

17/02096/CMA

Applicant London Rock Supplies Ltd

Location Land South Of Burrows Farm Barton Lane Barton In Fabis Nottinghamshire

Proposal The extraction and processing of sand and gravel, including the construction of a new site access road, landscaping and screening bunds. Mineral washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas.

Ward Gotham

THE SITE AND SURROUNDINGS

1. The site is located to the west of the Borough within the Green Belt. The area of land immediately adjacent the River Trent, approximately 2 - 4km wide, is largely flat and active floodplain. The eastern part of the site rises by 50m above the valley floor having a forested slope.
2. The site is located to the east of the River Trent and to the north of Barton in Fabis. Burrows Farm is located to the north of the site with its arable and grazing farmland. To the west of the site, beyond the River Trent, is Attenborough Nature Reserve. The east is bordered by Brandshill Wood. To the south, the nearest property in Barton in Fabis is within approximately 150m of the site. Burrows Farm is an isolated property to the north of the site.
3. 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.
4. 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). Brands Hill Wood on the south eastern boundary was designated as an ancient woodland in 2018. Five 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

5. This is a County Matter application where Rushcliffe Borough Council is a Consultee. The Council made its initial observations in 2017 (please see previous Planning Committee report of October 2017). No decision was made by the County Council but since the Borough Council's original observations were made additional information was sought by the County Council and provided by the applicant as Regulation 25 submissions (supplementary information provided under the Town and Country Planning Environmental Impact Assessment Regulations 2017). This subsequent information has been submitted to the Borough Council in order for it to provide further comments (see background update below).

6. The latest consultation with the Borough Council regarding the Regulation 25 information was received on the 19 July 2021 and consultation has been undertaken internally. It is not the Borough Council's role to undertake any external consultation with stakeholders or the general public, this falls to the Nottinghamshire County Council as the determining authority. A number of changes have occurred since the application was originally submitted in 2017:
 - Rushcliffe Local Plan Part 2 has been adopted (2019);
 - Nottinghamshire County Council Minerals Local Plan has been adopted (2021)(in which this site has been included as an allocation);
 - Nottingham City Council Local Plan has been adopted (2020); and
 - The National Planning Policy Framework (NPPF) has been updated (2021).
7. As such it is considered that the submission should be reviewed and the Council's formal response be determined at Planning Committee. As before, the Borough Council are a consultee making observations to the determining authority which is Nottinghamshire County Council.

Proposal

8. The proposal relates to the 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 on land at Mill Hill and Barton in Fabis.
9. The total site area is 88ha (77.3ha lies within Nottinghamshire County Council area and 10.7ha within the City Council administrative area). The land is currently used as grazing land.
10. Further to previous Regulation 25 information, the latest documentation includes a revised planning statement outlining the development, geology, proposed phased working and restoration scheme, policy assessment; an updated Environmental Impact Assessment dated June 2021 with further information provided regarding Noise, Ecology, Biodiversity Impact Assessment, Archaeology together with information relating to an Independent Examination of the Nottinghamshire Minerals Local Plan, Potential Aggregate Market and Future Major Construction Schemes near the proposed quarry, Proposed Built Structures, Surface Water and overland Flow Modelling and a Statement of Community Involvement.
11. The submitted documentation suggests that the estimated extraction area would be 46ha containing 3.1million tonnes (a reduction from 3.4 million tonnes originally sought) of saleable reserves of sand and gravel. They advise that the proposed hours of operation of the quarry would be 07.00 to 18.00 Monday to Friday and 07.00 to 13.00 Saturday with no operation on Sundays or Bank Holidays (only essential plant maintenance and essential safety work may take place outside of these hours). A processing plant would be located to the north of the site.
12. It is anticipated that the total timescale for the project and restoration would take place within a period of around 15 years (12- 15 years extraction with a 2

year restoration). It is proposed to be a 5 phase extraction of approximately 250,000 to 280,000 tonnes per annum. It is suggested that the development would result in 10 employees with additional sub-contracted staff and hauliers (up to 15 drivers).

13. Minerals would be extracted, processed, stockpiled and loaded on to Heavy Goods Vehicles (HGV's) prior to distribution to customers. The proposal seeks to upgrade the existing farm access to Green Street. All traffic leaving the site would turn left and join the highway at the Mill Hill round about. Traffic would access the site from the A453 from the Mill Hill round about, turning right into the application site.
14. There would be a defined plant area located on Mill Hill to the north of the site. Soil that would be stripped to allow the plant construction would be used to create screening bunds, top-soil no more than 3m high and sub soils no greater than 5m in height with slopes now proposed to be no greater than 18 degrees (previously under 26 degrees) to be seeded for cutting. These soils would then be used in the restoration stage to plant the area back to agricultural land.
15. Within the plant area there would be washing and screening plant (nominal height between 7.4 and 10.3m) with a clean water lagoon and two silt lagoons (total area of 8,700m² to a depth of 5m) to be maintained to prevent bird activity. The excavated material (36,000m³) would be placed in a storage bund to the west of the plant area (6m high with slopes of 26 degrees to be covered with soils and grass seeded) together with a number of stocking areas. A weighbridge (specifications to be provided prior to commencement but indicated as being some 15m long) with wheel wash (if deemed necessary some 7m long x 3m wide) and associated raised office 9.5m x 2.5m x 2.3m high (1m off ground level), office and welfare facilities in portacabin type structures approx. 9.7m x 3.6m x 2.5m and 8.5m x 3.6m x 2.5m, a workshop (24.5m x 20m x 9.5m in height) and parking for up to 16 cars and 8 HGV's (previously 12 HGV's) will also be located in this area together with fuel tanks.
16. The submission advises that the scheme does not include any extraction within the area at the base of Brandshill known as "Brandshill Marsh". A conveyor and vehicle access track are proposed to link the floodplain extraction area and the processing. This conveyor corridor is proposed to pass through the Brandshill Marsh area and the conveyor would pass beneath the Bridleway (formed by cutting below the bridleway installing a concrete box tunnel or similar and raising the bridleway by a maximum of 1m) and up through Brandshill Grassland. Advanced planting (2015) has taken place to offer screening this, together with existing vegetation along the route, is suggested would restrict views.
17. An aspirational small Permissive Footpath is suggested to be opened to link Bridleway No.3 at the base of Brandshill and Footpath No.2 adjacent to the floodbank in the southern part of the site. This Permissive Footpath would be open for the duration of the works but is subject to landowner and EA Approval. Additional Permissive Footpaths are proposed as part of the restoration.
18. The submission advises how the development would protect services such as the National Grid/Cadent High Pressure Gas Pipeline and Severn Trent Water Main by way of an easement or standoff zones and methods to ensure that the precise route is identified prior to commencement of the phase together with

how areas would be treated during works, backfilled and stability assessments regarding the long-term stability.

19. Lighting would be low emission light where possible and would be directional and shielded to minimise their off-site impact and provided in the form of mobile plant lighting which would be turned off when the plant is not in operation. Low emission lights located around the offices would remain on during the hours of darkness with all other lights around the plant and workshops areas being switched off when the site is closed. Limited lighting would be along the conveyor and access road down Brandshill during working hours and the bridleway may be illuminated where the access road crosses it for safety and maintenance. During the mineral extraction campaigns, within the designated extraction areas and haul routes, mobile plant would be used together with lights on the vehicles during low light periods. No lighting is proposed in the extraction area or the site entrance due to that which exists at the Mill Hill roundabout.
20. Security fencing would be installed around the plant area and around the office. CCTV would also be installed at the offices and site entrance near to the conveyor. Post and wire fencing would be positioned around the phased extraction areas and to facilitate footpath diversions.
21. In terms of traffic movements over the course of a year, assuming a 20 tonne load, it is estimated that 57 HGV's on average would leave the site each day, therefore, around 114 movements per day are anticipated equating to 10-12 movements per hour. During busy periods, e.g. specific infrastructure projects, it would be higher and slow sales periods e.g. bad weather it would be lower.
22. Vehicles are indicated as entering the site via Mill hill Roundabout and the A453 and those leaving the site would turn left back onto Green Street and back to the Mill hill Roundabout. The submission advises that the aggregates could then be transported to the new housing allocations proposed within Rushcliffe, the Sustainable Urban Extension south of Clifton (Fairham Pastures), as well as serving the Greater Nottingham construction market and providing infrastructure schemes located near to the M1, such as HS2. No HGV's would need to use Green Street south of the entrance.
23. The mineral is proposed to be extracted on a "campaign basis" with 3 campaigns per annum of up to 6 weeks during the dryer periods of the year. No mineral extraction campaigns are therefore proposed during periods of Environment Agency Flood Warning. The excavated material would be stockpiled at the base of Brandshill and transported up the hill to the plant area by a field conveyor. As the excavation progresses overburden and soils would be placed in the void and against the exposed sand and gravel faces on the site boundaries and adjacent to the National Grid gas pipeline, Severn Trent water pipeline, floodbank and River Trent. The exposed faces would be backfilled and compacted with overburden and or bedrock to ensure long term stability of the faces prior to final restoration allowing some partial restoration.
24. All surface water run-off would be directed into silt lagoons, or to surface water catchment ponds located around the site. There would be no discharge of surface water to any off-site drainage or sewer system. Surface water collected from the HGV parking area and the fuel tanks area would be directed through an interceptor pond to ensure no oils/fuel enter the surface water drainage

system. Surface water would be collected in drains and ditches within the extraction area and these would issue into the de-watering and silt settlement system. At the boundary of the site between the overburden and mineral, the water table on the site is approximately 1.2m below the ground level, as a result, a scheme of de-watering is proposed.

25. Samples tested from boreholes indicate that the deposit is gravel rich with predominantly medium to coarse quartz sands. Silt content is proposed to be removed by washing to produce a saleable product. A lignite plant has been included within the processing plant to remove this material. Oversized (+40mm) gravel may be crushed on site to produce a finer aggregate product should there be a limited market for such.
26. The submission provides information regarding face stability and that the faces at the limits of extraction are required to be stable during the excavation phases, thus they would be backfilled progressively during each phase of extraction. This would result in the slopes being backfilled within a few weeks of initial excavation, in order to eliminate the potential for any face failure in the longer term around the site boundaries or adjacent to the underground services.
27. The proposed restoration of the site would include a range of conservation habitats including pond, lake, reedbeds, marshland, wet woodland and floodplain grazing marsh and back to agricultural land some ground levels would be raised above the local water table. The submission advises that 'the processing plant area would be restored to mainly agricultural land using stored soils and some grassland habitat. A Biodiversity Metric has suggested an overall Net Gain following restoration over 20% compared to the pre-development habitat'. The restoration proposal would be undertaken for each phase of extraction. It suggests that an aftercare programme for the restoration of the plant and extraction areas would extend beyond the minimum 5 years period for such as nature conservation (being up to 20 years).
28. The Environmental Statement advises that there would be no significant noise, dust, archaeological or water impacts. It is intended that the visual impacts of the development would be minimised by constructing landscape bunds and progressive restoration. Apart from where affected by the site entrance or where minerals are deposited, existing boundary hedgerows and most major trees would be retained. With regard to the ecological impacts of the proposal it is advised that there would be no negative impact on Attenborough or Holme Pit SSSI, the Ancient Woodland at Brandshill or any other designated area. The submission advises that 'During the consultation period, three small (non-statutory) areas have been excluded from the extraction proposals and will be retained (undisturbed) including the Brandshill Marsh, Barton Flash and a small area of ridge and furrow.' and that proposed measures are recommended to ensure no impact on any protected species or habitats.

SITE HISTORY

Background to the application (since it was originally consulted upon in 2017):

29. The Council previously considered the application at October 2017 Planning Committee whereby it was resolved to advise the County Council that the

Borough Council objected to the proposal and recommended refusal for the following reason(s):

1. The proposal would represent unjustified and inappropriate development in the Green Belt. The development constitutes an engineering operation that does not maintain the openness of the Green Belt. Having regard to the scale of the engineering operations, together with the associated urbanising effects, it is considered the proposal would have a significant impact on the openness of the Green Belt. The proposed development by definition is, therefore, harmful. It is not considered that there are very special circumstances of sufficient weight to clearly outweigh the harm caused and, therefore, it is considered to be contrary to the provisions of the National Planning Policy Framework and local planning policies EN14 and EN19 of the Rushcliffe Borough Non-Statutory Replacement Local Plan.
2. It has not been demonstrated to the satisfaction of the Council that the proposed development would not have significant adverse impacts in respect of noise, dust, air quality, landscape impact, archaeology or the cumulative impact with the housing allocations/applications.

30. Subsequently, further information was provided to the Borough Council (County Council Regulation 25 request) and the Council responded 22 March 2018 Stating that:

The Borough Council raises an OBJECTION to the application for the following reasons:

1. The proposal would represent unjustified and inappropriate development in the Green Belt. The development constitutes an engineering operation that does not maintain the openness of the Green Belt. Having regard to the scale of the engineering operations, together with the associated urbanising effects, it is considered the proposal would have a significant impact on the openness of the Green Belt. The proposed development by definition is, therefore, harmful. It is not considered that there are very special circumstances of sufficient weight to clearly outweigh the harm caused and, therefore, it is considered to be contrary to the provisions of the National Planning Policy Framework and local planning policies EN14 and EN19.
2. It has not been demonstrated to the satisfaction of the Council that the proposed development would not have significant adverse impacts in respect of noise, dust, air quality, landscape impact; archaeology, ecology or the cumulative impact with the housing allocation/application.

31. On 13 August 2018 the County Council Officer sought clarification from the Environmental Health officer in respect to their previous comments on Air Quality that advised further information was required. The Borough Council responded on 30 August 2018 in which the County Council was advised that, having reviewed the information regarding Air Quality further the Environmental Health Officer commented that:

32. *'I have reviewed the comments from Nottinghamshire County Council and can confirm that there does not appear to be a need undertake a full assessment of nitrogen oxides or particulate emissions from HDV movements connected with this application. I have referred to the LAQM.TG16 – Technical Guidance Manual, that was published earlier this year which provides screening criteria in Table 7.1 – Screening Assessment of Road Traffic Sources. This indicates that: - A high flow of HDV would be considered to be more than 2500 HDVs/day - New roads would only be of concern if traffic flows are greater than 10,000 vehicles per day - Increases in traffic flow only need to be considered if there is a 25% increase where the road carries greater than 10,000 vehicles per day None of the above appear to apply in this case. This concurs with the DMRB screening which is also referred to in TG16.'*
33. The Council advised the County Council that the previous comments provided continue to apply and therefore the Borough Council continues to raise an OBJECTION to the application for the following reasons:
1. The proposal would represent unjustified and inappropriate development in the Green Belt. The development constitutes an engineering operation that does not maintain the openness of the Green Belt. Having regard to the scale of the engineering operations, together with the associated urbanising effects, it is considered the proposal would have a significant impact on the openness of the Green Belt. The proposed development by definition is, therefore, harmful. It is not considered that there are very special circumstances of sufficient weight to clearly outweigh the harm caused and, therefore, it is considered to be contrary to the provisions of the National Planning Policy Framework and local planning policies EN14 and EN19.
 2. It has not been demonstrated to the satisfaction of the Council that the proposed development would not have significant adverse impacts in respect of noise, dust, landscape impact; archaeology, ecology or the cumulative impact with the housing allocation/application.
34. 9 January 2019 - further regulation 25 information was submitted to the Borough Council. The Council did not formally respond to the County Council, however the consultee responses were published online and the County Council is aware of the comments. The consultees advised the following:
35. Planning policy officer's summary states: *"Located within the Green Belt, the visual impact of transportation, processing and loading of sand and gravel remain a concern and are considered inappropriate development as they reduce the openness of the Green Belt and conflict with Green Belt purposes.*
36. *If, as shown by the latest conclusions of the Local Aggregates Assessment, that there is no requirement to permit further sand and gravel extraction, then exceptional circumstances (required to permit inappropriate development in the Green Belt) are unlikely to exist.*
37. *Furthermore, the potential adverse impacts during the operation of the quarry on the landscape of Clifton Pastures and Trent Valley, national and local biodiversity assets and green infrastructure are important considerations (see previous advice). These may outweigh the benefits of providing sand and gravel from this location."*

38. Environmental Health Officer recommended: *“The assessment of the dust and noise impacts from the proposed quarry have been carried out in accordance with the appropriate planning and technical guidance. The assessments conclude that the proposed quarry and processing plant can operate within the relevant dust and noise emission standards and is not expected to have a significant adverse impact on any sensitive human receptors. There are no EH objections to the proposal provided that the controls recommended in the above reports are conditioned in any consent that is given so as to minimise noise and dust emissions.”*
39. Sustainability officer advised: *i) Net Gain review - I am satisfied this has been carried out correctly, although I consider open water to not be equivalent to reed beds and unimproved/wet grassland in value (quality or distinctiveness). I note that it is expected that all mitigation is expected to achieve good quality and therefore no trading down correction has been applied, I query the likelihood of it all achieving good quality. ii) Emissions - I am satisfied this has been addressed iii) Noise - I am satisfied this has been addressed, I recommend the proposed condition relating to timing of the noisiest works is adopted. iv) Ancient Woodland Status - I am satisfied this has been addressed v) Bat Foraging area - I am satisfied this has been addressed vi) Bat roosting - I am satisfied this has been addressed vii) Necklace ground beetle - the proposed methodology appears acceptable and should be conditioned. This should be carried out prior to works commencing allowing enough time to monitor success and seek to re-establish any translocated populations that fail. viii) Barn Owl - I am satisfied that this has been addressed”*
40. Design and Conservation Officer advised: *“I have considered the additional information relating to archaeology which identifies a generally high likelihood of archaeology across the site, with a division in occupation with earlier prehistoric remains mostly confined to the low lying western part of the site and remains from later prehistory through the iron age and into the RB period more focused to the eastern part of the site. Whilst there is a discrete split in periods of occupation the likelihood of encountering archaeology is generally high with the earlier prehistoric remains in the western part of the site having the highest potential to be of regional or national significance. The later remains in the eastern part of the site still have a potential to be of local or regional significance but would be less valuable in terms of meeting regional research objectives, largely owing to the fact that Iron Age and RB settlement and activity within the region is comparatively well understood when compared to Bronze Age and earlier periods. Clearly there will be a need to ensure that the proposed excavations and extraction of minerals, which will effectively remove any archaeology which the site contains, are subject to and/or preceded by appropriate and thorough mitigation to enable archaeological remains to be adequately explored and recorded. No mitigation strategy has yet been developed but the reports provide adequate understanding of the likely archaeological content of the site to enable such a mitigation strategy to be developed.”*

Planning History

41. 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.

Planning history Sustainable Urban Extension

42. Land on the opposite side (east) of the A453 is the subject of a permission for a Sustainable Urban Extension involving mixed use development including up to 3000 dwellings and employment land etc. ref: 14/01417/OUT. Approved 24 May 2019 subject to a s.106 Agreement. There have been a number of subsequent applications for approval of reserved matters and applications to discharge conditions and work has now commenced on site, including the provision of roads/infrastructure and one of the commercial units.

REPRESENTATIONS

Ward Councillor(s)

43. None received at time of writing this report.

Town/Parish Council

44. None were consulted by RBC. However, a joint comprehensive response (115 pages) has been received from Barton in Fabis, Gotham and Thrumpton Parish Council (and other bodies within the SAVE Campaign Group). The full report can be found on the Borough Council's website covering the following: Introduction; Applicant and site development brief; Planning Policy; Green Belt; Heritage; Biodiversity; Hydrology and Flooding; market Analysis and Transport; Air Quality Bird Management Plan; Archaeology; Restoration Concept; Recreation and Public Amenity and Cumulative Impacts.
45. The executive summary states as follows:
46. *Background - In the period since submission of the original Planning Application there have been three rounds of Regulation 25 consultation. Over this period, and in the current revised Planning Application, the Applicant has failed to show that there are any benefits of the proposals that outweigh the adverse impacts have been identified through the EIA and consultation processes.*
47. *The only factor that has materially changed since the original submission is the adoption of the Minerals Local Plan for Nottinghamshire which now includes the at Mill Hill/Barton in Fabis. Although the Planning Application ES/3712 was made before the Minerals Plan was adopted, it does not follow that the granting of permission is now automatic. Any site being proposed still has to be considered on its merits.*
48. *The Applicant states in the revised Planning Application that a new Environmental Impact Assessment was not necessary. However, if the original impacts had been shown to be insignificant, then the extensive Regulation 25 process would not have been necessary. That it was needed, shows the application to be problematic. That, during the Regulation 25 and Revision Processes, the Applicant has failed to demonstrate that impacts can successfully be mitigated, shows that the Planning Application should be rejected. The proposal is not compliant with the government's aims of Sustainable Development nor with the policies, objectives and strategy of the Nottinghamshire Minerals Local Plan (NMLP).*

49. The Applicant (See section 2) - Evidence indicates that Applicant does not possess the financial strength or experience required to manage the complexity of this site, along with the environmental and economic implications of the many controls and mitigations being proposed. There is a risk that the site will not be restored to the standards required. London Rock Supplies Ltd is not part of the MPA's 'Restoration Guarantee Fund which underwrites the completion of restoration schemes in the long term. Nor does London Rock Supplies claim compliance with Environmental Management System ISO 14001.
50. Site Development Brief (See section 2) - The Revised Planning Application presented in PASS21 fails to meet the requirements of the Site Development Brief in the adopted NMLP. Principally the Applicant:
- Fails to show that the biodiversity-led restoration proposed can achieve a net biodiversity gain of more than 10%.
 - Fails to show how the site will be managed during the extended period of after-care that is needed to achieve or sustain restoration targets.
 - Fails to show that the development would not have adverse impacts on neighbouring SSSIs (Attenborough and Holme Pit).
 - Fails to mitigate the harms to heritage that arise in the context of Clifton Hall and its Registered Park and Garden.
 - Fails to address the spatial constraints along the high pressure gas-pipeline that bisects the site that arise from the relevant easements associated with this element of critical national infrastructure.
51. Planning Policy Green belt (See section 4) - The NPPF states (Para 148) that: "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt". Harms can arise by impacts on the **openness** and **permanence**.
52. The 2nd and 3rd Regulation 25 submissions made by the Applicant do not demonstrate that any special circumstances exist that outweigh the harm done to the Green Belt in its openness and/or permanence, in relation to landscape, the historic and natural environment, and in relation to the changes to landscape and the historic and natural environment that would persist after the development.
53. NMLP Policy SP6 states that inappropriate development will not be approved except in very special circumstances, and that site restoration proposals should seek to enhance the beneficial use of the Green Belt. The market analysis provided by the Applicant demonstrates no special circumstances that outweigh the harms done to the Green Belt by the proposals, nor do the restoration proposals enhance the beneficial use of the Green Belt. The Planning Application should therefore be rejected.
54. In support of their position on the Green Belt, the Applicant cites Supreme Court Judgment – Sam Smith Brewery v N Yorks CC (5th February 2020). While mineral extraction does not conflict with NPPF Green Belt Policies, they fail to note the requirement for environmental restoration. On these grounds, this application falls well below the necessary threshold for the high environmental standards and the quality of restoration. Were this application to be permitted in its current form, there would be clear grounds for legal challenge, using this judgement as precedent.

55. Historic Environment – Heritage Assets (See section 5) - The historical, social and economic connections between the setting of the Grade 1 Listed Building of Clifton Hall and its Registered Park and Garden, and the wider landscape will suffer harm from the proposed development. During the operational period noise, dust and light impact on the setting of Clifton Hall, and as a result of the development there will be a permanent loss of the historic value of the landscape that constitutes the setting of Clifton Hall.
56. In relation to NMLP Policy SP5 The Built, Natural and Historic Environment, the Application therefore 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, and so should be rejected. In relation to NMLP Policy DM6 Historic Environment, the Application therefore does not enhance the historic environment, including individual heritage assets or historic landscapes, and so should be rejected.
57. Biodiversity (See section 6) - The biodiversity gain estimated by the Applicant in the revised Planning Application is inaccurate, in that they include non-priority habitat (open water/lake) and assume too optimistic target conditions for restoration of key habitats (reedbeds). A realistic biodiversity gain estimate is 7%. The Applicant provides no detailed on how the site would be managed during the periods of restoration and aftercare, so that it is unclear how **any** biodiversity targets can be achieved.
58. The Planning Application should be rejected because it fails to meet the requirements of NMLP SP5 The Built, Natural and Historic Environment, which states that restoration schemes should seek to maximise biodiversity gains and achieve a net gain in biodiversity. It is also in conflict with Rushcliffe Core Policy 17 (Biodiversity) on protecting, restoring, expanding and enhancing existing areas of biodiversity interest, including areas and networks of priority habitats and species listed in the UK and Nottinghamshire Local Biodiversity Action Plans.
59. The proposals also fail to address NCC and City Policies on appropriate restoration. The Applicant provide no information about how the long-term gains will be achieved or sustained.
60. The Applicant has failed to show that the proposals would not do so in relation to the neighbouring SSSI and other retained habitats, and so do not meet the requirements of NMLP Policy DM4.
61. NMLP Policy DM4 (d) Protection and Enhancement of Biodiversity, states that proposals for minerals development will be supported if they would not result in the loss of populations of a priority species. Since the Applicant has failed to show that the proposals would not lead to loss in relation to grass snakes, harvest mice, otters, common toads, badgers, bats, hedgehogs, brown hare, barn owls and necklace ground beetle, the Planning Application should be rejected.
62. Hydrology and Flooding (See section 7) - The Revised Planning Application does not meet the stand-off requirements of the Development Brief for the site as set out in the NMLP.

63. *The Applicant fails to meet the requirements of the Development Brief regarding water and flooding, and in particular the impacts of drainage on Holme Pit SSSI. The analysis provided in the 3rd Regulation 25 Response is flawed.*
64. *NMLP Policy DM12 Restoration after care and re-use, states that where opportunities arise after_use proposals should provide benefits to the local and wider community which may include provision of climate change mitigation measures. None have been provided by the Applicant in respect of flood risk. In relation to Rushcliffe Core Policy 2, the Application also fails to mitigate against and adapt to climate change.*
65. *In relation to NMLP Policy DM8 Cumulative Impacts, the Applicant fails to show that risks to critical national infrastructure (high pressure gas pipe-line) are not unacceptable in relation to climate change. Moreover, in relation to NMLP Policy SP3, the Applicant fails to include adequate climate change adaptation measures in relation to critical national infrastructure (gas pipeline).*
66. *Market Analysis and Transport (See section 8) - In relation to NMLP Policy SP4 Sustainable Transport, the Application neither maximises the use of sustainable forms of transport nor demonstrates with any reliable evidence that it is within close proximity to existing or proposed markets. The Applicant's analysis of the market inaccurate and misleading description for the market potential in this area. They demonstrate no special circumstances as to why this site is more optimal than any other or that it results in "environmentally acceptable distribution of lorry traffic".*
67. *Air Quality (See section 9) - In relation to NMLP Policy DM1 Protecting Local Amenity, the Applicant has not demonstrated that adverse impacts on amenity have been avoided or adequately mitigated to an acceptable level in relation to Lark Hill Retirement Village. In relation to Rushcliffe Core Policy 41, the Planning Application should be rejected because the Applicant has failed to show that where air quality is a matter of concern, development proposals must demonstrate that users or occupants will not be significantly affected by poor air quality.*
68. *Noise (See section 10) - New data, commissioned by Barton in Fabis Parish Council show the noise levels at Chestnut Lane, Barton in Fabis, Attenborough Nature Reserve, and Lark Hill exceed those stipulated in the +10dB(A) criterion in the Minerals PPG Para 21 (27-021-20140306) exceeding the background noise levels by more than +10dB (A). The information provided by the Applicant is inaccurate.*
69. *NMLP Policy SP6 Nottinghamshire Green Belt, states that all mineral development proposals will be required to deliver a high standard of environmental protection and enhancement to ensure that there are no unacceptable impacts on the built, historic and natural environment. In relation to noise the Applicant has failed to show that the harms arising to the natural environment (priority species), amenity (footpaths/bridleways) and residential properties (Barton in Fabis) have been fully mitigated. The analysis and data provided by the Applicant in their Environmental Impact Statement is flawed and out of date.*

70. Bird Management Plan (See section 11) - *The Revised Planning Application fails to meet the requirements of the Site Development Brief in the adopted NMLP in relation to consultation with East Midlands Airport, and the extent that the revised restoration proposals conflict with the needs of managing the aviation risk. It also fails to address the concerns of NMLP Policy DM10 Airfield Safeguarding. The analysis of aviation risk should include consideration of the extent to which such measures are also likely to be detrimental to the ecological integrity of Attenborough Nature Reserve and the ability of the Applicant to secure sufficient biodiversity gain.*
71. *Policy DM10 does not preclude any specific forms of restoration or after-use, but seeks to ensure that aviation safety is fully considered and addressed through appropriate consultation, avoidance and mitigation. The modifications to the restoration design recently suggested by East Midlands Airport will reduce the ability of the Applicant to secure sufficient biodiversity gain. The problem underlines the unsuitability of the Planning Application and so should be rejected.*
72. Archaeology (See section 12) - *Policy DM6 on the Historic Environment states that proposals for minerals development on a site of archaeological importance must ensure that satisfactory mitigation measures are incorporated, including the preservation in situ or the excavation and recording of any affected archaeological remains. It is unclear that the Applicant has the capacity to do so, and so planning permission should be withheld.*
73. Restoration Concept (See section 13) - *We have considered the failure of the Applicant to meet the requirements of biodiversity-led restoration (NMLP Policy SP2) above; they do not meet the required threshold for biodiversity gain (<10%)*
74. *In relation to NMLP Policy DM12, Restoration aftercare after-use, the Applicant fails to:*
- *Provide an appropriate scheme for the restoration, after care and long term after use to enable long term enhancement of the environment because of insufficient biodiversity gain and impact on priority species (See biodiversity above).*
 - *Design a restoration plan that is in keeping with the character and setting of the local area and that contributes to the delivery of local objectives for habitats, biodiversity, landscape, historic environment or community use. The impact on the historic setting (landscape) of the Grade 1 Listed building of Clifton Hall is significant. No information is provided on the sustainable management of the retained areas, including the LWS of Barton Pond and Drain and Barton Flash, or of those other areas that have been retained.*
 - *Provide an overall concept with sufficient detail to demonstrate that the scheme is feasible in both technical and economic terms, and is consistent with the County Council's biodiversity led restoration strategy. The Applicant has limited experience of the restoration measures required and provides no detail on how the long-term restoration will be managed. The restoration plans also fail to recognise the likely spatial constraints imposed by the easement deeds associated with the high-pressure gas-pipeline crossing the site and its implications for operation and restoration.*

- *Include sufficient detail on the period of extended aftercare and how this will be achieved, given that the proposals for full restoration require a longer period of management after extraction (up to 30 years). As such the Applicant fails to address the emerging policy around the forthcoming Environment Bill.*
 - *Demonstrate how the restoration proposals contribute to the delivery of Local Biodiversity Action Plan targets and have regard to the biodiversity-led restoration approach and the opportunities identified in the National Character Area profile. The topic is entirely avoided by the Applicant.*
 - *Identify any opportunities in the context of after-use proposals that could provide benefits to the local and wider community. Only footpath reinstatement is considered.*
75. *Recreation and Public Amenity (See section 14) The Application is also inconsistent with NMLP Policy DM 9 Highways Safety and vehicle Movement, which states that vehicle movements likely to be generated would not cause an unacceptable impact on the environment and/or disturbance to local amenity. The Applicant has failed to do this in the context of Green Street, and the crossing of Footpath 2 at Brandshill.*
76. *The Application is inconsistent with NMLP Policy DM17, Mineral Exploitation, which states that proposals for mineral exploration will be permitted, subject to satisfactory environmental, amenity and restoration safeguards. The Applicant has failed to demonstrate that this is the case because the rerouting of footpaths will conflict with attempts to secure a biodiversity gain.*
77. *The Application is also inconsistent with the NPPF, Para 185 which states that: "Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. The Applicant has failed to recognise and protect a tranquil areas which has remained relatively undisturbed by noise despite its close proximity to built-up areas, and which is prized for its recreational and amenity value.*
78. *Cumulative Impacts (See section 15) - NMLP Policy DM8 on Cumulative Impact states that proposals for minerals development will be supported where it can be demonstrated that there are no unacceptable cumulative impacts on the environment or on the amenity of a local community. We have shown here that the cumulative impacts cross the threshold of unacceptability on a range of issues: biodiversity, heritage impacts, amenity impacts; air quality and noise. Thus, the cumulative impact of the proposals are unacceptable.*
79. *Moreover, taken together with the impacts of other developments in the area, the proposals would significantly exacerbate the cumulative impacts on the Green Belt and the wider environmental qualities of the area. These other cumulative impacts arise 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.*
80. *The Policy Summary that follows summarises where the Application fails to meet the requirements of at least 50 policy statements collectively associated*

with the NMLP, the NPPF, Minerals Planning Guidance, and policies of Rushcliffe Borough Council and City of Nottingham. The Planning Application should therefore be rejected.

Statutory and Other Consultees

81. The RBC Planning Policy Officer comments; *“In line with planning law, decisions should be taken in accordance with the Rushcliffe Development Plan unless material considerations indicate otherwise. The relevant statutory policies that comprise the Development Plan for Rushcliffe consist of the adopted Local Plan Part 1: Core Strategy, and Local Plan Part 2: Land and Planning Policies. The latter was adopted in October 2019, postdating the submission of this application and subsequent consultations on it.*
82. *Material considerations include the National Planning Policy Framework (the Framework), National Planning Practice Guidance (the Guidance) and the adopted Nottinghamshire Minerals Local Plan.*
83. **Green Belt** - *As previously advised, the site lies within the Nottingham – Derby Green Belt, as saved by Policy 4 of the Local Plan Part 1 and Policy 21 of the Local Plan Part 2. As such, in accordance with paragraph 150 of the NPPF (2021), those elements that reduce the openness of the Green Belt or conflict with the purposes of including land within the Green Belt may be considered inappropriate development. If inappropriate, very special circumstances must be established in order to grant permission.*
84. *Whilst the land is allocated as a new sand and gravel quarry within Policy MP2 of the recently adopted Nottinghamshire Minerals Local Plan, the Local Plan Inspector deferred the assessment of the proposed quarry’s impact upon the Green Belt to the determination of this application (paragraph 52 of the examination report).*
85. *The applicant has sought to reduce the impact the quarry would have on the openness of the Green Belt, especially the loading area on Brands/Mill Hill itself which would contain a mobile offices and welfare buildings, workshop, lorry spaces, and loading hoppers. Whilst the measures proposed would reduce the quarry’s impact on the openness of the area, its presence cannot be concealed and there would be an inevitable reduction in open views on Brands/Mill Hill as a result of conveyer and bunds required to hide the facility. Consequently the level of harm to the openness of the Green Belt remains a concern that may, if deemed inappropriate, be weighed against the benefits of the proposal.*
86. **Green Infrastructure** - *The proposed quarry would have a significant impact on the River Trent (West) Green Infrastructure Corridor, as identified within the Local Plan Part 2 (Appendix D). The primary functions of which comprise an ecological network of wetlands, grassland and woodlands, floodwater storage and improved active travel connectivity between West Bridgford, Clifton and Barton in Fabis. Policy 35 (Green Infrastructure Network and Urban Fringe) requires that these functions are maintained and enhanced. Opportunities to create additional Green Infrastructure which improve its connectivity should be taken where appropriate. This proposal provides an important opportunity, provided primary functions (most notably the ecological network) are not negatively affected.*

87. **Nature Conservation and the Ecological Network** - The proposed quarry site includes a number of local wildlife sites and areas of priority habitat. There are also two SSSI's and numerous local wildlife sites in close proximity. Subject to advice from the Borough Council's Environmental Sustainability Officer, this proposal may or may not comply with Policy 36 within Local Plan Part 2 which protects designated and non-designated nature conservation sites.
88. Furthermore, Policy 38 seeks to preserve and restore and re-create priority habitats and the protection and recovery of priority species in order to achieve net-gains. The proposed quarry is located within the River Trent – Wilford to Thrumpton Biodiversity Opportunity Area (Ecological Network), where Appendix E of the Local Plan Part 2 states there is potential for improving wetland and grassland networks. It also identifies that there are a number of existing sites that provide good areas of core habitat and the surrounding floodplain offers potential areas where habitat connectivity can be improved. Policy 38 Part 3 requires that development within Biodiversity Opportunity Areas should: a) retain and sympathetically incorporate locally valued and important habitats, including wildlife corridors and stepping stones; and b) be designed in order to minimise disturbance to habitats and species.
89. As with adverse effects on the Green Belt, the impacts of the proposed quarry on biodiversity and wider ecological network were deferred to the assessment of this planning application by the Local Plan inspector.
90. **Summary** - Located within the Green Belt, the visual impact of substantial transportation, processing and loading machinery and the mobile office/welfare buildings remain a concern and may be considered inappropriate development as they will inevitably reduce the openness of the Green Belt on Barton Hill and conflict with Green Belt purposes.
91. Furthermore, 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 (see previous advice).
92. Since the submission of this proposal, the Borough Council has adopted its Local Plan Part 2 and this includes a number of policies that seek to protect and enhance green infrastructure, biodiversity and ecological networks. Adverse impacts upon them may outweigh the benefits of providing sand and gravel from this location.”
93. Landscape Officer - advised that, “It seems there is more provision for bunds on the eastern side of the site entrance with the stocking area reduced in size and the workshop repositioned. This should help screen views to the site from the south, these are likely to be short distance views from the road where the users are not likely to be particularly sensitive and relatively low in number, or long distance views from higher ground to the south where the proposal will be a small intrusion into a much wider landscape, albeit located in a rather incongruous location on a ridgeline. I do note that the LVIA assessment suggest these bunds are to be part planted trees and shrubs and there isn't any suggestion of this on the layout plans. Whilst the scheme may only have a 12 year life, some planting would be beneficial and would add additional height and screening to any bund in this timescale.

94. *An area of land at the northern edge of the site is now being retained and this allows the retention of Hedgerow 16 which was previously shown for removal. Whilst this hedgerow is in poor condition it does appear on Sanderson's 1835 map so in terms of the Hedgerow Regulations it is likely to be considered important for historical reasons and should be enhanced as part of any mitigation scheme. A number of other old hedgerows will be lost, these appear to be in relatively poor condition and I note in the ecological report they don't meet the criteria to be considered important for wildlife reasons. In wildlife terms it should be possible to mitigate this during the restoration phase. The removal of these hedgerows will make the old farming system harder to interpret within the landscape, but given the scale and change to the landscape through the proposed mitigation which will introduce large areas of wetland the loss of hedgerows is not likely to be significant.*
95. *I also note that an area of ridge and furrow is now being retained which again is positive.*
96. *I don't think these changes has any significant effect on the previous LVIA study which I largely accept."*
97. The Environmental Health Officer - has commented that, *"I understand this specific consultation relates to the additional information submitted in response to a Regulation 25 request by the County Council. However, as some time has passed since the initial consultation exercise I have reviewed the wider information available on the County Council website pertaining to the potential noise and air quality impacts that may be associated with the development.*
98. **Hours of Operation** - *Should planning permission be granted we would recommend hours of operation are restricted by condition to those set out in the planning application: Monday-Friday 07:00 – 18:00hrs Saturdays 07:00 – 13:00hrs Sundays/Bank Holidays closed. We note the supporting documents indicate that outside of the above hours any works will be restricted to essential plant maintenance and safety work. We would consider these works could be undertaken within normal working hours*
99. **Potential Noise Impacts** - *The noise assessment (Vibroch Ltd R18.8872/8/1/AP; dated 20 December 2018) supersedes the initial noise assessment (Vibroch Limited Report Ref: R17.8872/6/1/JS; dated 16th May 2017) included as Appendix 5 of the Environmental Statement. The application is also supported by various communications from Vibroch Ltd responding to queries and requests for clarification raised during the consultation process.*
100. *The assessment includes a consideration of the potential noise impacts of the extraction and processing operations; and the temporary works, including soil stripping and bund creation. Monitoring has been undertaken to establish the existing noise climate at a number of identified noise sensitive receptors (baseline) and noise level predictions calculated for what has been deemed to be worst case scenarios. The assessment concludes noise from the proposed development can meet the appropriate noise standards for mineral operators for both normal operations and for noisy short-term activities as set out in the Minerals Planning Practice Guidance (MPPG). Although the MPPG specifies noise limits for normal activities for daytime, evening time and night-time; and noise and duration limits for temporary works, it should be noted the guidance states care should be taken to avoid any of the suggested values being*

implemented as fixed thresholds as specific circumstances may justify some small variation being allowed. Normal activities are considered to include excavation, processing and transport of materials whereas short-term activities include soil stripping, construction and removal of soil mounds and the construction of new landforms.

101. *For normal operations Vibrock Ltd (paragraph 7.1.2 of the previously referenced 2018 report) recommends daytime noise limits for each noise sensitive premises considered in the assessment. Should planning permission be granted we would recommend the specified noise limits for each noise sensitive property are imposed by condition.*
102. *For short term operations (daytime) Vibrock Ltd (paragraph 7.13) recommend the criteria as specified in the MPPG which we would consider to be reasonable and if planning permission is granted we would recommend these limits (noise levels and durations) are included as a condition.*
103. *Although the site will not be operational in the evening and at night-time there will be a requirement for the dewatering pumps and generators to remain in use. The noise assessment presents a predicted worst-case scenario at the nearest noise sensitive properties indicating the noise levels will not exceed the 42db(A) LAeq,1hr (free field) noise limit at any of the noise sensitive properties and this could be controlled by a planning condition. Whilst the MPPG states 'For operations during the evening (19:00-22:00) the noise limits should not exceed the background noise level (LA90,1h) by more than 10 dB(A) and should not exceed 55dB(A) LAeq,1hr (free field). For any operations during the period 22:00-07:00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42db(A) LAeq,1hr (free field) at a noise sensitive property' we have a concern the use of the noise limits in the MPPG of 55dB(A) LAeq,1hr (free field) for evenings and 42dB(A) LAeq,1hr (free field) for night-time may not be sufficient to ensure there is no adverse impact on neighbouring residents during these times as background noise levels are likely to be significantly lower than this. The use of dewatering pumps and generators could be viewed as being ancillary to operations at the site and we would consider it more appropriate to undertake a site-specific assessment (including night-time baseline monitoring) and set a specific condition for the dewatering activities that takes account of the background noise during the evenings, night-time and at weekends (Saturday afternoons and Sundays/Public Holidays) when the site is not operational. The noise impact from this type of equipment can be mitigated and is unlikely to place an unreasonable burden on the operator.*
104. *Should noise limits be imposed by condition the 2018 report refers to compliance monitoring being undertaken on a regular basis at various intervals throughout the life of the scheme. It is our opinion the monitoring frequency should be clearly defined and we would consider it reasonable to undertake monitoring at all the noise sensitive locations identified in the 2018 report on a quarterly basis. In addition to compliance monitoring, we would consider it necessary to ensure there is mechanism to require the operator to undertake noise monitoring should the MPA or the Local Authority receive a justifiable noise complaint.*

105. *We have a particular concern around the potential impact of audible reversing alarms (beepers) on plant and vehicles as these frequently give rise to complaint. In addition to all mobile plant, equipment and vehicles being fitted with silencers (maintained in accordance with the manufacturers specifications) we would recommend all mobile plant and vehicles on site are fitted with white noise/broadband reversing alarms.*
106. *As proposed noise controls, mitigation measures and compliance monitoring are contained in a number of submission documents should planning permission be granted we would recommend a condition is attached requiring the submission and approval of a Noise Management Plan (NMP). The NMP should encompass all the proposed measures for controlling and managing noise including details of the compliance monitoring, the procedure for dealing with complaints, and a strategy for communicating with relevant interested parties, including the local community and regulatory bodies. The operator should adhere to the requirements of the approved NMP for the duration of the operation (including preparatory works) and restoration of the site.*
107. **Potential Air Quality Issues** - *The application is supported by an initial air quality assessment (Vibroch Limited Report Ref: R17.8873/4/1/JS; dated 4 July 2017) included as Appendix 6 of the Environmental Statement, a further dust impact assessment (Vibroch Ltd Ref: R18.8873/5/RS; dated 13 December 2018) and various communications from the consultant providing clarification on queries raised. The assessment considered potential impacts on air quality (including PM10 and PM2.5) from the proposed operations and associated activities, including road haulage. Baseline monitoring for deposited dust was undertaken at a number of nearby sensitive properties around the site. We note the conclusion if the development were permitted an increase in the annual mean concentration of PM10 and PM2.5 would not exceed the Air Quality Objectives. This is based on the assumption that 1µg m⁻³ increase in PM10 from the site operations is considered to be a worst-case scenario and the robustness of this approach is considered questionable. Whilst we appreciate there may not be an exceedance of an AQO we would seek to ensure impacts are minimised as far as reasonably practicable. Notwithstanding this the report identifies the potential dust sources on site and recommends controls and mitigation measures such as speed limits, minimisation of drop heights, grading of haulage roads etc. The initial report indicates a detailed emissions assessment is not required as the scoping criteria contained in good practice guidance have not been met.*
108. *As with all developments of this nature there is the potential for dust generation and effective site management will be key to reducing emissions and potential impacts on nearby sensitive premises.*
109. *We would recommend a condition is attached to any permission granted requiring the submission and approval of a Dust Management Plan to ensure the dust control measures (including dust monitoring) recommended in the supporting documentation are put in place and effectively monitored during the lifetime of the site. As minimum the Dust Management Plan should include details of the routine & additional measures in place to control emissions at source; details of the triggers for identifying and implementing further action/additional measures; management procedures to ensure measures remain effective; the procedure for investigating and actioning complaints; and a strategy for communicating with relevant stakeholders, including the local*

community and regulatory bodies. The Dust Management Plan should have due regard to good practice guidance for mineral extraction sites.

110. *It is our opinion some further work needs to be undertaken to develop a dust monitoring scheme and agree appropriate action levels to ensure sensitive neighbouring premises (existing and future) within Rushcliffe BC and the City are adequately protected. This may need to include a consideration of the potential cumulative dust impacts of other developments in the vicinity and particularly pertinent to this is the large development site at Clifton Pastures. This could be developed and agreed as part of the Dust Management Plan.*
111. **Lighting** - *The supporting documentation indicates that outside of the operating hours external lighting will be limited to low emission lighting around the office area. To ensure there is no adverse impact on nearby premises we would recommend a condition is attached to any permission granted requiring the submission and approval of a lighting assessment for any additional external lighting that may be considered necessary during the life of the development. 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 (or any subsequent update)."*
112. In respect of the comments received from the Barton in Fabis Parish Council the officer provided further comments in respect of noise:
113. *"This includes a report prepared by Noise Assess Ltd 'Background Noise Survey and Comments on the Source Noise Data Used in the Applicant's Noise Assessment' (Ref: 13312.01.v2; dated September 2021) which presents the findings of a background noise survey. We understand this survey was undertaken to check the applicant's data and although the two noise surveys may not be directly comparable with the Noise Assess report presenting findings from a 30 minute monitoring period a difference in the background noise data was identified at some locations, including Chestnut Lane in Barton in Fabis. The Noise Assess report indicates the background level may be 4dB(A) lower than that reported in the Vibrock report supporting the planning application. This is relevant as the proposed planning conditions are developed relative to the background sound levels.*
114. *Therefore, as the above referenced Noise Assess report raises some queries around the original (Vibrock) data and as some time has passed since the Vibrock noise survey we would consider it appropriate and necessary that an up-to-date background noise survey is undertaken to ensure the data are sufficiently robust and representative to support the application."*
115. The Sustainability Officer - *advises that they "note other than an Extended Phase 1 Habitat Survey (which was completed in September 2020, outside the optimum survey season) no up to date ecological surveys appear to have been completed. As any data over 2 years is out of date and for highly mobile species such as badger or bats, even a 1 year old survey may be out of date (see <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>) I recommend that all species survey data should be subject to update surveys and all biodiversity documents, proposals and management plans updated accordingly.*

116. *Noise - With respect to noise impacts I defer to Natural England with regard to noise impacts on birds breeding at Attenborough Gravel Pits SSSI and to Nottinghamshire County Council ecologist with reference to buffer zones around the Brandshill Wood LWS non statutory sites. I recommend that all the Local Wildlife Sites (LWSs) should be subject to the same buffer zones.*
117. *Local Wildlife Sites (LWSs) - I welcome the redesigning the layout of the quarry to avoid the direct loss of areas of higher value habitat including the Local Wildlife Sites at Barton Flash, Barton in Fabis Pond and Drain, Brandshill Marsh, Brandshill Grassland and Borrow Pits Barton, however I note the supplied documentation states "very small and localised losses to Brandshill Grassland and Brandshill Marsh which will be restored at the end of the project" (Regulation 25 Response Ecology Matters, FPCR, 2020). It is not possible to guarantee that restoration will achieve conditions that will achieve County level importance, therefore based on the principle of the mitigation hierarchy, the totality of the Local Wildlife Sites should be excluded from the scheme.*
118. *The condition of the LWSs need to be maintained in at least as good condition as they are found, throughout the extraction and restoration and post restoration phases, the impact of hydrology on the condition of the LWS is likely to be crucial. I note that "Indirect effects on adjacent wildlife sites have been avoided through measures in mitigation, that have included, buffer zones, stand-offs, phasing of works, flood control, agreed noise levels and water quality controls" (Regulation 25 Response Ecology Matters, FPCR, 2020) also "The hydrological report produced by Hafren Water in October 2016 states that the protected sites on elevated land east of the floodplain (including Brandshill Wood and Clifton Wood) will have a negligible impact based on no change from the baseline conditions." (Regulation 25 Response Ecology Matters, FPCR, 2020), however to ensure avoidable impacts are not allowed to impact the condition, I recommend that ongoing monitoring and remediation be conditioned (e.g. hydrological measurement to monitor any water table changes which may impact on LWSs and responsive works)*
119. *Biodiversity Net Gain - I commented in Feb 2019 with reference the revised documentation supplied; "Net Gain review - I am satisfied this has been carried out correctly, although I consider open water to not be equivalent to reed beds and unimproved/wet grassland in value (quality or distinctiveness)". I recommend the Net Gain assessment be adapted accordingly.*
120. *I noted "that it is expected that all mitigation is expected to achieve good quality and therefore no trading down correction has been applied, I query the likelihood of it all achieving good quality" and recommend likewise the assessment be adapted accordingly.*
121. *I accept that "National guidance in relation to Biodiversity Net Gain principles, suggest that inclusion of unimproved neutral grassland within net gain calculations is acceptable provided that bespoke compensation is provided for any impacts. In this instance, bespoke compensation for localised losses will be provided through measures outlined above and by securing the long-term favourable management of the LWS" (Biodiversity Impact Assessment – Land at Mill Hill and Barton-in-Fabis, FPCR, 2021). The long term favourable management of all the proposed net gain should therefore be secured, this should be in the form of an ecological management plan, with the means to implement it in the long term.*

122. *Barn Owls - Provision of Non-rotational set-aside (20m) and Grass margins for field and arable edges of at least 2-6 metres width, should be conditioned, plus the provision of Barn owl Boxes, throughout the extraction and restoration and post restoration phases and set out within the restoration and scheme land management proposals.*
123. *The Necklace Ground Beetle: The Regulation 25 Response Ecology Matters, (FPCR, 2020) Appendix C (Para 3.15.7-8) notes that the semi improved field compartment where the beetle had been previously recorded is no longer under grassland and has been ploughed and put under crop. Given the above observations it would seem unlikely that the population identified in the earlier survey has survived in this location (though it is possible that some have survived around the margins of the field- this seems less likely if herbicides/pesticides have been applied). The translocation approach originally proposed does not now appear to be relevant". I note that no up to date survey has been supplied. I recommend that compensatory habitat close to the previous known habitat is created and maintained to provide the opportunity for populations of any surviving necklace ground beetle to be maintained and up to date invertebrate surveys be carried out urgently."*
124. The Borough Council's Conservation Officer – no comments received.
125. The Borough Council's Economic Development Officer - No comments received.
126. The Ramblers Association - (although not consulted) the following comments have been received, *"We are concerned that the issues we raised in our previous response (letter dated 1st February 2019) have not been adequately addressed in the 3rd Regulation 25 Applicant Response. For the reasons detailed below, some of which are repeated from our original response, we make a formal objection to this proposal. From a Ramblers point of view, the use of this site for gravel extraction: 1. Entails a loss of amenity to the local population and others passing through the paths that are affected by the proposed development. This area is a large open space with public rights of way and other paths much used by the local population both through and close to the site. 2. Has serious implications regarding wildlife and, in particular, endangers the internationally important Attenborough Nature Reserve which in turn impacts upon the enjoyment of this resource by walkers and others. 3. Reduces the quantity of open space in the area – especially taking other local developments into account including the very large expansion of housing nearby. This valley is one of the few green spaces left to walkers in this area. A major aim of Ramblers is to protect the ability of walkers and others to enjoy the countryside, and this is especially important now we have seen increasing numbers of people taking advantage of the beauty and peace of this area during the pandemic. It is important to consider that this is a significant amenity - an open area with extensive views, part of which is green belt, a haven for wildlife, and is accessible via the rights of way. It is clear that this proposal would have a very significant negative impact on the enjoyment of users over at least 20 years, and we are not convinced that the plans for the restoration will return it to the same level of enjoyment in the future.*
127. *The noise and probable dust pollution across the site will have a noticeable impact on walkers and cyclists, and will be of especial concern for those on horseback. The proposal to place the conveyor in a tunnel at Brandshill and*

provide a ramp for bridleway No.3 is not a suitable solution, and the proposed gated vehicle crossing during the mineral extraction operations will be very disruptive. The route is used extensively by horse riders and is currently a quiet and safe route. Horses could easily be spooked by vibrations, noise and unexpected movement, creating a potential danger to all users. The noise modelling for Phases 1 and 3 suggest levels will be in the range of 55-65dB along the length of the path throughout the year, and considering it is currently a very quiet route, this will have a detrimental impact on the peaceful aspect of this well-used bridleway. The riverside Trent Valley Way along the eastern boundary of Attenborough is one of the most heavily used rights of way in the area and is only around 70m from the western boundary of the site. There needs to be sufficient screening to conceal the facility but currently the site is easily visible from the path even after the recent planting of trees. In addition, no proper analysis of the impact of noise levels on this section of the Trent Valley Way has been provided.

128. *We believe that this proposal fails to protect and maintain what is a peaceful and characterful location. As stated before, we do not habitually object to the creation of sand and gravel pits, recognising that they are an important facility in the Trent Valley. However this is clearly the wrong location for such a development and Nottinghamshire Area Ramblers continue to strongly object to this application.”*

Local Residents and the General Public

129. None consulted by RBC.

PLANNING POLICY

130. The relevant statutory policies that comprise the Development Plan for Rushcliffe consist of the adopted Local Plan Part 1: Core Strategy (LPP1), and Local Plan Part 2: Land and Planning Policies (LPP2). The latter was adopted in October 2019, postdating the submission of this application and subsequent consultations on it.
131. Material considerations include the National Planning Policy Framework (the Framework), National Planning Practice Guidance (the Guidance) and the adopted Nottinghamshire Minerals Local Plan.

Relevant National Planning Policies and Guidance

132. National Planning Policy Framework (2021) (NPPF)
- Paragraphs 8; 11; 12; 24; 47
 - Chapter 9 - Promoting sustainable transport
 - Chapter 11 - Making effective use of land
 - Chapter 13 - Protecting Green Belt land (137, 138, 147, 148, 149 and 150)
 - Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15 - Conserving and enhancing the natural environment
 - Chapter 16 - Conserving and enhancing the historic environment
 - Chapter 17 - Facilitating the sustainable use of minerals (209; 211; 212).

Relevant Local Planning Policies and Guidance

133. Local Plan Part 1: Core Strategy (December 2014)

- Policy 1 - Presumption in favour of Sustainable Development
- Policy 2 - Climate Change
- Policy 3 - Spatial Strategy
- Policy 4 - Nottingham-Derby Green Belt
- Policy 5 - Employment Provision and Economic Development
- Policy 11 - Historic Environment
- Policy 14 - Managing Travel Demand
- Policy 16 - Green Infrastructure, landscape, Parks and Open Spaces
- Policy 17 - Biodiversity.

134. Local Plan Part 2 (October 2019)

- Policy 1 - Development Requirements, Policy 17 Managing Flood Risk
- Policy 18 - Surface Water Management
- Policy 19 - Development affecting Watercourses
- Policy 20 - Managing Water Quality
- Policy 21 - Green Belt
- Policy 28 - Conserving and Enhancing Heritage Assets
- Policy 29 - Development affecting Archaeological Sites
- Policy 36 - Designated Nature Conservation Sites
- Policy 37 - Trees and Woodlands
- Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
- Policy 40 - Pollution and Land Contamination
- Policy 41 - Air Quality
- Policy 42 - Safeguarding Minerals

135. Nottinghamshire City Local Plan Part 2 (January 2020).

136. Nottinghamshire Minerals Local Plan (March 2021)

- Policy MP2: Sand and Gravel Provision 1, c) New sand and gravel quarries: MP2p Mill Hill nr Barton in Fabis 3.0 million tonnes

137. Paragraph 4.42 applies *“This allocation is for a new greenfield site that is located 6km west of Nottingham. Output from the site would be approximately 280,000 tonnes per annum. The site is expected to become operational early in the plan period and would be worked over a 12 -15 year period. The quarry would be restored using a range of habitats including floodplain grazing marsh, reed bed, low land grassland and agricultural land. The allocation area contains approximately 3 million tonnes of reserves, however a planning application for a larger site that also covers an area within the Nottingham City administrative area has been received by both the County and City Councils and is currently being determined.”*

138. As does the associated site allocation development brief referred to in full below:

139. **Quarry restoration** - Restoration should be biodiversity-led, and precise details will be dependent upon landform and substrate characteristics. Restoration will depend on landform, hydrology and substrate characteristics. However, restoration should target the creation of:
- Wet Grassland (Floodplain Grazing Marsh)
 - Reedbed
 - Marsh and Swamp
 - Ponds
140. Other habitats that may be appropriate for creation include:
- Lowland Neutral Grassland
 - Wet Woodland
 - Mixed Ash-dominated Woodland (Lowland Mixed Deciduous Woodland)
141. Restoration should seek to maximise the extent of target habitat(s) and avoid habitat packing, where small areas of lots of habitats are packed into the site. Proposals should instead focus on maximising the biodiversity benefits from larger areas of priority habitat. Priority should be given to wetland/open habitats rather than woodland (although there may be limited opportunities for the latter along the bluff on the eastern side of the site) and should complement existing wetland habitat in the vicinity. Opportunities for created habitats to have multi-functional benefits (flood storage) should be explored and taken where possible.
142. Location
- North east of Barton in Fabis village and west/south west of Clifton
 - See Policies Map Inset 16
143. Environmental and cultural designations
- Direct and indirect impact on LWS within and near the site and indirect impacts on Holme Pit SSSI and Attenborough Gravel Pits SSSI must be considered.
 - Consideration of the impact on the Green Belt
 - Potential impacts on the Trent Valley Green Infrastructure Corridor
 - Potential impacts on Attenborough Nature Reserve
 - High archaeological potential to be managed through appropriate survey methods, including use of metal detector on conveyor belt
 - Consideration of Landscape Character Assessment, Policy Zone recommendation: 'Enhance' - emphasis should be to improve existing features which may not be currently well- managed or where existing features are of good quality but could be of greater benefit if improved.
 - Appropriate bird surveys should be undertaken including the potential effects on birds associated with the SSSI.
 - Permanent impact on the setting of the Clifton Hall Registered Park and Garden.
 - Expert assessment of the Clifton Hall Registered Park and Garden and the preparation and implementation of a Conservation Management

Plan to improve the condition and management of the heritage asset to provide appropriate mitigation.

- Potential impacts on designated heritage assets within Barton-In-Fabis, Attenborough and Clifton.

144. Access and transport

- Access on to the public highway to east of the site on to the old A453

145. Amenity

- Protection or suitable management of Barton in Fabis footpaths FP2, FP69, BW1 and BW3 including retention of existing vegetation/screening where appropriate and provision of safe crossing points for users.

146. Water and flooding

- Mitigation of potential flooding, including overland flood flows, should be considered through a Flood Risk Assessment as site lies in Flood Zone 3. No excavation within 45m of the toe of any flood defence or the River Trent itself
- Prior to making a planning application, applicants should discuss water abstraction issues with the Environment Agency.

147. Other

- Take account of the high-pressure gas main running across the site and meet the statutory safety clearances.
- East Midlands Airport should be consulted as part of any detailed planning application due to the quarry's location in the airport safeguarding zone and the potential for bird strike arising from any restoration scheme

APPRAISAL

148. The Nottinghamshire Minerals Local Plan was recently adopted (March 2021) covering the period to 2036. The Plan includes one new site allocated for sand and gravel supply. The adopted site relates to land within the application site at Mill Hill, Barton in Fabis. However, as the Planning Policy Officer has advised above, whilst the site has been allocated in the NMLP the Inspector deferred to the planning application, being assessed by the County Council, to determine whether the proposal would be acceptable when considering Green Belt, biodiversity and the wider ecological network.

Green Belt

149. Paragraph 147 of the NPPF sets out that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

150. There are some exceptions to inappropriate development and Paragraph 150 a) of the NPPF provides that mineral extraction is a form of development that

is not inappropriate in the Green Belt, provided that the development preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt.

151. It is considered that the development is inappropriate for the reasons identified above. It will be necessary to have regard for other considerations and whether these clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm that may arise from the proposal and, whether these amount to very special circumstances. Whilst the mineral extraction itself may fall within the above definition, the transportation and processing of material that may not be does not fall and is therefore inappropriate.
152. The processing, storage and loading area is in an elevated position on the site. The structures in this area vary in height but are illustrated as having the potential of being a maximum of 11m. It is considered that these structures within this area would reduce the openness of the Green Belt and conflict with Green Belt purposes. As such, the proposal should be considered inappropriate development and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
153. It will also be necessary for Nottinghamshire County Council, as the determining authority, to apply the Green Belt test and determine whether the proposal would be inappropriate development, whether any harm would result to the openness of the Green Belt and if so whether other considerations clearly outweigh the harm. The County Council would need to be satisfied that the visual impacts of the proposed development, including the buildings and alterations to the land, will not have a significant adverse impact on the character of the Green Belt or that the applicant has demonstrated special justification that would justify the proposed development and aftercare in this area.

Mineral supply

154. The application was previously considered against Paragraph 3.3 of the Nottinghamshire and Nottingham Local Aggregates Assessment (January 2017) that indicated that there were sufficient permitted reserves to meet demand and, therefore, there was no need to release further land for sand and gravel extraction within Nottinghamshire.
155. In addition, the Draft Minerals Local Plan did not identify the site as a draft allocation. Officer's view at the time therefore was that if additional reserves were required, other sites would need to be properly identified through the minerals plan.
156. At the time of the assessment of the application in 2017 the applicant suggested that two of the allocated sites in the emerging Mineral Local Plan (Shelford and Flash Farm) had come forward with an application and only the Shelford site would serve the Nottingham aggregate market but the site had delivery issues.
157. Since the initial assessment of the application, the Minerals Local Plan has been adopted (March 2021) and the application site now forms an allocation

with its own development brief detailed. The site has not, however, been removed from the Green Belt despite its allocation and therefore

158. The County Council will need to determine not only whether the site meets the adopted Mineral Local Plan and brief but also weigh up all other material planning considerations such as whether the development would constitute an exception to inappropriate development and not have a significant adverse impact on the character and openness of the Green Belt.

Ecology

159. The site is located within the Trent Strategic Green Infrastructure River Corridor and in close proximity of the Attenborough Nature Reserve SSSI, which is on the opposite side of River Trent, and Clifton Woods Local Nature Reserve (LNR).
160. The quarry would have a significant impact on the River Trent (west) Green Infrastructure Corridor as identified within the Local Plan Part 2 (Appendix D). Policy 35 (Green Infrastructure Network and Urban Fringe) requires the ecological network of wetlands, grassland and woodlands and flood water storage to be maintained and enhanced. The ecological network should not be negatively affected.
161. Policy 36 of LPP2 seeks to protect designated and non-designated nature conservation sites
162. Policy 38 seeks to preserve, restore and recreate priority habitats and the protection and recovery of priority species in order to achieve net gains. The proposed quarry is located within the River Trent – Wilford to Thrumpton Biodiversity Opportunity Area (Ecological Network), where Appendix E of the Local Plan Part 2 relates. The sustainability officer has commented on the submitted biodiversity net gain assessment and has suggested where they consider the assessment needs to be amended.
163. The Council's Sustainability Officer has advised that the ecological surveys are now out of date being over 2 years old and over 1 year old for badgers/ bats. As a result, the officer has recommended that all survey data should be updated and related biodiversity documents, proposals and management plans updated accordingly.
164. The amendments have redesigned the layout of the quarry to avoid the loss of areas of higher value habitat including a number of Local Wildlife Sites (LWS's) however the Sustainability Officer advises that all LWS's should be excluded from the scheme as it is not possible to guarantee that restoration will achieve conditions of County Level Importance. In addition they advise that they should all be subject to the same buffer zone offered to the Brandhill Wood LWS in respect of noise.
165. Careful consideration has to be given to the balance between the needs of the economy and the potential impact on protected species. The economic benefits associated with the development relate to both during mineral extraction and restoration stages and the existing environment of the site in which is located. The County Council must be satisfied that the information submitted is up to date, there are no satisfactory alternative sites and that

suitable mitigation can be catered for in relation to the impacts on the species on the site or are likely to be affected off the site. The County Council ecologist will also have to be satisfied in respect of noise implications for breeding birds at Attenborough Nature Gravel Pits SSSI and buffer zones around Brandhill Wood LWS.

166. Notably the Sustainability Officer has recommended compensatory habitat for necklace ground beetle to be provided close to the previous known site and an up to date invertebrate survey be carried out.
167. Should the County Council determine to approve the application, the officer previously advised on a number of conditions that he would wish to see incorporated in a Decision Notice. In addition to these they have also suggested conditions relating to on-going monitoring and remediation (eg. Hydrological measurement to monitor any water table changes that may impact on LWS's and responsive works), the net gain proposed should be secured through an ecological management plan, barn owl boxes and a non rotational set aside (20m) and gras margin for field and arable edges of 2-6m throughout the extraction and restoration and post restoration phases and set out in the restoration scheme and land management proposals.

Landscape

168. Whilst the landscape officer has not raised objections to the proposal, as they consider that the additional bunds on the eastern side of the site entrance and reduced stocking area size, and repositioned workshop should help to screen views from the south, the officer has highlighted that the LVIA suggested that the bunds be part planted and the layout plans do not refer to this. It is also noted that Hedgerow 16 is now to be retained and this should be enhanced as part of a mitigation scheme. The retention of ridge and furrow is positive.
169. It will be for the County Council to consider the landscape and visual impact of the proposed changes and their landscape officers will determine whether the impact of this on the wider and local landscape, together with the openness of the Green Belt, is acceptable when considering the proposed bunding and planting to screen and soften some of the structures (some of which are up to 11m tall).

Heritage Assets (Listed Buildings, registered parks and gardens and Archaeology)

170. The Borough Council's Conservation Officer no longer advises on archaeological matters, this function has now reverted back to the County Council. On this basis it is considered that the County Council should ensure that the Written Scheme of Investigation Archaeological Mitigation Strategy adequately addresses archaeology before making a decision on the application.
171. In respect of listed buildings, as per the 2017 Committee Report, it is not considered that the proposal would harm the settings of listed dwellings, or the listed parish church in Barton in Fabis and there is no conservation area at Barton in Fabis.

Noise, Dust, Air Quality, Lighting

172. The Council's Environmental Health Officer has reviewed the submissions and has offered advice regarding hours of operation; Noise impacts and Air Quality and lighting impacts. Their full comments are included in this report above.
173. The original officer comments provided did not raise an objection to the proposal but, as there remains a number of areas where additional information is considered to be required, the officer had indicated that these can be dealt with via appropriately worded conditions in respect of hours of operation, noise limits for each noise sensitive property and that noise limits should be differentiated between normal activities that are covered in the MPPG compared to the short term activities that may not be covered. In addition, a number of activities will occur out of the operational hours such as dewatering and generators which may be viewed as ancillary to operations at the site and so a site specific assessment (including night time baseline monitoring) and condition is suggested and associated mitigation secured. Monitoring would be on a quarterly basis and the EHO has requested a mechanism be included to require the operator to undertake noise monitoring should the LPA or MPA receive a justifiable noise complaint. In addition, white noise/broadband reversing alarms are recommended for all mobile plant and vehicles on site. A Noise Management Plan condition is recommended for the duration of the operation (preparatory work) and restoration of the site.
174. However, the officer provided further comments in respect of noise implications as a result of further information provided by Barton in Fabis Parish Council. This additional information includes a report prepared by Noise Assess Ltd 'Background Noise Survey and Comments on the Source Noise Data Used in the Applicant's Noise Assessment' (Ref: 13312.01.v2; dated September 2021) which presents the findings of a background noise survey in which a difference in the background noise data was identified at some locations, including Chestnut Lane in Barton in Fabis. The Noise Assessment report indicates the background level may be 4dB(A) lower than that reported in the Vibrock report supporting the planning application. The officer has advised that this is relevant as the proposed planning conditions are developed relative to the background sound levels and therefore as a result some queries are raised around the original (Vibrock) data and as some time has passed since the Vibrock noise survey they consider it appropriate and necessary for an up-to-date background noise survey to be undertaken to ensure the data are sufficiently robust and representative to support the application.
175. In respect of Air Quality the officer has recommended a condition be imposed in respect of a Dust Management Plan, however they advise that further work needs to be undertaken to develop a dust monitoring scheme in order to agree appropriate action levels to ensure sensitive neighbouring premises are adequately protected. This may need to include potential cumulative dust impacts of other developments in the vicinity, i.e. Fairham Pastures is required.
176. Regarding lighting, the officer advised that a condition would be necessary requiring a lighting assessment to be submitted and approved for any additional external lighting that may be considered necessary during the life of the development.
177. The County Council will need to determine whether sufficient information has been provided or whether additional information is required, including an up to date background noise assessment, before a decision can be made. If they

resolve to approve the application then the Council would wish to see a number of conditions, as per the comments received from the Environmental Health Officer, imposed. Attention would be drawn to the noise potential from possible ancillary operations when the site is not operational and to the cumulative impacts of dust. In particular, those relating to potential noise from sources that may not fall within the MPPG terminology as a normal activity

Highways

178. The County Council need to be satisfied that the transport implications from both the development of the site and the cumulative impact of existing uses and the housing allocations/permissions, during the extraction, restoration and completion phases of the proposal will not give rise to highway safety concern.

Public rights of way

179. The County Council should be satisfied that impacts of the development on the existing rights of way and public footpaths in the vicinity, by increased usage, is adequately addressed as part of this proposal.

Utility services

180. There is a high pressure National Grid pipeline crossing the site (northeast to south west) and a Severn Trent water pipe runs across the eastern part of the site. The County Council should be satisfied that development would not adversely affect these services.

Flooding and drainage

181. The applicant suggests that there will be no significant impact on surface water or floodplain during the proposed extraction, plant and restoration phases. Part of the site is within floodzone 3 and there are several known minor drains that cross the proposed extraction area. The County Council should satisfy themselves that the resulting works and restoration would not have an adverse impact on flooding and drainage in the immediate area or pollution of watercourses.

East Midlands Airport

182. Around 236 aircraft movements per day would pass over the site. As part of the proposal a bird management plan has been prepared to address mitigation and the management of the water habitats during extraction and the restoration of the site to prevent bird strike. The County Council should satisfy themselves that the resulting works and restoration would not have an adverse impact.

Cumulative Impact

183. The County Council should satisfy themselves that the cumulative impact of the proposal and the 2 proposed housing allocations that are within 1km of the site would not result in significant adverse impacts.

Residential amenity

184. The County Council needs to be satisfied that the potential impacts to existing and proposed future dwellings on the sustainable urban extension of Clifton are fully assessed and, if negative, mitigated against.

Conclusion

185. The site forms part of a large area of floodplain within the green belt that is largely devoid of built form. It is considered that the development would have a negative impact on the openness of the Green Belt. The transportation, processing and loading of sand and gravel is considered inappropriate development as they would reduce the openness of the Green Belt and conflict with Green Belt purposes.
186. The County Council will need to assess whether they have sufficient information to be able to consider whether the proposed development gives rise to limited material harm that is outweighed by the wider benefits of the scheme, that overall the proposals are considered to be in accordance with the relevant Development Plan policies, and that the potential adverse impacts during the operation of the quarry on amenity, the landscape, national and local biodiversity assets and green infrastructure as a result of the proposed development could reasonably be mitigated by the imposition of conditions and are outweighed by the benefits of providing sand and gravel from this location.

RECOMMENDATION

It is RECOMMENDED that the Nottinghamshire County Council be informed that the Borough Council objects to the proposal and recommends refusal for the following reason(s)

1. The proposal would represent inappropriate development in the Green Belt. The development constitutes an engineering operation that does not maintain the openness of the Green Belt. Having regard to the scale of the engineering operations, together with the associated urbanising effects, it is considered the proposal would have an unacceptable impact on the openness of the Green Belt. Therefore, the proposed development by definition is, therefore, 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. Therefore, it is considered to be contrary to the provisions of the National Planning Policy Framework 2021 and local planning policy 21 of the Rushcliffe Borough Local Plan Part 2.
2. It has not been demonstrated to the satisfaction of the Council that the proposed development would not have significant adverse impacts in respect of noise, dust, air quality, landscape impact, ecology or the cumulative impact with the housing allocations/applications/ permissions.

Should the County Council be minded to approve the application, then the Council would like the comments and suggested conditions from the Borough Council's consultees to be included in any decision. Their full comments are attached with this decision in order that that they can be fully incorporated.