

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 relates to the County Matters application for the creation of a new sand and gravel quarry at the site located to the north of Green Street in Barton in Fabis. The proposal includes the extraction, processing, sale and distribution of sand and gravel, and subsequent restoration together with necessary highways and access improvements.
2. This application was previously brought before the Planning Committee at the meeting on 15th May 2025. The previous Committee report can be found [here](#), and the response that was issued to Nottinghamshire County Council following this meeting can be found [here](#), dated 21st May 2025.
3. As per the link above, the Borough Council previously objected to the application on a number of grounds including inappropriate development in the Green Belt, and impacts in respect of contamination, amenity, landscape, rights of way, noise, dust, air quality, ecology, and the cumulative impact with existing and future housing applications/permissions.
4. Further information has now been provided by the applicant to Nottinghamshire County Council under the provisions of Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and the County Council has written to the Borough to invite further representations on this information.
5. Given the full report has previously been brought before the Committee and is available to view it is not considered necessary to repeat all the background information within this report, which will instead focus on the new matters that the Borough Council has been consulted on.

Proposal

6. The red line of the application site and the description of proposed development remain unchanged from that which was previously reported to the Planning Committee.

7. The changes to the proposed development have been set out in the Planning Statement for the application, and can be summarised as follows:
- The route of the proposed permissive path around the Plant Site and through Brandshill Grassland has been altered and its implementation deferred.
 - An inconsequential change to the extraction boundary of Phase 4 to provide a standoff for ecological purposes.
 - The proposed restoration scheme has been amended to incorporate additional ditches for Biodiversity Net Gain (BNG).
 - The design of the bridleway crossing at the Site entrance has been altered to provide a larger corral.
8. The amendments to the proposed scheme have resulted in amended phasing and layout plans being submitted as well as additional supporting reports.

Relevant Planning History

9. The planning history for the site remains as per the report for the 15th May committee meeting.

REPRESENTATIONS

10. Given the Borough Council has already provided a response to Nottinghamshire County Council in respect of this application, no further formal consultation has been carried out on the amended information provided. Furthermore, the County Council is responsible for carrying out the formal re-consultation exercise, including consulting ward members, parishes, statutory consultees and members of the public. Therefore, only comments from internal technical consultees have sought by the Borough Council to inform a further response. These comments are summarised as follows:
11. Environmental Health Officer (EHO) – has advised the following comments and recommendations in respect of the original submission:
- Potential Sound Impacts:
12. Advised that the Noise Assessment has been updated by WBM Acoustic Consultants (Ref: 5322 / final_rev4; dated 20th May 2025) in response to consultee responses and to reflect changes in the calculation methodology. An updated Noise Management Plan and Site Noise Monitoring Scheme have also been provided. The baseline noise monitoring surveys remain unchanged.
13. The EHO has reviewed the Noise Assessment and provided detailed comments which can be viewed in full on the Borough Council's website. Of particular note is the impact of diesel generators running at night at a level of 5dB above background could still be intrusive and give rise to compliant, particularly as there may be a tonal component.
14. In their original response the EHO raised concern around tonality and impulsivity which does not appear to have been addressed. Whilst the acoustic consultants state there would be no expectation of tonal noise during normal operations it is a possibility which should be given consideration.

15. The EHO recommends a number of matters are covered by way of condition including:
- i. Limits on daytime and night time noise limits for normal operations.
 - ii. Limits on sound power levels for various items of plant, which would also require a plant noise assessment.
 - iii. Use of white noise reversing warning devices and silencers on all mobile site plant, machinery and vehicles (including delivery vehicles) operating on Site, including hired mobile site plant and plant, machinery and vehicles not under direct control of the site operator.
 - iv. Installation and maintenance of embedded mitigation measures.
 - v. Noise limit of 70 dBLAeq, 1h for temporary operations at the curtilage of any residential receptor.
 - vi. And change in noise monitoring frequency to be agreed with Mineral Planning Authority.
 - vii. Submission of a Noise Monitoring Plan.
 - viii. Submission of noise survey in the event of a justifiable complaint to the Mineral Planning Authority.
 - ix. Restriction on operating hours.

Potential Air Quality Impacts:

16. Chapter 6 of the Second Environmental Statement Addendum (dated 18th June 2025) indicates the Air Quality Assessment has been updated to amend the Dust Management Plan to address the comments received from consultees.
17. Appendix 7 presents the updated Air Quality Assessment prepared by Tetra Tech (Ref: 784-B059679 Issue 11; dated 20th May 2025) and an updated Air Quality Dust Management Plan (Ref: 784-B059679 Issue 4; dated 21st May 2025).
18. It is noted that the Dust Management Plan has been updated to include details of the proposed continuous dust monitoring including trigger levels of airborne dust that would require action from the site. Recommendations are provided by the EHO in respect of baseline monitoring, receptors, and site specific considerations.
19. Conditions are recommended to cover the following:
- i. Submission and approval of comprehensive Dust Management Plan for each phase of the development in line with recommendations provided by the EHO.

Potential Lighting Impacts:

20. It is noted that there is no change to the level of impact and the Ground Condition Desk Top Study and therefore the comments provided previously in respect of this remain relevant.
21. The full comments of all the consultees can be found [here](#).

Local Residents and the General Public

22. As stated earlier a public re-consultation has not been carried out on the additional information provided. Notwithstanding this, the Borough Council has been provided with a copy of a letter issued to Nottinghamshire County Council raising objections to the application. However, as the letter was addressed to the County Council in response to their consultation it is not necessary to report the details of it within this report.
23. Full comments can be found [here](#).

PLANNING POLICY

24. The relevant planning policy is as per the previous report.

APPRAISAL

25. 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.
26. The Borough Council provided a response to the County Council on 21st May 2025, following the consideration of the application by the Planning Committee. The response raised an objection to the application for reasons including:
- inappropriate development in the Green Belt by virtue of the size, scale and location of the engineering and processing operations including a processing plant 12m in height, mineral conveyor, offices, wheelwash, weighbridge, car park and access track, with limited screening which would not be considered to preserve the openness of the Green Belt.
 - Failure of the application to demonstrate that the development would not have significant adverse impacts in respect of contamination, amenity, landscape, rights of way, noise, dust, air quality, ecology, or the cumulative impact with existing and future housing applications/permissions.
27. It was also recommended that Nottinghamshire County Council obtain further information in respect of a number of matters prior to the determination of the application, notably in respect of noise impacts, silica dust, Dust Management Plan methodology, action to encourage the Necklace ground beetle *Carabus monilis* (endangered species) will be undertaken.
28. Conditions in respect of a number of matters were also recommended in the event that the County Council were to consider the application acceptable.
29. Given the Borough Council has already raised an objection to this application, this assessment will only consider if the amendments to the scheme are of such a nature that the Borough Council should amend their response to the County Council.

Green Belt

30. As set out in paragraph 7 of this report, some alterations have been made to the proposed development. However, these are relatively minor alterations that would not significantly alter the proposal in respect of the size, scale and location of development. It is therefore considered that the amended proposal would not have a significantly different impact on the openness of the Green Belt when compared to the scheme that was reported to the Committee in May.
31. Taking the above into account along with the Committee's decision to object to the application on the grounds of inappropriate development in the Green Belt, it is recommended that the Borough Council's response remains unchanged and an objection is raised to the principle of development on the basis that it would be inappropriate development in the Green Belt.

Landscape and Impact on the Character of the Surrounding Area

32. The Landscape Visual Impact Assessment provided with the original application has not been updated. The built form of the development and earthworks proposed remains largely as originally proposed. It is therefore recommended that the Borough Council's objection in respect of landscape impact remains.

Amenity

33. The Borough Council objected to the original application due to impacts in respect of amenity, noise, dust, and air quality.
34. The Borough Council's Environmental Health Officer has reviewed the updated Noise Assessment and acknowledges that the assessment has been updated to take into account a number of matters previously raised by technical consultees.
35. Concerns are still raised by the Environmental Health Officer in respect of the potential impact of tonal noise, and a number of conditions are recommended in respect of noise impacts should planning permission be granted.
36. An updated Air Quality Assessment and Dust Management Plan have been provided as part of the additional information. It is noted that the Dust Management Plan has been updated to include details of the proposed continuous dust monitoring including trigger levels of airborne dust that would require action from the site. Recommendations are provided by the EHO in respect of baseline monitoring, receptors, and site specific considerations.
37. The County Council has now sought a response from the UK Health Security Agency (UKHSA), who have responded as follows:

Health and Safety Executive (HSE) workplace exposure limits for respirable crystalline silica dust (RCS), as well as specific HSE guidance for quarrying, which includes limiting exposure to the public. The local authority may (Nottinghamshire County Council) wish to check that the quarry will adhere to these levels, which in turn should ensure that members of the public are protected.

38. Whilst further information in respect of noise and air quality impacts have been provided, given the scale of development and proposed output of the extraction remains unchanged the overall impacts of the proposed development would likely remain as per the scheme that was previously reported to the Planning Committee. Given the response to this was to object on grounds relating to amenity, noise, dust, and air quality, it is recommended our response remains unchanged in respect of these matters.

Ecology

39. The updated information includes minor changes to the proposed development which include the altered permissive route through Brandshill Grassland which will be fenced to restrict users / dogs to minimise disturbance within the central area of the Grassland and loss of areas of high value grassland. A minor change to the Phase 4 extraction boundary for ecological purposes has been incorporated into the scheme and a number of ditches have also been incorporated into the restoration purposes of BNG.
40. Updated surveys have been undertaken and conclusions do not alter from the information previously reported on.
41. An updated BNG calculation has been undertaken in accordance with the BNG statutory metric tool. With the habitat retention, enhancement and creation following the final restoration, the proposed scheme would provide 518.62 habitat units, 20.27 hedgerow units and 30.08 watercourse units. This equates to a net gain in habitat units of 100.31 (23.98%), a net gain in hedgerow units of 4.91 (31.97%), and a net gain in watercourse units of 2.45 (8.85%). This is a slight decrease in habitat units when compared to the scheme prior to the amendments due to part of the grassland being reclassified as lowland meadows which increased the baseline value of the Site and reduces the area which can be enhanced within Brandshill Grassland LWS.
42. The Borough Council previously requested it be demonstrated that specific action to encourage the Necklace Gound Beetle be undertaken. The updated information provides further information in respect of this, noting that effects of the proposal on the species would be negligible to minor adverse at a local level and the impacts post restoration would be a major beneficial one. It is therefore recommended that a condition to cover a scheme for protecting and positively managing the remaining area of habitat used by Necklace Ground Beetle be included should the County Council grant planning permission.
43. The Borough Council previously objected due to impacts on ecology, and given limited changes have occurred in respect of this it is recommended that the Borough Council's response remains unchanged in respect of this.

Potential Land Contamination

44. The proposal has not altered the conclusions in respect of land contamination and the Borough Council's response to object on contamination grounds should therefore remain unchanged.

Public Right of Way

45. 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, the Borough Council previously objected due to the impact on the rights of way and as no substantial changes are proposed as a result of the amendments it is recommended that the response remains unchanged in respect of this.

Conclusion

46. The amended information provided makes limited changes in respect of the principle of the development proposed. Whilst additional technical information has been provided, the scale of development proposed remains as previously reported. Given the Borough Council's previous objection to the application it is considered appropriate to provide an unchanged response with respect to the objections raised. The recommended conditions, should Nottinghamshire County Council grant planning permission, have been updated in line with comments provided by the Borough's Environmental Health Officer. The third point of the Borough Council's previous response is recommended to be removed as the further information requested prior to determination has been provided.

RECOMMENDATION

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

- 1. Rushcliffe Borough Council raises an objection to the principle of development on the basis that the proposal would represent inappropriate development in the Green Belt by virtue of the size, scale and location of the engineering and processing operations including a processing plant 12m in height, mineral conveyor, offices, wheelwash, weighbridge, car park and access track, with limited screening which would not be considered to preserve the openness of the Green Belt. The proposed development would therefore not fall within an exception to inappropriate development in the Green Belt and therefore the proposed development by definition, is harmful. It is not considered that there are any other considerations that clearly outweigh the harm to the Green Belt, which would amount to very special circumstances to justify the grant of permission. It is not considered that the land meets the definition of grey belt.**
- 2. Rushcliffe Borough Council also consider that it has not been fully demonstrated to the satisfaction of the Council that the proposed development would not have significant adverse impacts in respect of contamination, amenity, landscape, rights of way, noise, dust, air quality, ecology, or the cumulative impact with existing and future housing applications/permissions.**
- 3. Should Nottinghamshire County Council consider the application to be acceptable then Rushcliffe Borough Council recommends conditions in respect of the following:**

- i. Limits on daytime and night time noise limits for normal operations for normal operations as detailed in Table 5.2 of the Second Environmental Statement Addendum (dated 18th June 2025)) and Section 6.1 of the WBM report (Ref: 5322 / final_rev4; dated 20th May 2025), or other alternative agreed background levels. The planning condition needs to include sufficient detail around each monitoring location and position such that it would be possible for a third party to replicate.
- ii. Plant Noise Assessment and limits on sound power levels for various items of plant to those assumed in the assessment. This assessment should demonstrate the plant sound power levels used in the noise modelling reported in the WBM report (Ref: 5322 / final_rev4; dated 20th May 2025) are not exceeded. The plant noise assessment needs to include the consideration of the dewatering pumps and associated generators.
- iii. Use of white noise reversing warning devices and silencers on all mobile site plant, machinery and vehicles (including delivery vehicles) operating on site, including hired mobile site plant and plant, machinery and vehicles not under direct control of the site operator.
- iv. Installation and maintenance of embedded noise mitigation measures as detailed in Paragraph 8.5 of the WBM report (Ref: 5322 / final_rev4; dated 20th May 2025).
- v. 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.
- vi. Any change in noise monitoring frequency to be agreed with Mineral Planning Authority.
- vii. Submission of a Noise Monitoring Plan, having regard to the WBM report (Ref: 5322 / final_rev4; dated 20th May 2025) and current relevant good practice guidance, shall be submitted for approval by the Mineral Planning Authority. As a minimum, the Noise Monitoring Plan should include details of the proposed operations, the proposed compliance monitoring locations and protocols, action to be taken where exceedances are identified, a complaints management system and a communication strategy to keep all relevant stakeholders informed. The Noise Monitoring Plan must consider both normal operations and temporary operations. In addition to a requirement for the periodic submission of noise monitoring information there should be a time limited requirement for any exceedances to be identified to the Mineral Planning Authority together with the details of the associated mitigation measures. The Noise Monitoring Plan shall be kept under review, as a minimum on an annual basis or upon receipt of a justifiable complaint. Any amendments shall be agreed in advance with the Mineral Planning Authority and all relevant stakeholders. The applicant shall adhere to the approved Noise Monitoring Plan for the lifetime of the proposed development.
- viii. Submission of noise survey in the event of a justifiable complaint to the Mineral Planning Authority.

- ix. Site operating hours, with an exception for dewatering pumps on the active parts of the site for mineral extraction 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.
- x. 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.
- xi. Submission and approval of comprehensive Dust Management Plan for each phase of the development in line with recommendations provided by the EHO.
- xii. 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.
- xiii. Verification of the implementation and operation of the agreed external lighting provision.
- xiv. Updated lighting assessment in the event any proposed lighting provision is to be altered.
- xv. Condition to cover the discovery of any unexpected land contamination
- xvi. Assessment of any imported top soil to check for contamination.
- xvii. An action plan for the control of invasive species on site should be submitted and approved.
- xviii. Biodiversity net gain plan and Habitat Management and Monitoring Plan (HMMP).
- xix. Recommendations for mitigation and avoidance measures supplied by the consultant ecologist should be implemented.
- xx. The submission, approval and implementation of a scheme for protecting and positively managing the remaining area of habitat used by Necklace Ground Beetle.
- xxi. The method statement within the supplied badger report (or any updated report) should be implemented.
- xxii. Detailed restoration and landscaping plans.
- xxiii. Detailed tree protection plans.
- xxiv. Replacement of any trees that a lost or die within 5 years of their planting.
- xxv. Restoration of site if cessation of extraction was to occur.