

Item No: a2

<b>Application Ref.</b>	22/01071/FUL
<b>Application Type</b>	Full Planning Permission
<b>Site Address</b>	Land At High Marnham Power Station, Power Station Access, Fledborough Road, High Marnham, Newark, Nottinghamshire.
<b>Proposal</b>	The Erection of Unit A - A Finished Product Despatch Warehouse Building (B8 Use) and Packaging Plant (B2 Use) Including Odour Abatement Plant and Solar PV and Unit B - Raw Animal By-Product (ABP) Intermediate Storage Building (B8 Use) Incorporating Mechanical Processing Plant for Crushing, Freezing and Reloading (B2 Use) Including Odour Abatement Plant and Solar PV on Land Comprising Part of the Former High Marnham Power Station at High Marnham
<b>Case Officer</b>	Clare Cook
<b>Recommendation</b>	Grant Conditonal Consent
<b>Web Link:</b>	<a href="#">Link to Planning Documents</a>

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## The Application

### Site Context

The site lies within the grounds of the former power station at High Marnham. The site previously comprised of a car park, power station office buildings, soft landscaping and a sports pitch. It is now currently vacant land and has overhead power lines on it; it is a mixture of greenfield and previously developed land.

The former High Marnham power station site surrounds the application and this is currently vacant with the exception of the substation which is managed by National Grid and there is a planning permission to the east of the application for a B8 storage / distribution unit.

The wider site is surrounded by agricultural fields, the River Trent is located to the east and the railway embankment to the north of the wider former power station site. The village of High Marnham is the closest settlement and lies approximately 1km to the south of the site.

The site is located outside of the development boundary in open countryside and is in Flood Zone 1 which is the lowest propensity for flooding.

### Proposal

The proposal comprises of two main elements:

- Unit A – A finished product dispatch warehouse building (B8) and packaging plant (B2 use) including odour abatement plant and solar PV. This unit would measure approx 5,829sqm GIA with an overall height of approximately 16.54m. It has a car park proposed to the north west of the unit adjacent the office building. The odour abatement plant (5m x 8m) would be located to the south elevation of the building along with a flue (0.35m x 20m)

- Unit B – Raw animal by product intermediate storage building (B8) incorporating mechanical processing plant for crushing and reloading (B2 use) including odour abatement plant and solar PV. This unit would measure approx 9,253 sqm GIA with an overall height of approximately 14.47m. This unit would have 2 x odour abatement plants (5m x 8m) which would be located to the western elevation along with a flue on each plant (1m x 20m).

Both units have vehicular access off Fledbrough Road. The site currently has electric gates on the entrance which are controlled from Low Marnham.

There has been additional information submitted throughout the course of this application which has been re-consulted upon.

### **Development Plan and other Material Considerations**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town & Country Planning Act 1990 provides that the local planning authority shall have regard to the provision of the development plan, as far as material to the application, and to any other material considerations.

Other material planning considerations include the National Planning Policy Framework and guidance within the National Planning Policy Guidance.

### **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied.

Paragraph 8 explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.

Paragraph 11 explains that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up to date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission shall be granted unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The following parts of the Framework are the most applicable to this development:

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision Making
- Section 6 – Building a Strong, Competitive Economy
- Section 8 – Promoting Healthy, Safe Communities
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving Well Designed Places

Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change  
Section 15 – Conserving and Enhancing the Natural Environment  
Section 16 – Conserving and Enhancing the Historic Environment

## **Bassetlaw District Council – Local Development Framework**

### **Core Strategy & Development Management Policies Development Plan Document (Adopted December 2011):**

- CS1 - Settlement hierarchy
- CS9 – All Other Settlements
- DM1 – Economic Development in the Countryside
- DM3 – General Development in the Countryside
- DM4 - Design & character
- DM7 – Securing Economic Development
- DM8 – The Historic Environment
- DM9 – Green Infrastructure, Biodiversity, Geodiversity, Landscape, Open Space and Sports Facilities
- DM10 – Renewable and Low Carbon Energy
- DM11 - Developer contributions and infrastructure provision
- DM12 - Flood risk, sewage and drainage
- DM13 - Sustainable transport

### **Neighbourhood Plan (including status and relevant policies)**

There is no neighbourhood plan for this area.

### **Emerging Local Plan – Bassetlaw Local Plan 2020-2038**

Policies in this document are afforded limited weight at this point in time.

### **Relevant Planning History**

There is an extensive history associated with the power station. However the most relevant applications relating to this application are as follows:

19/00818/FUL - Erect Storage Building (Class B8) with Associated Weigh Bridge. Granted 5<sup>th</sup> December 2019.

22/00707/FUL – The Construction and Operation of a Solar Photovoltaic(PV) Farm with other Associated Infrastructure Including Sub Stations, Security Cameras, Fencing, Storage Containers, Access Tracks and Landscaping. Granted 5/1/23

22/01689/FUL - A Gatehouse, Weighbridges, Widened Access Road and Vehicle Parking Area. Granted 16<sup>th</sup> March 2023

23/00243/SCR - Screening Opinion - An 8 MW Green Hydrogen Production Plant, Storage and Distribution Facility and Green Ammonia Cracker Demonstration Unit on Land Comprising Part of the Former High Marnham Power Station – pending at the time of writing the report.

23/00313/FUL - The Erection of a 1.8m High Palisade Fence with Vehicular Gate and 2 no. Bollards (Retain). Pending consideration

## **Summary of Consultation Responses**

### **Nottinghamshire County Council Lead Local Flood Authority**

Originally objected to the development

Following the submission of additional information raise no objections subject to planning condition.

### **Nottinghamshire County Council Highways**

Following clarification on the lorry movements recommends planning conditions

The applicant questioned the condition regarding HGV movements and stated that is was not necessary, enforceable or reasonable. The Highway Authority maintain that the condition was required and if it was not imposed then the applicant should submit a full Transport Appraisal.

Following the submission of a Transport Assessment the Authority states that it is not convinced that the assessment adequately replicates the potential traffic impact of development more generally. The assessment should deal with both B2 and B8 scenarios to establish the worst case in traffic terms and demonstrate adequate parking. It should also consider the likely different traffic distribution associated with employee commuter trips and lorry deliveries. Lorries should be converted to passenger car units. This would become more relevant should there be further development on the power station site that would require cumulative traffic impact to be considered. As it is the junctions included in the assessment would likely have spare capacity even if the traffic generation of the development was somewhat higher. Parking is unlikely to be a problem.

### **Recommends conditions.**

Following the submission of additional information in respect of proposed business operations and associated HGV movements the Highway Authority states that it is understood that the HGV movements described in the summary are already on the local highway network as they are generated by the existing plant. It is understood that the proposal would not increase capacity at the existing plant. Unit B would result in a material increase in HGV movements on the C2 Fledborough Marnham Road between the existing plant and High Marnham as the arrival of animal by products from the south would pass the existing plant to reach Unit B before being sent back to the existing plant for processing. This would not result in a network capacity issue. There are also no sensitive receptors along that section of carriageway. The proposed Unit A would result in a slight reduction of the total number of HGV movements on the wider highway network associated with the distribution of the finished product by removing the need for it to be transported to Blyton. The quoted HGV movements in the summary are average so there will continue to be some days when there are more lorries on the highway network and others where there are less.

The Highway Authority has no objections to the suggested conditions controlling lorry routing.

### **Nottinghamshire County Council Planning Policy**

No comments to make

## **Bassetlaw District Council Environmental Health**

Following re-consultation the following comments are provided:

Extraction / Ventilation – to comply with Building Regulations

Noise – Originally stated that the development is unlikely to affect the environment with regards to noise. Following a re-consultation, conditions were recommended in respect of construction activities. Following a discussion with the case officer a noise report was requested due to the public objections. Following a rebuttal from the applicant it was concluded that noise could be dealt with by way of planning condition.

Lighting – external lighting schemes should be designed and installed as to not cause excessive sky glow.

Food and Hygiene – to comply with current legislation

Health and Safety – to comply with current legislation

Pollution and Prevention Control – The process operator must apply to the relevant regulatory authority for an Environmental Permit prior to commencement of operations. The precise nature of the operations and the likely emissions associated with the site dictates who issues the permit and in this application the local authority is the appropriate agency.

Contaminated Land - recommend condition

There has been a discussion about construction hours and Environmental Health advises that the standard construction hours should be imposed on any permission.

Separate meetings were held about odour and the applicant provided additional information. The Environmental Health Officer responded to this by accepting that the final odour abatement details needed to be finalised; however the technologies stated were suitable. The proposed methodologies would be capable of treating the amount of odour being produced, especially with 7 air changes per hour. Moreover the modelling does not suggest that the odour will have a significant impact on the local amenity.

Having spoken to you about the nature of the ‘processing’ onsite am inclined to believe that the site requires a Part B Permit under The Environmental Permitting Regulations 2016 as per Section 6.8 of Appendix 1.

Environmental Health was asked about air pollution and it was confirmed that it wasn’t raised as the impact of vehicles is not likely to be significant. It was stated that the Section would be happy to put a nitrogen dioxide diffusion tube up in any gardens to determine the actual levels of pollutants but it would be very low

## **Bassetlaw District Council Conservation**

The proposed scheme is considered to be acceptable in principle. However the industrial function of the site has the potential to impact negatively upon the setting of the surrounding built heritage. Conservation is not qualified to comment on the efficacy of the schemes proposed odour abatement measures. As such conservation would defer to the informed opinion of the Council’s Pollution Officer and subsequently request further information in regards to the proposed abatement measures.

## **Bassetlaw District Council Tree Officer**

No comments received

## **Lincolnshire County Council Archaeological Advisor**

Requested that the applicant provides further evaluation to inform an appropriate recommendation. A geophysical and trial trenching evaluation should be undertaken and submitted prior to determination.

Following further comments from the applicant the advisor states that much of the ground on which the development lies remains undeveloped and needs to be evaluated. Known archaeological remains have been recorded within the site boundary and the applicant needs to present an informed assessment based on evidence rather than supposition to meet the requirements of the NPPF prior to determination.

Following the submission of additional information raises no objections subject to condition

## **Anglian Water**

No comments to make

## **Environment Agency**

The activities described in the application are not listed under the Environmental Permitting Regulations 2016 and therefore the EA would have no regulatory involvement. The Environment Agency would like to comment on the sensitivity of the local community to odour and recommend that careful consideration is given to the odour potential from the proposed site and that expert advice is sought in respect of the odour abatement system

Further comments sent in respect of ground pollution – no objections subject to conditions

## **Trent Valley Internal Drainage Board**

The Board maintained Fledborough House Drain, an open watercourse, exists in the north of the site and to which byelaws and the land drainage act 1991 applies. The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's District. The Board's consent will be required regardless of any planning permission given. The applicant is advised that it has riparian responsibility to maintain the proper flow of water in any riparian watercourse which borders or flows through land owned or occupied by them. The design, operation and future maintenance of the sites drainage should be agreed with the LLFA.

## **Newark and Sherwood District Council**

No comments to make originally.

Following the re-consultation exercise Newark comments as follows:

Provides a summary of the application in relation to Newark. Concludes that Newark District Council does not consider that the visual impact on landscape character, the setting of the Grade II\* listed church, impacts on odour and vehicle movements are unlikely to be so detrimental to receptors in Newark District to warrant an objection however the concerns from the Parish Council's should be noted.

## **Summary of Newark Parish Council concerns:**

### **South Clifton Parish Council**

- Light pollution – residents and biodiversity

- Materials – the goose grey building at the original PEARs stands out, especially when lit at night
- Request a light assessment
- Ask BDC to take into consideration the need for outdoor light especially at night being low level
- Noise concerns – noise survey required and noise to be kept to a minimum and take to the east of the site into consideration
- Odour concerns
- Heritage concerns at South Clifton, some assets have not been mentioned such as St George and the Martyr Church
- Could there be additional planting to screen views towards South Clifton
- We need to know the baselines before development is allowed

#### **Grassthorpe Parish Council**

- Concerned in respect of increase of HGV traffic
- Noise and vibration from HGVs will lead to residential amenity issues especially as the site operates at unsociable hours
- Will cause more wear and tear on the roads
- Highway safety especially by the bridge over Grassthorpe Beck

#### **West Lindsey District Council**

No comments to make

#### **Nottinghamshire Wildlife Trust**

Originally requested further surveys

Following the submission of additional information the Trust state that the surveys have been taken to a high standard and the conclusions and recommendations are supported.

A Construction Environmental Management Plan and/or a Landscape Ecological Management Plan should inform the construction. Attention should be given to Table 6 – the summary of impacts. All mitigation measures are appropriate and necessary but special attention is drawn to the following:

- Bats – retention of trees with bat roost potential. Maintain RPA and avoid artificial lighting. Soft fell of low potential trees and ecology supervision for removal of T9 and T11.
- Badgers – Perimeter fencing should have badger gates, precautionary strategy required.
- Breeding birds – detailed mitigation strategy for barn owl is required. Limit construction time periods to avoid impacts on breeding birds.
- Lighting – a lighting plan is required, minimum lux of 7.5
- Biodiversity net gain – the BNG approach is supported

#### **Sport England**

Object to the development due to the loss of a playing pitch and the fact that the application does not accord with any of the exceptions to Sports England's Playing Field Policy or with para 99 of the NPPF.

Whilst the playing pitch strategy does not make reference to this site this does not mean that it is not a defined playing pitch. The site falls inside the rural analysis area. The only identified specific shortfall of provision in that area is to meet the demand for artificial grass pitch provision for football.

In addition the playing pitch strategy advises that rugby union pitches are at capacity across the District and there is a shortfall of rugby pitch availability at East Retford Rugby Club.

However if appropriate mitigation is provided for the loss of the playing field in the form of a financial contribution to upgrade named sites Sport England will reconsider their position.

Following re-consultation maintain the objection to the application because it does not accord with any of the exceptions to Sports England's Playing Field Policy or with paragraph 99 of the NPPF. However if appropriate mitigation is provided Sports England will reconsider its position.

### **Health and Safety Executive**

The site does not lie within the consultation distance of a major hazard site or major accident pipeline.

There is one unidentified pipeline in this local authority area:  
EDF Energy Ltd Grayingham Offtake to West Burton B Power Station

### **EDF Energy**

No comments received

### **Cadent**

No objections as the intermediate and high pressure gas pipeline in the area would not be affected.

This response has been questioned by Cadent who confirm that they have no objections because they have no gas pipelines in the area.

### **National Grid**

No comments received

### **West Burton Energy**

If the High Marnham Power Station application is on the existing stations land, on first review would not be of any concern for West Burton Energy

### **NCC Public Rights of Way**

The closest PROW (Marnham FP7) is almost half a mile away and probably too far to comment on (even if odour would have been a consideration). The Sustrans route is managed by NCC.

### **Marnham Parish Council**

Appalled at the latest planning application as the development falls outside of the boundary fence of the old power station. There is a massive brownfield site that has had development previously yet the applicant proposes to build on greenfield land adjacent to this that has never been built on. The only development that was on a small section of the area that is proposed to be built on was the old workshops, office block and store builds all of which were low level (no more than two stories). The power station has been closed for 19 years now and these areas (having never been built on) have been taken over by wildlife.



Only a small amount of the roof is covered in solar panels.

The Parish trust that local councillors and the MP will support the local residents to object to a development on greenfield land when there is a brownfield site adjacent to the development.

The Parish strongly objects

### **Sutton Parish Council**

A petition has been submitted from Sutton Parish Council which has been signed by 42 people which objects to the application on the grounds of HGV traffic travelling along Hemplands Lane and Grassthorpe Road all day and all night and the impact that this will have residents day to day lives. Would not support any initiative that seeks to increase the amount of HGVs travelling along this route

### **Dunham Parish Council**

The application is not supported on the following grounds:

- Noise – since the closure of the power station the site has been quieter. The approved B8 unit is under construction and local residents can now hear workers voices and more prominently lorries reversing. This kind of noise has a detrimental effect on residents especially hearing it all day and all night; this will be exacerbated as people now work from home. The Sustrans route which is being promoted will be affected by noise and odour. There is nothing in the submission that indicates noise/sound levels have been carried out north of the development site or on the opposite of the River in North and South Clifton.
- Smell – Bone meal smells and the developer has a history of not controlling odours. request that the Odour Abatement Plant and operational controls are robust enough to ensure that should there be a breakdown/breach that this is quickly remedied with spare parts and engineers available to fix immediately and that additional consideration is given to this being regulated by the Environment Agency
- Traffic- half of the HGV's will use the A57 via Ragnall and Fledborough and is a concern. Both are rural villages and nearly all the homes sit close to/and on the roadside. The noise, pollution and smell generated by so many lorries and the additional number of non-local employees travelling to and from the site will make a detrimental impact to the feel of these villages.  
Users of the Sustrans route, including those accessing the Trentside public footpaths and generally in groups, may not be seen by the HGV drivers and visa versa, they will also have added experience of the lingering pungent stench generated from these lorries.
- Visual Impact / Lighting- This development site is sat in a rural setting and there is concern that it is bringing with it an industrial feel. The current gates should be painted green as they are out of character with the area.  
Concerns raised in respect of light pollution for residents and wildlife
- Operating Hours- Request that operating hours are limited on any permission and access for all HGVS being limited along this stretch (A1 at Sutton on Trent to A57 at Dunham on Trent). The power station was not in operation 24/7
- Request that a decision is not made until the government review has been made of the site.

This planning application is a further application for the J G Pears operation in the locality and has aims for additional development proposals on this site such as battery storage and hydrogen power plant. It is considered that this will be a further nuisance site which will affect a large number of people and this is why we cannot support this application

## **MP Robert Jenrick**

Strongly objects. These developments see a substantial increase in the JG Pears operations and in his opinion are not appropriate to grant due to the fact that the company has consistently flouted their environmental permits and responsibilities over many years causing misery to local residents, impacting on quality of life and preventing the local economy to thrive. He has monitored the company's performance over the past 8 years and he has no confidence that the company will address the ongoing issues with the existing plant. It would be shocking if the Council were to give this business, which treats its neighbours with contempt, licence to massively increase its operation. It would bring the planning system and environmental regulations into disrepute.

### **Summary of Publicity**

This application was advertised by neighbour letter, site notice and press notice and 22 household letters of objection have been received raising the following points:

- The roads around the site are not up to standard to carry lorries
- Noise and smell is currently an issue for residents
- It will increase the vehicles on the road
- Clarity on future output capacity is required in particular the following:
  - Future odour output
  - Why is unit B essential if it is not to unlock a future output capacity for the main site at Low Marnham
  - Will the new development lead to changes in the EA permit that will allow future capacity to be installed
  - Questions asked about the EA permit
  - Will the new development unlock footprint at the existing site that can be used to install new equipment or increase its capacity of any part of the site in future.
  - Does the building of the new site unlock other constraints at the existing site which may then unlock additional throughput at any part of the factory
  - If the development unlocks other criteria which may be a limiting factor of the EA permit can capacity be increased? Please clarify
- Clarity on odour issues
  - The odour report is questioned it states that the proposed development will have negligible impact but also says the existing plus the proposed is also negligible. The reality is that there is a frequent foul smell in the area. The report is theoretical and not reality
  - What accountabilities will be put in planning conditions to ensure that odour control meets the standards? And what penalties will be in place?
  - A faster system to report odours should be in place by planning conditions. An investigation of complaints and the current situation should be undertaken before permission is granted
- Clarity on infrastructure
  - The Highways Agency has additional questions
  - There will be a significant increase of 16% of HGVs between the current and proposed site
  - Although the statement says there will be no increase in traffic there will be increase in the local area

- The road structure is not adequate for this development
- There is no mention of the sustainable horticulture element and the previously approved Bonemeal storage. How many additional vehicles in total will the site generate?
- Impact on the Sustrans route
  - What measures will be put in place to protect the trail from odours?
  - Will planning conditions ensure that no restrictions will be placed on parking areas currently used or if so will a car park be built?
  - In the consultation it was stated that a small car park would be built for community use but there is no evidence of this on the plans
- Sustainable horticulture
  - Overall a welcome addition
  - 1700T per year businesses what implications for this on infrastructure /incremental number of trucks?
  - What are the plans for biodiversity net gain?
  - The new application and the existing site are intrinsically linked, further expansion should not be put into place until the current site is under control
- The voice of the local population is being ignored
- The current odour control measures are not up to standard
- What will the footprint freed up from the existing site be used for?
- The existing company ignores its obligations and therefore shouldn't be allowed to expand
- Fledborough Marnham Road is inadequate and regularly floods
- The parked cars near the entrance of the Fledbrough / High Marnham cycle path will cause an issue
- Some of the roads in the vicinity have no pavements and are inadequate. They are used by a number of people including school children, local residents, cyclists, visitors. The development will lead to highway safety issues
- The infrastructure in this area is inadequate
- The development is in conflict with the objectives of the emerging local plan in terms of neighbourhood planning and providing residents with a high quality of life.
- The odour report is inaccurate and at the consultation event the company stated that the proposal would make odour issues better.
- It is not just the odours but it is the components that are contained within them that are concerning
- The local roads have a lot of pot holes which comes at considerable cost for local residents and they are deep and dangerous
- There are inconsistencies in the proposed traffic movements
- There are already too many lorries coming through Sutton on Trent
- A relief road is needed for the lorries so that they avoid the villages
- Noise is currently a problem from the existing facility, this will increase noise and noise from traffic
- The odour will be exacerbated due to transporting the material between sites
- It will have a detrimental effect on ecology along the cycle paths. Loss of habitats
- Local residents cannot have their windows open
- Concerns about lorries using Grassthorpe Road
- Wildlife should not be disturbed by installing solar PV
- Loss of green open fields and trees

- Toxic gasses
- Detrimental impact on quality of life, health and well being and the wider environment
- Inadequate consultations by Bassetlaw District Council
- Is the odour abatement suitable for the rising climate?
- Planning has already been granted for a storage building with the condition that it will not hold any raw animal by products. Will this clause change?
- The statement states that no rendering will take place on site will this change when there is a large warehouse on site for finished product and a large warehouse raw by product? Would you freeze a product before rendering it or is this another business operation?
- Noise generated from the odour abatement system and onsite machinery. Questions whether there will be limited working hours for the plant? The power station used to have limited hours.
- What controls will be in place to limit light pollution? The rendering site is a large building that can be seen for miles when illuminated. This application site is dark and the area is low in light pollution
- The size and scale of the buildings will impact on the landscape character and will spoil views. There are no images of proposed impact on horizon view from the east of the River Trent. Photomontages should be submitted
- Appendices 6 and 7 are missing from the statement of community involvement
- Increase in air pollution
- If the company complied with their basic responsibilities the community would be much more supportive.
- Damage to the roads and verges
- The current amount of traffic in the area is already greater than it should be for this rural village
- The size of the vehicles means that they cannot keep in their own lane.
- A formal engineering assessment of the load capacity of the small bridge at Grassthorpe and its ability to cope with HGVs and its ability to cope with HGVs that must be in excess of 15-20 tonnes.
- The stench of rotting flesh impacts on human rights.
- There is no indication of the timeline or period when the odour tests were carried out. It would be interesting to correlate the level of complaints compared to when the tests were undertaken. This data is requested
- The company should be held account for 12 months before any new planning applications are considered.
- Neither BDC nor the EA have been able to regulate the breaches that have occurred from the existing operations. An independent agency is required to monitor and regulate it
- It will impact on people who use the area for recreation
- The increase in the number of local residents coupled with increase in deliveries and HGV vehicles makes the road dangerous and there is already a record of accidents and fatalities

Following the submission of additional documents and information a re-consultation exercise was undertaken and the following public comments were received:

- Road safety implications. The increase in HGVs using the small narrow roads would be dangerous for other road users. It could lead to a fatal accident.
- Residents comments about smell have not been addressed in the past 8 years
- Environmental impacts – smell, noise, wildlife and old trees
- There is a blind bend
- Erosion of grassland
- The number of HGVs that already go through Sutton on Trent is obscene. The roads are not built for HGVs
- Two lorries cannot pass each other without mounting the kerb.
- The road surfaces are deteriorating due to HGVs.
- Smell from the lorries, they should have metal lids but instead they are covered by canvas tarps.
- The additional information doesn't raise concerns about traffic, noise and odour
- It will lead to light pollution
- There is no mention of the screening opinion for the hydrogen plant
- Issues of odour affecting Normanton on Trent
- Land watercourse and river pollution
- Vehicular access to and from existing and new plant via A1 or A57 the condition of the roads is poor and HGVs will make it worse
- What provision is in place to better manage the negative comments about the business
- Fear for cyclists

Following the final consultation the following issues have been raised:

- Odours
- Impact on groundwater pollution
- Highway safety
- How will the business be managed
- The existing business causes problems that are not managed correctly.

### **Consideration of Planning Issues**

The main issues in this application are as follows:

- Environmental Impact Assessment
- The Principle of Development
- Sustainability of development
- Highway considerations
- Landscape and visual amenity including layout and design
- Pollution issues including residential amenity
- Biodiversity
- Heritage
- Flood Risk
- Other issues
- Tilted balance
- Conclusion

## **Environmental Impact Assessment**

The proposal has been screened by officers for an Environmental Impact Assessment and it was concluded that the proposal is not EIA development.

## **Principle of the Development**

The starting point for assessing development is the adopted development plan which currently comprises of the Bassetlaw Core Strategy 2011.

The site lies outside of a development boundary and therefore is within the open countryside. The application site per se is a part brownfield and part greenfield site; however the site lies within a much wider site which used to house High Marnham Power Station.

Policy CS9 is the relevant CS policy for this development and this states that developments which deliver rural employment opportunities, of a scale and type appropriate to the settlement and surrounding uses in line with policy DM1-DM3 and other considerations will be supported.

Policy DM1 considers development in the countryside, it states that economic development in the open countryside will be supported providing that it meets a number of criteria.

Policy DM3 considers general development in the countryside, part B of this policy in respect of previously developed land for part of the site. It generally supports development on previously developed land (where the site hasn't regenerated) subject to a number of criteria.

However it is considered that the CS policies in particular are time expired and not fully consistent with the National Planning Policy Framework (NPPF). Accordingly in line with paragraph 11 of the NPPF the tilted balance is engaged.

In terms of the principle of development the NPPF is clear at paragraph 81 that planning decisions should help create conditions in which businesses can invest, expand and adapt and significant weight should be placed on the need to support economic growth and productivity.

Paragraphs 84 and 85 discuss the rural economy and place emphasis on the need for sustainable growth and expansion of all types of businesses in rural areas and encourages development on previously developed land. Paragraph 85 states:

*"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist"*

The NPPF is given significant weight in the decision making process.

It is noted that there is currently an adequate supply of employment land within the Bassetlaw District. The Bassetlaw Housing & Economic Needs Assessment Addendum (April 2022) sets out that the Council can currently demonstrate a supply of 189.4 hectares of employment land with the requirement up until 2038 being 196.7 hectares (therefore an addition of 7.3 hectares to 2038). Whilst this reduces the weight of providing new employment land in the balance there are unique circumstances in respect of this site which relate to the facts that this employment development is related to an existing business and the National Policy (as discussed above) is to support existing businesses and also the unique nature of the business which is discussed below in the section existing business considerations.

The applicant has submitted a note on the emerging local plan however the emerging policies are given limited weight at this point in time. It is noted that the 2022 Bassetlaw Land Availability Assessment (LAA) forms part of the evidence base of the emerging local plan. Whilst no significant weight is given to the plan, it is acknowledged that there may be a policy on large rural brownfield sites in the new plan.

### **Sports Pitch**

Sports England has been consulted on this application and raises an objection based on the fact that there used to be a playing pitch on the site. Sport England conclude that the application is in conflict with paragraph 99 of the NPPF and their playing fields policy. Sports England accept that as the playing pitch has not been used for over 5 years it is not a statutory requirement to consult with them.

The Sports England Playing Fields Policy states that it will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- All or part of a playing field
- Land which has been used as a playing field and remains undeveloped
- Land allocated for use as a playing field

There are 5 exceptions to this:

- i) A robust assessment has been demonstrated that there is excess of playing field provision in the catchment
- ii) The proposed development is for ancillary facilities which support the main playing pitch use
- iii) The proposed development affects only land incapable of forming part of a playing pitch
- iv) The playing pitch to be lost will be replaced
- v) The proposed development is for an indoor or outdoor facility for sport.

Sports England has requested a contribution of £100,000 to contribute towards off site sports provision.

The applicant has rebutted this request on the following grounds:

- Paragraph 99 of the NPPF refers to existing open space, sports and recreational buildings and land, including playing fields. There is no existing playing pitch provision at High Marnham. A private playing pitch used by the staff of High Marnham Power Station was lost 20 years ago following the decommissioning of the site. There has been no recreational or sports use of the land since this time. Therefore these proposals do not result in a loss, or prejudice the use of a playing pitch. High Marnham has nil use.
- The request for an offsite contribution towards playing pitch provision is unreasonable and unlawful. It does not satisfy the tests of paragraph 122 of the Community Infrastructure Levy Regulations 2010
- The Bassetlaw Playing Pitch Strategy and Action Plan (2019) includes a section on disused / lapsed sites (playing pitches) in Bassetlaw; High Marnham is not identified.
- It is important to note that the applicant already sponsors a number of local sports clubs and community facilities locally which have been listed in the rebuttal.

It is officer opinion that the requested contribution is unlawful and would not meet the tests of the Regulations which are as follows:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

Whilst it is accepted that there was a playing pitch on this site it was predominately for employees at High Marnham and it was lost around 20 years ago. It would therefore be very difficult to justify that there is a need for this pitch after such a long time has passed. It is accepted that this proposal does not accord with Sport England's guidance; however this guidance is not planning legislation, it is guidance. The NPPF at paragraph 99 does state 'existing' open space, sports and recreational buildings and land including sports pitches; it is not considered that this is an existing pitch.

On the basis of the above it is considered that the contribution request by Sports England does not meet the CIL Regulations:

- It is not necessary to make the development acceptable in planning terms as there is currently no pitch on site and hasn't been one there for approximately 20 years
- It is not directly related to the development – there is no requirement for a development of this kind to have a playing pitch
- It is not fairly and reasonable related in scale and kind to the development. The original pitch was private and used by the employees at High Marnham, it was lost around 20 years ago and no provision has been made for its replacement during this period of time. Furthermore Bassetlaw's own Playing Pitch Strategy makes no reference to this pitch in the section of disused / lapsed sites (playing pitches).

It is therefore considered that this would not form a sustainable 'in principle' reason for refusal.



## Existing Business Considerations

Whilst this planning application should be considered on its own merits it is important to note that the applicant does have a current business at Low Marnham which treats animal by-products to create fats, oils and protein products for the pet feed, aqua feed and biofuel sectors. The existing factory has a combined heat and power plant which makes the operations self-sufficient for the majority of its heat and energy requirements and it exports surplus energy to the National Grid via the substation at High Marnham. The category 1 meat and bone meal is used as the fuel source and the ash from the combined heat and power plant is used as fertiliser.

The proposed development is to be linked to the operations at Low Marnham and it is anticipated that it will allow the business to operate more efficiently. The proposed buildings would increase the amount of storage for the current business and would reduce the distance that HGVs have to currently travel thus reducing the environmental impact of the current operation.

The applicant has provided a statement which sets out the unique circumstances of this site and in summary this states the following:

- J G Pears provides an essential service as part of the UK food supply chain
- Low Marnham is a confined site and there is conflict between site operatives and the movement of HGVs. This proposal will reduce this conflict by achieving the following:
  - Eliminate higher numbers of full and part load direct deliveries to Low Marnham
  - Enable full deliveries between High Marnham and Low Marnham bulked up for increased transport efficiency
  - The short distance between High Marnham and Low Marnham enables these deliveries to be in sealed (airtight) trailers/containers – so minimising the risk of odour emissions
  - The short distance between High Marnham and Low Marnham enables these deliveries to be in sealed (airtight) trailers/containers – so minimising the risk of odour emissions
- The proposed development is not designed for speculative employment use, it is designed for J G Pears
- There is a regional and sub regional economic need for the proposal which cannot be located elsewhere in the District to the requirement to co locate the proposed units with Low Marnham
- The proposal capitalises on the locational attributes of the site to achieve economic and environmental benefits by reducing the distance HGVs have to cover and the ability for deliveries to be in sealed airtight containers which result in productivity gains and a reducing odour emissions
- There are no other large brownfield sites in the locality that could accommodate this use; there will be no significant adverse impacts on the character of the area, landscape biodiversity or heritage primarily due to the former use of the site.

Whilst not directly related to this application the applicant has confirmed that it does already sponsor a number of local sports clubs and community facilities which have been listed in supporting information.

These points on the whole are accepted by officers.

It is noted that there have been many objections in respect of the existing business and that it shouldn't be allowed to expand until existing problems are addressed.

This is a standalone planning application which needs to be considered on its own merits; it cannot be used to resolve existing problems and issues however it is acknowledged that the proposal would be linked to the operations at Low Marnham. The existing site has its own planning permission which should be adhered to and if the business is breaching any planning conditions imposed on the original permission this becomes a planning enforcement matter. The existing site is also controlled by Environment Agency legislation which also needs to be adhered to and if the conditions of the permit are breached this is an issue for the Environment Agency. To make any changes to the current operation in terms of increasing output this would need to be fully considered and endorsed by the Environment Agency.

The remainder of the report considers the various material considerations that need to be assessed in the tilted balance.

## **Sustainability of the Development**

Paragraph 8 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

**“an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

**a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

**an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

In reaching a decision on this case, the NPPF at paragraph 9 makes it clear that the objectives referred to above should play an active role in guiding development towards sustainable solutions and are not criteria against which every planning application should be judged against.

The issue of sustainability is finely balanced and this is because this site is located within the open countryside and by virtue of this it is fairly isolated in terms of location to other services and facilities.

However it has to be remembered that this site is a former power station site which was an employment site and the NPPF is clear that rural enterprises should be supported especially on previously developed sites.

Whilst it is accepted that not all of this site is previously developed it is part of the wider former power station site which is now a large brownfield site in the countryside that could lend itself to be redeveloped.

The development will meet the economic objection of paragraph 8 in that it will allow an existing rural business to expand and thus support the rural economy.

In terms of the social strand it will provide a development that is safe and will provide employment and economic benefits to support local communities.

Finally in terms of the environmental strand the development is providing solar array which will assist in reducing its carbon footprint, although it is accepted that this amounts to only 20% of coverage per unit. Whilst some of the land is greenfield it does form part of a wider site which was occupied by the power station, it therefore makes efficient use of land on a predominately brownfield site. The development will provide for a 17% in biodiversity net gain.

It is therefore considered that the development meets the sustainability objectives as outlined by the NPPF.

### **Highway Considerations**

Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. This requirement is also contained in policy DM4 of the Council's Core Strategy. Paragraph 111 of the NPPF makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 92 of the NPPF states that all development should aim to achieve healthy, inclusive and safe places which encourage social interaction, are safe and accessible and enable and support healthy lifestyles. Paragraph 108 of the NPPF requires schemes to provide safe and suitable access for all users as well as looking at appropriate opportunities to promote sustainable transport modes.

Paragraph 112e of the NPPF requires schemes to be designed to enable charging of plug-in electric vehicles (EV) and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations.

Policy DM13 of the Bassetlaw Core Strategy seeks to provide sustainable transport.

There is currently an existing access off Fledborough Road which served the former power station and currently serves the substation and the recently approved B8 storage and distribution unit on the wider site. Permission has recently been granted for a gatehouse development which will control vehicles in and out of the site.

From the existing access a new access road and junction is proposed from the main spine road to serve units A and B with a one way access being provided to avoid any conflict between vehicle movements. Each unit has its own egress back onto the spine road and associated car and HGV parking. The Highway Authority has commented stating that the proposed car parking is below the standards required by the County; however given the anticipated number of staff, the number of spaces are likely to be sufficient and furthermore the buildings are located well away from Fledborough Road so it is highly unlikely that the parking and servicing would disrupt the highway network.

A transport statement was submitted with the planning application which was assessed by the Highway Authority who, following the submission of additional information from the applicant recommended conditions including a condition which capped trip rates. The applicant did not wish to accept this condition and therefore the Highway Authority requested a Transport Assessment to demonstrate the impact of traffic movements on the wider road network to ensure that these would be acceptable if the units were not occupied by JG Pears in the future which was submitted by the applicant. Capacity results indicated that there would be minimal impact on the highway network and none of the junctions assessed would be operating near to capacity even in a future year of 2029.

The Highway Authority assessed the Transport Assessment and recommended conditions. The Highway Authority acknowledged that the Transport Assessment had scenarios missing from the assessment; however at this point in time the assessment showed spare capacity at the junctions and this means that even if vehicle movements are higher this would not lead to an unacceptable impact on the highway network. On this basis the Highway Authority recommended planning conditions.

The Highway Authority has been approached several times by the case officer to discuss the highway implications of the development and whether or not it has the potential to have a detrimental impact on the highway network. These discussions culminated in a meeting with the developer, Highway Authority and planning officers. The applicant outlined the current and proposed operations in terms of trips and also discussed the capacity of the Low Marnham site.

Further information was requested of the applicant to set out how the current site operates and also to outline the capacity and output of the current operation. This is important to understand as if output increases as a result of the proposal then this could lead to more HGVs on the road.

Whilst it is accepted that output is controlled via an Environment Agency Permit this permit does not assess number of vehicles associated with the operations.

It has to be remembered that the PEARs operation at Low Marnham is an existing business and there are no restriction on HGV movements. It is proposed that this development will be linked to the existing Low Marnham site and a condition is proposed in this regard.

A summary of the current and proposed operations are provided for below.

Currently animal bi products arrive at Low Marnham from multiple sources which have to be weighed on arrival. A vehicle may have up to 3 types of animal bi product which requires separate off loading and weighing which leads to odour emissions as the products cannot be stored in air tight containers. There is currently conflict between site operatives and the movement of HGVs due to the constrained nature of the existing site at Low Marnham. The number of HGV movements currently delivering animal bi product to Low Marnham is approx 475 per week.

The proposal would allow the existing business to operative more effectively. The erection of Unit B would see the number of HGV movements which currently deliver animal bi product to Low Marnham (approx 475 a week) be diverted to Unit B.

This means a shortened delivery for deliveries from the north and a slightly longer distance for deliveries from the south. The delivered material would be bulked up in Unit B and then taken to Low Marnham for processing when required. The animal bi product conveyed by 475 HGVs to High Marnham would be bulked up resulting in fewer number of full trailers being required to carry forward to Low Marnham on 330 HGVs fully loaded. Therefore the number of trailers travelling to Low Marnham would be reduced by approx 145 as the trailers will be fully loaded and sealed between the two sites.

The only additional HGV movements will be between High Marnham and Low Marnham (circa 330) from Unit B to the processing plant. However as approx 238 deliveries per week currently arrive at Low Marnham from the north and 238 vehicles per week from the south, consequently the 238 HGVs that are currently travelling south past High Marnham to Low Marnham will stop at High Marnham and will not carry onto Low Marnham. Therefore there will be a net increase of approx 92 HGVs (330-238) on the part of the highway network travelling south from High Marnham to Low Marnham for processing as a result of the proposal.

In terms of Unit A this is proposed to store the finished product which will be delivered from Low Marnham. Currently once the rendering has taken place some finished product is taken to Blyton from Low Marnham where it is temporarily stored. It then has to be transported back to Low Marnham for dispatch after it has been veterinary checked and certified. Approx 11 vehicles a day travel between Low Marnham and Blyton. Unit A would replace Blyton as a storage facility so the 11 vehicle movements per day would take place between Low Marnham and High Marnham and the finished produced would be dispatched from High Marnham as opposed to having to be returned for dispatch to Low Marnham.

In summary the applicant has confirmed the following:

### **Present**

475 HGV movements over a 7 day week into Low Marnham with animal bi products, from across the regions of the UK.

11 HGVs a day travelling between Low Marnham and Blyton with finished goods.

The finished goods are veterinary checked and certified (process can take up to 10 days) at Blyton

Finished goods are then taken back to Low Marnham for dispatch

### **Proposed**

475 HGV movements over a 7 day week into High Marnham with animal bi product from across the regions of the UK.

330 HGV movements per week from High Marnham to Low Marnham (animal bi products bulked down/fully laden HGVs). In reality there will be a net increase of approx 92 HGVs as presently 238 HGV deliveries arrive per week at Low Marnham from the north.

11 HGVs a day travelling between Low Marnham and High Marnham Storage Unit (Unit A).

The finished goods are veterinary checked and certified at High Marnham before dispatch.

In terms of capacity of the existing site this has also been addressed by the applicant. The applicant is clear that this proposal is not to enable an increased throughput at the rendering facility at Low Marnham which is regulated by the Environment Agency. The applicant has confirmed that if output were to be increased at the existing facility then this would require further built development on the existing site which would require planning permission which in turn would require a further assessment of the material considerations including vehicle movements.

A concern of the Highway Authority was whether the transport assessment should include the wider High Marnham site in its calculations; however the emerging plan is given little weight at this point in time and the wider site is not proposed as an allocation in the submitted plan (a final view on the sites status will be taken by the Inspector later in the year). Therefore this would not be a reasonable approach for this application. Instead future applications submitted on the wider site and their impact on the highway network would need to be assessed cumulatively with any existing or committed development at that point in time.

In terms of the routing of HGVs both during construction and for deliveries it is proposed that conditions are imposed in this regard to ensure suitable routes.

On this basis of the above information both planning and highway officers are satisfied that there will not be a severe impact on the highway network as a result of this proposal.

A travel plan has been submitted with the application which reviewed existing transport facilities to the site and identifies a range of measures for implementation by the plan coordinator to reduce overall car usage and promote sustainable methods of transport.

Many objections have been received in respect of the condition of the roads; however it has to be remembered that this was a former power station which had vehicle movement associated with it. Furthermore due to the specific nature of this development it is not anticipated that there will be more vehicles on the road than previously albeit they will be more local between High Marnham and Low Marnham; however longer distance journeys will be reduced. On this basis the Highway Authority has confirmed that there is no justification to seek road improvements and ultimately roads are the Government's responsibility and not the applicant's.

There has also been an objection that the parked cars near the entrance of the Fledbrough / High Marnham cycle path will cause an issue. It is motorist's responsibility to park responsibly and if not then this becomes the Police's responsibility. Advice from the Highway Authority is that the propose development should reduce HGV traffic north of the former power station entrance.

There have been objections of the impact of the development on the Sustrans route and public rights of way. There are no proposals in this planning application to build a car park for community use and this would not be considered necessary to make this development acceptable. It is contained within the applicant's supporting information; however it is envisaged that this will be for the wider site as opposed for this development. It is not envisaged that the development would have a detrimental effect on the parking areas for the Sustrans route. NCC Public Rights of Way Officer has been consulted and states that the closest PROW (Marnham FP7) is almost half a mile away and probably too far to comment

on (even if odour would have been a consideration). NCC highways has no further comments in respect of the Sustrans route.

There has been a public comment requiring a formal engineering assessment of the load capacity of the small bridge at Grassthorpe and its ability to cope with HGVs and its ability to cope with HGVs that must be in excess of 15-20 tonnes. The Highway Authority confirms that highway structures receive an inspection every two years and the overall standard of bridges is maintained so that can safely carry traffic.

Objections have been received in respect of the routing of HGVs during construction and during the operational phase. This issue can be controlled by planning conditions and the applicant has confirmed that it is anticipated that lorries would take the most direct route to and from the A1 rather than going through villages.

It should also be remembered that the NPPF is clear at paragraph 111 when considering refusals on highway grounds, it states:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*

The key word here is *severe*. It would be difficult to argue that the impacts on the road network would be severe as a result of the proposed development providing that adequate conditions are imposed to control those movements.

On this basis it would not be reasonable to refuse the application on highway grounds.

### **Landscape and Visual Amenity (including design and layout)**

Section 12 of the NPPF refers to achieving well designed places. Specifically, paragraph 126 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities. Paragraph 130 states that decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The NPPF goes on to state that permission should be “refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions” (para 134).

Policy DM4 of the Bassetlaw Core Strategy provides general design principles which should be applied to all schemes. The policy states that all development proposals will need to be in keeping with the character and appearance of the wider area and when they are in historic locations, they should respect existing development patterns. All schemes must respect their context and not create a pastiche development which would be incorrect in their context.

The applicant has submitted a landscape and visual assessment with this application which concludes that the development would have no more than medium impact on the surrounding landscape. It is acknowledged that there will be impact as a result of the development as the site is currently disused and partially overgrown. It states that the site has a good degree of visual screening and landscape mitigation; however the assessment has undertaken an analysis of various receptor sites and it states that the most sensitive of these are High Marnham where there will be a generally medium to medium-to-low impact on residents and users of the Sustrans trail and walkers along the River Trent where there will be medium-to-low impact. The Impact Assessment also includes analysis of the cumulative development proposed around the site.

The site straddles the Mid Nottinghamshire and Trent Washlands Character Areas and there is high landscape sensitivity here due to the flat nature of the landscape; however it does have to be remembered that the wider site did used to accommodate a power station which was extremely prominent in the wider landscape although the landscape does have to be assessed on how it is today for the purposes of this application.

There are remnants of the former use on the site and on the wider site and this does somewhat reduce the landscape sensitivity and there is fairly good screening around the wider site which will reduce the impact of the development. It should also be remembered that permission has been granted for an employment building on part of the wider site which again will impact on the landscape character.

There is no doubt that the proposed two buildings which will be approximately 16.5m and 14.5m high with 20m flues will change the landscape character of the area; however it is not considered that given the former use and existing permission on the site that this would be so detrimental to warrant refusal of permission.

In terms of the design and layout of the development. As aforementioned the development is accessed via the existing access off Fledborough Road.

The design of the proposed units is industrial and functional. Unit A comprises of a warehouse and ancillary offices, it is proposed to be approximately 16.5m in height, with the offices to the north being 3 storey at a slightly lower height of approximately 13.2m. A junction is proposed to be constructed off the main spine road which leads onto the site, HGV traffic would go in a clockwise direction with the HGV yards to the east and the north. A car park is proposed to the north west of the unit adjacent to the offices. The main warehouse is served by 3 level access doors and 4 dock doors which are located on the eastern and norther elevations.

Unit B is proposed to be a pressurised industrial building with ancillary offices and is approximately 14.47m in height with the offices being approximately 8.25m. This is a long building which has air locks on entry and egress. Car parking, tractor spaces and HGV trailer spaces are all proposed for this unit. Access to this unit is from the main spine road to the north and south east of the unit, egress is from the junction to the north west of Unit A.

Both buildings have odour abatement plants and flues joining the buildings are both are proposed to be constructed with grey cladding and have solar panels on the roof.



The design and layout of the buildings are functional and reflect the existing permission on the site. It is considered that they are acceptable and whilst they will be seen in the locality they will not have such a detrimental effect on visual amenity that would warrant refusal of permission.

### **Pollution Issues including impact on Residential Amenity**

Paragraph 185 of the NPPF states that new development should be appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions. It states that decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, identify and protect tranquil areas and limit the impact of light pollution from artificial light on local amenity, dark landscapes and nature conservation.

Paragraph 183 of the NPPF requires that in making decisions on schemes consideration is taken account of the ground conditions and any risks arising from contamination.

Policy DM4 of the Core Strategy requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This requirement also forms part of paragraph 130 of the NPPF.

There have been public objections in terms of pollution issues and the impact that these might have on the wider environment and on residential amenity.

Some of these objections have been raised due to the existing operation of JG Pears at Low Marnham. Whilst there is a relationship between the existing site and the proposed units, the operation at Low Marnham is an existing an established business which is controlled by the Environment Agency; it is not part of this planning application. It is acknowledged that there have been issues previously raised by local residents in respect of the existing operations particularly in terms of odour. However the processes undertaken at the existing site are different to the current proposal and issues raised with the existing operation cannot be a material consideration in this planning application.

The main issues in this application relate to noise, light, odour, air pollution and contamination.

### **Noise**

There have been many objections in respect of noise generation and the impact on surrounding residents and the surrounding area.

The applicant has stated that the proposed units will be operational 24 hours 7 days a week.

No noise assessment has been provided by the applicant and this has been questioned by the case officer and discussed with Environmental Health who originally stated that the development would be unlikely to cause noise issues; however then following the submission of public objections stated that a noise assessment should be submitted.

This was relayed to the applicant who requested that this issue be dealt with via planning condition as the details relating to the odour abatement systems were not yet known. This was relayed to the Environment Health Officer who agreed this approach. However the agreed condition was worded to ensure that the development did not exceed the prevailing background sound at any residential receptor existing at the time of the approval of permission. It is not possible to use this wording as the current prevailing background sound is not yet known. On this basis it is considered that a full noise survey along with any proposed mitigation should be submitted and approved in writing by the local planning authority prior to any commencement of operation.

Whilst it is appreciated that this is an intensive use, the site is fairly divorced from surrounding residential properties. The operations will be contained within the two units and therefore noise impacts from loading and unloading material inside of the building should be low. A condition is also proposed to prevent any outside working other than deliveries.

Based on the above reasoning it is considered that a planning condition requiring a noise assessment is the logical approach in this application. The principle of such a condition has been accepted by the Environmental Health Officer who is the statutory consultee in this regard. Further conditions are also recommended in respect of construction activities.

There has been some discussion regarding the hours of construction traffic as the applicant is of the opinion that the proposed hours recommended by Environmental Health are not necessary. This has been discussed with Environmental Health who maintain that the condition is necessary as it is difficult to enforce disciplinary steps. It is therefore recommended that the standard condition with respect of hours of construction is imposed on any permission.

It is not considered that the proposal will have such a detrimental on noise that would warrant refusal of this application.

## **Light**

Concerns have been raised in respect of light pollution in terms of it impacting on local residential amenity and impact on dark rural sky that surrounds the site.

Environmental Health has been consulted in this regard and state that due to the location lighting is unlikely to be an issue; however it should be designed and installed as not to cause excessive sky glow. This is an important consideration to ensure that there is no impact on surrounding properties.

As there has been insufficient details submitted in respect of lighting it is considered that a suitably worded planning condition should be imposed on any planning permission. The scheme would also need to assess the impact of lighting on biodiversity (discussed below).

## **Odour**

There have been many public objections in terms of odour and many of the concerns relate to the existing operations at JG Pears at Low Marnham.

Odour does have to be considered as part of this planning application; however it has to be determined on its own merits. In effect a decision has to be taken as to whether the proposed development would lead to an unacceptable level of odour compared to any existing situation.

This application is not seeking to increase throughput at the rendering factory in Low Marnham. The current operations are controlled via Environmental Legislation by the Environment Agency.

It must be remembered that planning legislation is clear that if an issue is controlled via other legislation then planning conditions should not also be used as this would be ultra vires. Paragraph 188 of the NPPF is clear in stating:

*“The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.”*

An odour impact assessment was submitted with the original application which was assessed by Environmental Health and considered the following:

- Application of the Institute of Air Quality Management risk assessment for odour
- A detailed odour dispersion modelling assessment of the odour emissions from the proposed development
- A detailed odour dispersion modelling assessment of the odour emissions from the proposed development site in conjunction with the odour emissions from the JG Pears rendering facility at Low Marnham.

The odour impact assessment concludes that the impact of the proposed development alone will have negligible impact on odour at all receptor locations that were considered.

When odour is assessed in conjunction with the existing Pears operation it was concluded that receptors close to the proposed development but further away from the existing site would have negligible impact on odour.

At receptor sites between the proposed development and the existing site the combined odour will have a slight adverse impact.

At receptor sites close to the existing Pears site at Low Marnham the combined odour will have moderate adverse effect. Most of this would be from the existing operation.

Following assessment of this document Environmental Health requested further information in respect of the odour management system which has been provided and is useful in explaining the processes that are proposed to take place. A summary is provided below:

Unit A proposed use – Storage for the finished product which is made at the Low Marnham site. This is currently stored at Blyton and then comes back to Low Marnham for dispatch.

Unit B proposed use – Storage for animal by product and the pre-treatment of this material to takes place (crushing / bulking) before sending it to Low Marnham. This would use a 'just in time' process and would eliminate trailers waiting outside of Low Marnham and would also decrease the number of vehicles.

It is important to note that the proposed development (as stated in the report):

- Will not include any heat treatment of animal by product materials (i.e. rendering)
- Will act as a raw material bulking station to allow materials arriving in compartmental trailers to be unloaded within the confines of the building and a just in time process used.
- Loads arriving will be pre-treated (screened) to remove excess water
- Will provide additional storage for finished meal products in silo waiting for dispatch

The report goes on to set out the activities that will take place on the site and how odour will be managed and odour impact (which is insignificant / negligible or displaced for all activities), along with various options for odour control techniques.

The Environmental Health Officer has assessed this document and has accepted its content stating that the proposed methodologies would be capable of treating the odour that is being produced. It also has been confirmed that it will be the local authority that would need to control any future permit.

Based on the information that has been submitted it is considered that the applicant has demonstrated that the odour generated by this proposal will not be any worse than the existing situation and in fact there is likely to be some improvement as working practices will be more streamlined.

The information that has been submitted has been verified and the proposed methodologies and technologies accepted by the environmental health officer who is the professional in this regard. A condition is recommended to require precise details of the odour abatement systems prior to occupation of the units.

Ultimately the development will require a permit under the Environmental Permitting Regulations 2016 which will be controlled by the Environmental Health Section of the local authority.

Subject to appropriate conditions it is considered that the issue relating to odour is acceptable.

### **Air Pollution**

There have been public objections regarding air pollution; however no request has been made from Environmental Health for any survey.

Environmental Health has been contacted again in this regard and maintains that the impact of the proposed vehicle movements on air pollution is considered to be low.

On this basis it is not considered a significant issue for this proposal.

## **Contamination**

Advice from the Environment Agency states that the previous uses of the proposed development site (associated with the historic power station site) poses a contamination risk to controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is:

- Located upon Secondary A and Secondary B aquifers;
- The historic surface water drainage infrastructure are not known or understood and may be potential pathways for historic contamination or contamination to migrate around or off-site. The River Trent is located 763m east of the site and historic related infrastructure may provide pathways for contamination to migrate to the River Trent (the off-site associated power station was located 237m from the River Trent).

A ground contamination report has been submitted with the application and the Environmental Health Officer advises that the site may have previously been used for potentially contaminative uses and there is the presence of a sensitive receptor. A planning condition is therefore recommended on any permission to require a full contamination assessment.

The Environment Agency has also provided comments and recommended conditions in respect of ground water pollution.

It is considered that issues relating to pollution are acceptable and any impacts can be mitigated against.

There have been public objections on the impact on health and well-being and human rights; however the above analysis has demonstrated that the impact on health and well being can be mitigated against and accordingly it would not warrant a refusal of permission on this basis.

It is therefore considered that the application has demonstrated that the issues relating to residential amenity can be satisfactorily controlled and would not warrant refusal of permission subject to planning conditions; this has been confirmed by the statutory consultees.

## **Biodiversity**

The content of paragraph 180 of the NPPF is applicable as it states that in dealing with planning applications, councils must consider the harm of a scheme on biodiversity. Some harm to biodiversity is allowed, but it states that significant harm should be avoided, adequate mitigation should be provided or if this is not possible, the loss should be compensated for. If none of the above is possible, then permission should be refused.

The applicant has submitted an ecological appraisal with the application and a biodiversity net gain assessment. The following mitigation is proposed:

- Dust and pollution impacts should be controlled in respect of the Local Wildlife Site

- Retention of hedgerows and trees in accordance with root protection areas. Utilise native or nectar / pollen rich species.
- Precautionary approach for reptiles
- Retention of trees with bat roosting potential. Maintain Root Protection Area for trees and avoid artificial lighting. Soft fell of low potential trees and removal of T9 and T11 under the supervision of an ecologist.
- Replacement of vegetation with native tree species and maintenance of connective features such as hedgerows and tree lines by adhering to root protection zones. Implementation of sensitive bat lighting scheme.
- Precautionary measures for mammals passing through the site. Badger gates required
- Vegetation clearance works to be undertaken outside of the nesting season.
- Detailed mitigation for barn owl
- Net gain required – creation of diverse grassland in adjacent arable land

Compensation and enhancement recommendations are as follows:

- Suggestions made in respect of tree planting species.
- Suggest the planting of fruit trees
- Minimum of 6 hedgerow species should be planted
- Creation of wildflower meadows in the retained margins and open areas.
- A chain harrow is recommended along with long season meadow mix.
- Incorporation of bat and bird boxes
- Installation of barn owl nest boxes
- Log piles and dead wood under dense ground could be created across the site for herpetofauna hibernacula

A biodiversity net gain assessment has also been submitted by the applicant. This concluded that there was a net loss in habitat units of -71.31%. It is proposed to use an area within the wider site to achieve a net gain in biodiversity and this would equate to a net gain in biodiversity of 17.52%

An arboricultural survey has also been submitted with the application. The proposed development requires the removal of 2 x moderate quality trees and the partial removal of a low category group of trees. Compensatory planting is recommended as part of the landscaping scheme and it is recommended that retained trees are adequately protected during construction.

All of these documents have been assessed by Nottinghamshire Wildlife Trust who has no objections to the proposal. Conditions are recommended.

Based on appropriate mitigation, and enhancement it is considered that there will not be a detrimental impact on biodiversity and accordingly this issue is consistent with planning policy.

## Heritage

The Council has a duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving their setting, character and appearance. The House of Lords in the South Lakeland DC vs the SOS case in 1992 decided that a Conservation Area would be preserved, even if it was altered by development, if the character or appearance (its significance in other words) was not harmed. Conservation' is defined in the NPPF as the process of maintaining and managing change to a heritage asset in a way that sustains and where appropriate enhances its significance. Therefore case law has ascertained that both 'conservation' and 'preservation' are concerned with the management of change in a way that sustains the interest or values in a place – its special interest or significance. However, 'conservation' has the added dimension of taking opportunities to enhance significance where opportunities arise and where appropriate.

Para 194 of the NPPF requires Councils to identify the significance of any heritage asset that may be affected by a proposal to ensure that harm to the asset is avoided or is minimised. Policy DM8 of the Council's Core Strategy requires schemes that affect heritage assets to be of a scale, design, materials and siting and not have a negative effect on views towards the heritage asset. Paragraph 199 of the NPPF states that in considering the impact of development on the significance of heritage assets, great weight should be given to the assets conservation. Policy DM8 of the Council's Core Strategy requires schemes that affect heritage assets to be of a scale, design, materials and siting and not have a negative effect on views towards the heritage asset.

Para 203 of the NPPF advises that Councils should consider the impact of a proposal on the significance of a non-designated heritage asset when making a decision. Paragraph 199 of the NPPF is also particularly applicable where archaeology has been identified as a potential issue on site. This paragraph requires that applicants record to provide documentary evidence to advance the understanding of the significance of the heritage asset. Policy DM8 of the Bassetlaw Core Strategy states that there will be a presumption against development that detrimentally affects the significance of a heritage asset.

The applicant has submitted a heritage impact assessment which concluded that the proposal will have a minimal impact on the settings of nearby heritage assets.

The application has been assessed by the Council Conservation Section who confirm that there are no concerns in respect of the principle of this development and it is acknowledged that this was a former industrial site which contained several large buildings.

Concerns have been raised in respect of the setting of surrounding heritage assets in terms of odour and how this would affect how one may experience the historic environment. As Conservation are not experts in odour their recommendation is that the development is acceptable in principle; however officer's defer to the Council's Pollution Officer and the request for additional information on odour abatement.

As discussed in the above section (odour) further information has been submitted by the applicant in this regard and the Council's Environmental Health Officer is satisfied that the options outlined would be acceptable to control the issue of odour.

On this basis it is not considered that odour would have a detrimental effect on the historic environment and accordingly the development is consistent with planning policy relating to heritage.

Comments have been received from South Clifton Parish Council about the impact of the development on St George and the Martyr Church. Advice has been sought from the Council's Conservation Officer who has assessed this and states that this is unlikely to warrant a recommendation of refusal from Conservation. It is accepted that there will be a degree of intervisibility between the site and the Church and visual screening may help offset the impact. A scheme of landscaping has been requested by way of planning condition; however it has to be remembered that this site is part of a wider site and therefore it is the perimeter of the main site that is perhaps the crucial landscaping boundary which is not controlled by this planning application.

In terms of archaeology the site lies within an area of archaeological potential associated with pre historic Roman, medieval and post medieval activity.

The Council's archaeological advisor initially requested further details prior to determination of the application in the form of a trial trench evaluation and a geo phys survey. This has been provided by the applicant and the archaeological advisor is satisfied that the details contained within the programme for archaeological investigation and mitigation are acceptable; planning condition is recommended.

It is considered that heritage issues are acceptable and are consistent with planning policy.

### **Flood Risk**

The NPPF at paragraph 159 and policy DM12 of the Core Strategy makes it clear that development in areas at risk of flooding should be avoided by directing development away from the areas at the highest risk.

Paragraph 167 of the NPPF requires that proposals do not increase flood risk elsewhere and should be developed in line with a site specific flood risk assessment which incorporates a Sustainable Urban Drainage solution.

A Flood Risk Assessment has been submitted by the applicant which concludes that the flood risk from fluvial and surface water sources is low. The surface water strategy has been assessed in accordance with the sustainable drainage hierarchy – discharge to ground, followed by a waterbody or finally the public sewer.

The Local Lead Flood Authority has been consulted on this application and required further information and assessment in request of the use of SUDs. The applicant has submitted further information and the drainage proposal do now indicate an attenuation pond as part of the drainage strategy.

The Local Lead Flood Authority is content with this approach and also would welcome the use of swales at the detained design stage. Further details were sought on the proposed tank and its structural capacity which have also been provided by the applicant.



The Local Lead Flood Authority has confirmed that the proposals are suitable for this site and therefore subject to condition raises no objections.

It is therefore considered that issues relating to flood risk and drainage are acceptable.

### **Other Issues**

Public comments have been made about the statement of community involvement and the omission of appendices 6 and 7. These have since been requested and are on the file; however this does not prevent any permission being issued as a full assessment has been undertaken of the proposal.

There have been discussions regarding the Health and Safety Executive response in respect of the gas pipeline which shows a dotted line along the northern part of the application site. EDF was consulted as advised by the HSE but it has been pointed out that EDF no longer own the pipeline. Cadent were consulted and raised no objections; however when this was questioned it became apparent that they do not own the pipeline on the site either.

This has been relayed to the applicant who states that the existence of a gas pipeline is not referenced in the RSK Phase 1 Desktop Study. The applicant is aware that EDF Energy sold West Burton B to EIG Global Energy Partners in 2021, so it is not clear which company is responsible for the pipeline.

The case officer has made contact with West Burton Energy who confirmed that they have no immediate concerns regarding the application.

The applicant, has also confirmed that the dotted line on the Health and Safety Executive Map is the parish boundary and there is no easement in the deeds for a gas pipeline and no markers on the site. It has been confirmed by the applicant that there is no gas pipeline across the site and the nearest gas pipeline is at Saxonby.

In any event it is the responsibility of the applicant to ensure that there is no harm to any gas pipelines and that adequate easements or other necessary requirements are provided. An informative is recommended to alter the applicant to this fact.

Comments have been made in respect of the fencing fronting onto Fledborough Road, this is controlled via planning application 23/00313/FUL which at the time of writing the report had not yet been determined.

Comments have been made that a decision should not be made until the outcome of the emerging local plan has been established; however the Local Planning Authority has a duty to determine applications and therefore it would not be reasonable not to determine an application on these grounds.

### **The Tilted Balance**

As the Core Strategy is deemed to be out of date paragraph 11 of the NPPF is engaged which makes it clear that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

An assessment of the benefits and negatives provided by the scheme is given below with the weight apportioned to this in making a recommendation on this scheme:

<b>Benefit/Negative of the scheme</b>	<b>Weight given to the benefit/negative in decision making</b>
Provision of Employment Development	The NPPF is clear that economic development should be supported particularly on previously developed land. Whilst the development may not create any more jobs it will support and allow and existing business to operate more efficiently. It is accepted that District does have adequate employment land supply; however as this is part of a large rural brownfield site and supports an existing business this is given moderate positive weight in the planning balance.
Existing Business Considerations	This is a unique site and development which will support an existing rural business, allowing to become more effective and efficient. This is given significant positive weight in the planning balance
Reuse of a brownfield / greenfield site	Whilst it is accepted that this site is part brownfield and part greenfield it does form part of a wider site which housed a former power station. The overall site is considered to be previously developed and is a prime site for regeneration. This is given moderate - significant positive weight in the planning balance.
Loss of a sports pitch	There has been an objection from Sports England on the loss of a playing pitch. It is not considered that this would be a sustainable reason for refusal due to the fact that there is no evidence of a playing field on the site and there hasn't been for a number of years. This is given low negative weight in the planning balance
Sustainability	The development meets the 3 strands of sustainability. It will meet and economic need, a social need and an environmental need; although the site is located outside of the development boundary. This is given moderate positive weight in the planning balance.
Highway Considerations	Whilst there have been public objections in terms of highway considerations there is no objection from the Highway Authority and the applicant has provided adequate information to demonstrate that there will not be a server impact on the highway network which has been agreed with the Highway Authority. Furthermore the former use of the site was as a power station which would have generated traffic. The Highway Authority has confirmed that the proposal is acceptable.

	This impact sits neutral in the planning balance.
Landscape /Visual Amenity	It is accepted that the development will have an impact on landscape and visual amenity due to the scale of the buildings. However the overall site is industrial in nature and a similar building has already been granted consent on this site. It is not considered that the impact on the area given its context would be demonstrable. This is given low-moderate negative weight in the planning balance.
Pollution Issues incl residential amenity	There have been many public objections in respect of pollution issues and many of these relate to the existing operations at the Low Marnham site, which is not a material consideration in this planning application. The applicant has submitted various assessments in respect of the proposed development and these have been assessed by the Council's Environmental Health Officers and the Environment Agency who raise no objections. On this basis this sits as low negative weight in the planning balance as it has been demonstrated that any potential issues can be mitigated against, although it is accepted that there will be some impact on surrounding residential properties. Furthermore it should be remembered that an Environmental Permit will be required for the development and this is controlled via Environmental Health legislation not planning.
Biodiversity	The development of this site will see a net biodiversity loss in habitat. However the applicant proposes to use part of the wider site to provide an area of grassland and additional planting to achieve a 17% net gain in biodiversity. This is welcomed and is given moderate positive weight in the planning balance.
Heritage	It is not considered that this development will have a detrimental effect on surrounding heritage assets. Whilst the conservation officer raises concerns about odour this issue was deferred to Environmental Health who raise no objection in this regard. This issue sits neutral in the planning balance.
Flood Risk	The Local Lead Flood Authority raises no objections to this development subject to a planning condition which will ensure that the drainage strategy is acceptable and will not exacerbate flooding elsewhere. This issue sits neutral in the planning balance.

Having regards to benefits outlined above, and the scale and form of the development, it is considered that these when considered cumulatively outweigh any identified harm and as such, the proposal would constitute sustainable development as defined in paragraph 11 of the NPPF and accordingly the scheme should be granted planning permission.

## **Conclusion**

This is a full application for the erection of two commercial units on the former High Marnham Power Station. The application has been subject to the tilted balance assessment and each consideration has been assessed in detail above.

Whilst it is accepted that the District does have a sufficient supply of employment land, this is a unique site with unique circumstances and the benefits arising from it as outlined in the planning balance and below outweigh the minimal harm.

It is considered that there are three negative impacts in the planning balance relating to pollution issues in respect of residential amenity (low weight) landscape character (low – moderate weight) and loss of a sports pitch (low weight). The positive impacts of the proposal relate to the creating of employment development which is given moderate positive weight in the balance. The fact that it is part of a wider brownfield site (albeit it is accepted the application site is a mixture of greenfield/brownfield) which is prime for a regeneration site is given moderate to significant positive weight in the balance. A net gain of 17% in biodiversity is given moderate positive weight. Furthermore regard has been had in respect of the existing operations of the future occupier and the fact that this development would support an existing business in a rural area which is supported in National policy and this is afforded significant positive weight in the balance.

Based on paragraph 11 of the NPPF there are no significant and demonstrable adverse impacts of the development that outweigh the benefits and accordingly the recommendation is to grant planning permission.

## **Recommendation:**

- 1) Grant subject to conditions

## **Conditions/Reasons:**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be in accordance with the following approved plans:
  - Site Location Plan Drawing Number 0170 Rev P02 received on 4<sup>th</sup> August 2022
  - Proposed Site Plan Unit A and Unit B Drawing Number 0172 Rev P09 received on 9<sup>th</sup> March 2022

- Unit A Proposed Ground Floor Plan Drawing Number 0175 Rev P04 received on 4<sup>th</sup> August 2022
- Unit A Proposed Roof Plan Drawing Number 0176 Rev P07 received on 4<sup>th</sup> August 2022
- Unit A Proposed Building Sections Drawing Number 0177 Rev P03 received on 4<sup>th</sup> August 2022
- Unit A Proposed Building Elevations Drawing Number 0178 Rev P06 received on 4<sup>th</sup> August 2022
- Unit A Proposed Ground, First and Second Floor Plan Drawing Number 0179 Rev P02 received on 4<sup>th</sup> August 2022
- Unit B Proposed Plan Drawing Number 0195 Rev P04 received on 4<sup>th</sup> August 2022
- Unit B Proposed Roof Plan Drawing Number 0196 Rev P06 received on 4<sup>th</sup> August 2022
- Unit B Proposed Building Sections Drawing Number 0197 Rev P03 received on 4<sup>th</sup> August 2022
- Unit B Proposed Building Elevations Drawing Number 0198 Rev P05 received on 4<sup>th</sup> August 2022
- Unit B Proposed Ground Floor, First Floor and Roof Plan Drawing Number 0199 Rev P01 received on 4<sup>th</sup> August 2022
- Travel Plan dated July 2022 received on 4<sup>th</sup> August 2022
- Transport Assessment Rev 4 dated December 2022 received on 14<sup>th</sup> December 2022
- Heritage Impact Assessment dated July 2022 received on 4<sup>th</sup> August 2022
- Landscape and Visual Appraisal dated July 2022 received on 4<sup>th</sup> August 2022
- Arboricultural Impact Assessment, Method Statement and Tree Protection Plan dated July 2022 received on 4<sup>th</sup> August 2022
- Odour Impact Assessment dated 31<sup>st</sup> May 2022 received on 4<sup>th</sup> August 2022
- Geophysical Survey dated January 2023 received on 20<sup>th</sup> January 2023
- Written Scheme of Investigation Archaeological Evaluation Geophysical Survey and Trial Trenching dated February 2023 received 13<sup>th</sup> February 2023
- Flood Risk Assessment and Drainage Management Strategy dated March 2023 received on 9<sup>th</sup> March 2023
- Ricardo Energy and Environment letter dated 6<sup>th</sup> December 2022 regarding odour received on 9<sup>th</sup> December 2022
- Ecological Impact Assessment dated December 2022 received on 7<sup>th</sup> December 2022
- Biodiversity Calculation received on 7<sup>th</sup> December 2022
- Baseline Habitat Plan received on 7<sup>th</sup> December 2022
- Proposed Habitat Plan received on 7<sup>th</sup> December 2022
- Letter dated 20<sup>th</sup> April 2023 regarding J G Pears current and proposed business operations and associated HGV movements.

Reason: For the avoidance of doubt

3. This permission relates only to the following uses and operator:
  - Unit A - A Finished Product Despatch Warehouse Building (B8 Use) and Packaging Plant (B2 Use) Including Odour Abatement Plant and Solar PV for use by J G Pears in association with the existing site at Low Marnham
  - Unit B - Raw Animal By-Product (ABP) Intermediate Storage Building (B8 Use) Incorporating Mechanical Processing Plant for Crushing, Freezing and Reloading (B2

Use) Including Odour Abatement Plant and Solar PV for use by J G Pears in association with the existing site at Low Marnham

Reason: The application documents relate to J G Pears operations and they have been assessed on the specific requirements of J G Pears in association with their existing site at Low Marnham.

4. The development shall be undertaken in accordance with the materials specified on the approved drawings unless otherwise agreed in writing by formal application to the Local Planning Authority

Reason: In the interests of visual amenity.

5. Before any construction occurs above damp proof course (DPC) full details of the boundary treatment for the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained for the lifetime of the development.

Reason: To ensure that the site is secure and in the interests of visual amenity.

6. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy, *HYD696\_2NO.INDUSTRIAL.UNITS\_FRA&DMS Rev 4, Betts Hydro Consulting Engineers, March 2023.*, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.

Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.

- No surcharge shown in a 1 in 1 year
- No flooding shown in a 1 in 30 year
- For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm

- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

7. Prior to any construction commencing on the site the Applicant shall submit to the Local Planning Authority a Construction Traffic Management Plan for the routing of vehicles exceeding 3.5 tonnes gross vehicle weight to and from the site. The Plan shall thereafter be implemented as approved and make provision for:
  - Monitoring of the approved arrangements during the construction of the development.
  - Ensuring that all drivers of vehicles under the control of the Applicant are made aware of the approved arrangements.
  - The disciplinary steps that will be exercised in the event of a default.
  - Appropriate signage, details to be approved by the Local Highway Authority and erected advising drivers of the vehicle routes agreed with the Local Highway Authority.
  - Wheel cleaning facilities and their use/retention.

Reason: To minimise the possibility of heavy construction traffic using inappropriate routes to and from the site in the interests of maintaining highway efficiency and safety.

8. Prior to the development being first brought into use the Applicant shall submit to the Local Planning Authority a Delivery Traffic Management Plan for the routing of delivery vehicles exceeding 3.5 tonnes gross vehicle weight to and from the site. The Plan shall thereafter be implemented as approved and make provision for:
  - monitoring of the approved arrangements during the operation of the development.
  - ensuring that all drivers of vehicles under the control of the Applicant are made aware of the approved arrangements,
  - the disciplinary steps that will be exercised in the event of a default,

- appropriate signage to be erected to advise drivers of the vehicle routes

The approved arrangements shall limit vehicle movements above 3.5 tonnes to the north via Main Street and the A57, to the South via Hemplands Lane and Great North Road, and to the West via Polly Turners Lane and vice-versa and to no other routes.

Reason: To minimise the possibility of heavy traffic using inappropriate routes to and from the site in the interests of maintaining highway efficiency and safety

9. All vehicles transporting materials to and from the site shall be fully covered with sheeting prior to them leaving the application site and entering the public highway for the lifetime of the development.

Reason: To minimise the potential for debris to be deposited on the highway

10. Each industrial unit shall not be occupied until 10% of the car parking spaces have been fitted with an EV fast charging point (minimum specification - 7w Mode 3 with Type 2 connector, 230v AC 32 Amp single phase dedicated supply) and a further 10% have been fitted with the necessary infrastructure in accordance with details and locations to be first submitted to and approved by the Local Planning Authority.

Reason: To comply with paragraph 112 of the National Planning Policy Framework and in the interest of sustainable transport

11. No development shall take place until the implementation of a programme of archaeological work as detailed in submitted document 'Written Scheme of Investigation: Archaeological Evaluation: Geophysical Survey and Trial Trenching – Project Ref 07743D – February 2023'. All work will be undertaken in accordance the approved scheme and the applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: In the interests of archaeology

12. Except in case of emergency, construction operations should not take place on site other than between the hours of 08:00 - 18:00 Monday to Friday and between 09:00 - 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: In the interest of residential amenity



13. Heavy goods vehicles should only enter or leave the site during construction between the hours of 08:00 - 18:00 on weekdays and 09:00 - 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

Reason: In the interest of residential amenity

14. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should include the following:

- Measures to control dust and impact on the adjacent Local Wildlife Site
- A lighting strategy
- Details of tree/hedgerow protection measures during construction
- Mitigation for, bats, birds, newts, reptiles, badgers and hedgehogs during construction
- Detailed mitigation strategy for barn owl.
- Details of tree felling and confirmation of supervision of all site clearance, tree removal and removal of vegetated habitats by a qualified ecologist (details to be submitted to the LPA 2 weeks prior to commencement of these works)
- A working methodology to be followed by site contractors

The development shall be undertaken in accordance with the approved details.

Reason: In the interests of residential amenity and biodiversity

15. Prior to occupation of the units a lighting strategy and plan for the operational period of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained for the lifetime of the development.

Reason: In the interests of residential and visual amenity

16. Prior to the occupation of development specific details of the odour abatement systems shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the submitted details and retained as such for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide clarification on the system that will be used and to ensure that there will not be an issue relating to odour arising from the development in the interests of residential amenity.

17. The proposed development shall not include any heat treatment of animal by product materials (i.e. rendering) and shall be undertaken in accordance with the details contained within the Ricardo Energy and Environment letter dated 6<sup>th</sup> December 2022.

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

18. No development shall commence until a Biodiversity Enhancement Plan demonstrating a biodiversity net gain in accordance with the Biodiversity Metric received on 07 December 2022 and Proposed Habitat Plan received on 07 December 2022, comprising of a timetable for delivery and management plan, has been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancements should follow the recommendations included in the approved ecological appraisal. The development shall be carried only in accordance with the approved scheme and shall be retained for the lifetime of the development.

Reason: To ensure that the optimal benefits of biodiversity are achieved

19. A full noise impact assessment, including any proposed mitigation shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any/each unit. The assessment should include full details of the noise effects of the scheme, including noise-generating elements and predicted off-site impacts for both day time and night time. The rating noise level of the proposed development, including the odour abatement systems should not exceed the existing prevailing background sound level at any residential receptor (daytime and night-time) when assessed in accordance with BS4142:2-14+A1:2019. The development shall be undertaken in accordance with the approved details and any mitigation should be retained for the lifetime of the development.

Reason: In the interests of residential amenity

20. The development shall be carried out in accordance with the travel plan dated July 2022 Ref: NT/210462/TP/2.

Reason: In the interest of sustainable travel.

21. Prior to the commencement of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 183 of the National Planning Policy Framework

22. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 183 of the National Planning Policy Framework.

23. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 183 of the National Planning Policy Framework

24. No infiltration of surface water drainage into the ground by soakaway or infiltration SUDS on land affected by contamination is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 183 of the National Planning Policy Framework

25. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

26. No outside working or processing is permitted across the site unless otherwise agreed in writing with the LPA

Reason: To ensure that the level of noise from the development does not have a detrimental effect on residential amenity.

27. Before any construction occurs above damp proof course (DPC) level details of a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity

28. Any trees, hedges or shrubs that are removed, are dying, being severely damaged or become seriously diseased within five years of their planting shall be replaced in the following planting season by trees or shrubs of a size and species similar to those originally required to be planted. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the landscaped areas are provided for within the correct timescales in the interests of visual, residential and ecological interests