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**Our reference:**  
**Your reference:**

**Date:** Wednesday, 7 May 2025



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To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 15 May 2025 at 6.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

This meeting will be accessible and open to the public via the live stream on YouTube and viewed via the link: <https://www.youtube.com/user/RushcliffeBC>  
Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Pregon'.

Sara Pregon  
Monitoring Officer

## **AGENDA**

1. Apologies for Absence and Substitute Members
2. Declarations of Interest

[Link to further information in the Council's Constitution](#)

3. Minutes of the Meeting held on 13 February 2025 (Pages 1 - 2)
4. Planning Applications (Pages 3 - 38)

The report of the Director – Development and Economic Growth

5. Planning Appeals (Pages 39 - 44)

The report of the Director – Development and Economic Growth

**Postal address**  
Rushcliffe Borough  
Council  
Rushcliffe Arena  
Rugby Road  
West Bridgford  
Nottingham  
NG2 7YG



## Membership

Chair: Councillor R Butler

Vice-Chair: Councillor R Walker

Councillors: S Calvert, J Chaplain, A Edyvean, S Ellis, E Georgiou, S Mallender, D Mason, C Thomas and T Wells

<b>Meeting Room Guidance</b>
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<b>Recording at Meetings</b>
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## **MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 13 FEBRUARY 2025**

Held at 6.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West  
Bridgford  
and live streamed on Rushcliffe Borough Council's YouTube channel

### **PRESENT:**

Councillors R Butler (Chair), A Brown, S Calvert, J Chaplain, A Edyvean,  
S Ellis, E Georgiou, S Mallender, D Mason, L Way and T Wells

### **OFFICERS IN ATTENDANCE:**

H Knott	Head of Planning
A Cullen	Planning Manager - Development
C Thompson	Area Planning Officer
B Pearson	Area Planning Officer
A Baxter	Team Manager – Area Planning
R Clack	Legal Services Manager
E Richardson	Democratic Services Officer

### **APOLOGIES:**

Councillors R Walker and C Thomas

#### **26 Declarations of Interest**

There were no declarations of interest.

#### **27 Minutes of the Meeting held on 9 January 2025**

The minutes of the meeting held on 9 January 2025 were agreed as a true record and were signed by the Chair.

#### **28 Planning Applications**

The Committee considered the written report of the Director – Development and Economic Growth relating to the following applications, which had been circulated previously.

**28.1 24/01525/FUL – Demolition of existing dwelling. Erection of new replacement self-build dwelling, new access and gates, (Part Retrospective) - Christmas Cottage, Flawforth Lane, Ruddington**

### **Updates**

The Chair made a declaration of lobbying on behalf of Members of Committee

as they had received direct email correspondence from the applicant in advance of the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr S Millett (Applicant) and Councillor M Gaunt (Ward Councillor) addressed the Committee.

## **DECISION**

**PLANNING PERMISSION BE REFUSED FOR THE SPECIFIED REASONS SET OUT IN THE REPORT PUBLISHED WITH THE AGENDA.**

**28.2 24/01905/REG3 - Variation of Condition 29 (Hours of use) for planning application 19/02914/FUL to amend opening time Monday to Friday from 6.30am to 6.00am - Bingham Arena, Mercia Court, Bingham**

## **Updates**

An additional representation was received after the agenda was published and this was circulated to the Committee before the meeting.

## **DECISION**

**PLANNING PERMISSION BE GRANTED SUBJECT TO CONDITIONS, THE DETAILS OF WHICH ARE SET OUT IN THE REPORT PUBLISHED WITH THE AGENDA.**

## **29 Planning Appeals**

The Committee noted the Planning Appeal Decisions reported which had been circulated with the agenda.

The meeting closed at 7.15 pm.

CHAIR



## Planning Committee

Thursday, 15 May 2025

## Planning Applications

### Report of the Director – Development and Economic Growth

#### PLEASE NOTE:

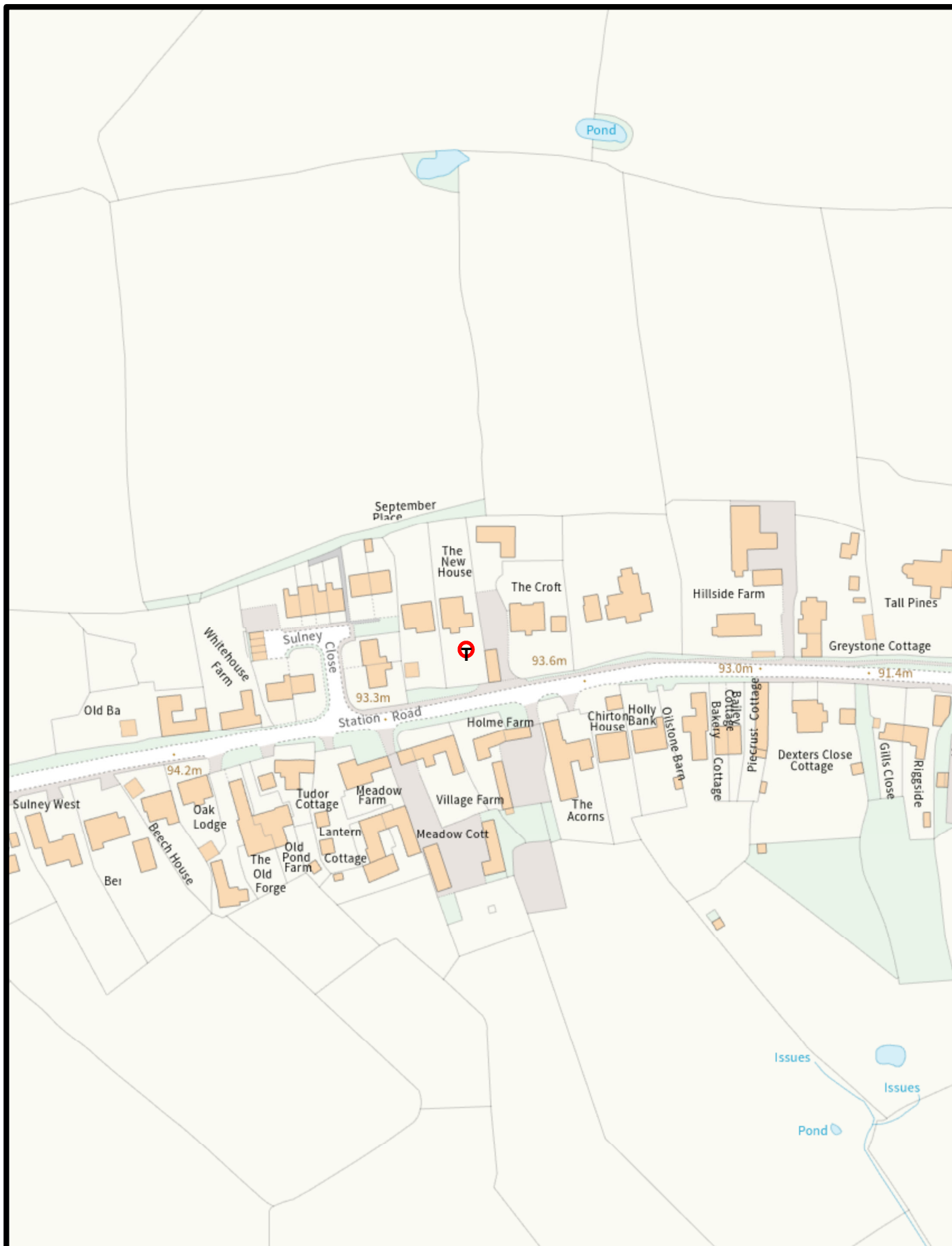
1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local Government Act 1972 and relevant planning legislation/Regulations. Copies of the submitted application details are available on the website <http://planningon-line.rushcliffe.gov.uk/online-applications/>. This report is available as part of the Planning Committee Agenda which can be viewed five working days before the meeting at <https://democracy.rushcliffe.gov.uk/ieListMeetings.aspx?Committeeld=140> Once a decision has been taken on a planning application the decision notice is also displayed on the website.
4. Reports to the Planning Committee take into account diversity and Crime and Disorder issues. Where such implications are material they are referred to in the reports, where they are balanced with other material planning considerations.
5. With regard to S17 of the Crime and Disorder Act 1998 the Police have advised they wish to be consulted on the following types of applications: major developments; those attracting significant numbers of the public e.g., public houses, takeaways etc.; ATM machines, new neighbourhood facilities including churches; major alterations to public buildings; significant areas of open space/landscaping or linear paths; form diversification to industrial uses in isolated locations.
6. Where the Planning Committee have power to determine an application but the decision proposed would be contrary to the recommendation of the Director – Development and Economic Growth, the application may be referred to the Council for decision.
7. The following notes appear on decision notices for full planning permissions:  
“When carrying out building works you are advised to use door types and locks conforming to British Standards, together with windows that are performance tested (i.e. to BS 7950 for ground floor and easily accessible windows in homes). You are also advised to consider installing a burglar alarm, as this is the most effective way of protecting against burglary.

If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

<http://www.rushcliffe.gov.uk/planningandbuilding/buildingcontrol>

Application	Address	Page
25/00025/TPO	The New House, Station Road, Upper Broughton	5-10
	To the Upper Broughton No.1 Tree Preservation Order 2025	
<b>Ward</b>	Neville and Langar	
<b>Recommendation</b>	Confirm the Upper Broughton No.1 Tree Preservation Order 2025	

Application	Address	
<a href="#">24/00388/CMA</a>	Land Off Green Street, Mill Hill And Land At Barton In Fabis Off Chestnut Lane	11-38
	Extraction, processing, sale and distribution of sand and gravel, and subsequent restoration together with the necessary highway and access improvements	
<b>Ward</b>	Gotham	
<b>Recommendation</b>	Provide the response as set out in the recommendation to Nottinghamshire County Council	



**Application Number: 25/00025/TORDER**  
**The New House, Station Road,**  
**Upper Broughton**

scale 1:2000

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# 25/00025/TORDER

**Objector** Mr and Mrs Wilson

**Location** The New House, Station Road, Upper Broughton, LE14 3BQ

**Objection** To the Upper Broughton No.1 Tree Preservation Order 2025

**Ward** Neville and Langar

## THE SITE AND SURROUNDINGS

1. The 3 Silver Birch trees are located in the front garden of The New House, a 1970's property with some modernisation located on the northside of Station Road within the Conservation Area. The property has generous gardens to the front and rear. The trees are located in an area of lawn, to the side is the access driveway to the property and beyond this is an old outbuilding at the front of the neighbouring property. Upper Broughton is an attractive rural village with a strong character and the roadside trees make a positive contribution to this.

## DETAILS OF THE TREE PRESERVATION ORDER

2. This report is brought to Planning Committee for Members to consider as an objection has been received following the making of a provisional Tree Preservation Order (TPO) for which a valid objection has been received following the service of notice to the owners.
3. The Tree Preservation Order (TPO) was made following a Conservation Area tree notice to fell 3 trees on the grounds that they were causing damage to the drive, concern over their age, continuing safety and interference with the phone line. The notice stated their intention to replant with 3 young trees.
4. Officers considered the existing trees to enhance the street scene due to their roadside location and were concerned that whilst an offer to plant replacements was made there was no way to enforce this through a Conservation Area notice and the loss of 3 trees would be detrimental to the area.
5. The TPO was made on the 5 February 2025. Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 the Order takes effect provisionally and needs to be confirmed within 6 months of the date it was made. The Council has a duty to consider all objections and representations that have been made before deciding whether to confirm the Order.

## SITE HISTORY

6. The Council have granted the reduction of the trees approximately every 4 years since 2008 through conservation area consents through the following reference consents –

Ref. 08/00134/CONARE  
Ref. 12/00020/CONARE  
Ref. 16/00177/CONARE  
Ref. 21/00055/CONARE

## **CONSULTATION**

7. The Ward Member was not consulted prior to the making of the provisional TPO as immediate action was required. The six week timescale for considering the conservation area tree notice had lapsed and the trees could have been felled, hence the need to make the TPO as soon as was reasonably practical.

## **OBJECTION**

8. Objections to the TPO have been received from the owners of the land on which the trees are situated for the following reasons:
  - The principal reason for removal is because their roots are beginning to lift the driveway surface, despite their being a sub-base of at least 15 inches, and the damage has been increasing over the past 2 years. In addition, the telephone wire is at risk of being fouled once more by branches of one of the trees.
  - The TPO prevents work to the trees which are large, at least 50 years old, and have long outgrown the site and need to be removed.
  - The Council made the TPO after the 6-week conservation area notice and the owners believe the Council has let them down as work has been delayed despite a tree surgeon being booked to do the work.
  - The owners like the trees which are 3 different varieties of Birch which enhance the garden and local area, the original notice promised to plant 3 replacements which is still their intention. They are honorary members of the Nottinghamshire Fungi Group and appreciate the beneficial role of Birch and mycorrhizal fungi.
  - After the TPO was made we were advised by Mr Pettit at a site meeting that an application to remove one of the trees and appropriate replacement planting may be looked on favourably, but they feel this would look odd with one young sapling set against 2 huge trees. Planting 3 young trees would be the better option and would immediately enhance the area.

## **APPRAISAL**

9. The 3 trees are located in the front garden in a triangular pattern, so all trees are located a different distance from the drive. At the site visit the raising of the drive was pointed out and it is possible to ascertain some signs of root growth under the tarmac, but the lifting is currently very minor. This was one of the reasons why at the site meeting a phased approach to removal and replacement was suggested so the tree closest to the drive could be removed first.
10. A TPO would require an application to be made to undertake work to protected trees although there are some limited exemptions such as the removal of deadwood. It would be possible to apply to prune the trees to keep them clear of phone lines or even remove them. Whilst each application is decided on its own merits, the Council has allowed repeat pruning since 2008 and it would

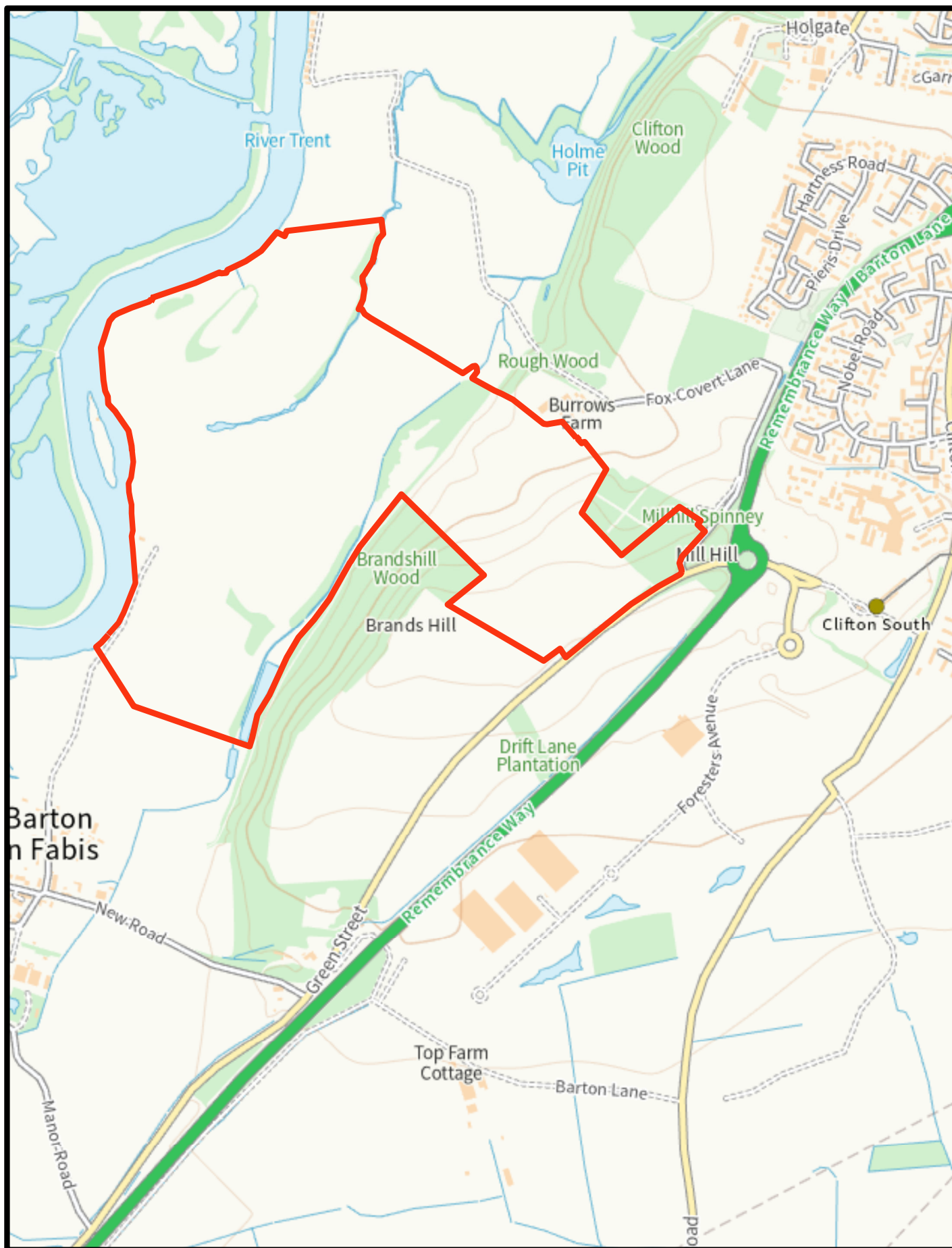
seem reasonable to allow work to keep phone lines clear from obstruction or damage.

11. It is not considered that all 3 trees are outgrowing the location to the point that all 3 require removal. The trees could be retained by allowing continuing work to prune them. The trees may well be 50 years old but could have a remaining useful lifespan of around 20-30 years.
12. The TPO was made after the 6 weeks' notice period so there was a period of time in which the tree owners could have removed them, but the Council can make a TPO at any point in time. When considering a Conservation Area tree notice, the Council can only make a TPO to retain the trees, or simply allow the work to proceed, it cannot enforce any replacement planting. Residents of the Borough often propose replacement planting in such notices and the Council has no way of knowing, or ensuring, that this will take place.
13. On this occasion given that all 3 trees were proposed to be removed and due to their prominent location, it was considered that a TPO would be a suitable way of ensuring replacement planting took place, although Officer's preference is to see at least some of the trees retained for some time.
14. The Committee needs to decide whether the TPO should be revoked or allowed to lapse, this would allow the owners free reign to fell and replace as they wish. Or alternatively to confirm the TPO which would make it permanent and require the owner to submit applications to prune or fell.
15. As noted above it has been suggested that a phased approach to removal and replacement planting could be achieved, this would alleviate the concerns in regard to the driveway whilst maintaining mature trees to enhance the character of the area and to develop a mixed age range of trees which would be more resilient. Officers do not believe such an approach would look out of place but nevertheless at present the trees are worthy of protection and the only way to secure the replacement planting would be through an application for works to trees. If future applications for works to trees were refused there is also a right of appeal to the Planning Inspectorate.

## **RECOMMENDATION**

It is RECOMMENDED that the Upper Broughton No.1 Tree Preservation 2025 is confirmed.

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**Application Number: 24/00388/CMA**  
**Land Off Green Street, Mill Hill and**  
**Land at Barton In Fabis, Off Chestnut Lane**

scale 1:2000

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# 24/00388/CMA

**Applicant** Land Logical Limited

**Location** Land Off Green Street, Mill Hill And Land At Barton In Fabis Off Chestnut Lane

**Proposal** Extraction, processing, sale and distribution of sand and gravel, and subsequent restoration together with the necessary highway and access improvements.

**Ward** Gotham

## THE SITE AND SURROUNDINGS

Details of the application can be found [here](#).

1. This report is to seek approval of the proposed consultation response to the County Council and is brought to committee pursuant to the approved scheme of delegation for Planning Committee.
2. The application submitted to the County Council relates to an area of land circa 85.15ha to the northeast of Barton in Fabis. The site is to the east of and immediately adjacent to the River Trent, on the largely flat and active floodplain. The eastern part of the site rises by 50m above the valley floor having a forested slope. The site is largely agricultural or unmanaged.
3. Burrows Farm is located to the north of the site with its arable and grazing farmland. To the west of the site is the River Trent with Attenborough Nature Reserve beyond. The east is bordered by Brandshill Wood. To the south is Barton in Fabis with the nearest properties of the village within approximately 150m of the site.
4. Barton in Fabis Bridleway 1 and 3, and Footpath 2 run through the site. Other bridleways and several public footpaths are to the west of the site.
5. Four SSSI's or Local Nature Reserves are located within 2km of the site, Attenborough Gravel Pits (SSSI); Holme Pit (SSSI); Glapton Wood (LNR) and Clifton Grove, Clifton Wood and Holme Pit Pond (LNR). 5 Local Wildlife Sites are within the site boundary; Barton Flash; Barton in Fabis Pond and Drain; Brandshill Marsh; Brandshill Grassland and Barrow Pits Barton, a further 12 are within 2km of the site.

## DETAILS OF THE PROPOSAL

6. The proposal is 'minerals development' and as such is a County Matter application where Rushcliffe Borough Council is a consultee.

7. Nottinghamshire County Council are the determining authority for this type of application.
8. The proposal relates to extraction and processing of sand and gravel, including the construction of a new access road, landscaping and screening bunds, minerals washing plant and other associated infrastructure with restoration to agricultural and nature conservation areas.
9. The proposed development seeks to extract a total of 2.55 million tonnes (Mt) of saleable aggregates. The development can be identified in a number of stages being, initial works, five phases of operational works, and restoration works throughout the phases of development as detailed below.
10. The initial works will establish a temporary works compound and make amendments to the site entrance to allow two-way movement of HGV traffic. As part of this phase soils and overburdens will be stripped to allow access to the Plant Site. The soils and overburdens will be placed within the southern part of the Plant Site and will be used to facilitate the restoration of part of this area. This phase will also include the construction of the access across Brandshill Grassland, and the extension of the access onto the floodplain to enable the installation of the mineral conveyor from the Extraction Area to the Plant Site.
11. The initial works will also include the addition of the infrastructure to the site including the washing plant, weighbridge, office, wheelwash and process water lagoons. Sand and gravel from the Extraction Area will be imported to the Plant Site area to be used as the operational surface during the life of the development. The conveyor lines and additional infrastructure needed to connect the Plant Site to the Extraction Area will also be installed at this stage.
12. During this early phase of the development, final works will be completed at the site entrance which will also include a new footpath and bridleway link to join Fox Covert Lane and Green Street. Shortly after, a new permissive path for pedestrians will be created which would follow the boundary of the Plant Site and then route across Brandshill Grassland to join Bridleway 3.
13. Phase 1 is the first phase of the operational part of the development and would extend southwards from the conveyor stocking area. As the mineral extraction extends southwards, restoration would follow in a progressive way.
14. Phase 1 would include the establishment of an additional permissive route in the northern part of the Extraction Area starting from Bridleway 1 and Footpath 2 which would run along the boundary of the River Trent and loop back around to reconnect onto Bridleway 1, Footpath 2 and Bridleway 3 and the permissive route established during the initial works phase.
15. Phase 2 would see extraction works continue to the southern boundary of the site. Within this phase it will be necessary to temporarily divert Footpath 2 for part of its southern course as it crosses the Site, the altered route would run along the southern boundary before turning northwards along the eastern boundary of the Extraction Area to connect onto Bridleway 3.
16. Additionally, a sub-surface retaining structure shall be constructed which would be clay lined on its southern side to reduce groundwater ingress from this



direction. A drainage grip would also be excavated to the south of the retaining structure to ensure there is no groundwater mounding on the up-gradient side of the clay barrier.

17. Phase 3 would see works extend northwards towards the western part of the site, with land being restored progressively. It would also be necessary in this phase to temporarily close the permissive route within the northern part of the Extraction Area for safety purposes as extraction takes place within this area of the Site.
18. Phase 4 would be the penultimate operational phase with works advancing in a northerly direction with restoration works progressing behind. On the northern boundary of Phase 4 a sub-surface retaining structure (similar to that also proposed within Phase 2) shall also be constructed. The southern course of Footpath 2 will also be re-established within Phase 2 with restoration works in this area which would largely be completed at this stage.
19. Phase 5 would be the final operational phase and includes the restoration of the remaining areas. Any fixed plant, equipment and machinery, together with other infrastructure such as weighbridges, offices and compounds would also be removed. In the final part of this stage, all processing on the Site shall have ceased and sales will continue for a short time as the final stockpiles are sold and removed from the Site.
20. The final restoration of the site should ultimately lead to the Site being restored to enhance the land for both biodiversity and social gain. Biodiversity Net Gain would be achieved through the creation of a patchwork of waterbodies, reedbed and wetland, scrub, meadow, and species-rich grassland, which would enhance the existing habitats and increase biodiversity within the site.
21. During the operational phases of development extraction will be carried out using an excavator with materials transported to the conveyor stocking area then loaded into the field hopper and conveyed up Brandshill Grassland to the Plant Site for processing.
22. The proposed development is anticipated to have an operational lifetime of 12.5 years, with the final timescale dependent on seasonal influences and annual sales which are forecast to be in the order of 280,000 tonnes per annum. The Extraction Area would be occupied on a rolling basis for around 10 years with land going through the sequence of being farmed, then being stripped of soils and aggregates, with restoration following shortly thereafter.
23. It is proposed that the hours of operation of the Site be as follows:  
  
07:00 to 18:00 hours Monday to Friday  
07:00 to 13:00 hours Saturdays  
And at no times on Sundays and Bank / Public Holidays.

### **Relevant Planning History**

24. A small part of the site is part of a wider area which was subject of application ref: 09/01025/OUT for a mixed use development including up to 5500 dwellings etc. This application was withdrawn.

25. Planning reference ES/3712 was submitted to Nottinghamshire County Council in September 2017. This application was similar to the current proposal, albeit with a slightly larger site area. The application was withdrawn on 2<sup>nd</sup> March 2022.

## **REPRESENTATIONS**

26. During the course of the application submitted to Nottinghamshire County Council, under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the County Council requested further information. The further information was supplied by the applicant and the County Council opened a further consultation period for Rushcliffe Borough Council to consider the additional information. The responses below take into account the additional information where noted.

### **Ward Councillors**

27. One Ward Councillor (Cllr R Walker) – objected to the originally submitted application owing to significant adverse impacts in respect of noise, dust, landscape impact; archaeology, ecology and the culminative impact with other permitted development in the vicinity. Is also of the view that the proposal would represent unjustified and inappropriate development in the Green Belt.
28. Notes that the proposals would affect openness of the Green Belt by creating a 12m high plant site, soil bunds and soil storage landforms. The transportation, processing and loading of sand and gravel reduce openness and conflict with Green Belt purposes. The huge operation, when considered in its entirety, cannot be concealed leading to an inevitable reduction in open views, particularly from Brands/Mill Hill. The proposal would fail to check sprawl from Clifton and have a merging effect on Clifton, Barton in Fabis and Fairham. No very special circumstances to justify the development has been put forward.
29. Cllr R Walker maintained his objection after consideration of updated information and input from technical consultees. He stressed the following:
- a. Identified queries and concerns regarding methodology of sound modelling
  - b. Inconsistencies within the air quality data provided
  - c. Errors in the rainfall data provided
  - d. Absence of assessment of air quality impact for the plant area
  - e. Failure to demonstrate lack of alternatives to losses of Schedule 1 birds
  - f. Retained presence of processing facilities in the Green Belt thereby introducing extensive
  - g. industrial features in a high-quality landscape area
  - h. Poor approach to community engagement
  - i. Failure to properly account for the cumulative impacts of other developments relevant in respect of Green Belt openness, noise, air quality, traffic and ecological impact.
30. Cllr R Walker and Cllr A Brown are also named as having co-operated on the joint consultation response submitted by the Parish Council as detailed below.

## Parish Council and adjacent Parish Councils

31. A joint consultation response has been issued on behalf of Barton in Fabis Parish Council, Gotham Parish Council, Kingston on Soar Parish Council, Ratcliffe on Soar Parish Meeting, Thrumpton Parish Meeting, Clifton Village Residents Association, and Lark Hill Retirement Village Residents Association. Responses have been issued to both the original consultation and the Reg 25 consultation, and the reasons for objection are summarised below.

In response to the original consultation:

- The submission is essentially the same as the previously withdrawn scheme
- The application fails to show there are any benefits of the new proposal that outweigh the adverse impacts
- Not compliant with the government's aims of sustainable development nor with the Nottinghamshire Minerals Local Plan
- The applicant does not possess the financial strength or ability to see the scheme through
- Site is too close to a substantial population who would be impacted
- The site neighbours designated ecology and heritage sites
- Proposal fails to meet the requirements of the site development brief as set out in the NMLP (Nottinghamshire Minerals Local Plan) and the requirements of the Scoping Opinion made by NCC (Nottinghamshire County Council)
- Quarrying at this site is not viable or sustainable
- Inappropriate development in the Green Belt
- Insufficient community engagement
- Insufficient mitigation in respect of flood risk and climate change
- Off-site ecological impacts of dewatering on Holme Pit and Clifton Wood Pond are not considered
- LVIA (Landscape and Visual Impact Assessment) is superficial and flawed as it does not follow guidelines correctly
- The area is highly significant as a recreational resource (PROW) and the development would seriously compromise its value to users
- The proposal does not deliver a high standard of environmental protection and enhancement to ensure that there are no unacceptable impacts on the built, historic and natural environment
- The application does not enhance the historic environment
- Archaeological concerns
- Inadequate noise impact assessment that should not be relied on
- Air Quality Assessment is inadequate and it has not been demonstrated that the proposal would not result in significant impacts in respect of air quality
- Ecological impacts have not been sufficiently assessed
- A Section 106 or similar legal agreement is required to secure biodiversity net gain
- Biodiversity gain estimated is inflated and unrealistic
- No detail provided as to how the site would be managed during the periods of restoration or aftercare so that it is unclear how any biodiversity targets can be achieved
- Restoration proposal conflicts with the need to manage aviation risk

- There is no shortage of sand and gravel in Nottinghamshire as claimed in the application
- Claims made about benefits of the geographical location of the site are mis-founded
- Traffic to and from the site is based on false assumptions and could exceed the estimate
- Impact of transport movements on safety of road and footway users has not been fully assessed
- Site does not utilize sustainable transport options
- Although showing an awareness of rights of way they provide no information about usage the impacts are unfounded
- The re-routing of the footpaths in the restoration of the site would conflict with biodiversity net gain
- The need to avoid the creation of large water bodies should be seen as a constraint on the site
- The requirement to undertake meaningful and appropriate ecological restoration of priority habitats imposes a constraint on the volume of sand and gravel that is available
- Unacceptable cumulative impact of development on the environment and on the amenity of a local community
- It will exacerbate the cumulative impacts on the Green Belt and the wider environmental qualities of the area - arising from the developments at the new A453 (Remembrance Way), Lark Hill Village, Clifton South Park and Ride, the development at Clifton West, and the development at Fairham Pastures.

32. In response to the Reg 25 submission a further joint consultation response has been received raising objections which can be summarised as follows:

- The applicant has made only four minor changes to the application
- Information provided does not address key issues raised by consultees
- The applicant has not refuted issues raised regarding their financial and operational capability to deliver this scheme
- There is an oversupply of sand and gravel in Nottinghamshire
- Failure of applicant to engage with the local community
- Negative impact on the water environment
- The applicant's LVIA is flawed
- There should be a legally binding agreement in respect of archeological works in respect of the excavation of the site
- A number of issues in respect of the noise assessment have not been satisfactorily addressed
- A considerable number of failings and inadequacies have been identified in relation to the management of air quality
- Failure to evaluate the impact of silica dust exposure on the residents of sensitive receptors in the light of known risks and the latest research
- The Applicant states that: "a Biodiversity Management Plan detailing long term management of all proposed and retained site habitats will be prepared" (our emphasis). However, that the site will continue to be managed as an agricultural tenancy until final restoration is achieved
- Biodiversity Net Gain claimed for the site are merely an aspiration and not substantiated by any long term management plan

- Significant issues remain in relation to the ecological impact of the application
- The Applicant continues to make misleading claims in relation to growth in aggregate demand
- The Applicant concedes that the rationale for the quarry is not to supply local demand and the site is not therefore 'sustainable' on transport grounds
- The risks to pedestrians and other road users have not been properly assessed
- Arboricultural impacts are insufficiently addressed
- Measures suggested for aerodrome safeguarding would undermine the claimed biodiversity benefits and objectives for the site
- Conflict between benefits of access for the rights of way vs damage to a sensitive ecological resource
- Failure to highlight the differences in permissive access between the mapping of the final works stage and the restoration concept
- The methodology used for cumulative impact analysis by the applicant is flawed.

## **Statutory and Other Consultees**

### **Rushcliffe Borough Council:**

33. Environmental Health Officer (EHO) – has advised the following comments and recommendations in respect of the original submission:

### **Potential Sound Impacts:**

34. Advised that their comments are limited to the consideration of human receptors. Queried the Noise Assessment prepared by WBM Acoustic Consultants where it suggests that a night-time noise limit of 10dB above background is necessary as the site would not be operational during the night with the only potential noise source being the dewatering pumps. An increase of 10dB above background, due to the operation of the dewatering pumps, is likely to cause disturbance to neighbouring residents.
35. The report indicates topographical data has been utilised in the assessment and we note noise calculations were made on a 10 metre grid at a calculation height of 1.5 metres above local ground level to represent ground floor level (Appendix N). We assume this to mean the topographical data was input on a 10 metre basis.
36. The report recognises 'the greatest limitation of the assessment and the largest level of uncertainty is whether the proposed activity will give rise to the calculated noise level at the receiver locations in practice'. It is queried whether some level of verification is required to try to reduce the uncertainty inherent in the modelling.
37. Background noise levels have been presented for a number of sensitive locations for both daytime and night-time. It is our understanding the noise assessment has been undertaken for a worst case scenario with the Site operating 100% of the time within the suggested operating hours (with the exception of the dewatering). The noise contour plots present the modelling outputs for the initial site works and the various phases. The colour coding on

the contour plots used to represent the noise levels varies between the plots presented in Appendix O and may lead to confusion.

38. It is noted that the sound power level data for the plant were obtained from the WBM plant noise database. As the EHO is not in a position to replicate the noise modelling they query the sensitivity of this input parameter and whether it would be prudent to undertake a sensitivity analysis for a range of sound power level data.
39. The report indicates the dewatering pumps will be operated by a diesel generator. The Air Quality Assessment (Chapter 6) indicates the dewatering pump in the plant area will run on electric and it is queried whether the other dewatering pumps in the excavation area could also run on electric.
40. It is our view the plant noise may be considered impulsive and tonal at the receptor particularly in the phase closest to the residential receptors. There is a residential property along the riverbank (off Brown Lane) that may need to be considered as a receptor.
41. It is important to note should any changes be made to the proposed operation and/or the proposed plant there would be a requirement to update the noise assessment.
42. Should permission be granted a condition will be required to set the noise limits for daytime, evening and night-time for routine operations; and noise limits for temporary operations. As there are some outstanding queries it would be best to agree these limits following receipt of further information from the applicant.
43. It will also be necessary to submit a detailed noise monitoring programme to demonstrate compliance with the noise limits for the duration of the development. It is our opinion a detailed Noise Monitoring Plan should be required by condition for each phase of the proposed development and submitted for approval prior to the commencement of each phase. In addition, we would suggest in the event of receipt of a justifiable complaint by the Mineral Planning Authority (which includes complaints made to relevant Environmental Health Services) there needs to be a condition requiring the applicant to undertake a noise survey to determine compliance with the noise limits. As reversing beepers on mobile site plant are one of the main sources of noise complaint, we would recommend a condition is attached to any permission granted requiring the use of white noise reversing warning devices and silencers on all mobile site plant, machinery and vehicles operating on Site, including hired mobile site plant and those not under direct control of the site operator. We would recommend a condition is attached to any planning permission granted to restrict the hours of operation as detailed below with an exception for water pumping and environmental monitoring, or in the case of emergencies.

#### **Potential Air Quality Impacts:**

44. With respect to the Air Quality Assessment (Ref: 784-B059679; dated 25th January 2024), the report indicates existing air quality in the vicinity of the application site was reviewed in order to provide a benchmark against which to assess potential air quality impacts of the proposed development. The information in the text and the accompanying tables is not always consistent

e.g. text makes reference to Joiners Square but Table 4-2 presents data for Lace Street. Table 4.3 presents an inlet height of 28.5m and a kerbside distance of 16m for the diffusion tube at Cloverlands which is incorrect. As this inconsistency casts doubt on the findings, it is requested that the report is revised and resubmitted.

45. Table 4-4 does not appear to include Burrows Farm which is located adjacent to the proposed Plant Area as a sensitive receptor.
46. The report (Section 5.2) indicates the dewatering pump on the plant site will run on electric. It is queried whether the other dewatering pumps required in the extraction area can also run on electric as this would reduce both air and noise emissions.
47. The operating hours considered in the air quality assessment (Section 5.2) are not consistent with the proposed hours of operation for the Site. It is queried if this impacts on the emissions factors for the on-site plant machinery. Also, it is indicated a 50% load factor was utilised in the determination of the emissions, clarification is sought as to the justification for this selection and the sensitivity of this input parameter.
48. The potential for dust to be emitted will be influenced by the nature of the on-site activities and the potential for impact at a receptor will depend on other factors including distance and the meteorological conditions. Table 6.2 refers to rainfall data for Southampton and clarification is requested as to whether the data presented is for Southampton or Watnall. There is also reference in the text to the 'average number of days with rainfall greater than 9mm' however the table refers to days with average >1mm rainfall. Clarification is sought as to the robustness of the conclusions drawn based on the above.
49. We believe that there is a residential property along the riverbank (off Brown Lane) that may need to be considered as a receptor.
50. There does not appear to be a specific assessment for the plant area which is arguably where the main source may exist as materials are graded, sized and stored in stockpiles. There is also likely to be considerable traffic movement in this vicinity as HGVs enter and leave the Site. Additionally, the plant area is at a much-elevated position relative to the extraction area and therefore more exposed with the potential for dust to be carried towards receptors in Clifton and the new Fairham Pastures development.
51. Dust complaints often arise due to the failure to adequately implement a dust management plan to reflect the current and forecast meteorological conditions, particularly in periods of dry weather. The proposed Dust Management Plan appears to follow the guidance provided in the above referenced IAQM 2016 guidance document. However, as there is no baseline data it will be difficult to ensure the measures are sufficiently robust. There would be benefit in implementing an ongoing dust monitoring programme as part of the Dust Management Plan. It is queried why this has not been considered necessary for this specific development and further discussion is required around this issue.
52. We would recommend a condition requiring submission for approval of a comprehensive robust Dust Management Plan for each phase of the proposed

development detailing the specific measures to be put in place for that phase. It needs to be kept under constant review to ensure it remains effective and compliance monitoring reported to the Mineral Planning Authority periodically.

53. It is recommended that the Mineral Planning Authority consult with their Public Health colleagues in respect of this application and potential impacts on public health associated with any potential air quality impacts.

### **Potential Lighting Impacts**

54. Recommend a condition is attached to any permission granted restricting the lighting provision to that detailed in Figure 5-1 and Figure 5-2 of the TetraTech Lighting Assessment (Ref: 784-B042434; dated 17th January 2024) presented in Chapter 7 of the Environmental Statement. Verification of the implementation and operation of the agreed external lighting provision should be sought.

### **Potential Land Contamination Impacts**

55. Notes that a ground condition desk top study has been provided and agrees with the findings that no further works are required with respect to potential land contamination. Recommends condition in respect of unexpected land contamination.
56. In response to the Reg 25 consultation the EHO advised the following:

### **Potential Sound Impacts**

57. Results of noise monitoring varies from similar monitoring to support previous applications and to monitoring undertaken by Noise Assess to support the SAVE (Save the Ancient Valley Environment) consultee response (submitted on behalf of the local parish councils and resident's associations). Suggests that it may be beneficial for NCC to require further monitoring exercise to validate the previous findings and determine robust background levels to be utilised in framing any related planning conditions.
58. Considers it to be reasonable to require the noise rating for the diesel generators be equal to or below background levels at noise sensitive premises in accordance with a BS4142 type assessment. This could be achieved through careful plant selection and mitigation.
59. Noise Monitoring Scheme included as Appendix B – proposes daytime monitoring surveys every 3 months for the first 2 years then on a twice yearly basis after that. Recommends monthly monitoring for at least 3 months at the commencement of each phase and any change in monitoring frequency should be agreed in writing with the Minerals Planning Authority.
60. In the previous response concerns were raised around tonality and impulsivity and their response (Section 5.3.4) WBM state there would be no expectation of tonal noise during normal operations (excluding issues with plant that could be addressed by repair/maintenance) and there would not be expected to be any significant frequent impulsive noise. There may be no expectation of tonal noise but it is a possibility which should be given consideration.



61. Recommended conditions in respect of:

- daytime noise limits for normal operations to 10dB above background as detailed in Table 6.1 and Section 6.2 of the WBM report (Ref: 5322/Final; dated 31st October 2024), or other alternative agreed background levels
- to set a limit for temporary operations (such as soil stripping and bund formation) of 70 dBLAeq,1h (free field) at the curtilage of any residential receptor. Temporary operations which exceed the above normal day to day criterion shall be limited to a total of eight working weeks in a year at any individual noise sensitive property. Details of the proposed temporary operations including date of commencement, nature of the works and the duration shall be provided in writing to the Mineral Planning Authority and the relevant Environmental Health Services at least four weeks prior to the proposed commencement date
- Noise Monitoring Plan
- condition limiting the sound power levels of the various items of plant to that assumed in the assessment
- use of white noise reversing warning devices and silencers on all mobile site plant, machinery and vehicles (including delivery vehicles) operating on Site
- on receipt of a justifiable complaint to NCC a noise survey is required to determine compliance with the noise limits
- Site operating hours, with an exception for water pumping and environmental monitoring, or in the case of emergencies shall be restricted to the following: 07:00 to 18:00 hours Monday to Friday; 07:00 to 13:00 hours Saturdays; No working on Sundays and Bank/Public Holidays. Routine plant and equipment maintenance should be undertaken within the permitted hours
- requirement for notification of all out-of-hours emergency work to be provided to the Mineral Planning Authority and relevant Environmental Health Services with full details to be provided on the next working day.

**Potential Air Quality Impacts**

62. With respect to transport emissions (including traffic flow and on-site plant) the updated report concludes all modelled sensitive receptors are predicted to be below the annual average Annual Quality Objective for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>, and the impact description of the effects of changes in traffic flow and on-site plant as a result of the proposed development, with respect to NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> exposure, is determined to be 'negligible' at all existing receptors. Therefore, no further mitigation is required.
63. In relation to fugitive dust emissions the report indicates any potential impacts on air quality will be reduced and minimised following the implementation of the mitigation measures outlined in the Dust Management Plan, and it is therefore considered that the development will result in no significant impacts at any identified sensitive receptor locations during any of the phases.
64. Dust management measures must be designed to ensure that activities likely to generate dust e.g. soil stripping and materials processing are adequately considered commencing and specific control measures are put in place in advance of the works.

65. The processing plant is on an elevated position and this combined with the nature of the processing activities increase the risk of fugitive dust emissions. The parameters triggering the implementation of dust management measures need to be clearly defined (e.g. wind speed, wind direction etc) and the measures sufficiently robust to ensure dust emissions are minimised at all times and not just during the working day.
66. Suggests seeking an opinion from the UK Health Security Agency (UKHSA) and Public Health with respect to the potential generation, distribution and impacts of silica dust.
67. Dust Management Plan – it is recommended that baseline monitoring be commenced at least three months before work commences on site. Suggests multiple monitors are located in and around sensitive receptors so as to ensure those most affected can be identified and to provide increased confidence in the data collected.
68. Recommends a condition requiring submission for approval of a comprehensive robust Dust Management Plan for each phase of the proposed development detailing the specific measures to be put in place for that phase.

### **Potential Lighting Impacts**

69. The lighting assessment concludes that the ILP pre-curfew and post-curfew Zone E2 criteria will not be exceeded at any residential receptor locations as a result of lighting from the proposed development, with a maximum predicted model illuminance of <0.01 lux at all receptors locations.
70. Recommends a condition is attached to any permission granted restricting the lighting provision to that detailed in Figure 5-1 and Figure 5-2 of the TetraTech Lighting Assessment (Ref: 784-B042434 Rev 5; dated 11th September 2024) presented in Chapter 7 of the Environmental Statement. Verification of the implementation and operation of the agreed external lighting provision should be sought. Should the proposed lighting provision be altered it may be necessary to provide an updated lighting assessment.

### **Potential Land Contamination**

71. The updated Ground Condition Desk Top Study concludes the Site is on the hydraulic up-gradient side of the historic landfill areas located outside the Site boundary and there will be no quarry-related dewatering drawdown at the historic landfill.
72. The report concludes as there are no specific potential sources of contamination further investigation is not considered necessary at this stage. However, the report recognises the potential for localised deposits associated with the agricultural use and presents a Discovery Strategy as Appendix 4.
73. Recommend a condition is attached to any permission granted to address any unexpected contamination that may be encountered during the course of the development.

74. As there may be a requirement to import materials to Site to satisfy the restoration requirements, a condition for the assessment of important top soil is recommended.
75. Senior Design and Landscape Officer – Has commented that as classified by the Greater Nottinghamshire Landscape Character Assessment 2009, the extraction part of the site is located within the Attenborough Wetlands character area which largely covers the floodplain. The proposed plant site and conveyor route are located within the SN01 Clifton Slopes Character Area which contains the distinct wooded escarpment.
76. The LVIA assesses the sensitivity of both character areas to be medium. It considers the magnitude of affect to be low adverse (or low beneficial where phased restoration has occurred) during the operational period. When combined with the sensitivity of the site this will result in a slight/low adverse level of significance (or slight beneficial where restoration has taken place). Post restoration the magnitude of effect will be nil to low beneficial for the Clifton Slopes character with the resulting level of significance of effect considered to be neutral to very slight beneficial. For Attenborough Wetlands post restoration the magnitude of affect will be low adverse to medium beneficial and the significance of affect will be slight adverse to moderate beneficial. The main elements of note will be a change from a meadow character south of the river to one which contains much more wetlands, but I wouldn't consider this change to be significant given their wide presence in the Trent floodplain. I also note proposals are put forward to reinstate the ridge and furrow in the field where the conveyor belt and haul road will be located and advanced planting around the plant site.
77. It is noted that discussions have taken place between the decision making authority and the applicant as to the sensitivity of visual receptors, most notably classifying users of the rights of way as high sensitivity. This is preferable as users of the route are generally engaged in informal recreation where they are out to appreciate the benefits of their surroundings. It notes there will be significant effect on the users of Footpath 2 which runs through the site until it will be stopped up at the end of phase 1 until phase 2 is completed, after which restoration works should start to improve the appearance of the area. The LVIA assessment concludes that post restoration no visual receptors will receive a significant level of visual effect. The conveyor belt will also introduce an obvious manmade element that will affect users of BW 3, but efforts will be made to soften its appearance by timber cladding and the planting of an avenue of native trees along the route to the south; it is also a reversible feature which will be removed upon completion of the work in approximately 12.5 years' time. The rest of this route is largely screened from the extraction area by existing vegetation. The haul road will be an urbanising feature as will the conveyor belt, but again they are temporary features and will be only visible for a limited length along BW 3.
78. The remedial works will take place following each extraction phase and it is hoped that the later extraction phases would only take place on successful remediation of earlier phases. No clear proposals have been identified but there seems potential to gap up and improve some of the retained hedges such as H7, which runs along the northeastern boundary of the conveyor stocking area, such work would help soften its appearance. Detailed restoration plans and planting plans should be conditioned if approval is given. A number of

permissive paths are proposed to be installed upon completion. These will either be hoggins paths (the use of crushed stone would be preferable) or mown grassed paths, but it isn't clear where such surfaces will be used and this will need to be included in future landscape proposals. The introduction of permissive paths around the site would be positive, it is hoped that their long term retention could be secured in some manner if permission is granted. Conditions requiring replacement of any lost or dead trees or plants within 5 years of their planting should be used to ensure successful establishment. A condition is encouraged requiring restoration if premature cessation of the extraction was to occur.

79. Documents indicate that retained trees and hedgerows will be protected by fencing in accordance with BS5837. Detailed tree protection plans should be conditioned specifying the location and phasing of any tree protection fencing so there can be no doubt where it will be installed and when.
80. Overall, the works will clearly have some effect on landscape character and visual receptors during the extraction phase. As the works are only temporary and mitigation has been put forward such as advanced planting, new avenue planting, bunding and the cladding of the conveyor bridge these changes are not considered to be significant enough to warrant refusal. Upon completion of the restoration works the site has the potential to have some community and habitat benefit due to the creation of the wetland areas and the network of permissive paths.
81. Senior Ecology and Sustainability Officer – notes that the surveys provided appear to have been carried out according to good practice and are in date until March 2025, after which if works have not commenced updated surveys will be required prior to work commencing.
82. The surveys confirm the presence of notable habitats (unimproved neutral grassland, semi-improved neutral grassland – some with ridge and furrow, Marshy grassland, Scrub, Wet woodland and Hedgerows (Priority Habitat)), including locally designated sites within and adjacent to the site and nationally designated sites nearby, however these habitats / sites are to be retained, although there will be “loss of small areas of habitat for conveyor route” at Barton in Fabis Pond and drain LWS and Brandshill Marsh LWS. Local Wildlife Sites are a county important site, it should be demonstrated that no alternative route for the conveyor site can be taken, however if not alternative route is possible then compensation should be provided.
83. Three notable wild bird species were recorded breeding on site (greylag goose *Anser anser*, lapwing *Vanellus vanellus*, and whitethroat *Curruca communis*) and 30 notable overwintering species. Additional barn owl surveys confirmed breeding, roosting and foraging barn owls (*Tyto alba*).
84. The site provides foraging and commuting resource for bat species and “six trees within the Site with potential to support roosting bats. Tree T1, T2, T3 and T4 are of moderate potential, Trees T5 and T6 are of low potential. Aerial inspections would indicate these trees do not currently support roosts. Tree T2 has been recorded to support a single noctule roosting on 14th August but no other emergences were recorded on subsequent surveys”.

85. Small numbers of grass snake are potentially present within the Site. "A maximum count of 22 toads was recorded during the toad surveys. These were mostly located around ponds P1 and the public right of way between the Site and Brandshill Wood adjacent to the Site. It is likely that toad hibernate within Brandshill Wood and were migrating to P1 to breed".
86. One individual Necklace ground beetle *Carabus monilis* (endangered species) was recorded. It should be demonstrated that specific action to encourage this species will be undertaken.
87. Invasive species Himalayan balsam (*Impatiens glandulifera*), Japanese Knotweed (*Reynoutria japonica*) and Azolla have been recorded on site, and should be controlled, an action plan for their control should be developed and approved.
88. The Environmental Statement states lighting impacts will be "insignificant on the surrounding area and potentially sensitive IEFs [Important Ecological Features] as very minimal light spill should occur because of the scheme and as such is acceptable in terms of lighting the site".
89. Operational hydrological impacts on groundwater impacts "have been assessed as likely to be insignificant" for ecological impacts. Long term impacts following restoration are "expected to be Moderate permanent and beneficial".
90. Recommendations for mitigation and avoidance measures supplied by the consultant ecologist should be conditioned.
91. It is unlikely this development will impact on the favourable condition of populations of protected species, provided the mitigation, compensation and enhancement is implemented, although there is potential for long term impacts on populations of Schedule 1 birds - it should be demonstrated that no alternative for these losses can be taken, however if no alternative is possible then compensation for these species should be provided.
92. The Environmental Statement states that the development "would provide 504.95 habitat units and 19.03 hedgerow units. That equates to a net gain in habitat units of 130.38 (34.81%) and a net gain in hedgerow units of 3.67 (23.86%), which meets legal requirements. The proposed Net Gain will provide Significant On-site Gain. This should be secured by a planning obligation and maintained for at least 30 years. A Net Gain Plan is also required under the law. Additionally a Habitat Management and Monitoring Plan (HMMP) should be a condition of any permission granted.
93. In respect of the e information supplied for the Reg 25 consultation the officer noted that it did not materially impact on the comments initially provided.
94. Conservation Officer – advises that the proposal site is not located in a Conservation Area and is not in the immediate setting of a listed building. There are several Listed Buildings and a Scheduled Ancient Monument in the wider setting of the site.
95. The submitted Design and Heritage Statement provides a clear understanding of the significance of the site. The application has considered the heritage

impacts accurately and the Conservation Officer agrees with the findings and conclusions regarding impacts to built heritage (listed and unlisted).

96. Very limited views and glimpses between the site and some listed buildings are possible at points but it is not considered that the views to or from these would cause harm to the heritage assets.
97. The officer is not of the view that the proposal would harm to the significance of the listed buildings and the SAM, nor the Parish Church in Barton in Fabis insofar as their settings contribute towards their significance as heritage assets.
98. The officer offered no further comments in response to the Reg 25 consultation.
99. Planning Policy – advises that whilst the site is allocated for sand and gravel extraction, it is located within the Green Belt. An important consideration is whether the visual impact of substantial transportation, processing and loading machinery and the office buildings, are considered inappropriate development if they reduce the openness of the Green Belt on Barton Hill and conflict with Green Belt purposes.
100. The potential adverse impacts during the operation of the quarry on the landscape of Clifton Pastures and Trent Valley, national and local biodiversity assets within the River Trent ecological network, and green infrastructure are important considerations.
101. The full comments of all the consultees can be found [here](#).

### **Local Residents and the General Public**

102. As this is a County Matters application, it is the responsibility of Nottinghamshire County Council to carry out a public consultation on the scheme. As such the Council has not sent out any consultation letters or put up site notices. Notwithstanding this, 185 comments have been received from members of the public over the course of the original consultation and in response to the Reg 25 consultation. All comments submitted are in objection to the scheme.
103. The reasons for objection can be summarised as follows:
  - a. Failure to mitigate negative impacts of the proposed development
  - b. Biodiversity net gain projected is inaccurate
  - c. The volume of material expected to be produced from the site is unrealistic due to ecological constraints
  - d. The scheme is not viable and should be withdrawn
  - e. Biodiversity gains are insufficient to justify the development
  - f. No detail as to how the site would be managed during restoration and aftercare
  - g. Increase in noise and air pollution
  - h. Ecological impacts
  - i. Impact on Attenborough Nature Reserve, Local Wildlife Sites and SSSIs
  - j. Negative impact on the picturesque and quiet village
  - k. Reduction in quality of life for local residents

- l. Impact on designated ancient woodlands, Brandshill and Clifton Woods
- m. Loss of footpaths and bridleways running through the site
- n. Flood risk and impact of flooding on the development and potential contamination of water as a result
- o. Quarry would cause more frequent and widespread flooding
- p. Excessive vehicle movements associated with the development
- q. Loss of green space and subsequent impact on recreational activities
- r. Nottinghamshire has 15 years of sand and gravel reserves, whilst government guidelines recommend just 7 years of reserves. There is therefore no need for the proposal
- s. Wrong location for the quarry and gravel processing unit
- t. The proposed quarry will destroy the historical record of Bronze Age, Iron Age and Roman occupation preserved in the fields and woods in this locality
- u. Inappropriate development in the Green Belt
- v. Economic impact on local commercial buildings
- w. Cumulative impact from this and other development in the area
- x. Harmful impact on the landscape
- y. Impact on house sales
- z. Harm outweighs benefits
- aa. Loss of agricultural land and grazing land for cattle and horses
- bb. Safety issues to the public
- cc. Restoration may not be guaranteed
- dd. Loss of ancient ridge and furrow land
- ee. Natural England, the RSPB, CPRE, Ramblers Association and Nottinghamshire Wildlife Trust have previously objected to a planning application on this site
- ff. Crystalline Silica is found in the dust of gravel pits and results in long-term health issues
- gg. The quarry and processing plant should be separate applications
- hh. Restoration would take too long to rectify the damage caused.

104. Full comments can be found [here](#).

## **PLANNING POLICY**

105. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy 2014 and The Rushcliffe Local Plan Part 2: Land and Planning Policies 2019. The overarching policies in the National Planning Policy Framework (the NPPF) are also relevant, particularly where the Development Plan is silent.
106. However it should be noted that as the application is a County Matters application submitted to Nottinghamshire County Council for them to determine, then the development plan is the Nottinghamshire Minerals Local Plan (March 2021) with the following policy (which allocates the site for sand and gravel extraction) considered to be relevant to the determination of the application:

Policy MP2: Sand and Gravel Provision

107. The overarching policies in the National Planning Policy Framework (the NPPF) are also relevant. Full details of the NPPF can be found [here](#).

## **APPRAISAL**

108. The County Council are the determining authority for this application and as part of the application process are seeking the views of the Borough Council in relation to the proposed development. Accordingly the Borough Council can only provide comment in relation to the main planning considerations having undertaken internal consultation with technical consultees.
109. The main issues in respect of this application are the impact on the Green Belt, character and appearance of the area, impact on the amenity of nearby residents, ecological impacts, and land contamination. It will be for the County Council, as determining Authority, to consider the above mentioned matters together with highway, drainage, flood and Civil Aviation matters.

### **Green Belt**

110. Paragraph 153 of the NPPF sets out when considering any planning application, substantial weight should be given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.
111. Paragraph 154 sets out exceptions to inappropriate development and h) sets out forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Included in this is
- i. mineral extraction
112. It is considered that this exception would cover the proposed development and include the associated ancillary equipment and structures to facilitate the extraction. However it would be for the County Council to consider the extent and nature of the ancillary structures and roads and be confident that these elements of the proposal are reasonably necessary to an extent that they do fall within this exception to inappropriate development.
113. Paragraph 143 identifies the five purposes of the Green Belt:
- a. to check the unrestricted sprawl of large built-up areas;
  - b. to prevent neighbouring towns merging into one another;
  - c. to assist in safeguarding the countryside from encroachment;
  - d. to preserve the setting and special character of historic towns; and
  - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
114. Disturbance to the landscape will be resultant from mineral extraction, which, alongside the use of plant and equipment, may result in the development not preserving the openness of the Green Belt. However, the proposal is for a temporary period and it is unlikely that the disturbance to the landscape from the extraction itself would result in harm to the openness of the Green Belt. The associated ancillary equipment and structures which would facilitate the extraction could reduce the openness of the Green Belt however it would be



for the determining authority (Nottinghamshire County Council) to consider if such matters are proportionate to and appropriate for the scale of development proposed and compliant with the NPPF exceptions.

115. Following revisions to the NPPF in December 2024, development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed;
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.

116. The NPPF defines Grey Belt land as:

*"land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development".*

117. Whilst it is accepted that mineral extraction could be an exception to inappropriate development in accordance with the NPPF paragraph 154 h), in the event that the County Council conclude that the proposal does not meet this criteria to be considered as an exception to inappropriate development, it is considered to be prudent to provide an assessment in respect of the proposal against paragraph 155 of the NPPF.

118. The application site is located to the west of the A453 dual carriageway. Opposite the site and directly adjacent to the east side of the A453 is the area of Clifton, with the ongoing sustainable urban extension of Fairham Pastures extending southwards from this. Clifton forms part of the large built up settlement of Nottingham. As it stands the west side of the A453 remains free from large scale development up to the village of Barton in Fabis. Given the clear boundary to further extension west of large scale development provided by the A453, it is considered that the application site does strongly contribute to purpose (a) in paragraph 143, and therefore the site would not meet the definition of grey belt land.

119. Taking into account the temporary nature of the development, and the detailed plans for the restoration of the site, it is considered that the proposal could be considered as an exception to inappropriate development in accordance with Paragraph 154 h) i. of the NPPF. However, the County Council as determining authority would need to satisfy themselves that the proposal would preserve the openness of the Green Belt and would not conflict with the purposes for including land within it.

120. Should it be determined that the proposal does not represent an exception to inappropriate development, it would be for the County Council to consider if very special circumstances have been demonstrated by other considerations

that clearly outweigh any potential harm to the Green Belt by reason of inappropriateness, and any other harm that results from the development.

### **Landscape and Impact on the Character of the Surrounding Area**

121. The application is supported by a Landscape Visual Impact Assessment (LVIA), which has been reviewed by the Borough Council's Senior Design and Landscape Officer. As classified by the Greater Nottinghamshire Landscape Character Assessment 2009, the extraction part of the site is located within the Attenborough Wetlands character area which largely covers the floodplain. The proposed plant site and conveyor route are located within the SN01 Clifton Slopes Character Area which contains the distinct wooded escarpment.
122. Clearly the proposal would have some effect on landscape character and visual receptors during the extraction phase of the development. The processing and stocking area as well as the conveyer route would be located on the more elevated part of the site, albeit these would be temporary aspects of the development that would be removed following the completion of the operational phase.
123. There would be a visual impact on the users of footpath 2 running through the site until it is stopped up at the end of phase 1 until phase 2 is completed. The proposed restoration works should then start to improve the visual appearance of the area.
124. Post restoration the proposal is identified as having a limited impact on both the Clifton Slopes and Attenborough Wetlands character areas, with some beneficial impacts identified. The main elements to note would be a change from a meadow character south of the river to one which contains much more wetlands, but this is not considered to be significant given their wide presence in the Trent floodplain. Proposals are put forward to reinstate the ridge and furrow in the field where the conveyor belt and haul road would be located and advanced planting around the plant site, which are elements that are supported.
125. Restoration works appear to follow the operational phases of development, and it is anticipated that these would conclude prior to further excavation works taking place. Detailed restoration and landscaping plans should be conditioned as part of any permission granted, and it is also suggested that the restoration works are secured via a legal agreement to ensure they are delivered in full. Conditions should also be added to secure replacement tree planting, tree protection fencing and requiring the restoration of the site if premature cessation of the excavation was to occur.
126. In respect of heritage assets within the Rushcliffe Borough Council area, limited views and glimpses between the site and some listed buildings are possible at points, but the Council's Conservation Officer considered that views to and from these would not cause harm to the heritage assets. The Conservation Officer is also of the view that the proposal would not cause harm to the significance of the listed building and the Scheduled Ancient Monument, nor the Parish Church in Barton in Fabis insofar as their settings contribute towards their significance as heritage assets.

127. The County Council as determining authority need to be satisfied that the visual impacts of the proposed development, including the buildings and alterations to the land, would not have a significant adverse impact on the character of the landscape and wider area.

### **Amenity**

128. The application site is adjacent to Burrows Farm to the north. The nearest buildings associated with the neighbouring farm appear to be working buildings, although the farm house is located to the east of the cluster of buildings. The built form relating to the proposal which are in close proximity to the neighbouring property would be the elevated conveyer which runs along the northern boundary of the application site. The conveyer would have a maximum height of just over 10 metres, and would run along a circa 87.5 metre stretch of the northern boundary. The County Council should give full consideration to the impact of all the built form on the site on the residents of Burrows Farm to the north, and in particular to the impact of the proposed conveyer.
129. Whilst longer range views of the proposed development would likely be possible from other properties in the surrounding area, the proposal is unlikely to result in unacceptable impacts in respect of overbearing or overshadowing for the residents of any other properties.

#### *Potential Sound Impacts*

130. The Borough Council's Environmental Health Officer (EHO) notes that several consultee responses have raised queries in respect of the initial Noise Assessment and the noise monitoring undertaken. The results of the Noise Assessment vary in some respects, being similar monitoring undertaken to support previous applications at the site. As discussions around this type of discrepancy are not unusual the Borough's EHO recommends that the County Council requires a further monitoring exercise to validate the previous findings and determine robust background levels to be utilised in framing any related planning conditions.
131. The proposed development would result in noise implications for the surrounding area. The Borough Council's EHO has recommended a number of conditions to mitigate against and control such impacts. Recommended conditions include daytime noise limits for normal operations, a limit for temporary operations, the approval and implementation of a Noise Management Plan, and limiting of sound power levels for certain plant. Further conditions are also recommended in respect of actions to take on receipt of a justifiable complaint to the County Council, operating hours and notification of out of hours work.

#### *Potential Air Quality Impacts*

132. Based on the details provided in the Air Quality Assessment, no concerns are raised in respect of transport emissions and no further mitigation is therefore required.
133. A Dust Management Plan has been provided with mitigation measures that appear appropriate and sufficient to ensure that the proposed development

would result in no significant impacts at any identified sensitive receptor locations during any of the phases. The parameters triggering the implementation of dust management measures need to be clearly defined (e.g. wind speed, wind direction etc) and the measures sufficiently robust to ensure dust emissions are minimised at all times and not just during the working day. Notwithstanding the information provided, the Borough Council's EHO recommends that further detailed Dust Management Plans are required for each phase of the development by way of condition.

134. The Borough Council's EHO recommends that an opinion is sought from the UK Health Security Agency (UKHSA) and Public Health with respect to the potential generation, distribution and impacts of silica dust.

#### *Potential Lighting Impacts*

135. The Lighting Assessment provided with the application concludes that the Institute of Lighting Professionals (ILP) pre-curfew and post-curfew Zone E2 criteria will not be exceeded at any residential receptor locations as a result of lighting from the proposed development, with a maximum predicted model illuminance of <0.01 lux at all receptor locations.
136. The Council's EHO recommends a condition is attached to any permission granted restricting the lighting provision to that detailed in Figure 5-1 and Figure 5-2 of the TetraTech Lighting Assessment (Ref: 784-B042434 Rev 5; dated 11th September 2024) presented in Chapter 7 of the Environmental Statement. Verification of the implementation and operation of the agreed external lighting provision should be sought. Should the proposed lighting provision be altered it may be necessary to provide an updated lighting assessment.
137. Notwithstanding the above, the County Council should satisfy themselves that the proposal would not result in unacceptable harm in this regard and that appropriate conditions to mitigate are imposed should the County Council consider the application to be acceptable.

#### **Ecology**

138. The NPPF (Section 15) advises that the planning system should contribute to and enhance the natural and local environment by; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
139. The Borough Council's Senior Ecology and Sustainability Officer notes that surveys have been provided with the application that appear to have been carried out according to good practice. However, the surveys are out of date as of March 2025, and as such further surveys would be required prior to work commencing.
140. The surveys provided confirm the presence of notable habitats, including locally designated sites within and adjacent to the site, and nationally designated sites nearby. These habitats/sites are to be retained, although there would be a loss of a small area of habitat for the conveyer route at Barton

in Fabis Pond and drain LWS and Brandshill Marsh LWS. Local Wildlife Sites are County important sites and it should be demonstrated that no alternative route for the conveyer can be taken. If no alternative route can be taken the appropriate compensation should be provided.

141. The presence of wild bird breeding, barn owl breeding, foresting, and foraging, bat roosts, grass snakes and toads have been identified on the site. One individual necklace beetle was also recorded.
142. The Borough Council's Senior Ecology and Sustainability Officer advises that it is unlikely the development would impact on the favourable condition of populations of protected species, provided the mitigation, compensation and enhancement measures recommended in the surveys are implemented.
143. The Environment Statement states that lighting impacts would be insignificant on the surrounding area as very minimal light spill should occur.
144. Operational hydrological groundwater impacts "have been assessed as likely to be insignificant" for ecological impacts. Long term impacts following restoration are "expected to be Moderate permanent and beneficial".
145. The Environmental Statement states that the development "would provide 504.95 habitat units and 19.03 hedgerow units. That equates to a net gain in habitat units of 130.38 (34.81%) and a net gain in hedgerow units of 3.67 (23.86%), this meets legal requirements.
146. To ensure the BNG is achieved a condition is required for a Habitat Maintenance and Management Plan, and it is also considered that a legal agreement is required to secure both the BNG as set out and the full restoration of the site.
147. Notwithstanding the above, the County Council should satisfy themselves that the proposal would not result in unacceptable ecological harm that would not be outweighed by the benefits of the proposed development.

### **Potential Land Contamination**

148. Land Contamination Reports provided with the application conclude that there are no specific potential sources of contamination and further investigation is not considered necessary at this stage. The Borough Council's EHO recommends a condition is attached to any permission granted to address any unexpected contamination that may be encountered during the course of the development. As there may be a requirement to import materials to Site to satisfy the restoration requirements, a condition for the assessment of imported top soil is recommended.

### **Public Right of Way**

149. Impacts on public rights of way are considered by the County Council and therefore are not considered in detail as part of the Rushcliffe Borough Council assessment.

## Conclusion

150. Mineral extractions are identified under paragraph 154 h) i. of the NPPF as being an exception to inappropriate development so long as the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
151. As such it is recommended that Rushcliffe Borough Council raises no objection to the principle of development, subject to Nottinghamshire County Council being satisfied that the proposal as a whole taking into account the associated plant and restoration / aftercare meets these requirements.
152. The Council's technical consultees have made a number of recommendations in terms of additional information required and conditions and it is recommended that these are put to Nottinghamshire County Council.

## RECOMMENDATION

It is RECOMMENDED that Rushcliffe Borough Council provide the following response to Nottinghamshire County Council in respect of this application:

**Rushcliffe Borough Council raises no objection to the principle of development on the basis that mineral extraction is identified in the NPPF as being an exception to inappropriate development in the Green Belt. However, in accordance with paragraph 154 h) i. Nottinghamshire County Council should be satisfied that the proposal as a whole would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.**

**The County Council should also satisfy themselves in respect of contamination, amenity, ecology, landscape, rights of way, highway, drainage, flood risk and Airport Safeguarding matters both during development but also during the restoration and ongoing aftercare.**

**It is however recommended that further information is obtained in respect of the following:**

- a. Further noise monitoring exercise to validate the previous findings and determine robust background levels to be utilized in framing any related planning conditions.
- b. Noise rating for the diesel generators should be equal to or below background levels at noise sensitive premises in accordance with a BS4142 type assessment. This could be achieved through careful plant selection and mitigation.
- c. Noise Monitoring Scheme should be amended to propose monthly monitoring for at least 3 months at the commencement of each phase and any change in monitoring frequency should be agreed in writing with the Minerals Planning Authority.
- d. Consideration should be given to tonal noise impacts during normal operations.
- e. Opinion should be obtained from the UK Health Security Agency (UKHSA) and Public Health with respect to the potential generation, distribution and impacts of silica dust.
- f. Dust Management Plan – it is recommended that baseline monitoring be commenced at least three months before work commences on site.

Multiple monitors should be located in and around sensitive receptors so as to ensure those most affected can be identified and to provide increased confidence in the data collected.

- g. It should be demonstrated that specific action to encourage this species will be undertaken.

Should the County Council consider the application to be acceptable then Rushcliffe Borough Council recommends conditions in respect of the following:

- I. Daytime noise limits for normal operations to 10dB above background as detailed in Table 6.1 and Section 6.2 of the WBM report (Ref: 5322/Final; dated 31st October 2024), or other alternative agreed background levels.
- II. To set a limit for temporary operations (such as soil stripping and bund formation) of 70 dBLAeq,1h (free field) at the curtilage of any residential receptor. Temporary operations which exceed the above normal day to day criterion shall be limited to a total of eight working weeks in a year at any individual noise sensitive property.
- III. Details of the proposed temporary operations including date of commencement, nature of the works and the duration shall be provided in writing to the Mineral Planning Authority and the relevant Environmental Health Services at least four weeks prior to the proposed commencement date.
- IV. Noise Monitoring Plan.
- V. Condition limiting the sound power levels of the various items of plant to that assumed in the assessment
- VI. Use of white noise reversing warning devices and silencers on all mobile site plant, machinery and vehicles (including delivery vehicles) operating on Site
- VII. On receipt of a justifiable complaint to NCC a noise survey is required to determine compliance with the noise limits
- VIII. Site operating hours, with an exception for water pumping and environmental monitoring, or in the case of emergencies shall be restricted to the following: 07:00 to 18:00 hours Monday to Friday; 07:00 to 13:00 hours Saturdays; No working on Sundays and Bank/Public Holidays. Routine plant and equipment maintenance should be undertaken within the permitted hours.
- IX. Requirement for notification of all out-of-hours emergency work to be provided to the Mineral Planning Authority and relevant Environmental Health Services with full details to be provided on the next working day.
- X. Submission for approval of a comprehensive robust Dust Management Plan for each phase of the proposed development detailing the specific measures to be put in place for that phase.
- XI. Restricting the lighting provision to that detailed in Figure 5-1 and Figure 5-2 of the TetraTech Lighting Assessment (Ref: 784-B042434 Rev 5; dated 11th September 2024) presented in Chapter 7 of the Environmental Statement.
- XII. Verification of the implementation and operation of the agreed external lighting provision.
- XIII. Updated lighting assessment in the event any proposed lighting provision is to be altered.
- XIV. Condition to cover the discovery of any unexpected land contamination.
- XV. Assessment of any imported top soil to check for contamination.

- XVI. Updated Ecological surveys are required as the existing are out of date as of March 2025.**
- XVII. An action plan for the control of invasive species on site should be submitted and approved.**
- XVIII. Recommendations for mitigation and avoidance measures supplied by the consultant ecologist should be implemented.**
- XIX. Biodiversity net gain plan and Habitat Management and Monitoring Plan (HMMP).**
- XX. Detailed restoration and landscaping plans.**
- XXI. Detailed tree protection plans.**
- XXII. Replacement of any trees that a lost or die within 5 years of their planting.**
- XXIII. Restoration of site if cessation of extraction was to occur.**

**It is also recommended that a s106 legal agreement is entered into before any grant of planning permission to secure biodiversity net gain and the full restoration of the site.**



## Planning Appeals – February 2025

Planning Ref:	Address	Proposal or Breach	Appeal Decision	Decision Type	Planning Inspectorate Reference	Comments/Decision Date
23/02144/FUL	Land East Of The Gatehouse Lodge Lane Screveton	Erection of a single dwelling.	Dismissed	Delegated	APP/P3040/W/24/3348340	06/02/2025
23/01285/FUL	Land Off West Leake Lane West Leake Lane Ratcliffe On Soar	Proposed Battery Energy Storage Facility.	Allowed	Committee	APP/P3040/W/24/3352048	10/02/2025  Costs against RBC - Dismissed
24/00701/ADV	178 Loughborough Road, Ruddington	Display of 1no. externally illuminated V post sign.	Dismissed	Delegated	APP/P3040/Z/24/3349966	17/02/2025
23/00147/FUL	Plot Of Land North Of Meadow Lane, Stanford On Soar, Loughborough,	Retention of summerhouse.	Dismissed	Delegated	APP/P3040/Z/24/3350819	21/02/2025

## Planning Appeals – February 2025

24/00282/FUL	1 Lydney Park, West Bridgford	<b>Amended Description During Appeal:</b>  The development proposed is the change of use of street landscaping/open space to residential use and, the erection of a single storey front/side extension.	Part Dismissed/Part Allowed	Delegated	APP/P3040/W/24/3351267	26/02/2025
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## Planning Appeals – March 2025

Planning Ref:	Address	Proposal or Breach	Appeal Decision	Decision Type	Planning Inspectorate Reference	Comments/Decision Date
24/01239/FUL	41 Melton Gardens, Edwalton	Provide a first floor side extension over existing garage and a ground floor front extension for entrance porch and new roof over bay window.	Dismissed	Delegated	APP/P3040/D/25/3358477	05/03/2025
24/00060/FUL	45C Clifton Road Ruddington	Retrospective application for flexible letting.	Allowed	Non-Determination	APP/P3040/W/24/3346279	19/03/2025
24/01107/VAR	178A Melton Road Stanton On The Wolds	Variation of condition 1 (plans) for 20/00707/VAR for alterations to the roof/windows and creation of a first floor for two guestrooms.	Allowed	Delegated	APP/P3040/W/24/3351814	20/03/2025

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## Planning Appeals – April 2025

Planning Ref:	Address	Proposal or Breach	Appeal Decision	Decision Type	Planning Inspectorate Reference	Comments/Decision Date
23/02243/FUL	The Woodlands Bunny Hill Bunny	Demolition of existing dwelling and erection of a replacement dwelling	Allowed	Delegated	APP/P3040/W/24/3352111	01/04/2025
24/00348/FUL	Fosseway Service Station Nottingham Road Cropwell Bishop	Demolition of existing two forecourt buildings and erection of one replacement forecourt shop building; new timber compound; new substation with enclosure. Installation of jet wash and electric vehicle charging bays with associated forecourt area alterations, parking and other associated external works.	Allowed	Delegated	APP/P3040/W/24/3352323	08/04/2025  Costs against RBC - Dismissed
24/01510/FUL	Land South Of Hillcrest Bridegate Lane Hickling Pastures	Single storey 'self-build' dwelling.	Dismissed	Delegated	APP/P3040/W/25/3359613	16/04/2025

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