

PLANNING COMMITTEE – 5 MARCH 2019

Application No:	17/02043/FULM (MAJOR)	
Proposal:	Creation of a Fish Farming Facility at Wigsley from Agricultural Land as a Farm Diversification Business.	
Location:	Field Reference 7600 Off, North Scarle Road, Wigsley, Nottinghamshire	
Applicant:	Float Fish Farm - Mr Dale Hudson	
Registered:	29 March 2018	Target Date: 28 June 2018 Extension of Time Agreed in Principle

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Wigsley Parish Meeting has previously objected to the application (which has not been withdrawn) which differs to the professional officer recommendation. It has also been referred to the Planning Committee for determination by the local ward member (Cllr Dobson) due to villagers concerns on the traffic impacts.

The Site

The site lies in the open countryside to the south-east of Wigsley village, a small rural settlement to the north of our district. Located c4.3km west of the River Trent, the site lies within flood zone 2 and in an area prone to surface water flooding. The landscape is low lying and relatively flat. The site is located on the eastern side of the B1133 North Scarle Road and extends to the border with North Kesteven District Council.

The site comprises c26 hectares of arable fields and scrub land which was formally part of a former airfield and agricultural land to the east. Grassland in the north west of the site has areas of exposed hard standing; a large sedum mat has formed on one area. To the west of the strip there is a large (0.5 ha) spoil heap which has been wrapped in plastic. Scrubland in the central north of the site has developed on made ground with rubble piles; this is raised from the surrounding area. The scrub in the north west of the site is on the former air strip. There are trees and hedgerows within the site, mainly around the periphery of the site boundaries but also a hedgerow that runs east to west through the centre of the site.

A biological SINC (Site of Important Nature Conservation) known as ‘Wigsley Dismantled Airfield’ lies to the south-west with a very small part of the designation forming part of the application site. This is recognised as a mosaic of diverse habitats on an abandoned airfield.

There are a number of deep field drains and ponds in the local area, including Wigsley Drain which forms the eastern boundary of the site. This is a steep sided, 3m deep drain with slow flowing water. There is a broken hedge line along the top of the bank which is on the site side of the ditch.

The nearest property is approximately 200m away to the north.

Relevant Planning History

18/SCR/00012 - The application has been screened against The Town & Country Planning (Environmental Impact Assessment) Regulations 2017 and it has been determined that an Environmental Statement is not required in this instance.

12/00757/FULM - Replacement of an extant permission 08/02274/FULM for the creation of lake and growing ponds with utility building for use as a fish farm. Approved 3rd August 2012. The scheme has not been implemented and has now time expired.

08/02274/FULM - Creation of lake and growing ponds with utility building for use as a fish farm. Approved 3rd June 2009. This related to land that set back from the highway and approximately 1/3 of the land that forms this latest planning application.

07/01794/FUL - Erection of 3 utility buildings and excavations for ponds in connection with use of land as a fish farm. This application relates to a smaller part of the site now being considered to the site frontage. Application withdrawn 31st March 2008.

06/01597/FULM - Fish farm development for ornamental, angling and food purposes comprising erection of 3 utility buildings, new vehicular access, engineering works to provide fish stock pools and moat and landscaping. This matter was referred to the County Council given that it transpired that it would constitute a county matters application due to the amount of land being removed from the site.

The Proposal

The applicant already operates a fish farm (Float Fish Farm, which started trading in 2007) which is now located at Farcet near Peterborough comprising 8 lakes on a 21ha site which has a mix use of fish farm and leisure fishing. The applicant has stated that business has outstripped capacity and a second site is needed in the East Midlands area to focus the core business (the fish farm) which would allow the Peterborough site to focus on the company's leisure arm.

Originally the application proposed a mixed use (based on a similar model of the existing business) but the applicant has now clarified that the leisure element is no longer included.

Full planning permission is now sought to create a fish farm. The fish farm would breed and rear freshwater species of fish to supply the ornamental and sport fishing market. The applicant has advised that once fully operational, at year 6 the facility would be capable of supplying around 11,500kg of live fish per annum.

Three single storey utility buildings towards to the site entrance would be located on site which would house breeding/hatching tanks and a water circulation plant. These would each measure approximately 15.56m in length by 5.58m in depth to a height of 5.38m to ridge and 2.48m to the eaves.

This development would involve the creation of a range of engineered growing ponds, fish stock ponds/lakes and a reed bed filtration pond which would act as a natural water cleaning system.

Four fishing lakes (from 9,251m² to 1.89ha) to depths of 1.5m with varying bank gradients and eleven fish growing ponds (for rearing the fish bred on site) ranging from 2450m² to 484m² in size with depths of between 0.9m and 1.5m are proposed. The development would involve engineering operations to dig and clay line the growing ponds that can be filled, drained and netted and sterilized each season. The applicant indicates that no minerals or waste material will need to be exported from the site and only excess topsoil will be sold off with the income used to balance the cost of excavation and earth moving around the site.

Access to the site is from the B1133. Stone access tracks would be laid that weave around the proposed engineered lakes and ponds with the provision of hardstanding areas provided for car parking around the site.

A range of enhanced and new habitat, including woodland is proposed as part of this proposal which equates to c20% of the site.

The applicant has now indicated that the farm would take four years to complete.

The applicant envisages that once fully operational the farm would provide employment for around 8 people; 5 full time people and 3 additional part time seasonal workers during busy summer months.

A phasing plan shows the scheme would be developed in 4 phases (in broad quarters);

- Phase 1 would comprise of the access point and access road leading centrally through the site to the south-eastern part of the site where two open water fish ponds would be created along with reed beds, 3 areas for vehicle parking plus the 3 x utility buildings towards the site frontage;
- Phase 2 to the north eastern part of the site would comprise retained scrubland habitat, 10 growing ponds and one area of parking;
- Phase 3 to the southwestern part of the site would comprises of an open water pond and associated reed bed, scrub habitat and a fish stock pond;
- Phase 4 to the north-west part of the site would comprise an open water fish pond (FP2) with reed bed, car parking area and a growing pond.

The application is accompanied by the following plans and additional information which has been updated on several occasions during the application. For the avoidance of doubt the application has been assessed on the basis of the following list of submissions:

- Site Location Plan DH/400.17, Date 06.09.2017
- Typical Elevations of the Proposed Buildings DH/402/17, as submitted 29.11.2018
- Site Layout, DH/401.17 Rev B, As submitted 29.11.2018
- Phasing Plan, DH/408/17, submitted 29.11.2018
- Supporting Statement (including Design and Access Statement), last amended 19th November 2018
- Flood Risk Assessment, by Geoff Beel Consultancy, updated May 2018, submitted 29.11.2018
- Ecological Scoping Survey, PRJ423 Rev 1 by Prime Environment January 2018 (re-submitted 29.11.2018)
- Eco-overlay with Badger Sett Marked, submitted 29.11.2018

- eDNA Survey Report by Prime Environment, Date 08.08.2018
- Technical Report Analysis, Sure Screen Scientifics Date 08.08.2018
- Arboriculture Survey and Impact Assessment, PRJ423 Rev 1 by Prime Environment, re-submitted 29.11.2018
- Topographical Survey, DH/405/17 (re-submitted 29.11.2018)
- Cross Sections 1 to 4, DH/403/17 (re-submitted 29.11.2018)
- Cross Sections 5 to 7, DH/404/17 (re-submitted 29.11.2018)
- Cross Sections 8 & 9, DH/407/17 (re-submitted 29.11.2018)
- Material Calculations, DH/406/17 (re-submitted 29.11.2018)
- Additional Statement in respect of Materials to be retained and moved off-site (submitted 29.11.2018)
- Wigsley Muck Balance Spreadsheet (revised and submitted on 29.11.2018)
- Emails of 13/03/2018 regarding soil exportation and 29/03/2018
- Landscape and Visual Impact Assessment, by Collington Winter (March 2018) submitted in June, re-submitted 29.11.2018
- Additional Statement in respect of Materials to be retained and Moved off site, 29.03.2018
- Land Classification Plan (02/10/2018)
- Agricultural Land Classification, Soil Environment Services Ltd, November 2018, submitted 29.11.2018
- Figure 1 – Land classification outline in blue, submitted 29.11.2018
- Figure 2 – Tree Location and Quality Plan, submitted 29.11.2018
- Figure 3 – Protection barrier, submitted 29.11.2018
- Key Emails responding directly to queries raised during the application process received 02/10/2018, 04/02/2019
- Document entitled ‘Wigsley Site Lorry Movements Proposed’, submitted 17.12.2018
- East Midlands Regional Land Classification Plan, submitted 29.11.2018.
- Construction Management Plan, submitted 29.11.2018
- Great Crested Newts – Technical Report, DNA testing results, submitted 29.11.2018
- Great Crested Newt Mitigation Report, by Prime Environment dated October 2018, submitted 29.11.2018
- Letter from John Foulkes-Arnold Associates Ltd (Chartered Quantity Surveyor) dated 15.10.18
- Submitted 29.11.2019
- Cut & Fill Calculation, submitted 29.11.2018
- Drone views/google map images of fish farm at Peterborough

Departure/Public Advertisement Procedure

Occupiers of four properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press. Public re-consultation has also taken place in respect of amended/additional information.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Spatial Policy 3: Rural Areas
Spatial Policy 7: Sustainable Transport
Core Policy 6: Shaping our Employment Profile
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 11: Rural Accessibility
Core Policy 12: Biodiversity and Green Infrastructure
Core Policy 13: Landscape Character

Allocations & Development Management DPD

Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM8 – Development in the Open Countryside
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance
- Landscape Character Assessment SPD
- Publication Core Strategy
- Agricultural Land Classification: protecting the best and most versatile agricultural land, Natural England, TIN049, 19/12/2012

Consultations

Wigsley Parish Meeting – (03/01/2019)

“Wigsley Parish has been asked to further comment on this application.

The Arboriculture Survey and Impact Assessment, whilst reasonably comprehensive, makes no direct reference to the raising of site levels nor the very limited scope for frontage landscaping given the proposed site layout. Moreover, there are excavations very close to retained trees and vegetation in some instances.

We are not expert on cut and fill calculations but it is projected that only 1 lorry-load of top soil will be taken off site each week which is relatively insignificant (if accurate) both in highway safety terms and through possible noise and disturbance. However, the potential noise impact of lengthy excavations over a 4 year period on the residential amenities of nearby residents is still not properly assessed. A proposed soil mound/bund to offer screening and noise attenuation is referred to in the Construction Management Plan but its location is not obvious on the referenced drawing DH/408/17.

Again, we are expert in flood risk/surface water drainage so we will have to rely on the expertise of the Environment Agency in this regard. The proposed use however is not strictly recreational as it principally involves fish farming not fishing lakes.’

Previous comments (02/09/2018) -

‘Wigsley Parish Meeting objects to the proposals unless the following points are satisfactorily addressed:

1. Supporting Statement

- a. There is no detail about numbers or sizes of vehicles required on a daily basis for topsoil removal. This is essential to assess the potential noise and disturbance.
- b. Contrary to comments in the Supporting Statement, North Scarle Road on the former Wigsley Airfield has a long history of surface water flooding during heavy rain and standing water on adjacent fields is commonplace during Autumn and Winter.
- c. It is not tourism development.
- d. Great Crested Newt mitigation measures are required.

2. Construction Management Plan

- a. The construction period is long at an estimated 2-3 year period so the potential for noise and disturbance adversely impacting on residents is high.
- b. The site is not remote from the village, it is on the very outskirts of the village.
- c. There is no detail about the types of machinery to be used for excavation.
- d. a 12 hour working day during weekdays will encroach into hours where residents can reasonably expect to be able to sleep and enjoy their gardens in the evening. 8am to 6pm is far more appropriate.
- e. There is nothing stated about not working on Bank Holidays, which would be entirely inappropriate.
- f. There are no details of the routes HGV's will take to travel to and from the site. A route through the village could cause significant disturbance and inconvenience to residents. HGVs should be routed away from the village.

3. Flood Risk Assessment

- a. The Assessment references both the Sequential and Exception Tests but undertakes neither.
- b. It is not for the District Planning Authority to carry out these tests, rather it is the responsibility of the applicant.’

09.02.2018 - ‘The village support the application providing it remains of under agricultural heading and there is no gravel extraction. Our concerns are traffic in the village and possible noise.’

NCC Highways Authority – (17.12.2018): “I am happy with the number of lorries and profile is not excessive and does not raise concern.

The conditions suggested in my formal comments dated 10 December remain valid and no objection is raised subject to these being applied.”

(10/12/2018):

Further to comments dated 6 February 2018 new information has been provided, but access details are still required in line with the suggested condition below.

Also (to) allay fears over traffic movements a lorry routeing arrangement should be agreed.

Whilst it is suggested that over the 4 year construction period, there will be an average of one HGV movement per week on the public highway, it would be helpful to know what the peak level of movements might be. Perhaps a profile of estimated HGV movements over time could be provided?

Subject to the above matter being clarified, the following conditions are suggested:

No part of the development hereby permitted shall commence until details of the vehicle access have been first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details prior to the approved development being brought into use. Such details shall include visibility splays, access width, drainage, and radii.

Reason: In the interests of highway safety.

No part of the development hereby permitted shall commence until details of construction lorry routeing have been first submitted to and approved in writing by the Local Planning Authority, and such details adhered to during the construction period.

Reason: In the interests of highway safety.

Note to Applicant:

In order to carry out the access works you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need Highway Authority authorisation to carry out the works and such works will need to comply with Highway Authority standards/specification. Please contact hdc.north@nottsc.gov.uk for further details.”

(15.06.2018) – Comment that a lorry routing agreement would be wise. (In response to comments made by Minerals & Waste on 14.06.2018 see below)

(06/02/18)

“This proposal is unlikely to have significant impact on the public highway and is similar to previously approved applications. The Highway Authority is confident that acceptable access can be achieved off North Scarle Road and subject to agreeing the details no objections are raised.

Suggested Condition:

No part of the development hereby permitted shall be commence until details of the vehicle access have been first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details prior to the approved development being brought into use. Such details shall include visibility splays, access width, drainage, and radii.

Reason: In the interests of highway safety

Note to Applicant:

In order to carry out the access works you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need Highway Authority authorisation to carry out the works and such works will need to comply with Highway Authority standards/specification. Please contact hdc.north@nottscc.gov.uk for further details."

NCC Planning; Minerals and Waste/Ecology (21.12.2018) –

"Minerals

Following concern raised in the previous consultation response in relation to Minerals and Waste-extraction activity and the now additional information the County Council now has the following comments to make.

In relation to excavating material, the supporting statement and muck balance calculation/spreadsheet/lorry movements set out the quantities of materials that would be excavated and how they would be used within the development. It confirms that most materials would be retained for re-use within the application site with approximately 2,511 tons of top soil removed from the site which would be sold. It confirms sand and gravel (mineral) would not be removed from the site. For the purposes of mineral planning, the soils removed from the site are a surplus spoil material and not a mineral resource. Cross sections have also been supplied which identifies the depths of the excavation which was previously unclear.

On the basis of this information the County Council is satisfied that the development does not need a separate planning application for minerals extraction, but the County Council would recommend that Newark and Sherwood District Council impose a planning condition to ensure that the level of material excavation/re-use and off-site disposal accords with the information that has been submitted.

It is considered the additional information addresses the concerns that have previously been raised by Nottinghamshire County Council and therefore consider we can withdraw our mineral planning objection to the development.

Ecology

Some, further, ecological information has been provided, specifically in relation to great crested newts. Comments as follows:

A Great Crested Newt Mitigation Report (dated October 2018) has been submitted, which proposed a precautionary approach in the absence of surveys of 'Pond B', to which access was not obtained. It is unclear if it is proposed that further surveys of this pond are expected to take place (which could negate the need for a mitigation strategy). However, the approach set out in the Great Crested Newt Mitigation Report appears to be appropriate.

However, it is assumed that no further ecology report has been provided to address the other, previous comments about gaps in the original ecology report – it cannot be seen on the NSDC website. Questions remain about the presence (or otherwise) of reptiles on the site, and it is unclear whether the existing badger setts are to be directly affected by proposals or not.

The site layout has been amended, showing the retention of the existing hedgerow which bisects the site in an east-west direction, which is welcomed.

It remains unclear about the raising of land in areas that currently support scrub (to be retained) – the note on the Site Layout plan does not really clarify this.

As before, standard conditions will be required in relation to the control of vegetation clearance during the bird nesting season, and the use of temporary protective fencing to protect retained areas of vegetation and watercourses during construction.

A condition should be used to require the submission of a detailed landscaping scheme, to include the use of native species of tree and shrub, establishment methods, and the provision of a wildlife pond (in the event that a great crested newt pond is not required)."

(14.06.2018) - 'Additionally, I would also note that in regard to the statement that (in respect of vehicle movements) 'On the basis of a four year project the top soil sales will create just under four loads via 8 wheel lorries per working day, being Monday to Friday', it is our experience that the movement of inert material is conducted on a campaign basis. Therefore, though 4 loads (8 vehicle movements) per day may well be accurate as an average, in practice this figure may fluctuate greatly, with movements being much higher during some periods than others (where there may be no movements at all). Therefore this figure may not fairly reflect the number of vehicle movements during certain periods.'

(19.04.2018) 'I have been forwarded a link to the supplementary information provided in connection with the Wigsley Fish Farm planning application incorporating data on muck shifting associated with the development.

I note the email dated 29th March confirms that the development will result in the movement of soils upon the site and sets out that top soils will be removed/sold from the site to off-set the cost of the works. I am satisfied that the removal of soils from the site, including their sale as a product for use elsewhere does not represent a mineral extraction activity and therefore consider the appropriate authority to deal with this planning application is Newark and Sherwood District Council.

If you were minded to grant the development planning permission can I suggest you impose a planning condition to make it clear that only top soils and no minerals (particularly sand or gravel) shall be removed from the site.'

(28/02/2018)

The additional information demonstrates that the applicant has now undertaken a more comprehensive assessment of the cut and fill across the site and used this information to calculate the amount of materials which would be retained on site and the amount of materials that would need to be removed from the site. I have not reviewed the methodology of the calculations but I would assume the volumetric count comes from a computer programme. It may be worth clarifying how the figures have been calculated but I have some confidence that the figures are now accurate and enable a decision to be made in terms of whether this is a County or District planning application.

The key question in terms of whether this is a County planning application is whether the development involves minerals extraction. On this point I note that the applicant has confirmed with you that they will not be digging into the mineral reserve areas below the ground and therefore only soil and spoil will be recovered from the excavation process. The removal of surplus soils from the site would be considered as an engineering waste and therefore not a minerals development, thus the application can be considered as a district matter. I would suggest this needs regulating by planning condition.

In terms of the removal of material from the site, it would be helpful to know what the applicant intends to do with this. To put some context to the quantities being proposed

- 113,147m³ of soil equates to around 190,000 tonnes of material (using a 1m³=1.7t converter). – The current output of Besthorpe Quarry is around 175,000tpa!
- If this material was disposed of in an inert landfill site it would probably incur a cost of around £5 a tonne (£2.70 tax + site gate fees). If the soil was used in landscaping works (the most likely use of soils) then there is potential for such sites to operate on a tax exempt basis.
- Using a £5 a tonne fee, disposal costs for 190,000 tonnes is nearly £1million.
- These costs also do not include haulage costs – I would expect haulage to use 20 tonne tippers which equates to 9500 HGV's.
- Delivery cost for these HGV's is likely to be around £1 a mile and therefore add significantly to the £1m disposal costs.

These costs clearly impact the economic viability of the project. I expect the applicant has given consideration to this in his business plan. Clearly if the applicant can recover some value from the engineering works (for example by selling mineral), this would offset some/all of this cost. If costs are not properly considered at this stage there is potential for the scheme to not proceed to completion with potential to leave a despoiled site with consequential environmental harm – something we would not want to see. I would suggest you obtain from the applicant a clearer understanding of what he proposes to do with the material including a viability report to ensure that the scheme is financially sustainable.

I would ask the applicant to confirm where he proposes to dispose of the soils.

I am concerned that the operator may over dig the excavations to a greater depth to allow the removal of the underlying sand (which could be sold) and then backfill with waste soils to achieve the restoration contours – The imposition of a planning condition restricting excavation depth would therefore be prudent to guard against this occurring and ensure the application does not incorporate mineral extraction.

Lastly, I am sure you will want to give consideration to the suitability of the highway network to accommodate the proposed level of haulage both in terms of highway safety, capacity and highway amenity. A clearer understanding of traffic impacts presumably in the form a traffic statement therefore appears to be necessary so that these impacts can be assessed.

NCC (Strategic Policy) – (05/02/18)

‘Thank you for your letter dated 19 January 2018 requesting strategic planning observations on the above application. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make.

Please note that, on the basis of the information provided by the applicant, Nottinghamshire County Council objects to the proposed development, due to the lack of information supporting the application detailing mineral extraction and handling. NCC’s concerns are detailed in the relevant section of this response dealing the application’s County Planning Context. The County Council would also draw attention to concerns raised in this response in respect of Ecology.

National planning context

In terms of the County Council’s responsibilities the following elements of national planning policy and guidance are of particular relevance.

Waste

The National Planning Policy for Waste (NPPW) sets out the Government’s ambition to work towards more sustainable and efficient resource management in line with the waste hierarchy. Positive planning is seen as key to delivering these waste ambitions through supporting sustainable development. This includes ensuring that waste management is considered alongside other spatial planning concerns and helping to secure the re-use and recovery of waste wherever possible.

Paragraph 8 of the NPPW states that:

‘When determining planning applications, all planning authorities should ensure that:

- the likely impact of proposed non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;

- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development, and, in less developed areas, with the local landscape. This includes providing adequate waste storage facilities at residential premises, for example by ensuring that there is

sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;

- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.’

In Nottinghamshire, relevant policies are set out in the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1 – Waste Core Strategy (December 2013).

Minerals

Section 13 of the National Planning Policy Framework (NPPF) covers the sustainable use of minerals. Paragraph 142 points out that minerals are *'essential to support sustainable economic growth and our quality of life.'*

Paragraph 143 requires that, in preparing Local Plans, local planning authorities should:

- *'define Mineral Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-minerals development, whilst not creating a presumption that resources defined will be worked; and define Mineral Consultations Areas based on these Minerals Safeguarding Areas;*
- *set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place'.*

In terms of the role of local planning authorities in planning for minerals, paragraph 144 of the NPPF states that:

'When determining planning applications, local planning authorities should:

- *not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes'.*

The national Planning Practice Guidance provides further information on the role of district councils in this regard, stating that *'they have an important role in safeguarding minerals in 3 ways:*

- *having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District Councils should show Mineral Safeguarding Areas on their policy maps;*
- *in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and*
- *when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.'*

Transport

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all developments which generate significant amounts of movement to be supported by an appropriate Transport Assessment and a Travel Plan. It also states that it should be ensured that such developments are *'located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'.*

Education Provision

Paragraph 72 states that:

'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted.'*

County Planning Context

Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Minerals and Waste

Extraction activities

The development site is likely to be underlain by a sand and gravel mineral resource which the construction scheme appears to excavate. The application does not incorporate specific details regarding the amount of excavation at the site and the quantities of soil and sand & gravel that would be excavated and only indicative information regarding how it would be used. NCC recommends that further plans are received from the developer including excavation/fill contour plans, cross sections and accurate calculations of materials excavated and quantities retained or removed from the site. It is unclear whether the depths identified on the plan are water depths or excavation depths. The developer should also explain what is the character of the materials taken off the site, where these will be transported and what they will be used for. Consideration could then be given to potential impacts from these activities (such as traffic, noise, dust, hydrology etc).

Planning permission was granted for a much smaller development of a fish farm at this site a few years ago. At this time there was correspondence between NCC and NSDC which resulted in the developer confirming that no materials were to be taken off the site (as referenced in the officers report) and therefore there was no minerals interest in the development. NCC would like to obtain a greater understanding of the materials generated by this development so that it can determine whether a separate planning application needs to be made to NCC for mineral extraction, but based on the information that has been provided it appears likely that there may be a mineral interest which may require a separate permission from the Minerals Planning Authority.

The Minerals Planning Authority therefore **raises an objection** to the planning application based on the submission that has been made on the basis that it potentially involves the extraction of mineral for which planning permission has not sought/been requested, nor the potential environmental impacts fully assessed.

Minerals & Waste Safeguarding

Nottinghamshire County Council would like to draw attention to the position of the site in relation to the County Boundary, which the site adjoins to the east. In the areas beyond this point Lincolnshire County Council are the appropriate minerals and waste planning authority and NCC would defer to colleagues at Lincolnshire County Council in respect of any potential safeguarding concerns within that local authority area.

In relation to the Minerals Local Plan, the site is within a Minerals Safeguarding and Consultation Area for sand and gravel. Given that the site is located at a distance from settlements, with surrounding land use being predominantly agricultural, there is the potential for areas surrounding this site (and the site itself, as previously covered in the 'Extraction Activities' section of this response) being subject to future extraction of an economically important minerals resource.

The nature of this development is unlikely to unnecessarily sterilise surrounding areas of resource and therefore it is unlikely that the development of this site would raise additional safeguarding concerns in respect to the sand and gravel MSA/MCA. There are no current or permitted minerals sites close to the application site. Though as mentioned in the preceding section of this response, there are concerns in respect to extraction on the site itself as a result of this development.

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10). As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

Ecology

Nottinghamshire County Council has the following comments on this application in respect of Ecology:

Site survey

The application is supported by an Ecological Scoping Survey, dated January 2018. This presents a number of issues:

- No desktop study has been carried out, on the basis that the scale of the proposals is too small to merit one. However, the site is 25ha in size, and a desktop study is necessary to help scope what further field surveys may be required and to identify the presence of designated sites (see next bullet point).

- The existence of a Local Wildlife Site (Wigsley Dismantled Airfield), which partly covers the application site, has not been identified and impacts on that site have not been considered.
- No proper description of the habitats present on site has been provided; for example, a hedgerow runs east-west across the site, but this is not even mentioned.
- The report recommends various further surveys, including for great crested newts and reptiles. NCC would query whether the former is required, as aerial photos suggest that the pond to which access was not obtained is used for fishing – if this is the case, then a survey can probably be ruled out. NCC agrees that a reptile survey is necessary, noting that such a survey cannot be commenced until the spring, and the results will be required prior to the determination of this application.

If it can be confirmed that no works will take place within 5m of a watercourse, then water voles surveys are not required.

- It appears likely that two badger setts will be affected by the proposals, due to excavations taking place in close proximity to them; this should be confirmed, and the need to close these setts under licence clearly identified.
- Standard controls will be required in relation to vegetation clearance and the bird nesting season.
- Temporary protective fencing should be used to protect retained areas of vegetation and watercourses during construction.

Site layout and landscaping

The Supporting Statement takes a considered approach in relation to wildlife and landscaping, which is welcomed, and what is proposed is generally supported. In any event, a detailed landscaping scheme, to include details of species mixes, establishment methods and maintenance regimes will be required through a condition attached to any permission granted.

It is stated that the scrub in the centre north of the site is to be retained, which is welcomed. However, in relation to the Site Layout plan, areas marked as 'retained scrub habitat' (including the aforementioned area) are also labelled as 'raised up 0.5m' – it is unclear what this means, and how scrub can be retained if the land is to be retained (assuming this is what is proposed).

It is additionally requested that:

- The three utility buildings are re-sited slightly, so that the existing mature scrub that currently exists in this location can be retained.
- Efforts are made to retain the existing hedgerow which runs east-west across the middle of the site; it appears that this can be accommodated within the existing layout.
- A wildlife pond (i.e. a pond that does not get stocked with fish or used for fish rearing) is accommodated within the site layout, perhaps next to the area of retained scrub in the centre north of the site (where there is a square bite out of it).
- Existing boundary hedgerows are gapped up where necessary, and new boundary hedgerows planted along the redline boundary.

Conclusion

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants. These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site.'

NCC Lead Local Flood Authority – (11.12.2018, 29.08.2018 & 18.06.2018)

“Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Having considered the application the LLFA will not be making comments on it in relation to flood risk as it falls outside of the guidance set out by Government for those applications that do require a response from the LLFA.

As a general guide the following points are recommended for all developments:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.”

Natural England – 05.12.2018

‘Natural England has previously commented on this proposal, our ref 237116, and made comments to the authority in our letter dated 8 February 2018. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.’

Previous comments:

(23/08/2018) refer to previous comments as below.

(01/06/2018) - “Natural England has previously commented on this proposal and made comments to the authority in our letter dated 8th February 2018.

The advice provided in our previous response applies equally to this proposal, although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.”

(08/02/18)

The Wildlife and Countryside Act 1981 (as amended)
The Conservation of Habitats and Species Regulations 2017

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published [Standing Advice](#) on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website’

Nottinghamshire Wildlife Trust – 07.12.2018:

“Thank you for consulting Nottinghamshire Wildlife Trust on the planning application detailed above. We note that additional ecological information has been submitted. We would like to make the following comments.

We fully support the mitigation proposed for great crested newts in the ecological report Prime Environment, Float Fish Farm (October 2018). Mitigation is required because in the event that it’s not possible to survey a pond, Pond B in this instance, it has to be assumed that a small population of great crested newts could be present. Mitigation is required to ensure that newts are not harmed during works and that the newt population can be sustained in the long term. Great crested newts are a European Protected Species (EPS) and are protected under the Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981, as amended by the Countryside & Rights of Way Act 2000. The legislation provides protection to great crested newts, their breeding ponds and terrestrial habitat. The methodology given in Section 3 of the report should be secured by way of planning **condition**, should the application be approved. You may wish to use the following wording:

“All mitigation works shall be carried out in accordance with the details contained in Section 3 of Prime Environment, Float Fish Farm (October 2018) already submitted with the planning application and agreed in principle with the local planning authority prior to determination.”

The newt mitigation should ideally be incorporated into the Construction Plan or attached to it so that all site personnel are familiar with it.

Previous Comments: (22.08.2018)

‘Thank you for consulting Nottinghamshire Wildlife Trust on the planning application detailed above. We note that additional information on ecology has been submitted. We would like to make the following comments.

The eDNA survey report has confirmed that great crested newts are absent from Pond A. No survey was undertaken, however, of Pond B and we therefore support the view of the applicant's ecologist that it must be assumed that newts are present in Pond B. Ideally, it should be determined whether great crested newts are present in Pond B prior to works commencing as there are habitats within the site that are suitable for great crested newts and in the unlikely event Pond B supports great crested newts, mitigation will be required.

We fully support the comments by the applicant's ecologist that appropriate mitigation is therefore still required to reduce impacts of the proposed works (unless a survey can be undertaken to demonstrate that newts are absent from this pond). Mitigation will be required to ensure that newts are not harmed during works and that the newt population can be sustained in the long term. Great crested newts are a European Protected Species (EPS) and are protected under the Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981, as amended by the Countryside & Rights of Way Act 2000. The legislation provides protection to great crested newts, their breeding ponds and terrestrial habitat.'

(05/02/18)

Thank you for consulting Nottinghamshire Wildlife Trust on the planning application detailed above. We welcome an updated ecological survey for the site. Having carefully studied the Ecological Scoping Survey (Prime Environment January 2018) we have the following comments.

Protection of Local Wildlife Site

By not undertaking consultation with the Nottinghamshire Biological & Geological Records Centre (NBGRC) the applicant's ecologist failed to identify the presence of a locally important site, Wigsley Dismantled Airfield Local Wildlife Site (LWS 5/205). It would appear however from reviewing the location plan that the location of the fish farming facility will not have a direct impact on the LWS. We ask the LPA to ensure that this is the case because if this proposal will result in loss or damage to the LWS then we would have to reconsider our position. There are however, possible indirect effects that will need to be addressed to ensure protection of the LWS. We are concerned about the potential impacts from run-off from areas of impermeable surface. Run-off from roads and hard standing can be contaminated by oil, rubber, chemicals, etc. We request assurances that the issue of run-off from the site will be thoroughly assessed and appropriate mitigation put in place as it is of the utmost importance that contaminated water does not enter and degrade nearby water courses, ponds and the adjacent LWS. LWS are selected for their substantive nature conservation value. Their selection takes into consideration the most important threatened species and habitats within a national, regional and local context. LWS receive protection within Newark and Sherwood's Local Development Framework. The District Council expects proposals to take into account the need for continued protection of the District's ecological, biological and geological assets. With particular regard to sites of international, national and local significance, Ancient Woodlands and species and habitats of principal importance identified in Section 41 of the Natural Environment and Rural Communities Act 2006 and in the Nottinghamshire Local Biodiversity Action Plan.

We strongly recommend the production of a Construction Environment Management Plan (CEMP) to ensure the protection of retained habitats within the site, the adjacent LWS and to ensure that development work is carried out in accordance with protected species legislation. Light pollution should be reduced to a minimum. Security lighting during construction should be controlled by passive infra-red detectors and low powered lights should be used and targeted to where it is

needed most on the completed development. No construction materials, extracted soils, chemicals or plant machinery should be stored on the LWS and retained habitats. These areas should be clearly demarcated. Ideally, a permanent buffer zone should be established between the new development and the LWS. The production and implementation of the plan should be secured through the planning system by way of a suitably worded condition.

Protected species

Great Crested Newts

A second pond, 39m North West of the site on private land could not be accessed during the ecological scoping survey. We fully agree with the applicant's ecologist, therefore, that a survey for great crested newts should be undertaken in spring to determine the presence or absence of newts. In the event that ponds in proximity to the site support great crested newts, mitigation will be required to ensure that newts are not harmed during works and that the newt population can be sustained in the long term. Great crested newts are 'European Protected Species (EPS) and are protected under the Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981, as amended by the Countryside & Rights of Way Act 2000. The legislation provides protection to great crested newts, their breeding ponds and terrestrial habitat.

Reptiles

The applicant's ecologist considers the site suitable for grass snake, slow worm and common lizard. In order to establish whether reptiles are present at this site a survey to industry standard should be undertaken prior to the commencement of work. If reptiles are found, mitigation will be required. Surveys should be undertaken between March and September and require a minimum of seven survey visits (and one visit to set up survey refugia across the site). These species are protected via part of Section 9(1) of the Wildlife & Countryside Act 1981 (as amended) against intentional killing and injuring.

Water Vole

The applicant's ecologist considers that the bank and watercourse of Wigsley Drain and the wet ditch to the north of the site could support a population of water voles. The internal ditches were not considered suitable for water vole at the time of survey, but it is stated that they could be colonised if they regularly hold water. If work is proposed within 5m of the bank, a survey should be conducted to establish whether water vole burrows are present. If they are, appropriate mitigation may be required. Water voles and their places of shelter are protected under the Wildlife and Countryside Act 1981 (as amended).

Badgers

Signs of badger activity were recorded within the Site. Sett 1 (Figure 2) was recorded on the site-side bank of the ditch in the north east corner (SK 86665 69554). One of the sett holes had fresh earth around it with scrapings and 'snuffle holes' close by. Sett 2 was recorded in the south west corner (SK 85813 69532), where the applicant's ecologist considers that badgers have been using a wide drain pipe as a sett. Several latrines were noted in the field close by and a significant number of tracks were recorded through the long grass at this location, plus scrapings and snuffle holes. In order to protect badgers from disturbance 30m buffer zones are required around both setts to provide protection to them. Prior to works commencing, the site should be subject to a further

survey for active badger setts because it is possible that animals will dig new setts, or abandon existing ones. Where a sett is within 30m of the proposed works (including movement of vehicles, storage of materials and excavation work) the applicant should consult their ecologist and Natural England because a protected species licence may be required. Under the Protection of Badgers Act 1992 it is a criminal offence to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so; to intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it. In future we strongly recommend that the LPA redacts all reference to active badger setts from documents in the public domain to avoid drawing unwanted attention to them.

Bats

All trees within the site were considered to have low bat roost potential. However, this does not mean that they have no potential for roosting bats and further inspection of these trees will be necessary should they be impacted by the development. All bat species are statutorily protected from reckless killing, injuring and disturbance, and damage and obstruction to roost sites by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010 (as amended). Note that even if bats are not present, their roosts are protected all year round. The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats by covering 'reckless' damage or disturbance to a bat roost.

Breeding Birds

No vegetation clearance works to be conducted during the bird breeding season (March to mid-September inclusive) except under the guidance of a suitably qualified ecologist. All birds, their eggs and nests are protected by the Wildlife and Countryside Act 1981 (as amended).

This level of survey work is required in order to allow the LPA to make a fully informed decision, as stated in Paragraph 99 of Government (ODPM) Circular 06/2005 (which accompanied PPS9, but remains in force):

'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.' The Natural Environment & Rural Communities (NERC) Act 2006 places a duty on authorities to have due regard for biodiversity and nature conservation during the course of their operations.

Landscape Proposals (General)

A Site Layout plan (Drg No. DH/401/17) has been submitted and general landscaping proposals are included in the Supporting Statement. (See sections 2.2.10 – 2.2.31). In Section 2.2.16 it states '*Float Fish Farm Ltd propose to provide an establishment aftercare provision for the woodlands, wetlands and species rich grassland. These habitats will be managed sensitively for nature conservation for 5 years.*' We are of the opinion that a detailed "Landscape Design Plan" and "Ecological Management Plan (EcMP)" are required so that it is absolutely clear what landscaping will be implemented and the management work that will be undertaken in the future. Within the

EcMP we would expect to see details of habitat retention, creation (including methodology and species), any additional enhancements, as well as detailed information of the long term management of these habitats to a high standard in order to maximise biodiversity opportunities. Critical to the scheme delivering real biodiversity benefits is that retained and created habitats should be managed in perpetuity in accordance with the agreed EcMP and that a monitoring strategy be implemented that includes a summary of management undertaken to date, an assessment of the effectiveness of the management against plan objectives, together with any recommendations for any amendments to the management prescriptions. We are happy to discuss the precise level of effort required for monitoring with the applicant's ecologist. Production and implementation of the EcMP should be secured through the planning system by way of a suitably worded condition.

Plant stock used in the landscaping scheme should be of guaranteed native genetic origin and ideally of local provenance, in order to maximise the nature conservation benefits of the proposal. The following species are suitable for this part of the county;

Woodland – Pedunculate oak *Quercus robur*, silver birch *Betula pendula*, Scots pine *Pinus sylvestris*, crack willow *Salix fragilis*, rowan *Sorbus aucuparia*, small-leaved elm *Ulmus minor*, wych elm *Ulmus glabra*. Shrub layer – blackthorn *Prunus spinosa*, hawthorn *Crataegus monogyna*, dogwood *Cornus sanguinea*, holly *Ilex europaeus*, hazel *Corylus avellana*, guelder rose *Viburnum opalis*

Carr woodland – goat willow *Salix caprea*, grey willow *Salix cinerea*, Osier *Salix viminalis*, hawthorn *Crataegus monogyna*, guelder rose *Viburnum opalis*, dog wood *Cornus sanguinea*

Reed bed establishment could be aided through the introduction of rhizomes/plant material that could be obtained through the local Internal Drainage Board as a result of their routine ditch management work. This strategy would hasten the benefits to wildlife and the operation of the reedbed filter system. We are of the opinion that plant material from garden ponds is not suitable as this may contain non-native invasive plant species that could colonise rapidly to the detriment of native species.

We also request that newly created grassland areas are seeded with a grassland/wildflower mix in order to enhance the biodiversity of the site. The following seed supplier will be able to provide an appropriate native wildflower seed mix of local provenance for this part of Nottinghamshire.

Environment Agency

(21.12.2018) – No further comments.

Previous comments:

(12.06.2018, 31.01.2018) Environment Agency position:

“The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition:

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated January 2018, reference GCB/HUDSON, compiled by Geoff Beel Consultancy and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 6.31 m above Ordnance Datum (AOD).
2. Resilience measures must be utilised to a minimum of 6.61m AOD.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To reduce the risk of flooding to the proposed development and future occupants.

We strongly advise that an evacuation plan is devised and available flood warning services utilised. This site is within the River Trent at Spalford, Wigsley and Harby Flood Warning Area which can be signed up to at: <https://www.gov.uk/sign-up-for-flood-warnings>.

Information regarding appropriate flood resilience measures can be found here: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>.

Advice to LPA

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Technical Guide to the National Planning Policy Framework (paragraph 9) states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Trent Valley Internal Drainage Board

05/12/2019 – No further comments

Previous comments: (17.08.2018 & 29.01.2018) “The site is outside of the Trent Valley Internal Drainage Board district but within the Board’s catchment. There are no Board maintained watercourses in close proximity to the site. Surface water run-off to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage must be agreed with the Lead Local Flood Authority and Local Planning Authority.”

Upper Witham Internal Drainage Board - (03/08/2018, 14/08/2018) No comments

(19.06.2018) 'Thank you for the opportunity to comment on the additional information for the above application. The site is within the Upper Witham Internal Drainage Board district.

The Board has no objection to the proposed development provided it is constructed in accordance with the submitted details and Flood Risk Assessment. However should anything change in relation to the method of surface water disposal and/or in relation to the flood risk assessment etc then this Board would wish to be reconsulted.

It is noted:

- an access strip of at least 6m has been left adjacent to Wigsley Pump Drain (Board maintained watercourse, 23000)
- any discharges will be limited to the greenfield rate
- Board Byelaw consent will be required for any proposed temporary or permanent works or structures in, under, over or within the byelaw distance (6m) of the top of the bank of a Board maintained watercourse (Wigsley Pump Drain)'

(31.01.2018) "I refer to the above application which is within the Upper Witham Internal Drainage Board district, the site is adjacent to the Board maintained Wigley Pump Drain. The Board has been consulted by the applicant prior to the submission of the planning application and the comments have been incorporated into the Flood Risk Assessment. The comments where;-

The Board would have no objection to the proposed fish farm.

The Eastern boundary is adjacent to the Board maintained Wigsley Pump Drain (23000) and is therefore subject to the Board Byelaws (6m from the top of the bank), the full 6m width will need to be kept clear of all obstructions to allow for future maintenance, repairs and improvements. The plans do not show anything but if you intend to do anything connect us to discuss it.

Any connections to watercourses for overflow arrangements and culverts will also be subject Board consent, please forward any details so we can comment if there are any proposed works. If there are any discharge points they will need to be restricted to the greenfield rate.

The site is within the flood zones on the Environment Agency flood map and is there potentially at risk of flooding."

North Kesteven District Council – 21/12/2018 – 'No objections'

Previous comments (09/02/2018) - "The Council has no objection to the principle of the development, however notes that the supporting statement makes reference to a 2-3 year time period for completion of works. Given that excavations can generate significant levels of noise and disturbance during construction, that the topography towards the closest parts of the North Kesteven District (Swinethorpe and Low Moor Farm, North Scarle) is generally flat and background noise levels are low, it is suggested that noise generating activities are subject to an hours-limitation condition to minimise the potential disturbance to nearby residential amenity which may result. The Council would recommend this requirement forms part of a Construction Environmental Management Plan (CEMP) which addresses this holistically with other amenity/pollution control measures such as a dust management/suppression. The details should be agreed with your Environmental Health Officer."

NSDC (Environmental Health) – No observations in relation to contaminated land.

NSDC (Environmental Health)

(10.12.2018) – ‘I have looked at the Construction Management Plan and provided they implement it, I do not for see any problems.’

Previous comments (in respect of earlier CMP) 24.09.2018 – ‘I would comment that section 2.3.6 deals with construction hours, the quoted hours are too long. We would expect 07:30 till 18:00 Monday to Friday, 08:00 till 13:00 Saturday with no Sunday or bank Holiday working.’

Representations from two local residents (1 objection and 1 making observations/raising questions) were received (before the amended/additional information was submitted) which can be summarised as follows:

- Whilst the application has the potential to tidy up an often unkempt area, the frontage of which is regularly used for dumping, we have to object to the application in its presently submitted form;
- Noise and disturbance: The supporting statement refers to a 2-3 year period for completion of works. Excavations to create lakes, raise ground levels and so on are generally noisy and the site is close to the village. No noise assessment has been submitted to quantify the impact. A condition limiting the hours of noise generating activities is essential.
- Ecological Impact: The absence of an existing topographical plan makes the full impact unclear but the proposal to raise site levels will mean that all existing habit will be lost. There is a large stand of trees relatively close to the road which will be removed, which seems wholly unnecessary on a large 26 hectare site. The applicant's own ecology report recommends extensive further survey work, because it was carried out at the wrong time. April/May onwards is the appropriate time to begin such survey work and it is very bad practice to grant consent subject to conditions requiring later surveys as then any adverse impact on protected species can only be mitigated rather than the scheme being amended to take the species into account. Does the Planning Authority have their own ecological consultant to review submissions?
- Surface Water Drainage: The Wigsley Airfield road has suffered major surface water flooding in recent years and still carries standing water when it rains notwithstanding the recent repair of the original airfield drainage. The accompanying Flood Risk Assessment makes no reference to these surface water issues nor to the implications of raising site levels. Soakaways are suggested, but the high water table for at least 4 months of the year precludes this as a suitable method of drainage. The standing water on local fields provides evidence and even back in the day septic tanks never worked for this reason and sewage from the village was discharged to local watercourses;
- Vehicle Movements: Lining the proposed lakes with clay will require significant importation of soil with associated heavy vehicle movements. No effort is made to quantify the volume of clay to be imported and the number of vehicle movements required to transport that volume. Again there are potential residential implications here which have not been explored;
- Landscaping: The proposed layout leaves very limited scope for landscaping to the front of the site, which on a site of 26 hectares seems illogical and makes the proposed less likely to be sympathetically assimilated into the flat landscape which surrounds it especially given land levels are to be raised;

- Removal of Soil/Gravel from the Site: The supporting statement indicates that all excavated material will be retained on site. However, it is known from lost papers on the airfield that gravel extraction has been considered on this site and other nearby land. In the event of planning permission being granted, it is important that a condition is imposed requiring all excavated material to be retained on site so that the scheme does not become gravel extraction by the back door;
- As there is likely to be heavy plant/machinery just outside the village, will the road be reinstated & any damage or potholes be repaired following completion of the works?
- Will there be any flooding prevention installed, considering the poor drainage & bad flooding already experienced along the road by the airfield?
- Will there be any odour from the fisheries? Or an increase in flies?
- Will there still be the need for lorries/plant to & from the fisheries on a regular basis following completion of the development?

Comments of the Business Manager

The Principle of Development including the Loss of Agricultural Land

Policy DM8 makes clear that development in the countryside will be strictly controlled and limited to certain types of development including agricultural and forestry development and rural diversification.

The proposal seeks full planning permission for a fish farm at the site. According to the information submitted by the applicant the outfit would produce fish for sports fishing, angling and ornamental purposes.

Section 336 of the 1990 Act defines agriculture to include “...*the keeping and breeding of livestock (including any creature kept for the production of food, wool, skins, fur, or for the purpose of the farming of the land)...*”.

It therefore appears to me that the proposal is not an agricultural use as defined by the Act. In terms of rural diversification (which is listed as being appropriate in the countryside) DM8 says ‘*Proposals to diversify the economic activity of rural businesses will be supported where it can be shown that they contribute to the local economy. Proposals should be complimentary and proportionate to the existing business in their nature and scale and be accommodated in existing buildings wherever possible.*’

The existing site does not appear to form an active farming business, albeit some of the land is arable. Part of the land is a former airfield which has assimilated back to agricultural use over a number of years. There is no existing business as such to diversify. On the face of it, the proposal fails this element of the policy. However the NPPF, which is a material consideration (at paragraph 83) supports both the ‘sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings’ and ‘the **development** and diversification of agricultural and other land-based rural businesses’ (emphasis added).

Clearly agricultural land is an important natural resource and how it is used is vital to sustainable development. The Agricultural Land Classification system classifies land into 5 grades, with Grade 3 subdivided into sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a (as defined by the NPPF) and is the land which is most flexible, productive and efficient in

response to inputs and which can best deliver food and non-food crops for future generations. This is a method of assessing the quality of farmland to assist decision makers.

Estimates in 2012 suggest that Grades 1 and 2 together form about 21% of all farmland in England; Subgrade 3a also covers about 21%. The vast majority of land within the Newark and Sherwood District is Grade 3. There is no Grade 5 land and very limited amounts of Grade 4 land which is located north of Girton and Besthorpe and near North Clifton. Of the Grade 3 land, there is no database to distinguish between whether a site is formed by Grades 3a or 3b land. However the applicant has at our request undertaken a soil analysis which shows the site to be within Grade 3a, falling within the best and most versatile land.

The NPPF sets out at paragraph 170 that planning decisions should contribute to the natural and local environment by ' (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – *including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland..*' emphasis added.

The loss of c26ha of Grade 3a agricultural land is a negative factor in the overall planning balance. However without knowing what proportion of other land within the district is 3a and 3b it is difficult to quantify its true impact. On the other hand, the proposal is a new business which is supported by the NPPF and is a land based business requiring a rural area which would contribute to the local economy through providing jobs and diversifying the rural economy which in my view accords with the spirit of both national and local level policy objectives. The loss of c26ha of farmland to the operation of the proposal fish would also have ecological implications which will be discussed later in this report and the matter will need to be weighed in the planning balance.

Excavation Impacts/Viability/Engineering Operations

The application site is large-scale with the need to dig into the ground to create the fish and growing ponds.

Based on the latest information provided by the applicant, NCC have confirmed that they are satisfied that the proposal would not constitute a minerals or waste operation but rather given the depths involved would amount to an engineering operation that is a district planning matter. I concur. However it is important that the depths of the digging is controlled to avoid extraction of minerals such as sand and this could be through a planning condition if Members are minded to support the scheme.

The material (top soil) that is being dug out to provide the lakes will, according to the application submission, be largely retained on site. Members will note that officers have challenged the details provided initially by the applicant and various iterations of this have been provided. The various submissions have provided vastly different volumes of material quoted as needing to be removed from the site. For example previous versions suggested this would be c102,454 tons and c77,000 tons based on the same plans. The applicant has been advised that the accuracy of this information is crucial. The latest details submitted on 29 November 2018 (corrected on 4th February 2019) now say the amount of top soil to be removed is 1663.5 tons which has been endorsed by a Quantity Surveyor. Officers from NCC Minerals and Waste have also assisted with calculating the volume of materials to be removed and are broadly satisfied that these are correct.

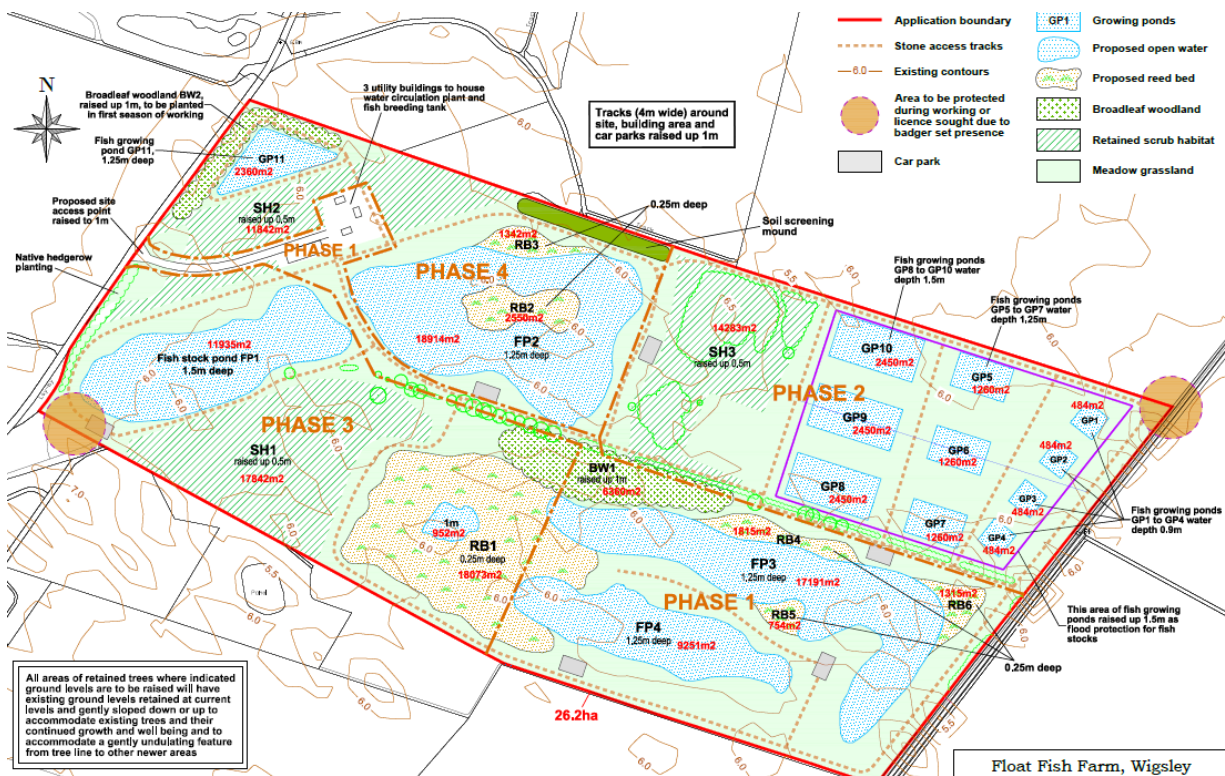
The submission previously suggested that approximately 77,000 tons of surplus material that would have to be disposed of, to be sold off to help cover the cost of muck moving within the site. However as noted above this has now been clarified as being 1,663.5 tones (2,511 tonnes, minus 847.5 tones that was missed off the spreadsheet as confirmed on 4th February 2019). I am mindful of the comments made by NCC Minerals and Waste colleagues in ensuring that the development has been planned on a financially sound basis to avoid the scheme not being completed which would have the potential to leave a despoiled site which would be harmful to the environment. These comments were made in the context that disposal costs for what was originally said to be 190,000 tonnes which would almost £1million plus haulage costs. However the application now proposes that none of the material will need to be removed, other than sold which would reduce the cost and risk. More importantly I consider that controlling the development through development in phases (with not more than one phase being developed until the previous is substantially complete unless otherwise agreed) would decrease the risk identified. This is a matter that could be controlled by condition.

The applicant previously suggested that the level of material leaving the site would amount to just under 4 HGV movements per day over a four year period. The QS summary indicates that the total amount of material would result in 167 tipper lorry loads (with each tipper having a 15m³ capacity) over the four year construction period with 1 load expected per week. When factoring in the correction (arising because no allowance was made for works to the broad leaf woodland area) this would be lessened further to c111 tipper loads. I am mindful that NCC Minerals and Waste previously advised that *'...it is our experience that the movement of inert material is conducted on a campaign basis. Therefore, though 4 loads (8 vehicle movements) per day may well be accurate as an average, in practice this figure may fluctuate greatly, with movements being much higher during some periods than others (where there may be no movements at all). Therefore this figure may not fairly reflect the number of vehicle movements during certain periods.'*

Whilst the quantities are now shown to be far less, it remains the case if the topsoil is removed on a campaign basis there may be more than 1 lorry load per week. However given the total number of lorry loads over the entire 208 week construction period and given controls that would be in place to deal with phasing, this is unlikely to be significant.

Phasing

A phasing plan shows the scheme would be developed in 4 phases (in broad quarters);



Developing in phases is sensible in order to control the level of excavation. However I have some concerns that Phase 1 is spread across a large area of the site. For example the broadleaf woodland (BW2 on the plan) that would assist in screening the utility buildings the site frontage would not be delivered for several years as it falls within phase 4. Further, if for any reason development stopped after phase 1 and the future phases were not developed, land forming phases 2, 3 and 4 could be prohibited from being used to its potential as it would have the access road severing it from adjacent arable land. In order to safeguard the land, I consider that notwithstanding the phasing shown, a revised phasing plan will be necessary which can be controlled via condition. For example, Officers envisage that it would be more appropriate for what is now Phase 4 to come forward first (with perhaps the service buildings and necessary road infrastructure). Furthermore part (the tip) of Fish Pond 3 (FP3) is also shown to cross from Phase 2 into Phase 3 and I doubt that one could construct part of a pond so this will need to be rectified.

Traffic implications & Highway Impacts

SP7 requires development to provide safe and convenient accesses, be appropriate to the highways network in terms of the volume and nature of traffic generated, ensure that the safety of, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking provision and ensure that the traffic generated would not create or exacerbate existing issues amongst other things. Policy DM5 reflects this.

The number of lorry loads taking soil off the site is set out in the section above and this is not considered to be significant. In terms of materials to be brought on to the site, the applicant has confirmed that the ponds do not require clay lining as the soil composition is heavy and clay enough to adequately line the ponds commenting further that the water table in the whole area is relatively high and as such there would not be excessive downward pressure enticing water to escape and therefore the retained on site sub soils will hold water.

Visitors to the site for sport fishing have not been quantified but are not expected to be significant. Once fully operational the development is expected to employ around 5 full time members of staff plus additional seasonal workers when required. Deliveries would likely be made by courier two or three times a week. Deliveries out by their own vehicle will be two or three times a week increasing to four times a week during spring, when demand is higher. Parking for visitors would be made within each phase at appropriate points off the access track around the site such adequate parking provision on site would be provided.

NCC Highways Authority have commented the number of lorries and profile is not excessive and they raise no objection subject to lorry routing being agreed and details of the vehicular access including visibility splays. The suggested lorry routing condition has been reworded from a pre-commencement condition, which are to be avoided where possible given the applicant does not need to bring materials on to the site and that it would still achieve the required outcome by agreeing the routing prior to any materials from being taken off site.

Overall I do not consider that the volume of traffic created by this development is likely to be excessive or to cause disturbance and annoyance to village occupiers by HGV's travelling through the village. The Highways Authority have raised no objections to the scheme and overall I consider that the traffic implications are acceptable in line with Policy SP7 and DM5.

Impacts on the Countryside and Landscape

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Core Policy 13 requires the landscape character of the surrounding area to be conserved. Policy DM5 states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design materials and detailing of proposals for new development.

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

The District Council has undertaken a Landscape Character Assessment to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The landscape character of the area is very flat and open. A key consideration is therefore the impact of the development upon the character of the area visually. The site falls within the East Nottinghamshire Sandlands. Policy Zone 02 (Wigsley Village Farmlands with Plantations) of CP13 applies which gives landscape condition as poor with low sensitivity resulting with a policy action of 'create'.

The materials dug out of the proposed ponds are largely to be re-used on the site by raising land levels across the site. A number of sectional drawings have been provided to show the impacts on this. These show that much of the regrading and levelling works will be imperceptible across such

a large site. Previous schemes have shown the use of bunding and moats around the site for security purposes. Concerns were raised about the extent of these as they were considered rather alien features in the landscape. This scheme has taken on board the various concerns previously expressed. From long distance views this will barely be noticeable. Given that the landscape is poor and its sensitivity is low, there is scope to develop the site in this way. The areas of woodland and habitat that will be created also comply with the policy action of 'create' for this area. Overall I am satisfied that the development would have an acceptable visual impact upon the landscape character and appearance of the area in compliance with the above identified policies.

The applicant has submitted a Landscape and Visual Assessment Impact in support of the scheme. This concludes that *'whilst the sensitivities of the visual public receptors are considered to be high from the public rights of way to the west of the site, the site is seen within the context of its wider landscape setting and once developed, it is considered that the nature of the development and proposals to reduce likely visual effects by the planning of native tree and hedgerow species within the site and along the boundary, will reduce any adverse effects upon public visual amenity.'* I concur.

The scheme proposes three single storey utility buildings to be grouped together from the roadside. The applicant advises that these are required to house the site office, breeding/hatching tanks (of varying shapes and depths) and a water circulation plant. These buildings are domestic in scale and further information as to why 3 such buildings are required was requested. The applicant has advised that 3 separate areas are required for bio security reasons, needed to keep and maintain brood fish so that they can be conditioned over the winter spring period. Three separate systems are required so that brood fish can be conditioned temperature wise at different times as otherwise spawning is a one off event and if something goes wrong the whole years production is lost. A separate section for the eggs and fry is required so they can be moved once ovulation takes place as the eggs are hatched separately for bio security reasons. A section of the building for smaller fish for growing on and brood fish not yet old enough to spawn but will do the following years is required as well as an area for dry goods and farm equipment as well as a small laboratory facility.

The applicant has confirmed they would be willing to amend the scheme to a single commercial/agricultural style building if it is considered more appropriate as they would be able to sub-divide the building internally to create the 3 spaces they require.

The appearance and scale of the 3 buildings, subject to the use of appropriate materials, is considered acceptable per se. However I am concerned that given these buildings are needed within phase 1 and they are of domestic scale that should the business fail for any reason, there would be 3 domestic scale buildings in a countryside location that could be converted to dwellings in an unsustainable location where they would normally be resisted. If Members are minded to approve the scheme I consider that either the application should enter (1) into a Section 106 Agreement to agree that in the event that the scheme is no longer operational or where there has been no activity on site within a 6 month period that these buildings are removed from the site; or (2) that the scheme is amended to propose a single agricultural-style building instead.

Impact on Trees

Policy CP12 and DM5 seeks to protect and enhance natural features where possible. CP9 requires proposals *'to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District.'*

An Arboricultural Survey and Impact Assessment has been submitted in support of the scheme. This identifies that 40 individual trees and 25 groups of trees or hedgerows are present on site with a good native species diversity and a mix of ages. Of these 1 is categorised as retention category 'A' (very high quality and value with good life expectancy) 20 are 'B' category (good quality and value with significant life expectancy) and 44 are category 'C' (low or average quality and value).

The vast majority of the trees and hedgerows would be retained as part of this scheme. One tree (T4 – an early mature Hawthorn) plus sections of two groups of wooded vegetation; G45, an early mature hedgerow of Hawthorn & Elder and G63 semi-mature Willow Oak Elm would be lost as a direct result of the proposals. However in all 3 cases the wooded vegetation are categorised as C, of little significance and in the case of the group vegetation only small sections are to be removed, to allow for access roads for example. I consider that these small losses are acceptable in the context of such a large site area and can adequately be compensated for with appropriate re-planting elsewhere to be controlled through a soft landscaping scheme.

Clarification has been sought from the applicant regarding the grading works that will take place around the retained trees, given no existing sections have been provided. My understanding is that the health of trees can suffer if soil is placed around the trunk and roots. The applicant has advised that:

“The track next to the main tree line through the centre of the site is proposed to be raised by 1 metre and the new Broad Leaf Woodland BW1 is also raised. The tree line will carry raised soil areas and this will be carried through seamlessly. If any large trees are not likely to thrive with a raised area then we utilise soil barriers around the trunks of trees where required. We will seek the advice of professional landscapers at the time of site finish to advise on this so as to achieve optimal conditions for all trees.”

It is clear to me that some form of mitigation in the way of barriers or protection will be necessary to ensure the longevity of the retained trees. I consider that this can be dealt with by way of a suitable condition.

In order to protect the retained trees, root protection fencing is proposed during the construction phase and a no-dig type of construction method with porous surface is also suggested in order to safeguard the trees from the laying of the proposed stone access roads where they encroach close and to the edge of retained trees. I agree that these matters are reasonable and necessary and are matters that can also be controlled by condition.

Impact on Ecology

Policy DM7 of Newark and Sherwood's Adopted Allocations & Development Management DPD specifies that: “On sites of regional or local importance, including previously developed land of biodiversity value, sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site. All development proposals affecting the above sites should be supported by an up-to date ecological assessment, involving a habitat survey and a survey for protected species and priority species listed in the UKBAP.” This is reflected by DM7.

The proposed construction works will disturb most of the site. Although the hedgerow and most trees will be retained, areas of scrub and grassland will be lost. Meadow grassland as denoted on the plans is not intended to be disturbed. Most of the scrub falls within areas where the levels will be raised. The proposed plans show areas labelled 'retained woodland' yet this is to be raised. Clarification was sought and as suspected, the retained woodland is actually best described as reinstated woodland.

Natural England have raised no objections in terms of any impacts upon statutory nature conservation sites and advises that the proposal is unlikely to affect any statutorily protected sites or landscapes. Protected species have been assessed as per the standing advice by officers.

The site currently comprises arable fields, scrub, rough grassland, hedgerows and trees as well as some exposed hardstanding with Wigsley Drain (3m deep with slow flowing water) to the eastern boundary. As such an ecological scoping survey was submitted with the application.

Mitigation is proposed by removing the habitat that would be lost during construction (such as removal of long grass, scrub, shrubs and trees) outside of the bird breeding season and also by replacing this, which would also need to be secured through condition. Subject to this I would have no objection to this and overall the scheme would in time bring about some ecological enhancements as more habitat (as opposed to arable fields) would be created.

The impact on protected species has been considered. Of particular note is the potential for Great Crested Newts to be present on site. Best practice requires consideration of ponds within 500m of a development that may be able to support a population of newts. In this case two ponds are within 250m of the site; an accessible pond 25m to the south and a pond 39m north-west on third party land.

The southern pond was considered to be unlikely to be a suitable habitat given it is well stocked with fish. An eDNA test of the water within this pond has been provided which shows the pond does not support GCN, a matter accepted by myself and NWT. However the north-western pond could not be ruled out as providing suitable habitat and as such further information was requested resulting in the submission of a Great Crested Newt Mitigation Report (dated October 2018) which proposes a precautionary approach and mitigation strategy in the absence of surveys for this pond. The County Ecologist has confirmed that the approach set out in the Great Crested Newt Mitigation Report appears to be appropriate which should be conditioned. Subject to this I am satisfied that impacts upon GCN have been adequately mitigated. Reptiles could be present on the site and it is recommended that further surveys are undertaken of the site prior to commencement of development.

Water voles and otters have also been considered, given the wet habitat of the Drain to the north of the site. Water voles could be supported although was not present at the time of the survey. In order to ensure that adequate protection is made, it is recommended that before any works are undertaken within 5m of the bank, a survey should be conducted to establish if water voles are present which could be controlled by condition. This is acceptable and can be secured by planning condition.

The impact on badgers has been found to be acceptable. It is recommended that prior to works commencing on site, a fresh survey be undertaken for active badger setts which can be secured by a suitable condition which also requires mitigation where necessary.

The trees on site were assessed for bats and found to have low potential.

The creation of wetlands within the arable landscape is likely to result in a net gain in biodiversity. The ponds themselves will be well stocked with fish, which will naturally reduce the ecological benefit of the ponds, but measures can be undertaken to provide genuine benefits to wildlife from the scheme. For example, the open water areas of the ponds will provide opportunities for natural colonisation by a variety of aquatic flora and fauna. This process could be augmented by the addition of indigenous plant material generated from the routine maintenance of local ponds. The wetlands will be shaped to provide a range of bank angles and heights. Gradients will vary from 15°-35° from horizontal and will be enhanced by the excavation of embayments and spurs. This will create differing conditions of light and temperature and will thus encourage diversification in the flora and associated fauna. Water depth will vary thus warm shallows for the developing larvae of amphibians created. The shallowest areas will grade into an expanse of seasonally wet mud that may encourage feeding by a variety of wildlife.

In line with Core Policy 12 and DM7 it is recommended that the landscaping and management plan is written with a wildlife conservation focus which can be conditioned. The project provides an opportunity to secure a net biodiversity gain once impacts are mitigated and compensated, by providing additional wildlife habitats and sensitive management. Therefore in summary I am satisfied that the impact of the tree and vegetation loss to be low and is one that can be mitigated through the planting of native species elsewhere. The impact on ecology is also found to be acceptable and in fact such deliver enhancements which is a positive for the scheme.

Impacts on Residential Amenity

Core Policy 9 sets out an expectation that development is of a high standard and that contributes to a compatible mix of uses. Policy DM5 requires that all proposals be assessed to ensure that the amenity is not adversely affected by surrounding land uses and where this cannot be mitigated should be resisted.

The nearest residential dwelling is located north of the site c185m away from the nearest point of the site. Once fully operational, there would be a small number of deliveries of per week and I would not anticipate that the activities would have a detrimental impact on residents. I would not anticipate there to be any odour from live fish at this farm.

The main amenity impacts that are likely to arise from the development related to the construction phase from noise and general disturbance. To this end the applicants have been asked to provide a Construction Report. A section of the Supporting Statement now includes a section entitled Construction Management Plan.

This sets out the proposed construction practices with the construction hours indicated as 0700 to 1900 Mondays to Fridays and 0800 to 1300 Saturdays with no construction work to take place on Sundays or Bank Holidays.

Our Environmental Health Officers have commented that the construction hours are too long and one would expect these to be 0730 until 1800 on weekdays. I agree and consider that notwithstanding the CMP submitted, a condition can be imposed to restrict construction to during these hours.

The application is proposed to be constructed over a 4 year period in phases. There is concern from local residents that there would be noise from heavy plant machinery on site. These are all matters I have given careful consideration to. The depth of the ponds means that there would be no minerals extraction and the material will mostly be kept on site. The nearest property are located approximately over 200m from where the excavations will take place and I consider that this is sufficient distance to ensure that there would be no significant adverse impacts on residential properties in terms of general disturbance and noise associated.

No external security lighting is proposed such that there would be no light impacting on amenity. Overall I therefore consider that the scheme accords with CP9 and DM5 in terms of amenity and allowing existing residents acceptable living conditions during both construction and operational phases.

Flood Risk

Core Policy 9 requires new development proposals to pro-actively manage surface water. Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD along with the revised NPPF set out a sequential approach to flood risk.

At paragraph 155 of the NPPF states that: 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

Paragraph 158 of the NPPF states that 'The aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding. Development should be not allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide a basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.'

The site now lies within Flood Zone 2 (being at medium risk of flooding) according to the Environment Agency Flood Maps. The applicant has submitted a Flood Risk Assessment (FRA) in support of their application. This is silent on the Sequential Test as advocated by planning policy. However upon request the applicant has provided the following information:

"I can confirm that we did undertake a Sequential Test and our conclusions were this; the site, the subject of this planning application has previously had planning permission granted for the exact same application currently in with the difference being the size of the site being larger than the original granted permission. We have taken the view that if the site has in its history been granted planning for a Fish Farm then this adds weight to the current use of the site and its proposed Fish Farm use as per application.

We have had this land held under option for some 8 years and as such this makes the site financially viable. Alternative sites in the locality do not offer any substantial improvements in flood risk and therefore we concluded there were no benefits in looking for alternative land availability locally.

Finally whilst looking for land and sites capable of accommodating the proposed Fish farm enterprise, no land of the size required has been for sale and discussions with local farm agents state that land in this area does not often come up for sale.

We therefore concluded that the land proposed currently provides the best resource and option for this project.”

These comments are all noted. Whilst a significantly smaller fish farm was approved in 2012, this has time expired without having been implemented and carries no weight. The site is also now in flood zone 2, a material change in circumstance that needs to be considered afresh. It is clear that the applicant has not adopted a sequential approach to site selection for the reasons set out.

The majority of the district is located within flood zone 1, at lowest risk of flooding. However it is unclear as to whether there would be such a large site available for development as a fish farm. I can only conclude that the applicant has failed to properly demonstrate that the site passes the sequential test, a matter which must be weighed in the planning balance.

In determining whether a failure to pass the sequential test should hold determinative weight I have carefully considered the flood risk vulnerability of the end use.

In instances where the sequential test has been passed, the NPPF advises local planning authorities in their decision making to take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

In terms of flood vulnerability, I consider that this would fall under the ‘less vulnerable’ category of developments which relates to land and building used for agricultural or forestry where development in FZ2 is considered appropriate and the Exception Test is not required. Notwithstanding this, the development needs to be safe for its lifetime.

A flood risk assessment has been submitted with the scheme. The proposal has been assessed in relation to flood risk with the EA raising no objections to the proposal subject to conditions. Upper Witham Drainage Board have requested a condition to ensure that drainage does not contribute to flooding which is reasonable. I therefore conclude that the development would be safe for its lifetime in terms of flood risk and it would not increase flood risk elsewhere.

Planning Balance and Conclusions

It is acknowledged that the loss of c26ha of Grade 3a agricultural land is a negative that weighs against the scheme. The application has also failed to demonstrate that it passes the Sequential Test in terms of flood risk which also must weigh against the scheme. I am however satisfied that given the proposed use is ‘less vulnerable’ in flood risk terms, that the exception test is not required and that the scheme would be safe for its lifetime as demonstrated through a FRA.

On the other hand the proposal is a new business which is supported by the NPPF and is a land based business requiring a rural location. The business would contribute to the local economy through providing jobs and diversifying the rural economy which in my view accords with the spirit of both national and local level policy objectives. I give substantial weight to the economic role of sustainability. Whilst the loss of grade 3a agricultural land is a negative, I am also mindful that the scheme will bring about some ecological gains which weigh in favour of the scheme. No other harm that cannot be mitigated has been identified. Together the positives just tip the balance towards an approval and I recommend that the permission is granted subject to the attached conditions.

RECOMMENDATION

Approve, subject to the following condition(s) and the applicant either:

a) entering into a Section 106 Agreement to agree that in the event that the scheme is no longer operational or where they has been no activity on site within a 6 month period that the 3 utility buildings are removed from the site;

or

b) that the scheme is amended to propose a single agricultural-style building instead. It is requested that officers to be given delegated authority to resolve this issue with the applicant, and impose suitable associated conditions as appropriate.

Conditions

01 (Time for Implementation)

The development hereby permitted shall be begun within three years from the date of this permission.

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

02 (Require Revised Phasing Scheme)

Notwithstanding the submitted Phasing Plan, DH/408/17 submitted 29.11.2018, this is not approved and prior to commencement of development, a revised phasing plan shall be submitted to and approved in writing by the Local Planning Authority which secures phasing from west to east. The development thereafter shall be implemented in accordance with the approved phasing plan with not more than one phase being implemented until the previous phase is substantially complete unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to safeguard the land against being blighted by the development in the event that the scheme is not completed and in order to show fish pond number 3 being within a single phase.

03 (Details of the Access)

No part of the development hereby permitted shall commence until details (to include visibility splays, access width, drainage, and radii) of the vehicle access have been first submitted to and approved in writing by the Local Planning Authority. The approved access shall thereafter be constructed in accordance with the approved details prior to the development being brought into use. The visibility splays shall thereafter be kept free from obstruction for the lifetime of the development.

Reason: In the interests of highway safety.

04 (Lorry Routing – Phase by Phase)

No material shall be removed from any phase of the development (pursuant to Condition 2) until details of construction lorry routeing has been first submitted to and approved in writing by the Local Planning Authority, and such details adhered to during the construction period.

Reason: In the interests of highway safety.

05 (Levels of Excavation)

The level of excavation of the site shall not exceed the details and depths as shown on drawing number Site Layout, DH/401.17 Rev B.

Reason: In order to ensure that no minerals are extracted from the site in the interests of amenity and to ensure that the impact upon the highway network is as has been mitigated for.

06 (Bird Breeding Season Restrictions)

There shall be no pruning, the removal of hedgerows, vegetation or trees during the bird breeding season (March to September inclusive) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to afford protection to breeding birds which are protected by the Wildlife and Countryside Act 1981 (as amended).

07 (EA Flood Risk Condition)

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated January 2018, reference GCB/HUDSON, compiled by Geoff Beel Consultancy and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 6.31 m above Ordnance Datum (AOD).
2. Resilience measures must be utilised to a minimum of 6.61m AOD.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason:

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To reduce the risk of flooding to the proposed development and future occupants.

08 (EA Evacuation Plan)

No part of the development shall be brought into use until a flood warning and action plan has been submitted to and approved in writing by the local planning authority. The plan should include provisions for signing up to the Environment Agency's Flood Warning Service for early warning of potential flood events, details of how information would be disseminated and how users of the site would be evacuated.

Reason: To safeguard residents against the risk of flooding.

09 (Construction Hours)

Notwithstanding the Construction Management Plan contained within the Supporting Statement received 19th November 2018, construction or development (including excavations) shall only take place between the hours of 0730 until 1800 on Mondays to Fridays inclusive and between 0800 and 1300 on Saturdays and not all at on Sundays or Bank/Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity.

010 (Construction Environmental Management Plan)

No development within each phase of the site pursuant to Condition 2, shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This shall include:

- Details of any lighting required during the construction phase;
- Details of how areas of retained habitats will be demarked on site and safeguarded (with relevant buffer zones) to prevent extracted soil from being stored within these areas;
- Details of the precise areas and their extent of where extracted soil from each phase will be stored so that it is not located on the local wildlife site, SINC or affects any existing habitat.

The development shall thereafter be carried out in accordance with the approved CEMP.

Reason: In order to ensure the protection of retained habitats within the site, the adjacent LWS and to ensure that development work is carried out in accordance with protected species legislation.

011 (Water Vole Survey)

No development shall take place within 5 meters of the bank of the water body/drain to the north of the site until a Water Vole Survey has been carried out by a suitably qualified person or body to establish if water voles and their burrows are present. The Survey, its findings together with the means of any required mitigation and its timings shall be submitted to and approved in writing by the Local Planning Authority prior to development within 5m of the bank taking place. The mitigation measures approved shall be carried out in accordance with the agreed details and timetable.

Reason: To protect the water vole and its habitat within and adjacent to the development site and in accordance with the Ecological Scoping Survey, PRJ423 Rev 1 by Prime Environment January 2018, which forms part of the submission.

012 (Reptile Survey)

No development shall commence within any phase pursuant to Condition 2 until a Reptile Survey has been carried out by a suitably qualified person or body to establish if reptiles are present. The Survey, its findings together with the means of required mitigation and its timings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development within that phase. The mitigation measures approved shall be carried out in accordance with the agreed details and timetable.

Reason: To protect the reptiles that may be present on site and in accordance with the Ecological Scoping Survey, PRJ423 Rev 1 by Prime Environment January 2018, which forms part of the submission.

013 (Great Crested Newts Survey)

In the event that Great Crested Newts are found to be present on site, development shall cease immediately and not recommence until the mitigation measures set out in the Great Crested Newt Mitigation Report by Prime Environment V1 October 2018 have been carried out in full on site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to provide adequate protection adopting a precautionary approach to GCN.

014 (Badger Survey)

No development shall commence within any phase pursuant to Condition 2 until a Badger Survey has been carried out by a suitably qualified person or body to establish if any active badger setts are present on site. The Survey, its findings together with the means of required mitigation for any development within 25m meters of proposed works and its timings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development within that phase. The mitigation measures approved shall be carried out in accordance with the agreed details and timetable.

Reason: To protect the badgers that may be present on site and in accordance with the Ecological Scoping Survey, PRJ423 Rev 1 by Prime Environment January 2018, which forms part of the submission.

015 (Ecological Enhancements)

Prior to the development within each phase pursuant to Condition 2 being first brought into use, an Ecological Enhancement Strategy together with timings for implementation shall be submitted to and approved in writing by the Local Planning Authority. This could include but is not limited to

- Creation of vegetated shallows within the ponds where invertebrates and amphibians may be safe from large fish
-

- Light management of areas of the Site to create a mosaic of rough grassland and scrub (in particular in the areas which will be raised to compensate for losses during construction).
- Seeding and management of areas at the periphery of the Site for wildflowers.
- Selection of native species for all landscape plants.
- Erection of bird and bat boxes on retained trees and / or on ancillary buildings (12 of each). Boxes should include a range of shapes made from long lasting materials (i.e. Woodcrete or Stonecrete).

The development shall be implemented on site in accordance with the approved details and timetable embedded within it.

Reason: In order to provide ecological enhancements which are required and which have been given weight to in the determination of this application, without which permission may not have been granted.

016 (Arboricultural Method Statement)

No works or development within each phase that contains retained trees, pursuant to Condition 2, shall take place until an Arboricultural Method Statement and scheme for protection of the retained trees/hedgerows identified within the Arboriculture Survey and Impact Assessment, PRJ423 Rev 1 by Prime Environment has been agreed in writing with the District Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of measures (including sections where necessary) to protect the trees from soil being tipped onto tree roots working methods to protect the root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed (such as no-dig type) for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme. The protection measures shall be retained during the development of the site.

Reason: To ensure that existing trees and hedges to be retained are adequately protected, in the interests of visual amenity and nature conservation.

017 (Surface Water Disposal)

No development shall be commenced within any phase pursuant to Condition 2 until a scheme for the provision, implementation and maintenance of regulation system for any surface water discharge to the surrounding drains/watercourses has been submitted to and approved by the Local Planning Authority.

- The development should not increase flood risk to existing properties or put the development at risk of flooding.;
- Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.;
- SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development;
- Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

The maximum discharge rate should not exceed that of a green field site. The approved scheme shall thereafter be implemented on site to an agreed timescale. All drainage routes through the site should be maintained both during the works on site and after their completion.

Reason: To prevent an increased risk of flooding and to prevent adjoining land and property from having an increased risk of flooding.

018 (Hard & Soft Landscaping and Long Term Management Regime)

Prior to the development being first brought into use within each phase pursuant to Condition 2 , a hard and soft landscape scheme together with an associated management plan including the long-term design objectives, management responsibilities and maintenance schedules for all areas of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- Detail the extent of new native planting (to include the proposed species, their numbers, density, disposition and establishment measures);
- Be designed having considered all of the sites external ground surfaces, and the treatment proposed for these surfaces (including any materials);
- Detail the treatment of site boundaries and/or buffers around water bodies;
- Detail the maintenance/management regimes
- Detail all hard landscaping (which should be permeable where possible) including vehicle parking areas and boundary treatments;
- Detail minor artefacts and structures for example, any furniture, refuse bins, signage, etc.

The scheme shall be implemented on site in accordance with the timetable set out in Condition 19 and shall thereafter be maintained for the lifetime of the development in line with the regime, which shall also be agreed as part of this condition.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with the NPPF and CP12 and to enhance the appearance of the development.

019 (Landscaping Implementation)

The soft landscaping for each phase shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local

planning authority. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use of that phase unless otherwise agreed in writing by the LPA.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

020 (DRAFT Materials of proposed building)

No development above damp proof course shall take place until details of all external facing materials (including colour/finish and manufacturers details) of the approved building(s) have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

021 (Storage of Material)

No excavated materials shall be stored on site for a period of more than 12 months unless otherwise agreed in writing by the Local Planning Authority.

Reason: Should works cease on site, the material should be removed in the interests of visual amenity.

022 (DRAFT - Approved Plans, TO BE AMENDED UPON CONCLUSION OF UTILITY BUILDING)

Unless otherwise specified within a separate condition, the development hereby permitted shall not be carried out except in accordance with the following approved plans, reference

- Site Location Plan DH/400.17, Date 06.09.2017
- **Typical Elevations of the Proposed Buildings DH/402/17, as submitted 29.11.2018**
- Site Layout, DH/401.17 Rev B, As submitted 29.11.2018
- Supporting Statement (including Design and Access Statement), last amended 19th November 2018
- Construction Management Plan, submitted 29.11.2018

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

Note to Applicant

01

In order to carry out the access works you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need Highway Authority authorisation to carry out the works and such works will need to comply with Highway Authority standards/specification. Please contact hdc.north@nottsc.gov.uk for further details.

02

This site is within the River Trent at Spalford, Wigsley and Harby Flood Warning Area which can be signed up to at: <https://www.gov.uk/sign-up-for-flood-warnings>. Information regarding appropriate flood resilience measures can be found here: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>.

03

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

04

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

Background Papers

Application case file.

For further information, please contact Clare Walker on ext 5834.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb
Director – Growth & Regeneration

Committee Plan - 17/02043/FULM

