

24/00984/CMA

Applicant Saint Gobain Construction Products Limited

Location Land Northeast of Ratcliffe On Soar Power Station, Barton Lane, Thrumpton, Nottinghamshire

Proposal Proposed quarry for the prior extraction of gypsum with ancillary development and on-site processing, site access off Barton Lane, and restoration of the site

Ward Gotham

THE SITE AND SURROUNDINGS

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

1. This report is to seek approval for submission 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 35ha to the northeast of the Ratcliffe on Soar Power Station. The site consists of the three arable fields and an area of woodland above a former soil and overburden heap. The land rises up to the north of the site to Wood Hill and Wright's Hill, with the land to the south being at a lower level. The site is bounded by woodland to the north and west, the power station to the south and farmland and Barton Lane to the northeast and southeast respectively.
3. The site is located within the Nottingham-Derby Green Belt and is within the Ratcliffe of Soar Power Station Local Development Order (LDO) area.

DETAILS OF THE PROPOSAL

4. The proposal is 'minerals development' and as such is a County Matter application where Rushcliffe Borough Council is a consultee.
5. Nottinghamshire County Council are the determining authority for this type of application.
6. The application submitted to the County Council seeks permission for a proposed quarry for the extraction of gypsum. The proposed development would enable the utilisation of up to 1,000,000 tonnes of commercial grade gypsum at an extraction rate of up to 300,000 tonnes per annum spread over 4 years.
7. The site would be split into an east pit and west pit, with a processing area in the central part of the site. Access and haul road infrastructure would be required, as well as a processing area to include site offices and vehicle maintenance area and mobile crushing and screening plant.

8. The gypsum would be extracted using a low intensity drill and blast technique. Explosive chargers will be used within shot holes to break the seam into small enough lumps that can be extracted by excavator from the working face.
9. Following the extraction of the minerals the restoration of the site is proposed to include the creation of a development platform for the LDO.

SITE HISTORY

10. The site forms part of the Marblaegis Mine complex, which was first granted consent for gypsum extraction in 1951. The Marblaegis Mine complex covers some 3,852 hectares and the operational mines extend eastwards and southwards from the site's main entrance to the north of the village of East Leake.
11. The Ratcliffe on Soar Power Station LDO was approved by the Council on 19th July 2023, setting out parameters for development on the site. Condition 19 of the LDO sets out that no development shall take place on the site that is subject of this consultation response for a period of 36 months of the adoption of the LDO to allow for gypsum extraction in that area.

REPRESENTATIONS

12. 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

13. One Ward Councillor (Cllr R Walker) noted that the application is for development in the Green Belt and does not consider that it would negatively impact the performance or the openness of the Green Belt on the basis of the short life span of the development, its location to the rear of the Power Station site and the fact that the land is subject to the LDO. No objection is raised subject to the input of technical consultees. He wished to register comments in respect to the impact on the local road network and queries if there is the need for mitigation resulting from increased HGV movements.
14. Cllr R Walker and Cllr A Brown are also named as having co-operated on the joint consultation response as detailed below.

Parish Council

15. A joint consultation response has been issued on behalf of Gotham Parish Council, Barton in Fabis Parish Council, Kingston on Soar Parish Council, Ratcliffe on Soar Parish Meeting and Thrumpton Parish Meeting. The response received raised the matters set out below.

- Significant working hours – crucial that noise, vibration and air quality issues are minimised for residents. It is felt that the application is lacking on these points which should be scrutinised.
- Thrumpton is on the same plate as the location of the extraction and the activity on this may be felt in the houses.
- Impact of blast vibration needs to be clarified.
- No information on ongoing noise monitoring and actions that would be taken if the limits were exceeded.
- Will work be halted during levels of high wind to limit air and noise pollution and if so at what wind speed?
- What measures will be put in place to continually monitor air quality at different sites around the area?
- Will water sprays be used to reduce dust particles and if so what is the plan for managing waste water?
- How is any potential contamination to be assessed and managed?
- An archaeological watching brief for the period when overburden is being removed would be desirable. How will this be managed and funded?
- A comprehensive monitoring programme is required with results being analysed and shared with local parishes.
- There must be a clear condition to restore the field at the east of the site to agricultural use after the works and this must be enforced, noting such enforcement failed to happen on a nearby site to the south of the A453.
- There should be a requirement to assess rail options and seek alternatives to road transport if possible, although it is recognised that road transport will be used either locally to East Leake or by motorway to other plants.
- Makes comments in respect of roads to East Leake noting they are narrow, winding and subject to occasional flooding as well as being in poor condition. East Leake plant domestic traffic should be directed to the A60/Bunny Lane route and it is noted British Gypsum have already recognised this.
- A more detailed and up to date transport assessment should be developed and several other road-transport related studies are requested for consideration.
- The use of blasting will bring dust particles towards Thrumpton due to the prevailing winds. Dust from gypsum extraction contains silica which is hazardous if inhaled but the full impacts are not referenced in the Air

Quality Assessment which fails to identify the contents of the dust associated with gypsum extraction and fails to identify the associated health risks. It is requested that this information is included.

- Further information is requested for inclusion within the noise impact assessment.

Statutory and Other Consultees

16. RBC Environmental Health Officer (EHO) – has provided the following comments in respect of the submission and regulation 25 further information:

Potential sound and vibration impacts:

Notes that a noise impact assessment has been submitted and has given consideration to short-term operations including initial preparation works such as the formation or removal of overburden stores and screening bunds and some aspect of final restoration work. These activities are likely to have the highest noise impact due to their potential occurrence at or close to the site boundaries and potentially unscreened from residential dwellings. The assessment demonstrates that potential noise levels from short-term activities are expected to remain within the recommended temporary daytime limit of 70dB LAeq,1h (free field) at residential and non-residential receptors.

For normal operations the results of the assessment demonstrate that potential noise levels at the identified residential receptors are not expected to exceed the limits outlined within PPG-Minerals (i.e. a noise limit at noise-sensitive property that does not exceed the background level by more than 10 dB(A), subject to a maximum daytime limit of 55 dB LAeq,1h (free field)).

The results of the assessment demonstrate that potential external noise levels from normal operations are not expected to exceed the recommended upper limit of 55dB LAeq,1h (free field) for normal operations at the non-residential receptor. This criterion is considered appropriate by the noise consultants due to the lower sensitivity of office spaces compared to private residential dwellings.

The proposed scheme is likely to have negligible noise impacts as a result of additional vehicle movements associated with the proposal on the wider road network.

The NIA concludes that the potential noise at the most affected noise-sensitive premises is likely to be occasionally present but not intrusive and for the majority of time inaudible. The noise is therefore considered to be well below the 'Lowest Observed Adverse Effect Level (LOAEL)'.

The Blasting Assessment concludes that whilst ground vibration levels are likely to be perceptible at structures up to 1,000m from the blasting area, the predicted vibration levels are well below guidance levels. The report highlights the need for a public relations exercise to make people aware of the potential impact of the blasting activity should permission be granted.

Conditions are recommended by the EHO to mitigate against potential noise and vibration impacts of the scheme.

Air Quality Impacts:

Notes that an Air Quality Assessment (AQA) has been provided as part of the scheme and this was subsequently updated to include the Power Station as a receptor in response to the Regulation 25 request.

The report provides details of the Air Quality Management Areas (AQMAs) within Rushcliffe however it should be noted that the proposed development Site is located close to the district boundary and it may be that there are AQMAs within the neighbouring Local Authority boundaries that may require consideration.

The proposed development has the potential to generate dust and other airborne pollutants in the immediate vicinity of the operations, with the likelihood of dust occurrence to be in the region of 12 days per year.

Dust control measures to minimise disturbance at nearby sensitive locations have been recommended in the AQA and these have been assumed to be in place in the subsequent assessment of dust impacts.

The report identifies the nearest residential receptors approximately 320m and 325m to the east and north (respectively) of the application site boundary and a commercial receptor 1km southwest. Consideration is also given to the planned EMERGE centre which will be situated approximately 50m from the southern boundary of the Site.

The report presents the estimation of potential dust risk and dust effects at all residential and commercial receptors as negligible. Mechanisms need to be in place to ensure all site personnel are adequately trained in the effective mitigation of dust emissions, the on-site activities are appropriately managed, dust control measures are implemented promptly or where this is not possible dust generating operations are suspended.

A condition is recommended requiring the submission of a comprehensive and robust Dust Management Plan for each phase of the proposed development, and the EHO has set out details as to what should be included within this.

Land Contamination:

A Phase 1 Desk Study and Contamination Assessment report was submitted with the application, with an addendum report submitted in response to the Regulation 25 response.

The desk study indicates the Site comprises two discrete parts - an elevated area in the centre and south comprising a potential historical deposit of Made Ground; and the remainder of the Site where there is no record of Made Ground deposits.

The Made Ground comprises excess materials associated with the construction of the Power Station in the late 1960s and during construction of an extension in the 1990s. It is understood from the assessment that based on

the available site investigation information there is no evidence that significant quantities of putrescible material are present within the historical deposit of Made Ground at the site or that a significant source of gases or vapours is present.

Although the proposed overburden storage area and vehicle maintenance area will coincide with the historical deposit of Made Ground, it is noted that no disturbance of the historical deposit of Made Ground is proposed.

The assessment concludes that for the majority of the sources of contaminants at the site, robust control measures will in place to block or remove migration pathways therefore there is no exposure pathway and no significant risk to human health or environmental receptors. It is concluded that further detailed quantitative risk assessment or further intrusive site investigation works and chemical testing of soils are not necessary.

The EHO would be in general agreement with the conclusions drawn in the assessment subject to the imposition of the mitigation measures detailed in Table 2 (Construction Phase), Table 3 (Operational Phase) and Table 4 (Post-Operational Phase) of the addendum report. A condition to cover the finding of unexpected contamination is also recommended.

Lighting Impacts:

It is noted that Section 3.8 of the Environmental Statement makes comments in respect to lighting at the site, and that lighting will only be employed around the plant site as required for health and safety purposes during winter working hours. The operational quarry area would be illuminated as necessary with mobile lighting towers during operational periods only. This lighting would be positioned pointing into the site, towards the northeast, and would not cause distractions to motorists. It is recommended that a condition for the submission and approval of a lighting scheme is attached to any permission granted.

17. RBC Senior Design and Landscape Officer – notes that the initial works to necessitate the footpath diversions which are a result of the gypsum extraction and as such the authority granting planning permission for this should facilitate the diversion, which would be Nottinghamshire County Council.

The LVIA appears to be in accordance with best practice and the conclusions are not disputed.

The officer highlights some discrepancies between some of the restoration plans. Detailed landscape and restoration plans will need to be conditioned along with suitable management plans.

Given the nature of the work most of the trees within the site will be removed, but the scheme does allow for some of the better quality trees on the boundary of the site to be retained. More detailed plans regarding tree protection measures need to be conditioned. Plans should specify the offset of the fencing from the edges of woodland and retained hedgerows. Given the length of extraction over a number of years it is queried if the fencing will be resilient enough or if more secure boundary fencing will be required.

No objection to the principle of development given it is within the LDO.

18. RBC 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 September 2026.

The site is assessed as providing moderate suitability for foraging and commuting bats and six bat species were recorded during the bat activity and static surveys. Areas of woodland are set to be removed including trees of moderate and low suitability for roosting bats. Avoidance, mitigation and enhancement measures recommended by the ecologist should be implemented.

In respect of birds the proposed development has the potential to impact on the Red List Species/Schedule 1 Listed Species/BoCC of Nottinghamshire and five Amber List Species/BoCC of Nottinghamshire. It is concluded that there will likely be no negative impact on birds provided recommended avoidance, mitigation and enhancements is followed.

Notes that reptiles and Great Crested Newts are likely to be absent from the site.

Direct impacts on priority habitats are not anticipated so long as appropriate avoidance and mitigation measures and implemented.

Thrumpton Local Wildlife Site (LWS) is located adjacent to the northern boundary of the site and direct impacts on this are not anticipated. However, without further avoidance and mitigation measures, indirect impacts may arise during construction/operational phases. As such it is recommended that a Construction Environment Management Plan (CEMP) is completed prior to works commencing.

Recommendations for reasonable avoidance and enhancement measures as set out in the consultant ecologist report should be conditioned. Subject to this it is unlikely that the development would have a detrimental impact on populations of protected species.

The Biodiversity Net Gain assessment demonstrates a 4.86 unit (57.81%) gain in area habitats and 0.68 unit (10.65%) gain in hedgerow habitats. This meets policy requirements in place at the time of the application. The significant onsite gains should be detailed in a Biodiversity Net Gain Plan, and submitted and approved by the planning authority before commencing development. the significant onsite gains will need to be secured via a planning obligation for a minimum of 30 years. Additionally a Habitat Management and Monitoring Plan (HMMP) should be submitted to the planning authority and approved by the planning authority with the Biodiversity net gain plan.

In response to the updated information as a result of the Regulation 25 request:

It is noted that an addendum Report to Chapter 13 of the Environmental Statement (ES) has been supplied, dated October 2024. This addendum appears to address the issue of dust control and impacts on water quality, although it is noted that any potential for hydrological drawdown impacts and noise have not been addressed.

The habitats shown on restoration drawing RT-PAPP-5 - REV A differ from those given in the supplied DEFRA Biodiversity Net Gain Report. These differences should be resolved as this may impact on the Net Gain units to be supplied (and legally secured).

A Minimum 10m standoff from Thrumpton Park LWS on plan document RT-PAPP-10, dated Sept 2024, is demonstrated which will contribute to ensuring direct impacts are avoided.

An updated Biodiversity Net Gain Metric and DEFRA Biodiversity Net Gain Report and Condition Assessment demonstrates a gain of 19.58 habitat units (18.18%) and 1.46 hedgerow units (10.12%). This meets the policy requirements in place at the time of application. The significant onsite gains should be detailed in a Biodiversity Net Gain Plan, and submitted and approved by the planning authority before commencing development. The significant onsite gains will need to be secured via a planning obligation for a minimum of 30 years. Additionally a Habitat Management and Monitoring Plan (HMMP) should be submitted to the planning authority and approved by the planning authority with the Biodiversity net gain plan.

Local Residents and the General Public

19. 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, comments from 4 members of the public have been received, 1 of which supports the application, 1 of which objects, and two which provide general comments neither in support nor objection.
20. The comments can be summarised as follows:
 - Concerns raised about plans to monitor, manage and mitigate the impacts of dust, noise, vibrations/shocks from blasting, lorry movements and hours of operation
 - Concerns about impact on air quality
 - Concerns about noise, dust and vibration impacts from blasting
 - What plans are in place if air quality and sound impacts exceed acceptable levels?
 - Cumulative impact of development in the area on loss of green space and on the environment
 - Assessments should take into account other development that would be going on at the same time
 - Technical reports are superficial and fail to address issues of ongoing monitoring and mitigation and sharing of this with local parishes
 - Silica in dust not referenced in Air Quality Assessment
 - Traffic concerns.

Full comments can be found [here](#)

PLANNING POLICY

21. 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.

22. 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 policies considered to be relevant to the determination of the application:

Policy MP7: Gypsum Provision

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

APPRAISAL

24. The County Council seeks the views of the Borough Council in relation to the proposed development and they are the determining authority for this application. Accordingly the Borough Council can only provide comment in relation to the main planning considerations having undertaken internal consultation with technical consultees.

25. The main issues in the consideration of the application are the impact on the Green Belt, character and appearance of the area, impact on the amenity of nearby residents, ecological impacts, land contamination and impacts upon the public right of way.

Green Belt

26. 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.

27. Paragraph 154 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, which would cover the proposed development.

28. 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.

29. The extraction would take place over a period of 4 years, following which the site would be restored. As part of the restoration, the areas proposed for the

West Pit and processing area will be regraded to form a gently sloping floor. An approximately 11ha area of the site will be prepared as a development platform for the LDO development. The proposed restoration would utilise on site soils and overburden to create the restoration landform and the development platform for the LDO, in accordance with the approved LDO. All plant and structures associated with mineral extraction would be removed from the site.

30. The operations and works required for the proposed quarrying appear to be proportionate to the development, with any built form to be temporary and removed after the operational phase of the development. The most significant of this includes the vehicle maintenance unit (a circa 7.8m high warehouse style building), portacabin to be used as the site office, and mobile crusher. Mineral extraction cannot take place without some disturbance to the landscape and the use of plant and equipment to a certain scale, and as such the provision of this in itself is not considered to harm the openness of the Green Belt, especially given that its presence will be for a temporary period. 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.
31. 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.
32. 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.

Ratcliffe on Soar Power Station Local Development Order

33. The application site is within the Ratcliffe on Soar Power Station LDO, which essentially grants permission for development across the site, provided it is in accordance with the parameters as set out in the LDO. Condition 19 of the LDO restricts development within this site for a period of 36 months from the adoption of the LDO (19th July 2023), to enable the extraction of gypsum in that area.
34. As set out in the Statement of Reasons for the LDO, the inclusion of Condition 19 in the LDO does not make any judgement on whether the minerals can be recovered in an acceptable manner, nor whether any planning permission for minerals extraction should be granted. It merely provides a tool to safeguard the land from development in the event that the materials can be extracted in an acceptable manner.

Landscape and Impact on the Character of the Surrounding Area

35. 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 who does not dispute the conclusions.
36. The LVIA sets out that there are no national landscape designations within the site or immediate surrounding area, and the application site is not considered to form part of a 'valued landscape', under the NPPF. In visual terms, it concludes that whilst the proposed extraction and restoration has the potential to affect views and visual amenity, its visibility would be generally restricted by landform, existing hedgerows, trees and woodland.
37. The visual impact on the surrounding area would be most severe during the operational phases of development when viewed from the public realm, notably nearby footpaths and highways. The development would generally be viewed in the context of the power station site, which is itself industrial in nature. As such, whilst the operational phases of development would significantly alter the appearance of the existing site which is made up of open fields and vegetation, it would not appear out of keeping with the character of the surrounding area.
38. Furthermore, the limited timeframe for the extraction process along with the restoration plans ensure that the most significant impacts on the surrounding area would be temporary.
39. It is recommended that a condition for a landscaping scheme is attached to any permission granted for the proposal.
40. Overall, it is considered that no objections are raised on landscape grounds or impact on the character of the area.

Amenity

41. In terms of built form, given the location of the application site and proximity to any nearby residential dwellings it is considered the proposal would not result in any unacceptable overbearing, overshadowing or overlooking impacts.
42. The operational phase of the development has potential for noise, dust and vibration impacts to the surrounding area. The low intensity drill and blast technique with use of explosive charges present potential for noise impacts in particular. It is noted that all blasting operations would follow recognised best practice and would only occur within set times of the day (12.30 to 16.30 Monday to Friday).
43. A Noise Impact Assessment (NIA) has been submitted with the application which has been considered by the Borough Council's Environmental Health Officer as per the comments which have been summarised earlier in this report. The NIA concludes that the potential noise at the most noise-sensitive premises is likely to be occasionally present but not intrusive and for the majority of the time inaudible. The noise is therefore considered to be well below the 'Lowest Observed Adverse Effect Level (LOAEL)'. As such the proposal is not considered to result in an unacceptable impact on the amenity of nearby residents as a result of noise generation.

44. In addition to the NIA, a Blasting Assessment has also been provided which concludes that whilst ground vibration levels are likely to be perceptible at structures up to 1,000m from the blasting area, the predicted vibration levels are well below guidance levels. The report highlights the need for a public relations exercise to make people aware of the potential impact of the blasting activity should permission be granted, and such requirements should be conditioned.
45. The Air Quality Assessment provided notes that the development has the potential to generate dust and other airborne pollutants in the immediate vicinity of the operations, with the likelihood of dust occurrence to be in the region of 12 days per year. Mitigation measures are recommended within the report, and such measures can be conditioned. Subject to these mitigation measures being enacted the report estimates that the potential for dust risk and dust effects at all residential and commercial receptors are negligible. The Borough Council's EHO recommends a condition for a comprehensive and robust Dust Management Plan to be attached to any permission granted.
46. Lighting is only to be provided around the site for health and safety purposes during winter working hours and the operational quarry area would be illuminated as necessary within mobile lighting towers during operational periods only. The lighting would be positioned pointing into the site and is considered to be such that it would not cause harm to the amenity of nearby residents. Notwithstanding this the Borough Council's EHO recommends that a condition to require a lighting scheme to be submitted is attached to any permission granted.
47. Overall, subject to the recommended conditions referenced in this section of the report, no concerns are raised with respect to the impact of the proposal on the amenity of nearby residents and workers. The comments raised by the local Parishes and members of the public, highlighting the need for strict monitoring of the development to ensure such conditions are being complied with throughout its operational lifetime are noted and the County Council (as the determining authority) would be responsible for ensuring such.

Ecology

48. 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.
49. The Borough Council's Senior Ecology and Sustainability Officer notes that a Preliminary Ecological Appraisal (PEA) has been supplied, supported by survey documents for bat, breeding birds, and reptiles. Survey results for Great Crested Newts and badgers are contained within the PEA.
50. The site is assessed as providing moderate suitability for foraging and commuting bats, and six bat species were recorded during the surveys. Areas of woodland are to be removed as part of the scheme, including trees of moderate and low suitability for roosting bats.

51. Mitigation measures in the form of tree replacement for lost roosting trees are recommended in the PEA. Further mitigation measures to protect against dust and air pollution impacts are also recommended by way of a Dust Management Plan, which could be conditioned. It is also noted within the report that lighting can have negative impacts on bats, and as such any lighting would need to be installed in a bat sensitive manner, and a scheme to secure this could be conditioned.
52. Eight notable bird species were found onsite and were all important at site level. As per the breeding bird report, works will be phased to enable habitats to be created throughout the process. This will ensure that areas of suitable habitat are available for breeding bird species during the extent of the scheme. The proposed restoration scheme is set to enhance onsite habits where possible and create habitats post development that are similar to their current value or of greater value of habitat to benefit onsite observed species. When required the removal of any vegetation should occur outside of the nesting bird season. If this is not possible then works should be carried out in accordance with the recommendations as set out in paragraph 6.1.4 of the breeding bird survey. The mitigation measures set out should be conditioned.
53. As per the comments provided by the Borough Council's Senior Ecology and Sustainability Officer, reptiles and Great Crested Newts are likely to be absent from the site.
54. Information regarding badgers was redacted from the consultation documents and as such no comments are provided in respect of this. It will be for the County Council and their ecologists to consider such impacts.
55. Thrumpton Local Wildlife Site (LWS) is located adjacent to the northern boundary of the site and direct impacts on this are not anticipated. However, without further avoidance and mitigation measures, indirect impacts may arise during construction/operational phases. As such it is recommended that a Construction Environment Management Plan (CEMP) is completed prior to works commencing.
56. The Borough Council's Senior Ecology and Sustainability Officer highlights that ecological impacts from hydrological drawdown and noise have not been assessed. The County Council should satisfy themselves that the proposed development would not have negative ecological impacts from such matters prior to determining the application.
57. A Biodiversity Net Gain Metric and DEFRA Biodiversity Net Gain Report and Condition Assessment demonstrates a gain of 19.58 habitat units (18.18%) and 1.46 hedgerow units (10.12%). This meets the policy requirements in place at the time of application. The significant onsite gains should be detailed in a Biodiversity Net Gain Plan, secured by a condition and a planning obligation for a minimum of 30 years. Additionally a Habitat Management and Monitoring Plan (HMMP) should be submitted with the Biodiversity net gain plan.
58. Overall, it is considered that the proposal is unlikely to result in unacceptable ecological harm, although the County Council (as the determining authority) should satisfy itself that impacts from hydrological drawdown and noise are assessed, as per the comments provided by the Borough Council's Senior Ecological and Sustainability Officer.

Potential Land Contamination

59. The Phase 1 Desk Study and Contamination Assessment report provided sets out that the Site comprises two discrete parts - an elevated area in the centre and south comprising a potential historical deposit of Made Ground; and the remainder of the Site where there is no record of Made Ground deposits. It is understood from the assessment that based on the available site investigation information there is no evidence that significant quantities of putrescible material are present within the historical deposit of Made Ground at the site or that a significant source of gases or vapours is present.
60. Although the proposed overburden storage area and vehicle maintenance area will coincide with the historical deposit of Made Ground, it is noted that no disturbance of the historical deposit of Made Ground is proposed.
61. The assessment concludes that for the majority of the sources of contaminants at the site, robust control measures will in place to block or remove migration pathways, therefore there is no exposure pathway and no significant risk to human health or environmental receptors. It is concluded that further detailed quantitative risk assessment or further intrusive site investigation works and chemical testing of soils are not necessary.
62. The Borough Council's EHO is in agreement with the conclusions drawn in the assessment provided and with the mitigation measures proposed, which should be conditioned. It is also recommended to add a further condition to any permission granted to cover any unexpected contamination found at the site during the course of the development.

Public Right of Way

63. 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. However, it is noted that the diversion of FP9 which runs along the proposed East Pit is required to facilitate the mineral development. The Borough Council's Senior Design and Landscape Officer advises that as the proposed diversion is required in connection to the proposed mineral development, then this should be facilitated through the County Council, rather than through the Borough Council.

Conclusion

64. 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.
65. 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 meets these requirements.
66. It is recommended that Rushcliffe Borough Council raises no objection to the proposal in respect of impact on landscape and character of the area, amenity of nearby occupiers, and ecology. However, the County Council should be

notified of the comments made by the Borough Council's Senior Ecology and Sustainability Officer regarding the absence of an assessment of the ecological impact of hydrological drawdown and noise.

67. The County Council should be made aware of recommended conditions raised by the Rushcliffe Borough Council technical consultees in respect of landscaping, ecological mitigation, noise mitigation, dust mitigation, lighting impacts, and potential contamination.

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. In accordance with paragraph 154 h) i. Nottinghamshire County Council should be satisfied that the proposal would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

The Borough Council wishes to raise no objections to the proposal with regards to matters in respect of impact on landscape and character of the area, amenity of nearby occupiers, and ecology. However, the Borough Council's Senior Ecology and Sustainability Officer highlights the absence of an assessment of the ecological impact of hydrological drawdown and noise. It is for the County Council to be satisfied that such matters have been addressed and it is for the County Council to be satisfied in respect of impacts in relation to landscape, ecology, amenity of nearby occupiers and highways etc having undertaken their own consultation.

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

- **Restricting the hours of operation to those specified in the table included in Section 1.3.6 of the Vibrock Noise Assessment report (Report R24.11905/3/AP; dated 22nd October 2024). Routine plant and equipment maintenance should be undertaken within the permitted hours.**
- **Limiting blasting to between 1230 –1630 Mondays to Fridays only within the extraction area of the Site. Audible warning alarms should be sounded prior to any blast at the Site.**
- **Free field noise levels associated with the normal operations, when measured in the curtilage of any of the specified residential noise-sensitive receptors, shall not be exceed the limits specified in Table 16 of the Vibrock Noise Assessment report (Report R24.11905/3/AP; dated 22nd October 2024).**
- **Daytime noise levels during essential short-term operations should not exceed 70 dB LAeq, 1h (free field) at the specified noise sensitive**

properties and be limited to a period not exceeding 8 weeks at any one property.

- All mobile plant, machinery and vehicles used on the site (including hired plant, machinery and vehicles) shall incorporate white noise reversing warning devices and be fitted with silencers maintained in accordance with the manufacturers' recommendations and specifications to minimise noise disturbance to the satisfaction of the MPA.
- The maximum single plane peak particle velocity (PPV) as measured on the ground surface outside the nearest occupied property to a blast should be limited to 6 mm.s⁻¹ for 95% of blasts over a six month period with an additional limit of 12 mm.s⁻¹ for 99.9% of blasts over the same period.
- Prior to commencement of development submission for approval by the Mineral Planning Authority of a comprehensive robust Noise and Vibration Management Plan for each phase of the proposed development detailing the specific measures to be put in place for that phase. As minimum, this should include routine mitigation/control measures that would be used day-to-day under normal operating conditions. The Noise and Vibration Management Plan for each phase needs to include a comprehensive noise and vibration monitoring programme, agreed in advance with the Mineral Planning Authority, detailing the proposed monitoring locations and assessment criteria together with details of the measures to be put in place should any exceedances occur. It should also include a procedure detailing how complaints will be recorded and dealt with. The Noise and Vibration Management Plan needs to be kept under constant review to ensure it remains effective and compliance monitoring reported to the Mineral Planning Authority periodically.
- 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. As minimum, this should include routine mitigation/control measures that would be used day-to-day under normal operating conditions; and additional measures that will be applied to manage dust emissions should actual or forecast trigger levels be exceeded, other risk factors occur, or should routine visual observations show high dust emissions. The Dust Management Plan needs to be clear on what would trigger the need for additional mitigation measures and who is responsible on Site for monitoring dust and implementing the required mitigation measures. The Dust Management Plan for each phase needs to include a comprehensive dust monitoring programme, agreed in advance with the Mineral Planning Authority, detailing the proposed monitoring locations and assessment criteria together with details of the measures to be put in place should any exceedances occur. It should also include a procedure detailing how complaints will be recorded and dealt with. The Dust Management Plan needs to be kept under constant review to ensure it remains effective and compliance monitoring reported to the Mineral Planning Authority periodically.

- Mitigation measures detailed in Table 2 (Construction Phase), Table 3 (Operational Phase) and Table 4 (Post-Operational Phase) of the Phase 1 Desk Study and Contamination Assessment report undertaken by MJCA (Ref: STG/RLF/CJG/20100/01; dated March 2024) shall be implemented.
- If during the course of carrying out the development hereby permitted any unexpected contamination is found that has not been previously identified, it must be reported to the Local Planning Authority within (48 hours). All development on the site must cease immediately and must not recommence until a written scheme for the investigation and risk assessment of the unexpected contamination has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM).

Where remediation of the contamination is necessary no further development shall commence on the site until a Remediation Strategy (RS) has been submitted to and approved in writing by the Local Planning Authority. The submitted RS must include

- full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal undertaken;
- the proposed remediation objectives and criteria; and,
- a verification plan.

The RS must demonstrate that as a minimum the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990.

The development hereby permitted must not be occupied or first brought into use until the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the Local Planning Authority. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.

- Prior to the first use of the development the submission and approval of a lighting assessment for the external lighting (together with a lux plot of the estimated illuminance). Any such assessment should consider the potential for light spill and/or glare, in accordance with the Institute of Lighting Professionals (ILP) Guidance Note for the Reduction of Obtrusive Light 01/21). The lighting assessment should also ensure measures are taken to create a bat sensitive lighting scheme.
- Recommendations for reasonable avoidance measures are supplied by the consultant ecologist (see sections 5.1.4, 5.2.6 - 5.2.8, 5.3.12 - 5.3.13, 5.3.22, and 5.3.29 of the PEA; 6.1.4 of the Protected Species Report: Breeding Bird Report; 5.1 and 6 of the Protected Species Report: Bats report) and along with the recommendations above and any relevant recommendations within the standing advice online at the Rushcliffe

Borough Council website, should be implemented and a condition of any planning permission.

- **Recommendations for enhancement measures are supplied by the consultant ecologist (see sections 6 of the PEA; 6.1.5 - 6.1.8 of the Protected Species Report: Breeding Bird Report; 7 of the Protected Species Report: Bats report; section 5 of the Protected Species Report: Reptiles report) and along with the recommendations above and any relevant recommendations within the standing advice online at the Rushcliffe Borough Council, should be implemented and a condition of any planning permission.**
- **Significant onsite Biodiversity Net Gain proposals should be detailed in a Biodiversity Net Gain Plan and submitted and approved by the planning authority before commencement of the development. The significant onsite biodiversity gains will need to be secured via a planning obligation for a minimum of 30 years. Additionally, a Habitat Management and Monitoring Plan (HMMP) should be submitted to the planning authority and approved by the planning authority with the Biodiversity Net Gain Plan.**
- **Submission and approval of a Landscaping Scheme.**
- **Submission and approval of enhanced tree protection measures.**