



meeting **PLANNING AND LICENSING COMMITTEE**

date **23 MAY 2006**

from: **Director of Environment**

agenda item number

6

PROGRESS REPORT

PLANNING APPLICATION 3/02/01726/CMM

EXTRACTION OF SAND AND GRAVEL WITH RESTORATION BY UTILISING INSERT BACKFILLING MATERIALS & COMPOSTING OF TREATED SEWAGE SLUDGE CAKE AT BULCOTE FARM, GUNTHORPE.

Purpose of Report

1. To inform Members of both the progress and the next steps regarding the planning application by Tarmac Central Limited to undertake sand and gravel extraction at Bulcote Farm, Gunthorpe. The report will summarise the Minerals Local Plan Policy, in so far as it relates to the Gunthorpe allocation, the main issues raised by this planning application, and the progress made in addressing these issues. The recommendation is for Members to note the report.

Minerals Local Plan Policy

2. Policy M6.7 of the previous Nottinghamshire Minerals Local Plan (adopted November 1997) allocated 80 hectares of land at Gunthorpe for sand and gravel extraction to act as a replacement for the quarry at Holme Pierrepont.
3. The 1997 plan has now been replaced by a new Minerals Local Plan adopted in December 2005. Policy M6.6 of this plan reallocates the original 80 hectares of land identified, together with an additional 70 hectares of land commonly referred as 'the western extension'. The Gunthorpe allocation is considered to represent the only acceptable local option for replacing production at the now closed Holme Pierrepont Quarry, and Hoveringham Quarry which is anticipated to close in 2007.
4. The boundaries of the November 1997 Minerals Local Plan allocation and the enlarged 2005 Minerals Local Plan allocation are identified on Plan 1, attached as an appendix to this report.

Planning Application Progress

Details of Planning Application

5. On the 30th July 2002 the County Council received a planning application for the extraction of sand and gravel by Tarmac Central Limited for land at Bulcote Farm on land between Gunthorpe and Bulcote village.

6. The planning application seeks consent for the phased extraction of up to 4.5 million tonnes of sand and gravel from 80ha of existing agricultural land over 11 years (see Plan 2). The application site also incorporates approximately 50ha of land that has previously been worked for sand and gravel but was left largely unrestored. The boundaries of the planning application site accords with the land allocated under Policy M6.7 of the previous 1997 plan, and does not include any of the extension land allocated through the 2005 Nottinghamshire Minerals Local Plan. The application proposes the following main activities:
- The construction of a new quarry access road onto the A6097 between Lowdham and Gunthorpe and the provision of a priority controlled traffic light junction.
 - Extraction and processing of up to 4.5 million tonnes of sand and gravel through the phased removal of soils, extraction of mineral and progressive restoration during the 11 year life of the quarry using imported inert fill material to provide agriculture and conservation wetland restoration areas.
 - Construction of a plant site and processing area linked to the working areas by field conveyors.
 - Restoration of the former mineral working areas to provide for the retention and enhancement of the wetland areas and wildlife habitat creation, improvements to the restored agricultural land, and the creation of a settlement lagoon for restoration to a reedbed habitat. Most of this work is to be undertaken within the first year of the operation of the quarry.
 - Construction of a green waste composting area for the composting of imported green waste and sewage sludge.

Consultation Responses

7. Publicity undertaken in connection with the planning application resulted in over 300 objections being received. The key issues arising out of these representations included impacts on the countryside, wildlife, public footpaths, amenity areas, dust, noise, traffic, visual and landscape impacts, odours from composting, flood risk, archaeology, impacts on property stability as a result of ground dewatering, impacts on Bulcote Conservation Area and its Listed Buildings, and the proximity of the development to residential properties.

Suggested Amendments to Planning Application

8. As a result of the concerns raised through the consultation process, Tarmac were requested to prepare a series of amendments and to provide additional clarification to address environmental and planning policy impacts arising from the original submission. These requested amendments, most of which were raised in a letter to Tarmac dated 8th April 2003, are summarised as follows:
- a. Deletion of composting operations from the development to ensure compliance with Policy W3.12 of the Nottinghamshire and Nottingham Waste Local Plan;
 - b. Deletion of proposals for agricultural improvements within the Gunthorpe Quarry (disused) area comprising the raising of ground levels by 300mm. This deletion is to maintain flood capacity in the River Trent floodplain;
 - c. Review of the final restoration levels in the northern part of the site to maximise the potential for the creation of meadows;

- d. A reassessment of the flood risk modelling;
 - e. Consideration of alternative, more sustainable modes of transportation of mineral for the site;
 - f. An assessment and mitigation of the effects on property stability within Bulcote village and the nearby railway line resulting from the draw-down in the water table associated with quarry de-watering;
 - g. Alterations to the quarry access so as to provide a roundabout onto the A6097.
 - h. Assessment of the impact of the development on rights of way across the site, and the management of visitors to the restored site.
9. Subsequent to that letter, Tarmac were also requested to undertake a report to appraise the impact on Listed Buildings and the character and appearance of the Bulcote Conservation Area.
10. Further assessments and a series of revisions to the original planning application have now been prepared by Tarmac to address the above concerns. The ensuing further material has not been formally submitted to the County Council to date because Tarmac were requested to submit one inclusive submission to cover all the issues rather than a series of smaller topic-based submissions. Clearly when all the amendments are submitted they will require very careful scrutiny by the County Council and its consultees to assess whether they satisfactorily address the concerns raised.

Flood Risk Issues

11. The one issue that the company has not resolved to date is the effect the development will have on River Trent flood levels and flows. The primary consultee on matters relating to flood risk is the Environment Agency. At an early stage of considering the planning application the Agency issued a holding objection on the grounds that the original flood risk assessment failed to adequately consider potential flooding impacts, and in particular the effect directional flood flows have on flood water levels. The computer model that sought to predict flood patterns was not sufficiently accurate to enable a judgement of the flood risk to be made. The holding objection issued by the Environment Agency required Tarmac to produce a more detailed flood risk assessment.
12. Regular meetings between the Environment Agency, Tarmac and the County Council have taken place throughout the preparation of the flood model to provide guidance on the scope, content and required level of detail of the model. Due to the complexity of the flood model it has taken significantly longer than originally anticipated to prepare, and this is the main reason for the delay in Tarmac resubmitting the amendments to the planning application.
13. The revised flood model will utilise more accurate survey topographical data, and will take into account the effect of directional flood flows on predicted flooding levels. The model provides a comparison between the existing flood levels during a 1:100 year flood event and compares these levels to predicted flood levels during key phases of the working of the quarry and from the final restored landform. The model also provides an assessment for the predicted increased

flood levels ensuing from higher levels of winter rainfall anticipated as a result of climate change.

14. The draft results of the flood modelling have now been informally sent to the Environment Agency and have been the subject of detailed discussions between Tarmac, the Agency and County Council officers. The model gives an indication of the extent to which the quarry development will result in changes to the level of flood water within Gunthorpe, and identifies some locations experiencing increased levels of water and some experiencing less. When the anticipated changes resulting from climate change are taken into account there are a greater number of locations adversely affected than those experiencing reduced water levels.
15. The locations used for the purposes of the exercise amount to 60 points in and around Gunthorpe, some of which are at individual properties. Where higher water levels are predicted, this does not necessarily mean that property will flood since in most cases the water level remains below the threshold level at which flooding will occur. However, for a small number of properties the increase in levels could result in an additional risk of flooding.
16. The results of the flood model are open to some interpretation as to the significance of any identified flood risk, particularly in respect of whether the model should apply at the individual property level or on an area wide basis and what, if any, additional flood risk can be considered as a neutral or acceptable impact. Ultimately the decision of the Environment Agency will be a key determinant on how Tarmac wish to proceed with their planning submission, and the decision the Council makes on the flood risk issue surrounding the planning application.
17. It is understood that Tarmac are having further separate discussions with the Environment Agency regarding the results of the flood model, and to confirm the Agency's position on the draft submission. The results of these discussions will most likely determine how they may wish to proceed with the planning application.

Impact on Bulcote Conservation Area and Listed buildings

18. Since the original application was submitted, Bulcote Farm and the adjoining cottages have been listed as buildings of special architectural or historic significance. This does not mean that mineral development on nearby land cannot take place, but does affect the way the application is dealt with procedurally, and of course places further onus on the applicants to show that any impact of their proposal can be mitigated satisfactorily.
19. To ensure that the draw down of water associated with the working of sand and gravel does not result in a lowering of the groundwater levels within Bulcote village, which in turn may result in ground shrinkage and potential structural damage, a groundwater recharge trench is proposed. The trench would be kept supplied with water to ensure that satisfactory groundwater levels are maintained within Bulcote village and therefore negative impacts do not occur.
20. The groundwater recharge trench would need to form the basis of a separate planning application as it is outside the boundary of the current application site. The application will be subject to a consultation process in its own right. The

visual impacts of this, and the quarry workings, will need to be taken into account when a decision is made on any revised planning application. Similarly impacts on the Conservation Area in Bulcote and other neighbouring properties will need to be assessed, together with the impact on people using the public footpaths which cross the site.

Conclusion

21. The Bulcote Farm site forms part of a strategically important allocation within the 2005 adopted Nottinghamshire Minerals Local Plan in so far as it replaces Holme Pierrepont and Hoveringham quarries as the only acceptable local option close to the Nottingham market. The 1997 allocation and the proposed western extension contained in the 2005 Minerals Local Plan were supported by the Inspector at the Minerals Local Plan Public Inquiry. The planning application therefore merits the support of the County Council in policy terms.
22. The analysis of the flood risk has now reached an advanced stage. Discussions have taken place between the Environment Agency and Tarmac on the interpretation of the results and the required level of mitigation of any adverse impacts. It has clearly taken a considerable amount of time and effort by all parties to reach the current position. Tarmac are likely to be making some key decisions in the next few weeks on how they wish to progress their planning application in light of the results of the meetings with the Environment Agency.
23. However, the planning application will need to look in detail at a variety of environmental issues. Although flood risk to date has proved the most problematic issue for Tarmac to resolve, other issues including those surrounding quarry dewatering, the impact on neighbouring properties, including Listed Buildings and the Conservation Area of Bulcote, as well as other matters, will all need to be scrutinised very carefully. The most appropriate way to consider these issues is through a revised planning application.

The Next Steps

24. The County Council is currently awaiting the submission of amendments and further information to enable a revised planning application to progress. The timetable for the resubmission of this information will to a large extent be determined by the progress made in the ongoing discussions between Tarmac and the Environment Agency regarding the flood risk.
25. In the event that an agreement can be reached between the Agency and Tarmac on flood risk issues, it is anticipated that Tarmac would look to submit a series of amendments to the planning application. Once these have been registered as valid the County Council will carry out its own publicity. This will be in line with the Council's emerging Statement of Community Involvement, and will involve individual notification to those local residents who commented on the original submission, as well as the posting of site notices and notices in the local press. The publicity will be extensive and wide ranging and will exceed the statutory provisions as part of the formal planning application process.
26. As the proposed sheeting bay and recharge trench are outside the boundary of the original application site, these will need to be the subject of separate planning

applications. The publicity will draw attention to the amendments to the main planning application, and the further submissions.

27. The flood risk impacts of the development are very complex. At the present time an agreement between the Agency and Tarmac appears distant. Should the Agency maintain their objection on flood risk grounds it is unlikely the County Council would challenge this decision.
28. If revisions to the planning application are not submitted, or the planning application is not withdrawn, then the County Council must consider whether it should determine the application as it stands. Should that situation arise a full report would be brought to Committee as soon as practicable.

Statutory and Policy Implications

29. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, crime and disorder and users. Where such implications are material, they have been brought to out in the text of the report.

RECOMMENDATION

30. It is RECOMMENDED that the report be noted.

PETER WEBSTER
Director of Environment

Head of Legal Services' Comments

This report is for noting only. [SHB 2.5.06]

Director of Resources' Financial Comments

This report deals with the Planning Application and has no direct financial consequences arising. [DJK 8.5.06]

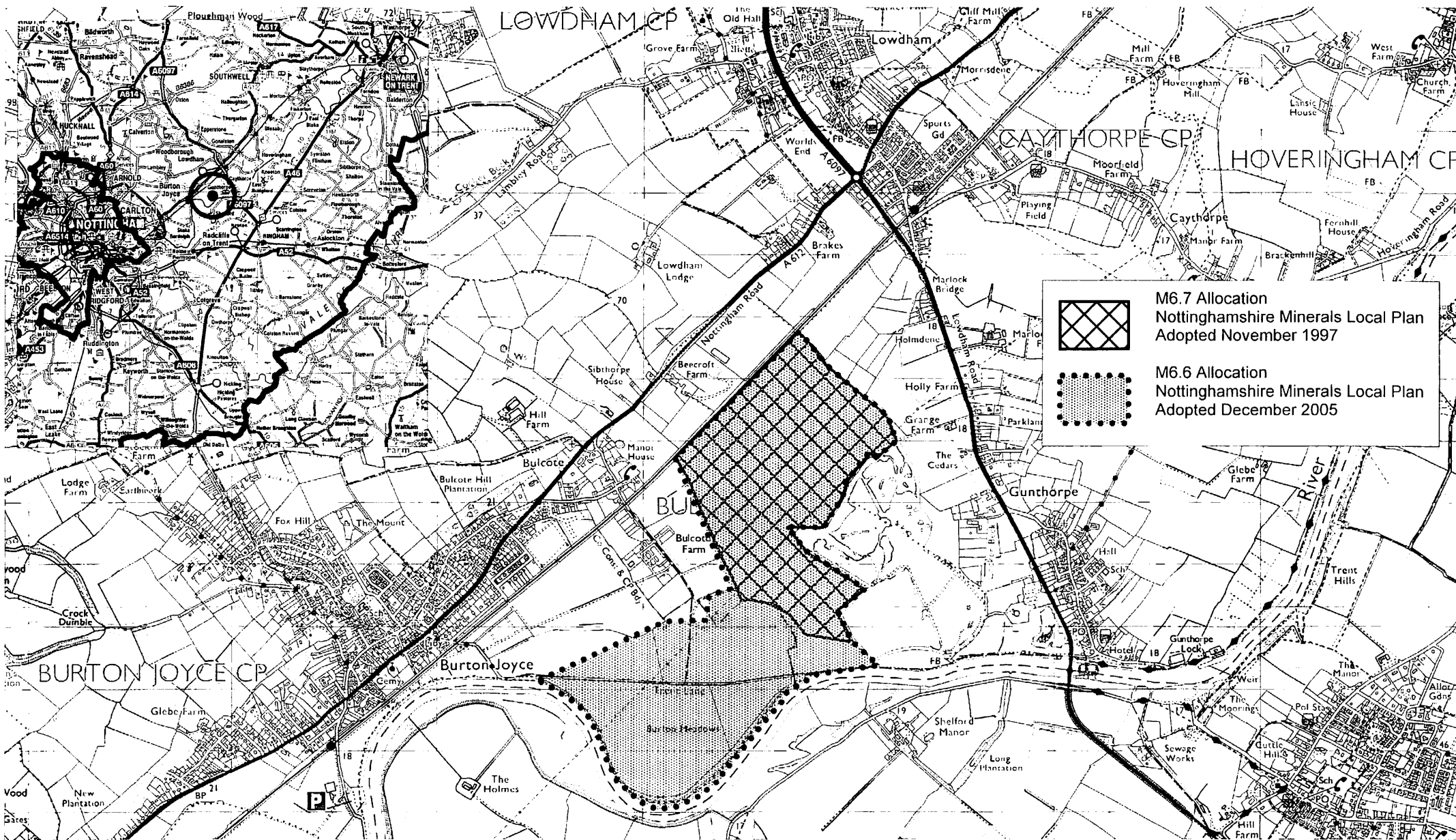
Background Papers Available for Inspection

Planning application file

Electoral Divisions Affected

Farnsfield and Lowdham
Carlton East

EPD.MH/ep4859
4 May 2006



-  M6.7 Allocation
Nottinghamshire Minerals Local Plan
Adopted November 1997
-  M6.6 Allocation
Nottinghamshire Minerals Local Plan
Adopted December 2005

Nottinghamshire County Council Environment

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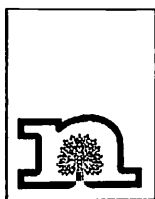
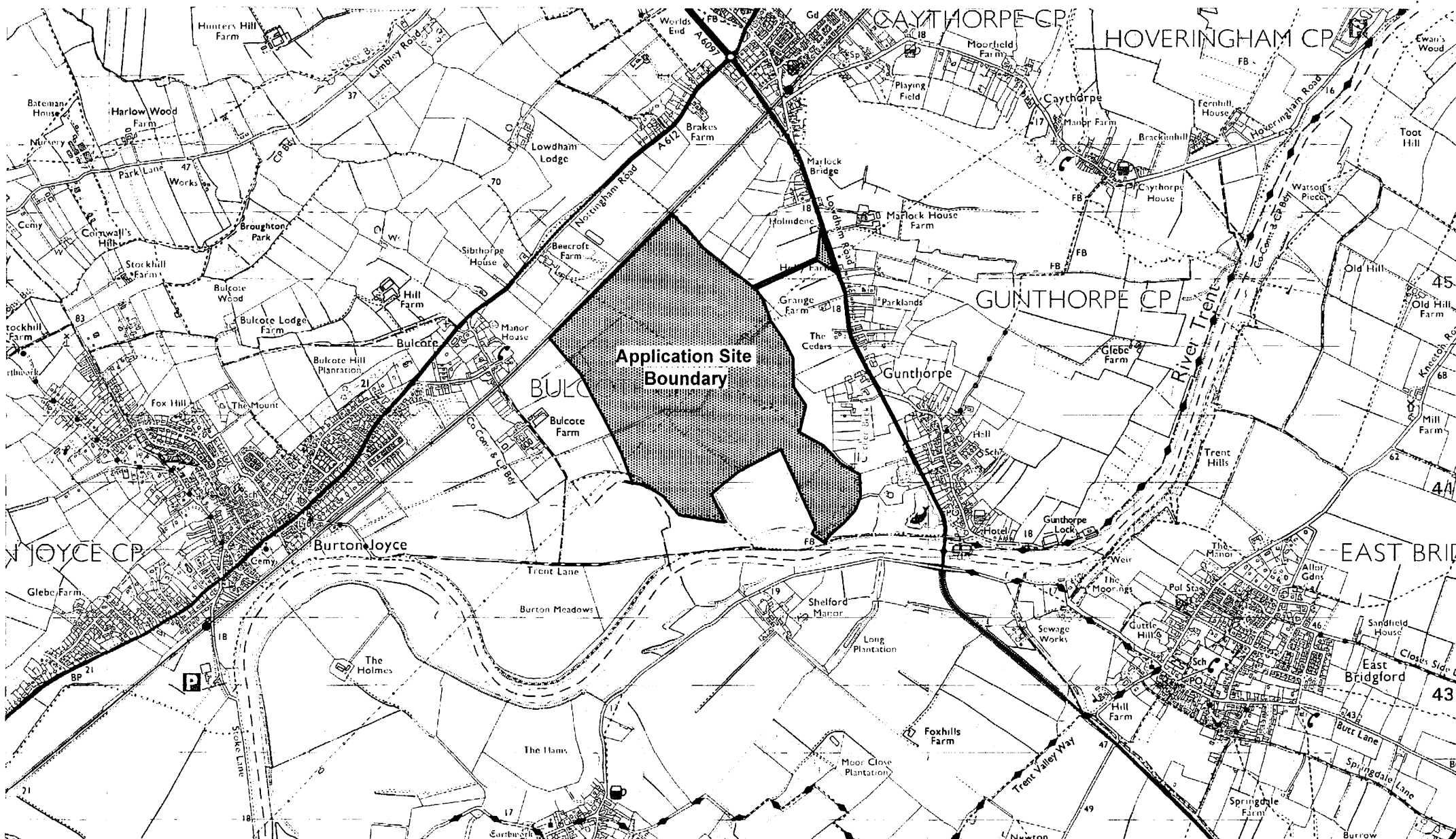
PLAN 1 EXTRACTION OF SAND AND GRAVEL WITH RESTORATION BY UTILISING INERT BACKFILLING MATERIALS & COMPOSTING OF TREATED SEWAGE SLUDGE CAKE AT BULCOTE FARM, GUNTHORPE.. REF. 3/20/01726/CMM

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**PLAN 2
EXTRACTION OF SAND AND GRAVEL WITH RESTORATION BY UTILISING INERT BACKFILLING MATERIALS &
COMPOSTING OF TREATED SEWAGE SLUDGE CAKE
AT BULCOTE FARM, GUNTHORPE..
REF. 3/20/01726/CMM**

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