

Item No: a4

Application Ref.	23/00410/CDM
Application Type	County Council Development
Site Address	Former Ash Disposal Lagoons, South Of Lound, Retford.
Proposal	County Matter Application for the Extraction, Processing and Export of Pulverised Fuel Ash From Former Ash Disposal Lagoons and Their Progressive Restoration, and Associated Development Including Earthworks, Dewatering and Soil Storage, Ponds and Excavations, Hard and Soft Surfacing and Landscaping and Boundary Treatment, Buildings and Structures, Plant, Conveyors, Utility Connections, Roadways, Parking, Drainage and Ancillary Development
Case Officer	Jamie Elliott
Recommendation	RNO - No Objection
Web Link:	Link to Planning Documents

The Application

Site Context

The Site is an irregular shape and covers an area of approximately 113.55 hectares.

The area in question is predominantly rural/agricultural in character, with much of the Site used for grazing. The area has an extensive history of sand and gravel extraction; previously being quarried for sand and gravel, after which the resulting void was converted to form raised Pulverised Fuel Ash (PFA) disposal lagoons to take waste material via pipeline from Cottam Power Station.

The site is located approximately 750m to the east of Sutton-cum-Lound and approximately 500m to the south of Lound.

Belmoor Farm, Low Farm and Sutton Grange lie adjacent to the application site.

The site is within an area of Archaeological Interest.

Sutton and Lound Gravel Pits SSSI is located to the North of the site.

The site falls within Flood Zone 2.

Proposal

The application seeks planning permission for the extraction of pulverised fuel ash ('PFA') from former ash disposal lagoons located on land to the east of Sutton-cum-Lound, together with associated development.

The applicants have indicated that in 2015, approximately 3.28 million tonnes per year of PFA was used by the building products industry, with the remainder going to disposal sites.

There has historically been an oversupply of PFA in the UK, with more produced by coal-fired power stations than could be used by the building products industry. Large quantities have therefore historically been sent to disposal sites and stored as a waste material.

However following the government's announcement to close coal power stations, an alternative source of PFA will be required to maintain supplies to the building industry.

As an alternative to importing PFA, from the continent of farther afield, would be to recover PFA from disposal sites, such as those located at the application site.

The applicants argue that the proposed development, if approved, would make a substantial contribution towards meeting the national demand for PFA.

In total, extraction is expected to take around 22 years at a rate of approximately 300,000 tonnes per annum.

A temporary construction compound would be required for the installation of the infrastructure. This would be located on existing hardstanding at the Site. Temporary cabins, to be used for site offices and welfare facilities are proposed. Welfare facilities would be installed as required by the Construction (Design and Management) Regulations 2015.

It is proposed that power would be provided by connection to the local electricity network and/or a new combined heat and power plant, with backup/an alternative provided by a diesel generator(s) banded to 110% diesel capacity. Water for the welfare facilities would be provide by existing utility connections at Area.

Pre-extraction works

Construction activities would include, but are not limited to, the following:

- *Delivery and installation of extraction and processing plant;*
- *Erection of buildings and other structures;*
- *Connection of utilities;*
- *Site drainage works;*
- *Laying of foundations, hardstanding and haul roads;*
- *Importation of all necessary construction materials, including engineering clay or similar for capping, void lining and drainage works, and soil for restoration, as necessary;*
- *Earthworks and soil movements; and*
- *Any other necessary engineering and electrical works.*

Construction activities would be confined to the hours of 07:00 to 19:00 on weekdays and 07:00 to 13:00 on Saturdays, with no working on Sundays or Bank Holidays.

In some circumstances (for example concrete pouring), it may be necessary to work outside of these hours and, in these circumstances, permission would be sought from NCC.

Operational Development

Once operational, the Proposed Development would comprise the following main elements:

- *Extraction;*
- *Screening and Shredding;*
- *Processing; and*
- *Export by road.*

PFA would be extracted by mobile excavators and/or motor scrapers.

Mobile screening and shredding plant would be used to pre-process the PFA at the on site Processing Areas to the required grade by separating out lumps of material into smaller particles.

The main processing site would consist of:

- Material storage buildings;
- Conveyors, including a gantry over the site access road;
- Drying modules (up to 10x individual modules), cyclones and storage silos; • Internal access roads and hardstanding;
- Offices, canteen and laboratories – in a co-located area of single storey cabins;
- Combined heat and power (CHP) plant – providing power and heat for the drying plant and other components, along with possibly a connection to the local electricity distribution network;
- Gas tanks and delivery infrastructure, and/or a gas main connection;
- Staff car park;
- Yard and storage area; and • Wheel wash and weighbridge.

Export to Road.

PFA would be loaded into 30 tonne articulated powder tankers/sheeted wagons (hereafter referred to as 'HGVs') that would be filled using a closed pipework from the silos or straight from the enclosed material storage building. The HGVs would pass over a weighbridge on arrival and before departure from the Site and, if necessary, on departure a wheel wash and/or jet wash would be utilised to clean vehicles.

It is estimated there would be up to 136 daily vehicle movements (96 HGVs and 40 car movements) as a result of the operation of the proposed development.

Hours of Operation.

The operating hours for extraction and HGV exports would be limited to the following:

- 07:00 and 19:00 Monday to Friday; and
- 07:00 to 13:00 Saturday, and
- No extraction activities or imports are proposed for Sundays or Bank Holidays.

Site Restoration.

The restoration scheme would include reinstatement of some of the existing farming activities, including grazing of the site and habitat management using sheep. The proposed

habitats include wet grassland, species-rich grassland, reed beds, woodland, and water bodies. It is anticipated that there would be a significant improvement on the current habitats at the Site.

Development Plan and other Material Considerations

Having regard to Section 54A of the Town and Country Planning Act 1990, the main policy considerations are as follows:

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 at the heart of the National Planning Policy Framework is 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 proposed⁶; 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 paragraphs of the framework are applicable to this development:

Para 7 – Achieving sustainable development

Para 8 – Three strands to sustainable development

Para 10 – Presumption in favour of sustainable development

Para 11 – Decision making

Para 12 – Development plan as the starting point for decision making

Para 33 – Strategic policies in development plans should be reviewed every 5 years.

Para 38 – Decision making should be done in a positive way.

Para 55 – Planning conditions to be kept to a minimum and to meet the tests.

Para 56 – Planning obligations

Para 91 – Planning to achieve healthy, safe and inclusive communities.

Para 96 – provision of high quality open space and opportunities for sport and physical activity.

Para 108 – 110 – Highway safety

Para 117 – Making effective use of land

Para 124 – Good design is a key aspect of sustainable development.

Para 130 – Poor design should be refused permission.

Para 155 – Inappropriate development at risk of flooding should be avoided by directing development to parcels of land at less risk of flooding.

Para 163 – New development must not increase the risk of flooding elsewhere.

Para 170 - Decisions should contribute to protecting and enhancing the natural and local environment.

Para 178 – Planning and pollution

Para 180 - Development and its effect on health.

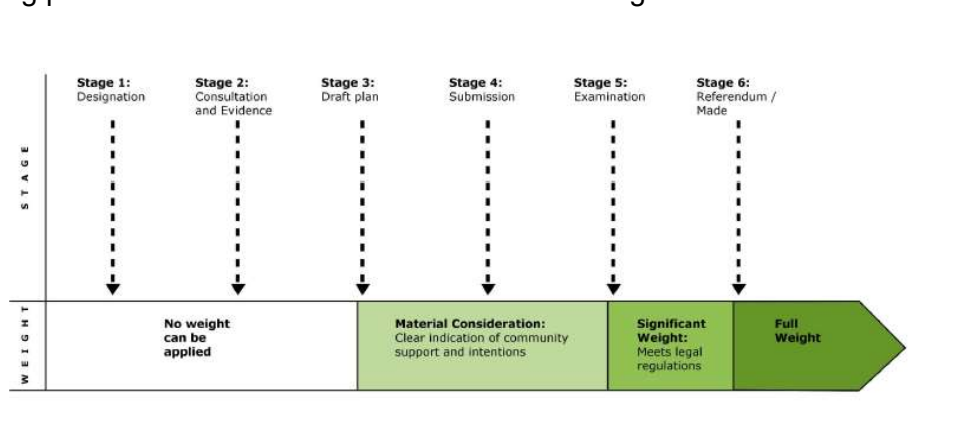
Bassetlaw District Council – Local Development Framework

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

- CS1 - Settlement hierarchy
- CS9 – All Other Settlements
- DM1 – Economic Development in the Countryside
- DM4 - Design & character
- DM9 - Delivering open space and sports facilities
- DM13 - Sustainable transport

Sutton-cum-Lound Neighbourhood Plan

The Sutton cum Lound Neighbourhood Plan was made in March 2021. The chart below shows the weight to be given to the Neighbourhood Plan set against the stage of the plan-making process. It can therefore be accorded full weight.



The relevant polices are as follows:

Policy 8 – Improving green infrastructure

Policy 9 – Highway safety

Relevant Planning History

There is no relevant planning history

Summary of Consultation Responses

Whilst Nottinghamshire County Council are the determining authority for this application and responsible for carrying out of consultations, the district council has received comments from the **Blyth Parish Councillors objecting** to the increase in HGV movements on the surrounding road network.

Summary of Publicity

Notwithstanding that Nottinghamshire County Council are the determining authority for this application and responsible for carrying out of consultations, **14 Letters** have been received from **Local Residents objecting** to the development on the following grounds:

1. Health Risks associated with dust, asbestos and other pollutants;
2. Noise and disturbance generated by extraction and processing activities;
3. Would be detrimental to the peace and tranquillity of the area;
4. Would have detrimental impacts on the tourism in the area and nearby holiday accommodation;
5. The applicant's environmental assessment shows that the site is contaminated;
6. The development may result in the contamination of bore holes and drinking water;
7. The proposed mitigation measures will not be sufficient to protect local residents;
8. The increase in HGV movements would be detrimental of highway safety and would generate significant levels of noise and pollution;
9. The applicants are Solar Farm specialists not PFA specialists;
10. The development would have an adverse impact on ecological assets such as the Sutton and Lound GP SSSI;
11. The applicants have not demonstrated that the PFA safe or free from hazardous contaminants;
12. The application should be deferred in order to investigate the potential of asbestos contamination;
13. Other waste products can be used as an alternative to PFA;
14. The information submitted with the application is misleading;
15. The works would be carried out of many years;
16. The new jobs would not off-set those lost in the hospitality and tourism industry;
17. Heavy rain would lead to run-off and wider contamination;
18. The countryside should be restored and protected;
19. Idle Valley is an important site for bird watching;
20. Access to the countryside is important for recreation and mental health;
21. The Government has made substantial commitments to protect nature and improve biodiversity;
22. The application should be determined at planning committee;
23. The claims of reducing emissions are exaggerated;
24. The extraction activities would be very close to Sutton School;
25. A million pounds of National Lottery Grant was spent on re-wilding the ash lagoons and the surrounding area;
26. Would result in light pollution.

Consideration of Planning Issues

Principle of the Development

Paragraph 12 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision making.

Policy CS1 of the Core Strategy states that until the adoption of the site allocations DPD, development in the settlements identified in the hierarchy will be restricted to the area inside defined settlement boundaries. However, additional permission may be granted where the

development proposal would address a shortfall in the District's five-year housing supply or its employment land supply.

The principle of development will be considered by Nottinghamshire County Council who are the minerals authority for Bassetlaw.

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.

Design, Layout & Visual Amenity

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 it is “proper to seek to promote or reinforce local distinctiveness” (para 130) and 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 Environmental Statement submitted with the application includes a section discussing the visual impact of the development on the rural landscape, in the form of a Landscape Visual Impact Assessment.

The impacts outlined above would ultimately be considered and determined by the Nottinghamshire County Council.

Notwithstanding the above, it is considered that the visual impacts of the extraction phase, could be satisfactorily mitigated by an appropriately designed and implemented scheme for restoration and planting.

Residential Amenity

Policy DM4 of the Core Strategy requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This is also reflected in paragraph 130 criterion f) of the NPPF which states that development should create a high standard of amenity for existing and future users.

Paragraph 185 of the NPPF seeks to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes an assessment of noise and light impact.

The Environmental Statement (ES) submitted with the application includes a section discussing the potential impacts of noise and vibration generated by the construction phase of the development and by the extraction and restoration phases of the development.

Subject to the implementation of appropriate mitigation measures, the ES concludes that the significance of effects of the proposed development are as follows:

- The significance of effect due to construction activities is considered to be of minor significance.
- The significance of effect due to operational phases (night-time working only) is considered to be of minor significance.
- The significance of effect due to restoration phases is considered to be of minor significance.

Ultimately, Nottinghamshire County Council would determine whether the proposal would have unacceptable impacts on the residential amenities of local residents.

Highways Matters

Paragraph 108 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 109 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 91 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.

The issues of highway safety will be considered by the Nottinghamshire County Council, who are the local highways authority for the area.

Ecology/Trees

The Environment Act 2021 has introduced a requirement for development to deliver a 10% net gain to biodiversity. Opportunities to achieve 10% net gain in planning decisions are welcomed, however this will not become mandatory until November 2023 for large sites and April 2024 in the case of small sites. In the interim, with the absence of an up-to-date Local Plan, the Authority will approach biodiversity in accordance with paragraph 180 of the NPPF which makes clear that there should be no net loss to biodiversity as a result of development.

The content of paragraph 180 of the NPPF states that in dealing with planning applications, councils must consider the harm of a scheme on biodiversity. It states that the following principles should be applied (in summary):

- If significant harm cannot be avoided adequately mitigated or compensated for permission should be refused.
- Development within or outside a SSSI which is likely to have an adverse impact on it should not normally be permitted. The only exception is where the benefits of location outweigh its impact.
- Development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are exceptional reasons or compensation.
- Development whose primary objective is to conserve or enhance biodiversity should be supported. Opportunities to improve biodiversity in and around developments should be integrated as part of their design especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Policy DM9 of the Core Strategy is consistent with the above and adds that development proposals will be expected to take opportunities to restore or enhance habitats and species' populations and to demonstrate that they will not adversely affect or result in the loss of features of recognised importance.

The Government's Consultation response on Biodiversity Net Gain has been published in February 2023 and makes clear that exemptions for the assessment and delivery of Biodiversity Net Gain will be made in the following instances:

- Development impacting habitat of an area below a 'de minimis' threshold of 25 metres squared, or 5m for linear habitats such as hedgerows
- Householder applications
- Biodiversity gain sites (where habitats are being enhanced for wildlife)
- Small scale self-build and custom housing.

As indicated below the application site is located adjacent to the Sutton and Lound Gravel Pits, Site of Special Scientific Interest (SSSI).

The Environmental Statement submitted with the application includes a section discussing the impacts of the development on Ecological Assets, the contents of which will be assessed by Nottinghamshire County Council.

Flooding/Drainage

The NPPF at paragraph 159 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.

Policy DM12 of the Core Strategy states that proposals for the development of new units in Flood Zones 2, 3a and 3b that are not defined by national planning guidance as being suitable for these zones will not be supported while development sites remain available in sequentially superior locations across the District

The Environmental Statement submitted with the application includes a Flood Risk Assessment, the contents of which will be assessed by Nottinghamshire County Council.

Conclusion

Subject to the implementation of appropriate mitigation measures addressing the impacts of the development on noise, pollution, asbestos contamination, vibration, highway safety, landscape character, ecology and flood risk, it is considered that the development would comply with policies DM4, DM9 and DM12 of the Bassetlaw Local Development Framework, and policies 8 and 9 of the Neighbourhood Plan.

Recommendation:

Raise no Objection