County Council would continue to have a significant role in the process from the pre-application stage right through to the monitoring and enforcement of the Development Consent Order, along with the conditions attached, as well as the agreeing the terms of any S106 agreement. This involvement would be welcomed and would allow local specialist knowledge to feed into the process, for instance in the scope of the Environmental Impact Assessment. Additionally, elected members are able to present their views, and those of their constituents at the hearing stage, as well as providing officers with a clear policy steer. However, as the planning fee for these proposals is paid to the Planning Inspectorate local planning authorities would need to resource the work without receiving a fee. Having accepted that there is significant input by the authority this could only reasonably be achieved if funding were made available to the authority, perhaps through the continuation of the shale gas grants. As described in the paragraph above shale gas proposals, even at the early stages, are extremely demanding on resources, particularly professional planning, legal and support staff.

iv) One considerable disadvantage of classifying planning applications for fracking as national infrastructure projects is that it does fuel the perception held by many communities that the Government considers fracking to be a “special case” which needs to be treated as such. This perception is further fuelled by the Government’s overarching support for the exploration of the UK’s potential shale gas reserves. Following the Written Ministerial Statement on 16/9/2015 in Nottinghamshire the County Council has tried to reassure local people that shale gas applications are potentially no more controversial than other types of hydrocarbon extraction or large scale quarries which typically have lifespans of 30 to 40 years. Nottinghamshire has a long history of coal, gas and oil extraction and still has nine active oilfields, which have been granted permission and have operated for many years without controversy. Understandably local communities are concerned about fracking as a new technology and the topic has become one of national debate. Alarmist headlines have been published by the press which provide local communities with misleading information rather than factual advice. The County Council has endeavoured to counter any such misleading information through dedicated shale gas pages on its website. Removing the decision making process from the local level is likely to further increase this suspicion, held by some local people, that central government is looking to force through the exploration and production of any shale gas reserves. It will be important for the Government to reassure the population as to why this needs to be the case to avoid raising levels of concern further.

v) In conclusion, Nottinghamshire County Council has recognised that there are both advantages and disadvantages to classifying fracking proposals as national infrastructure under the 2008 Planning Act. This proposal could be supported, provided

that reassurances can be given that the County Council will be fully involved throughout the various stages of the decision making process. This needs to include both local professional and specialist input, as well as opportunities for elected members to represent their communities. The views of local people must be given the same level of consideration as is currently the case. It must remain a fair and transparent process and one with which local people feel able to engage. As an authority who has had experience of dealing with shale gas proposals it is important that Local Authorities receive adequate financial resources to enable them to fully participate in the process. Extending the shale gas grants available to local authorities may be one method of doing this. Inclusion in the NSIP regime should apply only where the shale gas production is truly of 'national significance', the exploratory and appraisal phases should provide the operators with sufficient information to know how much gas they are likely to be able to extract from a well site, or how much per annum, and therefore confirm whether it is nationally significant or not. We would not want to see smaller shale gas production development included because there is political frustration that the planning application process is problematic or taking too long.

Question 2.

Please provide any relevant evidence to support your response to Q.1

Please see comments made above.

Question 3.

If you consider that major shale gas production projects should be brought into the Nationally Significant Infrastructure Project regime, which criteria should be used to indicate a nationally significant project with regards to shale gas production?

Please select from the list below:

- a. The number of individual wells per well-site (or 'pad')**
- b. The total number of well-sites within the development**

a/b It is unlikely that an individual site (or pad) would be of national significance, irrespective of the number of wells. However, where there are a number of sites (or pads) which are obviously part of the same development (e.g. targeting the same reservoir) this is moving towards being more significant. However, the point at which a multi-pad scheme would be nationally significant would differ from site to site, so we would expect this to be one criterion among many. There would also need to be some kind of preventative measure to stop individual applications being submitted to an MPA separately to avoid the NSIP process, and conversely to stop sites over a wide geographical area being bundled together as one NSIP application when they are not actually part of the same development.

- c. The estimated volume of recoverable gas from the site(s)**

d. The estimated production rate from the site(s), and how frequently (e.g. daily, monthly, annually or well lifetime)

c/d– It is considered that the volume of resource/production is the best indicator as to whether a scheme is of national significance. However, there are serious concerns given the inherent uncertainty with ‘estimated’ volumes, be it recoverable volumes or production rates, which could be manipulated to be in/out of the NSIP process.

e. Whether the well-site has/will require a connection to the local and/or national gas distribution grid

e – A well site, or sites, not connected to the grid may well have greater impacts, particularly in respect to ongoing traffic movements, although these would be local impacts. However, connection to the grid may indicate a larger and more significant scheme. On the other hand, it might just be because there is a grid connection near to the proposed development site. It is considered that this would not be a useful criteria for determining national significance.

f. Requirement for associated equipment on-site, such as (but not limited to) water treatment facilities and micro-generation plants

f – If a site, or group of sites, is of a scale where there is associated equipment such as water treatment and generation facilities, this is indicative of a larger operation and may be more likely to be of national significance. With regard to generation, there are plenty of natural gas sites (coal mine methane) within Nottinghamshire that include micro-generation 1-2MW per engine and up to three engines at some sites. These sites are clearly not nationally significant, so it is suggested that there would need to be a MW threshold set reasonably high, such as 50MW (although this would trigger the NSIP process itself anyway).

g. Whether multiple well-sites will be linked via shared infrastructure, such as gas pipelines, water pipelines, transport links, communications, etc

g – Multiple sites linked together with associated infrastructure would be more indicative of a scheme that is of national significance than a single site/pad. This could be useful as one of the criteria.

h. A combination of the above criteria – if so please specify which

i. Other – if so please specify

h/i – no further comments.

Question 4.

Please provide any relevant evidence to support your response(s) to Question 3.

See above answers

Question 5.

At what stage should this change be introduced? (For example, as soon as possible, ahead of the first anticipated production site, or when a critical mass of shale gas exploration and appraisal sites has been reached).

It seems pointless implementing such changes when it is unknown whether there is economically recoverable shale gas available. On the other hand, once this has been established it would be useful to have the system in place to deal with major, interconnected schemes which recover significant quantities of gas and/or have a large generating capacity and have potentially significant amenity and environmental impacts.

Question 6. Please provide any relevant evidence to support your response to Question 5.

No further comments



18 September 2018

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 1st July and 31st August 2018, to confirm the decisions made on planning applications since the last report to Members on 17 July 2018, 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 Licensing Committee.

Statutory and Policy Implications

3. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.
4. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

RECOMMENDATIONS

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

ADRIAN SMITH

Corporate Director - Place

Constitutional Comments - [RHC 06/09/2018]

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

Comments of the Service Director - Finance [SES 05/09/18]

There are no specific financial implications arising directly from the 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
Ruth Kinsey
0115 993 2584

Planning Applications Received and Determined
From 1st July to 31st August 2018

Division	Member	Received	Determined
BASSETLAW			
Misterton	Cllr Tracey Taylor		Retrospective Planning application for an extension to the construction and demolition waste recycling area. Scrooby Top Quarry, Scrooby Top. Granted 17/07/2018 (Committee)
Misterton	Cllr Tracey Taylor	Variation of conditions 2,3, and 5 of planning permission 1/29/05/00030, to change the layout of plant and machinery, to retain the Gas Utilisation Plant until 20/10/2050 and to allow the use of natural gas in addition to the landfill gas generated at the site. Daneshill Landfill Site, Daneshill Road, Lound. Received 18/07/2018	
MANSFIELD			
Warsop	Cllr Andy Wetton	To retain existing temporary classroom, Church Vale Primary School, Laurel Avenue, Church Warsop. Received 13/07/2017	
Mansfield North	Cllr Joyce Bosnjak Cllr Parry Tsimbiridis		Erection of hygiene suite and access ramp. Peafield Lane Academy, Litton Road, Mansfield Woodhouse. Granted 25/07/2018

Division	Member	Received	Determined
Mansfield North	Cllr Joyce Bosnjak Cllr Parry Tsimbiridis	Variation of condition 2 of planning permission 2/2013/0345/NT. Continuation of crushing and screening plant to recycle building material for a further 5 years. Cast Quarry, Vale Road, Mansfield Woodhouse. Received 10/08/2018	
Mansfield East	Cllr Vaughan Hopewell Cllr Martin Wright		Infilling of an existing underpass to provide a water storage area to alleviate flood issues in the local area. Installation of a new uncontrolled ground level pedestrian crossing and footway onto Bellamy Road. Existing underpass, Bellamy Road, Mansfield. Withdrawn 21/08/2018
NEWARK & SHERWOOD			
Sherwood Forest		Replacement of 3no diagonally timber cladded elevations with vertical cedar cladding, new front sliding entrance door and external air conditioning plant. Edwinstowe Library, High Street, Edwinstowe. Received 16/07/2018	Granted 30/08/2018
Southwell	Cllr Roger Jackson		Planning application to retain existing mobile classroom, Lowes Wong Junior School, Queen Street, Southwell. Granted 24/07/2018

Division	Member	Received	Determined
Muskham & Farnsfield Farndon & Trent	Cllr Bruce Laughton Cllr Mrs Sue Saddington		Development is for a change of use from Agricultural land to allow 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 flood compensatory area. British Sugar Corporation Limited, Great North Road, Newark. Granted 25/07/2018
Muskham & Farnsfield	Cllr Bruce Laughton	Vary conditions 3 and 33 of planning permission 3/14/01995/CMA to amend restoration and method of working, for operational reasons. Cromwell Quarry, Great North Road, Cromwell. Received 07/08/2018	
Southwell	Cllr Roger Jackson	Variation of condition 4 of planning permission 3/20/06/2008 to allow the continued use of the weighbridge for waste management facilities and include farm use. Coneygre Farm, Hoveringham. Received 08/08/2018	
Newark West	Cllr Keith Girling	Change of use of an Elderly Persons Home to an Adult Day Centre (Use Class C2 to D1) including erection of secure 2m timber fencing. 2.4m high secure Herras fencing. Erection of building entrance canopy and polytunnel. Woods Court, Walker Close, Newark. Received 13/08/2018	

Division	Member	Received	Determined
Blidworth	Cllr Yvonne Woodhead	Provision of 2no temporary classroom units, 1no Temporary WC unit, 1no Temporary accessible WC unit and associated stepped/ramped access. Temporary play area and canopy. Lake View Primary & Nursery School, Rainworth Water Road, Rainworth. Received 20/08/2018	
ASHFIELD			
Hucknall West	Cllr Kevin Rostance		Erection of two-storey 210 place Primary School and 26 place Nursery, outdoor hard play and games court, informal soft play, sports pitches, car park and service area, sprinkler tank with 3.6m high timber fence enclosure, landscape works and 2.4m high perimeter secure fence. Former Rolls Royce Site, off Watnall Road (east of Hurricane Road), Hucknall. Granted 06/07/2018

Division	Member	Received	Determined
Ashfields	Cllr Jason Zadrozny	To vary conditions 1 and 3 of planning permission 4/12/GR/0452 to extend the landfill gas operation for a limited period only expiring on 31 December 2050, by which time all buildings , equipment and enclosure be removed and the site reinstated to the satisfaction of the CPA. Condition 3 of planning permission 4/12/GR/0542 where electricity shall only be generated using landfill gas produced at Sutton Landfill Site, in addition to piped natural gas. Sutton Landfill Site, Huthwaite Road, Sutton-in-Ashfield. Received 10/07/2018	
Ashfields	Cllr Jason Zadrozny	Installation of a Gas Metering Kiosk Building. Electricity Generating Station Sutton Landfill Site, Huthwaite Road, Sutton In Ashfield Received 10/07/2018	
BROXTOWE			
Eastwood	Cllr Tony Harper	Installation of a forest school shelter on the edge of the playing field. Lawrence View Primary School and Nursery, Walker Street, Eastwood. Received 10/07/2018	

Division	Member	Received	Determined
Toton, Chilwell & Attenborough	Cllr Eric Kerry Cllr Richard Jackson	Submission of details under Section 106 Schedule 2 clause 18.2 for remediation of any contamination at Attenborough Plant Site and removal, dismantle and clearance of all items of fixed and mobile plant, equipment, machinery, buildings, structures, hardstanding and associated facilities from Attenborough plant site. Attenborough Quarry, Long Lane, Attenborough. Received 14/08/2018	
GEDLING			
Calverton	Cllr Boyd Elliott		Removal of infrastructure from one compound, and replacement with more efficient infrastructure within an associated compound. Burntstump Landfill Gas Compound, Ollerton Road, Arnold. Granted 05/07/2018
Carlton East	Cllr Nicki Brooks	Retrospective planning permission to retain fencing, gates and concrete aprons and new planning permission to install twin CHP generation plant, boiler unit and flue, yard office and admin office. Bio Dynamic (Uk) Limited, Private Road No 4, Colwick Industrial Estate. Received 16/07/2018	

Division	Member	Received	Determined
Carlton East	Cllr Nicki Brooks	Change of Use of Building from Waste Transfer Station to Plastic recycling Facility. Colwick Business Park, Road No 2, Colwick. Received 20/07/2018	
Carlton East	Cllr Nicki Brooks	Change of use of existing building from B8 storage to plastic holding and recycling along with external storage/receiving compound. Colwick Business Park, Road No 2, Colwick, Received 20/07/2018	
RUSHCLIFFE			
Bingham West	Cllr Neil Clarke		Fencing of 1887 sq m site for use as a waste sorting facility. Part concreting of land (to extend existing concrete to whole site). Construction of open fronted building 12m x 12m for sorting activities. Construction of two storage bays for sorted waste. Installation of sealed drainage system with underground tank. Installation of office and amenity portacabin office 6m x 2.4m. Langar Industrial Estate North, Harby Road, Langar. Granted 19/07/2018

Schedule of future planning applications to be reported to Planning and Licensing 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).

23 rd October 2018	7/2017/1504/NCC	Bestwood II Quarry, Mansfield Road, Papplewick, near Ravenshead, NG15 8FL	To vary conditions 3, 6 and 29 of planning permission 7/2014/1156/NCC for an extension of time to extract the remaining mineral within Bestwood II Quarry until 31 December 2028.
23 rd October 2018	7/2017/1503/NCC	Bestwood II Quarry, Mansfield Road, Papplewick, near Ravenshead, NG15 8FL	Vary condition 4 of planning permission 7/2015/0320NCC to enable retention of the visitors car park until final restoration of the quarry (31st December 2030 or within two years of the completion of mineral extraction, whichever is the sooner)
23 rd October 2018	2/2018/0040/NCC	Ratcher Hill Quarry, Southwell Road West, Rainworth, Mansfield, NG21 0HW	Retrospective permission for silica sand extraction and associated revised site restoration proposals.
23 rd October 2018	4/V/2018/0233	Portland Industrial Estate, Welshcroft Close, Kirkby in Ashfield, NG17 8EP	Proposed construction and operation of external glass storage bays with associated bulking.
23 rd October 2018	4/V/2018/0417	Portland Industrial Estate, Welshcroft Close, Kirkby in Ashfield, NG17 8EP	To vary conditions of planning permission 4/V/2015/0711. Conditions 3 approved plans; 23 hours restriction of specific operations; 26a and 26h concerning odour; 27b, litter and dust; and 31 surfacing and drainage, as the conditions do not reflect the proposed external glass bulking. It is proposed to delete reference to the external storage of baled RDF and instead replace this with reference to external glass storage
23 rd October 2018	1/18/00628/CDM	C.W. Waste Services Limited, Sandy Lane Industrial Estate, Worksop, S80 1TN	To operate a waste transfer station, asbestos/clinical and inert waste facility
23 rd October 2018	1/18/00791/CDM	Welbeck Colliery, Elkesley Road, Meden Vale, NG20 9PS	Proposed variations to the soil management areas, the internal linking access road and the installation of welfare and office portacabins and toilet block unit.
23 rd October 2018	2/2017/0525/NCC	Welbeck Colliery, Elkesley Road, Meden Vale, NG20 9PS	Variation of Conditions 3 and 4 of Planning Permission Ref: 1/13/01390/CDM to allow a further 5 years for the placement of material and restoration of the site

23 rd October 2018	3/18/00756/CMA	Land at Rufford Hills Farm, Off Rufford Lane, Rufford, NG22 9DQ	Drill and test a borehole including flaring, erect containerised units and associated plant and equipment, new access track, extract mine gas, generate electricity and ancillary operations
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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:	8/17/02096/CMA
Location:	Land off Green Street, Mill Hill and land at Barton Fabis, off Chestnut Lane
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:	1/18/00043/CDM
Location:	Land at College Farm, Great North Road, Barnby Moor, Retford
Proposal:	Sand and gravel extraction, backfill with imported silt and restoration to agriculture and bio-diversity, including construction of a new access road.
Planning Application:	1/17/01035/CDM
Location:	Serlby Quarry, Snape Lane, Serlby, DN10 6BB
Proposal:	Variation of condition 3 of planning permission 1/66/04/00004 to extend the timescale for inert waste disposal to cease by 22 August 2027, with enhanced restoration for a biodiverse nature conservation afteruse.
Planning Application:	1/18/00920/CDM
Location:	Plots A5 and A6, Lords Wood Road, Harworth, DN11 8NE
Proposal:	Proposed New 20MWE Waste to Energy Power Generation Facility and associated Plant and external Works.