



**ARCUS**

**RETFORD CIRCULAR ECONOMY PROJECT**

**TECHNICAL APPENDIX 1.2 EIA SCOPING OPINION**

**FEBRUARY 2023**



This matter is being dealt with by:

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**Nottinghamshire  
County Council**

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By E-Mail Only

Dear Sir

4 November 2022

FAO Colin Turnbull

**Town and Country Planning (Environmental Impact Assessment) Regulations 2017  
Regulation 15 – Request for a scoping opinion  
Proposal: The Retford Circular Economy Project  
Location: Land at, and in the vicinity of, Lound Low Road, Retford, Nottinghamshire  
Applicant: HIVE ENERGY LIMITED**

I write with regards the above scoping request received by the Minerals and Waste Planning Authority (MWPA) on 14 October 2022.

### **Background**

Nottinghamshire County Council were previously approached in 2021 by the prospective applicant (Hive) for its pre-application advice in respect of a proposal to extract historic deposits of Pulverised Fuel Ash (PFA) from land to the south of Lound Low Road and Sutton Grange (our reference PRE/4237). Hive are now referring to this project as the 'Retford Circular Economy Project' (a comment about this is made below). It was advised that due to the scale and type of development being envisaged, that it fell within Schedule 1 of the Environmental Impact Assessment Regulations, therefore requiring the undertaking of an Environmental Impact Assessment and the submission of an Environmental Statement (ES). A request for this Authority's formal Opinion as to the required scope of the ES has now been made.

### **The Scoping Request**

The following information has been submitted for consideration and is considered to be adequate for the purposes of Regulation 15:

- Environmental Impact Assessment Scoping Report –Arcus Consultancy Services– September 2022.

For the purposes of informing this Opinion a range of technical and other organisations have been consulted. Copies of responses received are appended and any late submissions will be forwarded.

As set out in the scoping request the proposed development is broadly unchanged from that presented at the pre-application stage in terms of the extraction area (former high level and low level lagoon areas, restored to sheep pasture) and is approximately 106ha with a previous estimate of 6-7 million tonnes of recoverable PFA. The site and surroundings are accurately described.

Two additional areas are now proposed in order to undertake initial processing of the recovered PFA and for vehicular access- denoted as area B within Sutton Grange Farm and area C to the west of Idle Valley Nature Reserve through to the former Bellmoor Quarry site.

The Scoping Report explains how area B- “the Temporary Optimisation Site” is a 2.6ha area of predominantly concrete hardstanding where the processing plant would be tested and optimised for using biogas generated from the adjacent Anaerobic Digestion plant. It would be likely needed at the beginning of the extraction operations (Phase 0) in order to trial process circa 30,000 tpa over 6 to 24 months. Export of the processed PFA during this period would then be via Chainbridge Lane, Lound, Daneshill and Torworth. As set out further below there remains concern from consultees over the suitability of this aspect in terms of road and pedestrian safety and this route would also impact indirectly upon the Lound Conservation Area.

Area C (aprox 7.7ha) comprises a strip of farmland along the western side of the SSSI and then an area within the former Bellmoor Quarry which is where the main processing site is proposed should the temporary solution be successful. No detailed layout or siting plans have been provided for the plant at this stage and it is unclear what the implications would be for the existing manufacturing and concrete businesses located there. Export of processed PFA (up to 300,000tpa for 23 years) would be via the existing access road (shared with any retained businesses and the Idle Valley Nature Reserve visitor centre) onto the A638 Great North Road.

Section 3 of the Scoping Report provides further details as to the proposed operations, including phasing (though not presented in detail), and the stages of the PFA extraction, processing and export operations. The proposals comprise the extraction and export of PFA contained in former disposal lagoons at the Site. Associated with this would be bulk earthworks, dewatering and soil storage, ponds and excavations, hard surfacing, buildings and structures, plant, conveyors, utility connections, roadways, parking, drainage, and restoration including planting.

It appears that there would be initial screening/crushing within or close to the active extraction areas before PFA is transported to the main processing site. Para 3.1.2.3 states that three separate concrete pad areas would be created around the site phasing for this pre-processing. From other PFA operations in the County that the MWPA oversees, such screening/crushing does not require the construction or use of such pads and it is possible to undertake this using mobile plant (along with precautions for spill kits etc) within the current extraction void space where surrounding bunds/banks can screen these operations. As such this aspect is questioned, but the inclusion of these pads or otherwise is unlikely to affect the overall assessment of significant environmental effects.

Extraction of PFA is expected to be undertaken on a phased basis with progressive restoration following. Details of phasing and on the restoration concept have not been presented in detail at this stage, but the Scoping Report states there would be a mixture of biodiversity end uses and agriculture, including wet meadow, reed beds, waterbodies and pasture. An outline restoration plan is expected to be submitted after taking into account views of key consultees – a number of such recommendations have been highlighted below.

## **Comments on the information proposed to be supplied in the Environmental Statement (ES)**

Overall the MWPA is in broad agreement with the proposed structure and contents for the Environmental Statement as set out in table 5.1 of the Scoping Report. However, the MWPA is of the opinion that the following additional topics/matters should be included and assessed as part of the ES:

- Transport -which is missing from table 5.1, but still proposed within the request
- Climate change and sustainability which warrants being scoped in
- Rights of way / public access issues

### Introduction

The introduction would seem an appropriate location in which the ES sets out the relevant expertise or qualifications of the author(s) of the statement to demonstrate professional competency as required by Regulation 18 (5).

### Environmental Impact Assessment

The process of EIA can be set out here. If any technical difficulties or deficiencies, unavailable data or gaps in knowledge have been encountered this can either be set out here and/or on a topic by topic basis.

### Consultation

The MWPA considers that the application should include a Statement of Community Involvement to report on the community consultation work that has recently been completed. This should demonstrate that the views of the local community have been sought and taken into account in the formulation of the final development proposals. This could be either set out within the ES and/or within a separate appended report.

Within the introductory parts for each chapter/topic area it would be helpful to summarise the issues and requests highlighted by consultees (including from this Scoping Opinion) and from the community and how these have been responded to within the ES and in shaping the final development proposals.

### Site Selection and alternatives

It is not clear at what point the ES will set out a full description of the existing site and surroundings, along with details of the existing features, land uses, topography, vegetation, access/paths and such like.

As recognised at para 5.3 of the Scoping Report the EIA Regulations require some consideration of reasonable alternatives to the proposed development including design, size and location and to undertake a comparison of the likely environmental effects of the options. Alternatives in this context could be in relation to the extent of on-site extraction (split between high and low level areas), alternative process techniques, transport options, and doing nothing. Alternative sources of PFA may also be available.

### Project Description and Development Design

There needs to be a full description of the proposed development including details of the proposed method of working and processing, hours of working, anticipated HGV movements and details of phasing and restoration proposals, etc. Plans detailing phasing and progressive restoration should also be presented. Evidence (such as from boreholes) of the extent, volumes and depth profiles of the PFA proposed to be extracted, along with volumes of covering soils, across the site should be included.

Section 3.1 of the Scoping Report states the description of the development is still being refined. The MWPA would be happy to agree the final wording, but this must make clear the nature of the extractive and processing operations, along with ancillary construction works, and the restoration/end uses thereafter. Reliance on the corporate label of the 'Retford Circular Economy Project' on its own would not be acceptable.

### Legislative and Planning Policy Context

It is not clear if this section will be needed within the ES. The legislative requirements for EIA can be set out within the Environmental Impact Assessment section above, whilst considerations around Planning Policy may be best explored within a separate Planning/Supporting Statement.

### Landscape and Visual- scope in

A full Landscape and Visual Impact Assessment (LVIA) will be necessary. The approach should follow the 'Guidelines for Landscape and Visual Impact Assessment: Third Edition' (Landscape Institute and IEMA, 2013) and the photography practice note – Landscape Institute 2019 Visual Representation of Development Proposals. Technical Guidance Note 06/19. Overall the proposed methodology and study area appear reasonable. Further advice is set out in the response from the MWPA's landscape advisors as appended.

The Scoping Reports shows a good understanding of the baseline situation including the landscape character areas, the pattern of local settlements and the recreational path network, but as the proposals have not yet been fixed, no Zone of Theoretical Visibility has yet been undertaken.

It is clear that the LVIA will need to take account of what will be a phased/staged development of initial set up, phased extraction and progressive restoration. The restored landscape may also need time to mature and so assessment at say +20years may also be needed in terms of landscape and also visually.

In terms of the suggested viewpoints, these have been reviewed by the MWPA and its landscape advisors. It is noted that no ZVI has yet been completed to inform the viewpoints and that there are options in some locations at this stage. On some of the suggested viewpoints the direction of the intended view it not clear.

The viewpoints and LVIA work needs to assist the separate heritage impact assessment so that any indirect impacts to the setting and/or intervisibility of heritage assets can be properly identified. For example, St Bartholomew Church is clearly visible at Sutton FP1 beside Bellmoor Lake and the western site boundary. Lound Conservation Area is also at an elevated position to the application site area. Viewpoints 5 and 6 could be of assistance but it is suggested that views are also taken on the edge of these settlements (see appended comments). Non-designated heritage assets which could be particularly affected, such as Bellmoor Farm should also not be left out.

There also does not appear to be any viewpoints within the Idle Valley Nature Reserve north of the River Idle where there are paths in close proximity to the site's southern boundary where visitors and walkers may experience notable changes over the course of the proposed development and where mitigation steps such as screening may be helpful. An additional viewpoint for this area is therefore needed. The MWPA would be happy to further assist with refining the viewpoints once the proposals have been finalised.

As a further source of information the two Neighbourhood Plans for Sutton cum Lound and Lound could be reviewed. A number of Key views are denoted within the Lound NP including KV8 looking south east towards the proposed site.

In terms of cumulative effects, the focus can be on some of the larger developments planned or occurring in the local area. Bassetlaw District Council are currently taking their new Local Plan through Examination which includes new housing allocations extending along North Road up to Bellmoor, which will be in addition to housing and employment uses which already have planning

permission along this corridor- and are being partly built out. The substantial Tiln solar farm is also about to commence construction to the east of the River Idle. It would be helpful if relevant development could be set out within a table in the LVIA along with map locations.

### Ecology- Scope in

As previously advised the site sits within a sensitive environmental context, notably with the Sutton and Lound Gravel Pits SSSI directly adjacent (and understood parts of the site may now lie within the designated area). The MWPA therefore agrees that the ES should contain appropriate ecological impact assessments, and as the SSSI is designated for its ornithological interest it is right that the assessment of ecological impacts, both direct and indirect, affords this a particular focus.

The Ecology chapter is expected to follow the CIEEM Guidelines for Ecological Impact Assessments and be supported with the technical appendixes containing the various survey and assessment work. The MWPA also notes and supports the proposed approach to providing, if required, a separate confidential annex containing sensitive information that should not be presented in the public domain in order to prevent harm to protected species.

The ES should identify the baseline conditions currently existing at the site and surroundings and assess the potential direct and indirect impacts of the development. The ES should identify and include details of all mitigation measures required to prevent, reduce, or offset the impacts and any residual impacts. The Scoping Report provides updates on the range of baseline survey work that has already been undertaken.

Based on the advice of the NCC Natural Environment Manager there is agreement with the proposed scope of the Ecology and Ornithology chapter and the associated surveys/assessments. This work will need to draw upon and cross reference the findings from other parts of the ES (Hydrology and Hydrogeology, Noise, and Air Quality) so that potentially significant indirect impacts can be identified, assessed and avoided/mitigated against.

The applicant is however strongly advised to review the detailed response and survey requests and recommendations from Nottinghamshire Wildlife Trust, which is appended. One of their concerns is that there are extensive wetland areas and habitats which extend beyond 2km and are dependent on complex local hydrological and hydrogeological pathways.

It is also noted that the applicant team have separately consulted with Natural England (NE) (and Nottinghamshire Wildlife Trust). Ongoing liaison with NE will be essential, including through their Discretionary Advice Service if appropriate. NE have provided detailed but generic advice which is included as an appendix.

The woodland surrounding much of the PFA extraction area(s) appears to offer a greater biodiversity value than the heavily grazed pasture fields. From an ecological perspective this could be retained (and enhanced) wherever possible. However section 7.7 of the Scoping Report discloses that these trees are proposed to be removed from the site, having previously been considered for retention. Whilst there are other considerations in play- notably landscape and visual- and the condition of the trees has yet to be documented, this issue is highlighted as an area of concern at least until the final proposals are presented.

The Scoping Report focuses on the operational effects to the environment and to biodiversity. Details of the site restoration are not presented in detail, but the Scoping report states there would be a phased and progressive restoration comprising a mix of biodiversity-led land uses and agricultural afteruses. Features would include wet meadow, reed beds, waterbodies and pasture.

This development proposal offers a significant opportunity to deliver valuable BAP habitats to complement those within the SSSI and LWS. Getting the balance right between the extent and depth of PFA extraction and what restored landform and habitats can then be achieved will be crucial. Mineral Local Plan Policy SP2 requires biodiversity led forms of restoration and this should therefore inform the entire approach to the development.

As well as those habitats mentioned above, opportunities to create wetland scrapes (as present in the nearby Idle Valley Nature Reserve), ridge and furrow and ephemeral pools and ponds should also be explored. As noted by the NWT some rationale should be included in the supporting statements as to the final choices and make-up of the proposed habitats and land cover.

The production of an outline restoration design, allowing final details of planting etc of each phase later on, is acceptable subject to it containing sufficient detail (see Minerals Local Plan Policy DM12 where there is also additional provisos for where restoration is reliant on importation of waste). The outline details can briefly set out how the habitats might be established and thereafter maintained- again further and final details can be required later.

Some assurance is needed as to the long term management arrangements for the restored site and habitats as noted by the NWT. Whilst the long term management (if required for planning purposes to realise the stated gains/conditions in future years) could be enforced on the land as a planning condition or legal requirement, the EIA regime depends on there being some assurance that environmental effects can be limited and/or the outcomes actually achieved. If it is clear that the long term benefits to biodiversity can be viably achieved and maintained that would also clearly carry positive weight into the planning balance and overall decision.

The application and ES should also be supported by a Biodiversity Net Gain calculation and report to demonstrate at least a 10% net gain (and ideally significantly more given the generally low ecological value of much of the application site). The approach should use the DEFRA v3.0 metric or any subsequent revision. Larger net gains for biodiversity would be afforded a greater degree of supportive weight in the overall planning decision and against Policy SP2 of the Minerals Local Plan.

The EIA Regulations include a requirement to assess any significant cumulative effects with other existing and/or approved developments. Section 10.4.7 in relation to noise references the recently consented Tiln Solar Farm project and which the MPA understands is about to commence construction. Although predominantly intensive agricultural land the potential for any significant cumulative impacts to the SSSI/LWS and local biodiversity should be considered.

#### Hydrology, Hydrogeology, Flood Risk - Scope In

Parts of the site lie within Flood Zone 2 associated with the River Maun including parts of the high level PFA lagoon areas. The Environment Agency however advises that their flood model shows the site is currently outside of the floodplain for the modelled flood scenarios. The EA notes that this area has been heavily modified from its natural condition and that ground raising with PFA deposits may have reduced the historic extent of the floodplain and may have cut off flood flow pathways.

Extraction of PFA, leading to a reduced landform could therefore be beneficial to flood risk management in the area, bringing the land back into the floodplain. However these works could also open up new flood flow routes to nearby land and properties (currently proposed to be scoped out). A Flood Risk Assessment is therefore required to demonstrate that the proposals do not lead to increasing flood risk elsewhere. This may require hydraulic modelling work to be undertaken. Please see the appended letter. Surface water management should similarly ensure flood risk is not increased elsewhere.

Groundwater is sensitive as part of the Principal bedrock aquifer. The EA advise that they are satisfied with the scope of the proposed ES but emphasise the licensing requirements should dewatering be required.

#### Ground conditions, contamination, geology and soils- scope in

Table 5.1 (Proposed Structure of the Environmental Statement) lists Ground Conditions and Contamination as a separate chapter. It is not clear whether this is an error, however it may be

appropriate to include a separate chapter on Geology and Soils, rather than combining ground conditions with hydrology / hydrogeology.

A study of the ground conditions should in particular focus on the potential for land contamination and potential pollution. The MWPA's contaminated land consultant advises the proposal has the potential to have significant adverse effects on environmental receptors during the construction and operational phases. In particular, there could be high risk to site workers and other environmental and human receptors resulting from the exposure, treatment, storage and movement of PFA that is currently buried at the site

There is also the possibility of encountering contamination within the made ground at the site and in adjacent areas, known to have been backfilled with commercial wastes, other than PFA. There is potential for mobilisation of unknown contaminants into sensitive ground and surface waters locally. Following a geo-environmental desk-based assessment, a conceptual site model should be able to show any such contamination sources, pathways and receptors- human and ecological. The means to prevent pathways and remove any contamination if it is encountered should be developed. The assessment work should help understand the residual risk to the environment from undertaking the proposed extraction works, taking into account particular sensitivities – notably the adjacent SSSI.

Information on the impacts to soil resources will be needed (including their quality) and this should take into account the access corridor along the fields to the west of the nature reserve. This work should also inform the management of soils during the development and the suitability of their reuse for restoration.

#### Cultural Heritage and Archaeology – Scope In

A cultural heritage and archaeology chapter will need to consider direct, indirect and cumulative impacts to a range of designated and non-designated heritage assets and their settings in the local vicinity.

The starting point will be Desk Based Assessments bolstered with site walkovers and photographic viewpoints- for both built heritage and for archaeology (though the latter could be proportionate given that most of the site has been subject to 20<sup>th</sup> Century mineral extraction). The Historic Environment Record should also be consulted.

It will be important to understand the contribution, if any, that the landscape setting provides to the significance of the range of heritage assets, such as farmsteads or other rural buildings. Views and visual changes also come into this and so cross referencing the LVIA work will be needed and vice versa. Historic England's Good Practice Advice 3 'Setting of Heritage Assets' is particularly pertinent. It should be noted that potential impacts on setting are not limited to visual impacts and could also include impacts of noise and dust from extraction, treatment and transportation of materials.

The Scoping Report identifies a number of Listed Buildings and one Conservation Area (Lound) within 1km. Non-designated heritage assets have yet to be reviewed. The NCC Historic Environment Record and Bassetlaw's conservation mapping should be reviewed to aid the process. Bellmoor Farm is however noted by NCC and BDC as a non-designated heritage asset and there are others in/around Lound and Sutton cum Lound.

The potential impacts of heavy traffic passing through Lound crossroads (as may take place for an initial temporary period) and how this might affect the appreciation of the immediate heritage assets (or indeed their structural condition) will need to be explored and understood. There may be heritage concerns with using this route and mitigation may be required.

Although the expectation is that the PFA areas would have no remaining archaeology owing to the pre extraction of minerals during the latter half of the 20<sup>th</sup> century, the access corridor in the fields to the west will need to be evaluated. The desk top exercise may lead to the need for non-intrusive and/or intrusive investigations, potentially at the application stage. A consultation response from

the County Archaeologist is still awaited at the time of writing. Historic England also points out that changes to drainage patterns could lead to decomposition and loss of archaeological deposits as an indirect effect of undertaking the development. Some cross referencing against the hydrogeological and hydrological assessments may therefore be needed.

### Noise and Vibration- Scope In

A noise assessment will be required as part of the ES. The approach to assessing noise and vibration as set out in chapter 10 of the Scoping Report is broadly agreeable and reflects that the proposals are essentially minerals development and need to be assessed as such. The Planning Practice Guidance (PPG) for noise in relation to minerals development is therefore engaged, along with local and national planning policy- in particular the Minerals Local Plan.

The Council's noise consultant within Via East Midlands has been consulted and a copy of the response is appended.

After considering this advice the MWPA does not agree that construction and decommissioning noise can be scoped out of the assessment work. Although the details of processing site/plant and ancillary development are not presented in detail at this stage, references have been made to material storage buildings, office cabins, conveyors, drying plants, a Combined Heat and Power plant, silos, hard surfaces, parking, roadways, utility connections etc – many of which would be constructed in close proximity of the SSSI at Bellmoor and which require some assessment for the construction and decommissioning phases.

Apart from that the MWPA can agree to the suggested baseline noise monitoring locations set out in table 10.2 which capture the nearest residential receptors as well as footpaths within and around the nature reserve. The aim is to undertake 24hr monitoring at three of the residential locations.

Noise modelling software should be selected/used which can present the predicted noise results in the form of noise contour plans for the operational and restoration phases (whilst also including the data package). The methodology set out in BS5228-1 should be used and results should present worst case/robust scenarios (e.g. from combination of mobile and fixed plant working). Noise criteria/limits for minerals working as set out in the Planning Practice Guidance should be used given this is essentially a minerals extraction development.

The MWPA agrees that vibration from the operational and restoration phases is unlikely to be significant and probably not perceptible, including from passage of associated HGV traffic- subject to having in place a suitable and well maintained road surface. This may be an issue for the temporary processing phase when leaving Sutton Grange Farm and taking the unsurfaced Lound Low Road and then when crossing through Lound village. Internal roadways and the proposed haul road down to Bellmoor would also have to be maintained to reduce vibration, but this could be achievable with planning conditions. Changes in local noise stemming from additional traffic flows will however require a quantitative assessment.

A Construction Environmental Management Plan will need to be developed. If necessary the Plan can be subject to planning condition(s) however the noise assessment work needs to set out in outline what mitigation and best practice measures would be employed and how likely are they to be successful in controlling noise and vibration effects.

Further advice and requirements are contained in the Via East Midlands response.

### Air Quality- Scope In

An air quality (and dust) assessment should be included as proposed. In this instance the MWPA has no specific technical advice to offer on the proposed approach and methodology to assessing air quality impacts, however the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Mineral Dust Impacts for Planning, along with the guidance contained within the Planning Practice Guidance in respect of dust emissions at minerals development would appear relevant. It may be worth the applicant approaching the Environmental Health Office at Bassetlaw

District Council. Please also see the annual air quality reports at: <https://data.bassetlaw.gov.uk/air-quality-management.aspx>

The assessment should establish the existing background conditions and identify potentially sensitive receptors- including residential properties, users of the public rights of way and sensitive habitats.

Potential emissions arising from the proposed development could include the use of fixed and mobile processing plant, as dust (PM 10 and PM 2.5), and from HGV movements to/from the site. Emissions could be localised, but adjacent habitats within the SSSI could be sensitive to changes and from dust deposition. Additional HGV movements along the Great North Road (or through Lound) could raise off-site concerns in relation to increased air pollution through road-side communities.

Clear means of controlling and mitigating emissions, particularly dust, need to be worked up and presented. Proposals for ongoing monitoring and reporting should also be developed, but final details could be conditioned.

### Traffic and Transportation- Scope In

Transport and haulage of materials is a key environmental issue and should be scoped into the ES.

Chapter 12 of the Scoping Report states there will be a traffic and transport chapter. However Table 5.1 (Proposed structure of the ES) on the contrary does not list a chapter on transport. What appears to be in question is the level of detail/assessment needed in this instance.

The County Highways Authority (HA) advises that the level of assessment that would be appropriate would be equivalent to a Transport Statement rather than a Transport Assessment, however this must include a detailed assessment of lorry movements and routing for both the construction and main operation of the site. As such in response to Qs 12.1 and 12.2 of the Scoping report the HA is not in complete agreement with the methodology and scope of the assessment work and similarly the MWPA is concerned with the proposition to scope out operational traffic. There is further guidance within the PPG which may be of use: <https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements#transport-assessments-and-statements>

The assessment work needs to give attention to likely/possible HGV routeing. The identified route to the A1(M) north is stated as A638 Great North Road, A614 SW to A1(M) Blyth interchange. Given that end customers for PFA are not fixed at this time, a route to the south (and indeed in all directions) should also be considered for further assessment.

The proposals now seek to create a temporary processing site at Sutton Grange Farm with export of circa 15-30,000 tpa of PFA via Chainbridge Lane for up to six months. This lane is partly unsurfaced and shared as a bridleway and is not suitable as a means of export of PFA, certainly not in the long term. This concern over its suitability is shared by the County Highways Authority and Via Rights of Way. If this is pursued against the concerns raised, the transport chapter will need to carefully consider the suitability and safety of using this route for a limited temporary basis at the first stage of the project. The associated HGV routeing during this period via Daneshill Road to the Great North Road at Torworth also needs to be considered.

The transport chapter will need to assess the suitability of utilising the Bellmoor quarry site access onto the A638 North Road, in terms of capacity -including sharing this with other commercial traffic and visitor traffic to the Idle Valley nature reserve- and geometry and visibility.

The Transport Statement will need to consider sustainable transport options for employees and contractors. The Bellmoor site offers opportunities to utilise a range of regular bus services, however pedestrian routes to the nearest pair of bus stops on North Road (along Sutton FP2 –the former quarry access road) may benefit from a review and possible improvement in terms of

vegetation management, and provision of connecting footways and/or crossings in order to reach the stops and encourage this mode of travel to work.

Cumulative traffic issues will need to be included in the assessment. Please note that the Draft Bassetlaw Local Plan has now been submitted to the Secretary of State for an independent examination. The Transport Statement will need to consider the cumulative impacts of this development, local developments with planning permission, and the proposed allocations contained in the Plan, and if necessary, identify a credible means to mitigate the cumulative traffic impacts. The Plan includes a nearby housing site allocation (HS7-Trinity Farm) which would extend development further along North Road to the south of the access road. In addition to the ongoing housing development there is outline planning permission for commercial developments on both sides of North Road, along with changes to the road network.

As the effects of traffic, particularly HGV traffic, can also result in associated noise, dust and air emissions as well as impacts to the significance of heritage assets (relevant to the temporary route through Lound Conservation Area), there will need to be a level of cross referencing to other chapters.

### Interaction and Accumulation of Effects

Whilst it is understood that each chapter/topic area would consider any potential significant cumulative effects with other developments or ongoing activities locally, there is clear potential for significant effects to arise from the combination of multiple individual effects- especially to the SSSI. The overall conclusions of the ES therefore need to look across the range of environmental issues in order to categorise the level of impact to the environmental receptors and specifically to identify any likely significant impacts and the need for further, additional forms of mitigation.

### **Comments on issues proposed to be scoped out:**

#### Sustainability and Climate Change - Scope in

The MWPA considers this to be a matter of significance and would benefit from a section within the ES.

Section 5.1.1.5 of the Scoping Report explains that a sustainability and carbon review will be undertaken and included as a separate report and that the ES will report the results within the introductory chapters. The MWPA considers the findings should instead be set out in a dedicated chapter.

Much of the applicant's case for the need for the proposed development rests on the potential significant beneficial impacts for the climate and wider sustainable development objectives by providing a supply of PFA which can be recycled and displace traditional primary minerals used in construction. There are particular uses in cementitious applications where there is a need for decarbonisation. The potential emissions savings of using PFA are then balanced against the operational emissions of extraction, including transport emissions, as part of calculating a whole life greenhouse gas footprint for the development. These are significant environmental considerations in the context of the proposed project and should be explored within the ES. In addition the interaction of the development with the climate- notably from flooding- may also require some summary assessment and cross referencing from other chapters.

#### Waste – Scope out

If the restoration of the site is not dependent on significant quantities of imported waste materials (such as inert wastes and soils) then it is agreed that this is an area which does not require specific assessment in an EIA context. The extent as to whether and to what extent there would be any requirement for importation of restoration materials remains unclear however and a passing

reference to imported inert restoration materials is made within section 5.1.1.1 of the Scoping Report. The MWPA reserves the right to review this area as the proposals are finalised.

The Environment Agency states that from a waste regulation perspective the conclusions made regarding waste in section 5.1.1.1 are acceptable. Please refer to the further guidance on the possible need for Permits or Exemptions and other legal requirements.

From a planning perspective, PFA, once recovered and processed, becomes a secondary mineral resource and it is expected that the sustainability benefits will be fully explained in a separate planning/supporting statement.

Not all excavated material will be suitable for export, but it is understood that the residue/reject material is not expected to be excessive and would be reincorporated into the restoration of the site. The waste hierarchy would be followed and a site Waste Management Plan would be developed. Onsite soils and overburden are expected to be retained and managed for a programme of progressive site restoration. Details are expected to be presented elsewhere within the application and the supporting plans.

#### Major accidents and disasters - Scope out

It is agreed that this is an area which does not require specific assessment in an EIA context. The proposals are not unlike the traditional mineral working sector which has developed a robust and safe standard of working practice to protect human and environmental receptors.

#### Human Health- Scope out as separate chapter

The earlier pre-application response advised that impact to public health is capable of being a relevant material planning consideration and a facet of EIA.

The proposed extraction and processing operations are akin to traditional mineral working and which has potential to generate emissions in terms of dust, combustion emissions, traffic emissions, noise and accidental ground/water pollution. Receptors could include a limited number of local residents; a wider corridor of local communities affected from HGV traffic; a wide range of recreational users in the immediate area including walkers, cyclists and equestrians, anglers and also visitors to the Idle Valley nature reserve. The latter recreational users draw health and wellbeing benefits from the natural environment in this area which could be affected for the duration. Thereafter there is scope to enhance public access to nature through the end restoration.

Unlike mineral extraction however, the PFA is not a virgin material and there is a risk of harmful substances being present or contamination from other unknown materials that may have historically been tipped within or adjacent to the site. As no geo environmental study has yet been provided a concern in respect of possible impacts to human health receptors is highlighted in the consultation responses.

The issue for the purposes of EIA Scoping is whether impacts to human health would be significant as to necessitate separate inclusion in the ES. Generally the potential emissions and risks are matters which are already identified as will be scoped into the EIA process and assessed in the relevant topic areas- dust/air emissions, noise, contaminated land etc- making any measures to mitigate/minimise such effects. The EIA process will then also need to identify any combined significant effects to human health receptors as may be identified. Therefore at this stage, so long as the ES includes humans as receptors to such effects it appears unnecessary to have a separate chapter on human health impacts for the purposes of EIA, however this should be kept under review, particularly if effects are found to combine to create a likely significant effect.

Outside of the EIA process it is requested that the Checklist for Planning and Health- the Nottinghamshire Rapid Health Impact Assessment Matrix- from the Nottinghamshire Planning and Health Framework (<https://www.nottinghamshire.gov.uk/planning-and-environment/planning-and-health-framework/planning-and-health-framework-2019-2022>) is completed and submitted with the

application, or annexed within a Planning and Supporting Statement so that health impacts can be identified, and appropriate action then taken to address negative impacts and maximise benefits.

### Socio-economics- Scope out (but some information required)

It is agreed that the anticipated effects are not considered to be significant, in an EIA context, to require specific assessment, however there are matters which it is expected would be highlighted within a separate Planning and/or Supporting Statement. This would include benefits in terms of job creation, local contract expenditure, accommodation etc, but also potential disbenefits. The Scoping Report advises there are no significant tourist attractions in the area, however the adjacent Idle Valley Nature Reserve attracts a large visitor draw and the proposed site access would be shared with the visitor centre. The NWT are requesting an assessment of the social, health and wellbeing impacts including to visitors to the reserve and to the visitor centre. Clearly the income from the visitor centre café and shop supports their wider charitable conservation work and it would be beneficial if the application could show there would be no detrimental impact.

### **Other matters to be included**

#### Non-technical Summary

For the avoidance of doubt a separate non-technical summary of the information and findings of the ES will need to be undertaken.

#### Rights of way and public access – scope in

The local area has a high recreational and amenity value as a result of the Idle Valley Nature Reserve and the extensive network of rights of way and other paths through the area. Given the likely direct impacts on public rights of way and on Sutton FP1 in particular, along with potential indirect impacts to other rights of way and permissive routes in the surrounding area, the MWPA considers there should be a specific section within the ES on this matter, drawing together the findings from other chapters for example in respect of noise, dust, traffic, visual impact and combined effects.

The advice from the area rights of way coordinator is set out in the appended response. There is an anomaly with the legal line of Sutton PF1 which there is the opportunity to correct. Details regarding a conveyor or haul road crossing have not yet been presented and both issues will require further discussion.

The MWPA would welcome opportunities to improve public access through the site once restored, or partly restored. This would meet objectives within the Sutton cum Lound and Lound Neighbourhood Plans to improve access into the Idle Valley Nature Reserve in particular, as well as gaining support from the Minerals Local Plan (Policy DM7). Discussions with the NWT should include the possibility of creating a new link into the reserve.

### **Conclusion**

It is the County Council's formal opinion that the necessary Environmental Statement should meet the requirements of Regulation 18 and Schedule 4, of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and also include information, assessment and analysis based on the scoping opinion set out above, on which additional points of detail are set out in the attached correspondence.

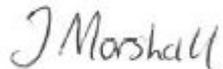
For purposes of clarification, this scoping opinion should also be read alongside any further consultation responses, which will be forwarded on upon receipt.

Should you wish to discuss any of the above matters further please do not hesitate to contact the case officer Joel Marshall on the above number.

Nottinghamshire County Council's Development Management Team is committed to protecting your privacy and ensuring all personal information is kept confidential and safe. For more details see:

<http://www.nottinghamshire.gov.uk/planning-and-environment/planning-applications/development-management-privacy-notice>

Yours sincerely

A handwritten signature in black ink that reads "J Marshall". The signature is written in a cursive style with a large initial 'J'.

Joel Marshall  
Principal Planning Officer  
Nottinghamshire County Council

## **Annex 1- copies of consultation responses received**

### **NCC Nature Conservation**

Having reviewed the EIA Scoping Report I have the following comments:

- I am in agreement with the proposed scope of the Ecology and Ornithology chapter and associated surveys/assessments. It will be important that this cross-references other relevant chapters (and vice versa), particularly Hydrology and Hydrogeology, Noise, and Air Quality, so that potentially significant indirect impacts can be properly assessed and avoided/mitigated against.
- Impacts on the adjacent Sutton and Lound Gravel Pits SSSI will be one of the key issues which needs to be considered, and ongoing liaison with Natural England during the development of proposals will be essential, including through their Discretionary Advice Service if appropriate.
- All efforts should be made to retain existing woodland wherever possible, particularly around the site margins, and to enhance this as part of the proposals.
- A phased, biodiversity-led restoration (as proposed) offers a significant opportunity to deliver valuable habitats to complement those within the SSSI and LWS. As well as those habitats mentioned in section 3.1.3 of the EIA SR, opportunities to create wetland scrapes (as present in the nearby Idle Valley Nature Reserve) should be explored.
- The application should be supported by a Biodiversity Net Gain calculation and report to demonstrate at least a 10% net gain (and ideally significantly more given the generally low ecological value of much of the application site).

Kind regards,  
Nick

Nick Crouch  
Natural Environment Manager (Conservation Team)  
Nottinghamshire County Council

## Via (Noise)

Dear Joel,

I have reviewed the proposed EIA Scoping report for the Retford Circular Economy Project, and I have the following comments:

- I am satisfied with the proposed noise monitoring locations for the baseline which covers residential dwellings, commercial dwellings, and ecological receptors. These noise surveys will obtain ambient (LAeq,T), background (LA90,T) and maximum (LAm<sub>ax</sub>,F) sound levels. Three unattended surveys for a minimum period of 24 hours are proposed to be carried out at three residential noise-sensitive receptors, and seven short-term daytime noise surveys at other locations (footpaths and ecological receptors).
- The prediction of the noise levels will be made by using noise prediction software during the operation and restoration activities by using the prediction methodology set out in BS5228-1. All the noise predictions should be provided as a form of noise contours plans during the operation and restoration phases of the proposed development, and should represent the worst-case scenarios.
- The assessment of the noise impacts at noise-sensitive receptors should consider all the mitigation measures (if necessary) and a detailed list of other assumptions used should be provided.
- A detailed list of the operational noise sources, their locations inside the proposed development, % on-time, and the haul road movements should be also provided.
- Due to the potential sensitive ecological nearby receptors, it is recommended that the noise from the construction and decommissioning phases is scoped in. The noise assessment should clearly state the type of works/characteristics of the noise arising from the construction/decommissioning activities .
- The Construction Environmental Management Plan should address potential noise impacts from construction, outlining best practice techniques to minimise noise impacts along with arrangements for communication and liaison with neighbours including how complaints will be managed and dealt with.
- Due to the distance and the nature of the work between the proposed development and the nearest residential dwellings, I agree that vibration levels from operation and restoration phases will be imperceptible. The increase of traffic should not generate issues in vibration levels at residential receptors, if the road surfaces will be maintained in good condition.
- A quantitative assessment of the changes in the traffic flows should be undertaken to predict the increase of the road traffic noise levels at the sensitive receptor locations.
- I agree with the methodology to assess the significance of residual and cumulative noise effects.

Best regards,

**Bruno Mendes**

Environmental Consultant - Acoustics

**Via East Midlands Ltd**

## **NCC- Lead Local Flood Authority**

Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the scoping request which was received on the 30 Sep 2022.

Given the proposed scale of the development to satisfy the National Planning Policy Framework (NPPF) further details would need to be submitted to support any application. Paragraph 163 fn.50 of the NPPF requires that applications in Flood Zone 2, 3 and in Flood Zone 1 over 1 hectare should be accompanied by a site-specific flood risk assessment, reviewing the potential flood risks to the development from all sources. An FRA is vital if the local planning authority is to make an informed planning decision.

It is noted that the site lies partially in Flood Zone 2, and as such the Environment Agency should be consulted as this falls under their remit.

As LLFA we would also require details of the proposed surface water drainage strategy for the development to ensure that proposals do not increase flood risk off-site.

Scott Stone  
Principal Flood Risk Management Officer

## **Via (Rights of Way)**

Dear Joel

Thank you for consulting the Rights of Way Team. The Environmental Impact Assessment Scoping Report highlights two particular issues regarding the Public Rights of Way across or abutting the application site.

The Rights of Way Team consider that the intensification of vehicle usage of Sutton Byway No.7 and Lound Byway No.10 as a transport route would compromise the safety and accessibility for legitimate users. The EIA report states that extraction for the Temporary Optimisation Site would use Chainbridge Lane (Lound Byway Open to All Traffic no.10) but would also require the use of Sutton Byway Open to All Traffic no.7 to extract the processed material for a period of up to 24 months. We maintain that this would cause significant conflict with pedestrians, cyclists and horse riders.

Sutton Footpath No.1 would directly be impacted by the potential environmental effects of the proposed development, significantly so of visual, noise and air quality. The current legal line of Sutton FP1 runs alongside the extraction site and the Rights of Way Team recommend that a diversion be considered onto a route less affected by the proximity to the proposed works. We would welcome an early dialogue to design a suitable route. The proposed route should have adequate provision for mineral conveyance across the route such that the footpath should remain open, unobstructed and be kept on its legal alignment at all times. The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.

If the design of any proposed development requires the legally recorded route of the PROW to be diverted because it cannot be accommodated on the legal line within the scheme, then this should be addressed under the relevant provisions within the Town and Country Planning Act 1990 for the diverting/stopping up of public rights of way affected by development. An application under this act should be made to the Planning authority and is a separate application to the planning permission

Should the path require a TCPA diversion, under Section 12 of the Growth and Infrastructure Act 2013, it is now possible for the planning authority to carry out preliminary consultations, draft and make the Order under the appropriate Regulations (Town & Country Planning Public Path Orders Regulations 1993) if an application has been made under Part 3, and before planning permission has been granted, if on granting it, it is necessary to alter a public path. The order can be confirmed if planning permission is then granted. This can avoid the previous delays caused by developers having to wait for planning permission to be granted before applying for a diversion.

***These comments have been provided by Via East Midlands Limited on behalf of Nottinghamshire County Council, in its capacity as Highway Authority, through Via's continuing role of providing operational services on behalf of the County Council***

***Graham Bowden, Area Rights of Way Coordinator***

**TOWN AND COUNTRY PLANNING ACT****HIGHWAY REPORT ON PROPOSALS FOR DEVELOPMENT**

<b>DISTRICT:</b>	CM Bass	Date received	30/09/2022
<b>OFFICER:</b>	Joel Marshall		
<b>PROPOSAL:</b>	Request for EIA Scoping Opinion: The Retford Circular Economy Project (This is not a planning application)	D.C. No.	SC/4471
<b>LOCATION:</b>	Land at, and in the vicinity of, Lound Low Road, Retford		
<b>APPLICANT:</b>	HIVE ENERGY LIMITED		

The scoping report suggests that the proposed development would involve the extraction and export of up to 300,000 tonnes of pulverised fuel ash per annum, with a requirement for approximately 25 site staff in any 24-hour period. The operating hours for extraction and HGV exports are proposed to be limited to 07:00 and 19:00 Monday to Friday, and 07:00 to 13:00 Saturday. No HGV movements are proposed on Sundays or Bank Holidays. The Proposed Development will be operational for 22 to 25 years.

Vehicle movements during the main operation of the proposed development are proposed to involve the export of material from the site primarily by 30 tonne powder tankers/tipper lorries. The report assumes that extraction and HGV exports would occur over a 271-day working year, which would then equate to approximately 1107 tonnes extracted per working day. It is then estimated that this would generate around 74 two-way HGV trips per day (37 in / 37 out), 6-8 two-way trips per hour. These vehicles would access the site via the former Bellmoor Quarry access on the A638 North Road.

Prior to the main operation, a temporary "Optimisation Site" is proposed within Area B annotated on the site plan. This would involve the extracting of up to around 15,000 tonnes (para.3.1) / 30,000 tonnes (para.3.1.2.3) of material per annum for a temporary period of up to approximately 24 months, but likely closer to 6 months. Vehicles are proposed to export the material using Chainbridge Lane to the north of Area B.

The report assumes that most construction vehicles will approach the site from the north. Traffic is assumed to exit the A1(M) Junction 34 (Blyth interchange) onto the A614 northbound, turning right onto the A638 southbound, and then turning left into the site. All construction vehicles departing the site are then expected to use the same route as on approach. Operational traffic is assumed to use the same route.

Traffic associated with the proposed development is suggested to be below the required threshold that would require a formal Transport Assessment. In accordance with Planning Practice Guidance, it is for local planning authorities to determine whether a Transport Assessment is required. The Highway Authority confirms that, in this case, a Transport Statement (TS) would be adequate. However, the TS must include a detailed assessment of lorry movements and routing for both the construction and main operation of the site. Whilst it has been assumed that operational traffic would

use the same route as construction traffic, it would seem unlikely that the market would always be to the north of the site, particularly as the report confirms that the distribution of traffic is not static and would be dependent on the market. The suitability of operational routes in all directions should be assessed.

The report suggests that the Bellmoor Quarry access (the proposed main site access) is well formed with adequate visibility splays. No upgrades are therefore proposed. The suitability of the junction should be demonstrated within the TS in terms of both capacity and geometry including visibility splays both from the junction and in a forward direction along the A638 North Road. HGV movements should be converted to passenger car units (PCU). The Applicant should be aware that the Draft Bassetlaw Local Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on the 18th of July 2022 for independent examination. To avoid a potential objection on the grounds of prematurity, the TS will need to consider the cumulative impacts of this development, local developments with planning permission, and the proposed allocations contained in the Plan, and if necessary, identify a credible means to mitigate the cumulative traffic impacts.

Chainbridge Lane is not considered suitable for a material increase in traffic even for a temporary period. It is noted that the lane has not been included in the proposed lorry route.

Martin Green  
Principal Officer  
11<sup>th</sup> October 2022

in partnership with



Joel Marshall  
Principal Planning Officer,  
Nottinghamshire County Council,  
County Hall,  
Loughborough Road,  
West Bridgford,  
NG2 7QP

**Your ref:** SC/4471  
**My ref:** G160 Bassetlaw  
**Date:** 1<sup>st</sup> November 2022

Dear Joel,

**Location: Lound, Nottinghamshire**

**Proposal: Retford Circular Economy Project**

**Applicant: Hive Energy Group**

**Planning Application Reference: SC/4471**

Thank you for asking the Environmental Management and Design (EMD) Team to comment on the above application, these are the comments on Landscape and Visual Impact Issues only. These comments have been provided by Via East Midlands Ltd on behalf of Nottinghamshire County Council through Via's continuing role of providing operational services on behalf of the County Council. These comments are based on desk-based information only and a site visit has not been made.

I have examined the following document to make comments concerning the EIA scoping request: -

- EIA Scoping Request – Colin Turnbull DWD Property and Planning dated 14<sup>th</sup> September
- EIA Scoping Report – ARCUS – September 2022
- Landscape Architect Covering Email – Jane Hart ARCUS Consultancy Services – Joel Marshall dated 15<sup>th</sup> September
- Viewpoint Table dated 15<sup>th</sup> September 2022- ARCUS
- Consultee responses including Nick Crouch to Joel Marshall 06.10.2022

I will deal with questions as raised in paragraph 6.7 of the EIA Scoping Report

- **Do you have any comments on the proposed LVIA Methodology?**

It is noted that a Landscape and Visual Impact Assessment (LVIA) will be provided as part of the Environmental Assessment, this will be to the accepted best practice which is the Guidelines for Landscape and Visual Impact Assessment (GLIVA3) Third Edition published by the Landscape Institute and Institute of Environmental Managers and Assessment (April 2013), and the photography

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Nottinghamshire NG22 8ST

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practice note – Landscape Institute 2019 Visual Representation of Development Proposals. Technical Guidance Note 06/19 dated 06/19 dated 17<sup>th</sup> September 2019.

An appendix including the complete methodology for the LVIA and including definitions of all terms used should be included in the LVIA document.

The basic structure of the LVIA should be as follows: -

- Introduction
- Planning Policy context and guidance
- Compliance with Planning Policy
- An outline of the consultation process
- An assessment methodology synopsis, including cumulative landscape and visual impact assessment.
- Scope – to list the information sources and technical guidance referred to.
- Baseline Conditions – for the defined the study area.
- Development proposals summary – to contain key information such as the elements that make up the scheme, and the height of structures. The main description will be in the development proposals chapter.
- Assessment of level of landscape effect at the site soil stripping stage.
- Assessment of level of landscape effect at the operational stage – year 1
- Assessment of level of landscape effect at the restoration stage – at an appropriate timescale when mitigation features are beginning to mature.
- Assessment of level of visual effect at the site soil stripping stage.
- Assessment of level of visual effect at the operational stage – year 1
- Assessment of level of visual effect at the restoration stage – at an appropriate timescale when mitigation features are beginning to mature.
- Assessment of level of cumulative effects
- Residual effects summary
- Summary and Conclusions
- Non-technical summary of the findings

Appendices

- LVIA methodology
- Visual assessment methodology
- Cumulative LVIA methodology
- Zone of Theoretical Visibility methodology
- Cumulative LVIA – tabulate all relevant cumulative development
- Full landscape analysis tables
- Full visual analysis tables
- Figures – where not included in the main report

- **Are you aware of any relevant policies or guidance documents not specifically mentioned in this section of the Report?**

The applicant should also refer to Landscape Institute - Technical Guidance Note 21 - Assessing Landscape Value outside national designations – dated 26<sup>th</sup> May 2021 in the landscape character assessment section.

- **Are you in agreement with the proposed study area within a 2 km radius, and a cumulative study area of 10km**

The EMD Team are in agreement with the proposed study area radius of 2km, and cumulative study area radius of 10km.

- **Are you in agreement with the proposed Viewpoint Locations shown in Table 5.2? are there any additional viewpoints we could consider?**

The EMD Team have examined the viewpoint location shown in Table 5.2 and shown on ARCUS Figure 3 – Viewpoint Location, these have not been visited on site. We agree with the range of viewpoints chosen, these cover recreational receptors on Public Rights of Way, residential receptors within the closest settlements and vehicular receptors on adjacent roads. There are a number of issues that need clarifying by the applicant with the addition of 2 viewpoints.

Viewpoint 2C – Viewpoint looking **north** from the Bridleway (PRoW Sutton Byway 7) – should this read – Viewpoint looking **southwest** from the Bridleway (PRoW Sutton Byway 7)?

Viewpoint 5 – Portland Place, Sutton Cum Lound – viewpoint looking east from the edge of the settlement from the setting of heritage assets

This view represents views from listed buildings at Portland Place but it is not on the extreme eastern edge of the village. It is also suggested that an additional Viewpoint is added to represent the actual eastern edge of the village for example near Sutton FP 3 where there are also heritage assets at the eastern end of Town Road.

It is also suggested that an additional viewpoint is added to represent views from the Grade 1 listed St Bartholomew's Church in Sutton Cum Lound.

Viewpoint 6 – Town Street Lound Conservation Area – Viewpoint looking south from the edge of the historic settlement – 469211 386055

This view represents views from centre of the Conservation Area but it is not on the extreme eastern edge of the village. It is also suggested that an additional VP is added to represent the actual eastern edge of the village for example at the beginning of Chainbridge Lane.

It is also requested that a viewpoint is added to represent views for visitors to the Idle Valley Nature Reserve to the north of the River Idle.

- **Do you have any comments or suggestions on the approach to cumulative and visual assessment?**

The EMD Team would add that the LVIA should include a table showing any relevant development in the appendix to the LVIA and these developments should also be illustrated on a plan

Please let me know if you need any additional information at this stage,

Helen

**Helen Jones**

Landscape Architect Environmental Management and Design

(Formerly Landscape and Reclamation Team)

**Via East Midlands Ltd**

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County Hall, Loughborough Road, West Bridgford, Nottingham, NG2 7QP





**Nottinghamshire  
County Council**

Your ref SC/4471

Our ref SC4471/Retford CEP/DN22

From Kirsten O'Donnell

Please ask for Kirsten O'Donnell  
Direct Line/Ext [REDACTED]  
Date 02/11/2022

To **Joel Marshall**

Dept Development Management

## **Request for EIA Scoping Opinion: The Retford Circular Economy Project**

- 1. LOCATION: Land at, and in the vicinity of, Lound Low Road, Retford, Nottinghamshire**
- 2. APPLICANT: Hive Energy Limited**
- 3. Existing Site:**

The existing site comprises three connected areas.

Area A comprises former pulverised fuel ash (PFA) disposal lagoons that have been reinstated to agricultural land (grazing), covering approximately 106.1 ha. The PFA was used to backfill previous sand and gravel workings.

Area B is a vacant area of previously developed land and open storage areas adjoining an existing combined heat and power plant. This area is predominantly concrete hardstanding and covers an area of approximately 2.6 ha.

Area C comprises Bellmoor Quarry Industrial Estate, covering approximately 7.7 ha. This area is in use for concrete manufacturing and other industrial uses, including a stonemason and concrete batching plant.

## **4. Proposals:**

The Proposed Development comprises the extraction and export of PFA contained in former disposal lagoons, with associated bulk earthworks, dewatering and soil storage, ponds and excavations, hard surfacing, buildings and structures, plant, conveyors, utility connections, roadways, parking, drainage, and restoration



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including planting. The proposed development is likely to take place in a number of phases.

Area A is the proposed extraction area, Area B is the proposed Temporary Optimisation Site (prior to the full processing infrastructure being implemented) and Area C is the proposed Main Processing Site.

## **5. Data Reviewed:**

The following information supplied by the applicant has been reviewed:

- Arcus, 2022. Environmental Impact Assessment Scoping Report.

## **6. Comments:**

The comments below relate to the sections indicated.

### Section 5.1 (Non-Significant Issues to be Scoped Out):

It appears that contamination effects on human health have been scoped out from the EIA (section 5.1.3), although this is not very clear. I am not satisfied that contamination risks to human health can be scoped out, based on the nature of the materials, size of the site and the operations proposed. No geo-environmental desk study has been submitted at this stage.

The site includes 106.1 ha of land that is in agricultural use. I recommend that further consideration of agricultural effects (including soil resources) is undertaken.

I am satisfied that waste can be scoped out (section 5.1.1) due to the limited waste anticipated.

### Section 5.4 (Structure of the Environmental Statement):

I note that the proposed title of Chapter 11 is Ground Conditions and Contamination. However, this is not included as a separate chapter within the scoping report. It is not clear whether that is an error; however, based on my comments on section 5.1, it may be more appropriate to include a separate chapter on Geology and Soils, rather than combining ground conditions with hydrology / hydrogeology.

### Section 8.4.6 (Contaminated Land Assessment Methodology):

The scoping report does not include much information on the risk assessment methodology proposed to assess potential contamination effects during the phases of development, operation and restoration. Therefore, I am not able to comment on this, other than to recommend that the assessments are carried out in



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accordance with the appropriate legislation and guidance on Environmental Impact Assessment.

Please also refer back to my previous comments on the pre-app consultation (8<sup>th</sup> March 2021):

*“While there is potential for long-term beneficial effects on the environment after the works are completed and the site is restored, the proposal has the potential to have significant adverse effects on environmental receptors during the construction and operational phases. In particular, there could be high risk to site workers and other environmental and human receptors resulting from the exposure, treatment, storage and movement of PFA that is currently buried at the site. The proposal could also potentially result in effects on soil resources and land uses, including agricultural land and features of geological importance.*

*It is recommended that the assessment considers, but should not necessarily be limited to, the following Geology and Soils effects:*

*Contamination:*

- *Effects on human health, groundwater, surface water, ecology, property / built environment and any other receptors identified.*

*Soil Quality and Land Uses:*

- *Effects on geo-conservation resources: e.g. internationally and nationally designated sites, Local Geology Sites (LGS / RIGS);*
- *Effects on mining / mineral resources / petroleum resources;*
- *Effects on ground stability;*
- *Effects on soil resources: e.g. loss of BMV agricultural land, ecological soil resources;*
- *Effects on agricultural land holdings.*

*The Geology and Soils assessment must be supported by a suitable Preliminary Sources Study Report or Geo-environmental Desk Study Report, including recommendations for further ground investigation at the site, if required. If necessary, a soil resource & ALC survey and farm impact assessment will also need to be carried out to support the assessment.”*

### Section 13 (Summary)

This section states that the proposed EIA will include both ‘Hydrology, Hydrogeology, Flood Risk and Ground Conditions’ and ‘Ground Conditions and Contamination’. This differs from the proposed headings in Chapter 5 (‘Hydrology, Hydrogeology and Flood Risk’ and ‘Ground Conditions and Contamination’) and is not in line with the layout of the Scoping Report. Therefore, it is again unclear whether a separate chapter is proposed.

in partnership with



**Nottinghamshire  
County Council**

Yours Faithfully



Kirsten O'Donnell

**Environmental Consultant – Contaminated Land  
Via East Midlands Ltd**

*These comments have been provided by Via East Midlands Ltd on behalf of Nottinghamshire County Council through Via's continuing role of providing operational services on behalf of the County Council*

Nottinghamshire County Council  
County Hall Loughborough Road  
West Bridgford  
Nottingham  
NG2 7QP

**Our ref:** LT/2022/127269/01-L01  
**Your ref:** SC/4471  
**Date:** 07 October 2022

Dear Sir/Madam,

**REQUEST FOR EIA SCOPING OPINION: THE RETFORD CIRCULAR ECONOMY PROJECT (THIS IS NOT A PLANNING APPLICATION) LAND AT, AND IN THE VICINITY OF, LOUND LOW ROAD, RETFORD, NOTTINGHAMSHIRE**

**Flood Risk**

New Environment Agency model data is available for the River Idle; "River Idle revision, EA, 2021". This data shows that the site is currently outside the floodplain for the modelled flood scenarios. It is however in the historic floodplain of the River Idle. We understand significant ground raising has taken place here in the past when the PFA deposits were made. It is likely that this ground raising reduced the size of the Idle floodplain at this location and cut off flow routes into the area.

The PFA high ground may therefore be excluding flood water from the site, which is why the land is not being shown as floodplain in the latest hydraulic modelling. If the land levels are lowered, the site may become floodplain once again. This is a possible benefit of the development; increasing the size and hydrological connectivity of the River Idle's floodplain may benefit downstream communities by reducing flood risk elsewhere. However, it is important that the works do not introduce new flow routes to third party land and properties. The EIA Scoping Report (para 8.3.2) states that the nearby receptors are not hydrologically connected to the River Idle but lowering the ground levels may create new hydrological connections between the river and local land and properties.

Therefore, if significant lowering of ground levels is proposed, particularly in flood zone 2 on the flood map for planning (the historic floodplain of the River Idle), a flood risk assessment will be required to demonstrate that any extraction or restoration works, or new structures, do not increase flood risk elsewhere (taking account of climate change). If significant lowering of ground levels is proposed, the applicant may need to undertake new hydraulic modelling to ensure flood risk is not increased off-site in the relevant flood scenarios. The climate change scenarios required will depend on the lifetime of the development, please see the allowances for the 'Humber' region at [Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/103422/flood_risk_assessments_climate_change_allowances_-_gov.uk.pdf).

When the site is restored the potential to improve flood risk management in the area should be examined by the operator/developer. Ground levels should not be changed in a manner that alters the flood regime to the detriment of others.

### Flood Risk Activity Permitting - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

### **Groundwater**

We have reviewed the "Environmental Impact Assessment Scoping Report" dated September 2022, in particular, chapter 8: Hydrology, Hydrogeology, Flood Risk and Ground Conditions.

From a controlled waters protection perspective we are satisfied with the scope of the proposed Environmental Impact Assessment. We have already held discussions with the applicant regarding their plans and they appear to have incorporated our comments made during these discussions.

We would like to reiterate that the applicant must ensure they are compliant with water abstraction licensing requirements for any dewatering that is proposed.

### **Regulated Industry**

From a waste regulation perspective the conclusions made regarding waste in section 5.1.1.1 are acceptable.

This development may require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12. In circumstances where an activity/operation meets certain criteria, an exemption from permitting may apply. More information on exempt activities can be found here:

<https://www.gov.uk/guidance/register-your-waste-exemptions-environmental-permits>

The applicant is advised to find out more information about the permit application process online and to send a pre-application enquiry form via the gov.uk website: <https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales. The law requires anyone dealing with waste to keep it safe

and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/506917/waste-duty-care-code-practice-2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506917/waste-duty-care-code-practice-2016.pdf)

If you need to register as a carrier of waste, please follow the instructions here:

<https://www.gov.uk/register-as-a-waste-carrier-broker-or-dealer-wales>

If you require any local advice or guidance please contact your local Environment Agency office: 03708506506

To meet the applicant's objectives for the waste hierarchy and obligations under the duty of care, it is important that waste is properly classified. Some waste (e.g. wood and wood based products) may be either a hazardous or non-hazardous waste dependent upon whether or not they have had preservative treatments. Proper classification of the waste both ensures compliance and enables the correct onward handling and treatment to be applied. In the case of treated wood, it may require high temperature incineration in a directive compliant facility. More information on this can be found here:

<https://www.gov.uk/how-to-classify-different-types-of-waste>.

If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply. Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- Any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.
- We have produced guidance on the recovery test which can be viewed at <https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/waste-recovery-plans-and-deposit-for-recovery-permits#how-to-apply-for-an-environmental-permit-to-permanently-deposit-waste-on-land-as-a-recovery-activity>.

You can find more information on the Waste Framework Directive here:

<https://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive>

More information on the definition of waste can be found here:

<https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

More information on the use of waste in exempt activities can be found here:

<https://www.gov.uk/government/collections/waste-exemptions-using-waste>

Non-waste activities are not regulated by us (i.e. activities carried out under the CL:ARE Code of Practice), however you will need to decide if materials meet End of Waste or By-products criteria (as defined by the Waste Framework Directive). The 'Is it waste' tool, allows you to make an assessment and can be found here:

<https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-by-products-and-end-of-waste-tests>

If you require any local advice or guidance please contact your local Environment Agency office: 03708506506

The developer must apply the waste hierarchy as a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government guidance on the waste hierarchy in England can be found here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69403/pb13530-waste-hierarchy-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69403/pb13530-waste-hierarchy-guidance.pdf)

Site Waste Management Plans (SWMP) are no longer a legal requirement, however, in terms of meeting the objectives of the waste hierarchy and your duty of care, they are a useful tool and considered to be best practice. Where a development involves any significant construction or related activities, we would recommend using a management and reporting system to minimise and track the fate of construction wastes, such as that set out in PAS402: 2013, or an appropriate equivalent assurance methodology. This should ensure that any waste contractors employed are suitably responsible in ensuring waste only goes to legitimate destinations.

Yours faithfully,

**Mr Joshua Milsom**  
**Sustainable Places Planning Advisor**

Direct e-mail [josh.milsom@environment-agency.gov.uk](mailto:josh.milsom@environment-agency.gov.uk)



Mr Joel Marshall  
Nottinghamshire County Council - Development  
Management  
Planning Services, County Hall  
Loughborough Road  
West Bridgford  
Nottinghamshire  
NG2 7Q

Direct Dial: [REDACTED]

Our ref: PL00791307

18 October 2022

Dear Mr Marshall

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)  
REGULATIONS 2017 REGULATION 15 CONSULTATION ON SCOPING REQUEST  
PROPOSED DEVELOPMENT:**

**Request for EIA Scoping Opinion:** The Retford Circular Economy Project

**Location:** Land at, and in the vicinity of, Lound Low Road, Retford, Nottinghamshire

Thank you for your letter of 30<sup>th</sup> September 2022 consulting Historic England in relation to the submitted the EIA Scoping Report.

**Historic England Advice**

We note the inclusion of Cultural Heritage and Archaeological Chapter within the submitted Scoping Report which we welcome.

This development could, potentially, have an impact upon a number of designated heritage assets and their settings in the area around the site. In line with the advice in the National Planning Policy Framework (NPPF), we would expect the Environmental Statement to contain a thorough assessment of the likely effects which the proposed development might have upon those elements which contribute to the significance of these assets. That should include ensuring any potential impacts on heritage assets beyond an arbitrary radius are considered if they are within the Zone of Theoretical Visibility.

We would also expect the Environmental Statement to consider the potential impacts on non-designated features of historic, architectural, archaeological or artistic interest, since these can also be of national importance and make an important contribution to the character and local distinctiveness of an area and its sense of place. This



THE FOUNDRY 82 GRANVILLE STREET BIRMINGHAM B1 2LH

Telephone 0121 625 6888  
HistoricEngland.org.uk





information is available via the local authority Historic Environment Record ([www.heritagegateway.org.uk](http://www.heritagegateway.org.uk)) and relevant local authority staff.

We would strongly recommend that you involve your Conservation Officer, and your archaeological advisers, in the development of this assessment. They are best placed to advise on: local historic environment issues and priorities; how the proposal can be tailored to avoid and minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

It is important that the assessment is designed to ensure that all impacts are fully understood. Section drawings and techniques such as photomontages are a useful part of this.

The assessment should also take account of the potential impact which associated activities (such as construction, servicing and maintenance, and associated traffic) might have upon perceptions, understanding and appreciation of the heritage assets in the area. The assessment should also consider, where appropriate, the likelihood of alterations to drainage patterns that might lead to in situ decomposition or destruction of below ground archaeological remains and deposits, and can also lead to subsidence of buildings and monuments.

If you have any queries about any of the above, or would like to discuss anything further, please contact me.

Yours sincerely,

Rose Thompson

Rose Thompson  
Inspector of Historic Buildings and Areas

[Redacted signature]

cc:



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Telephone 0121 625 6888  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)



Date: 19 October 2022  
Our ref: 408513  
Your ref: SC/4471



Joel Marshall  
Nottinghamshire County Council

**BY EMAIL ONLY**

Consultations  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 900

Dear Joel

**Environmental Impact Assessment Scoping consultation (Regulation 15 (4) of the Town and Country Planning EIA Regulations 2017):** The Retford Circular Economy Project  
**Location:** Land at and in the vicinity of Lound Low Road, Retford, Nottinghamshire

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 30 September 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

A robust assessment of environmental impacts and opportunities based on relevant and up to date environmental information should be undertaken prior to a decision on whether to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

Further guidance is set out in Planning Practice Guidance on [environmental assessment, natural environment and climate change](#).

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.

Please note that Natural England must be consulted on Environmental Statements.

Please send any new consultations or further information on this consultation to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Andy Stubbs  
Senior Planning Adviser  
East Midlands Area Team

## Annex A – Natural England Advice on EIA Scoping

### General Principles

[Schedule 4](#) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the information that should be included in an Environmental Statement (ES) to assess impacts on the natural environment. This includes:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen
- A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation, cultural heritage and landscape and the interrelationship between the above factors
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium, and long term, permanent and temporary, positive, and negative effects. Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment
- A non-technical summary of the information
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information

Further guidance is set out in Planning Practice Guidance on [environmental assessment](#) and [natural environment](#).

### Cumulative and in-combination effects

The ES should fully consider the implications of the whole development proposal. This should include an assessment of all supporting infrastructure.

An impact assessment should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

## Environmental data

Natural England is required to make available information it holds where requested to do so. National datasets held by Natural England are available at <http://www.naturalengland.org.uk/publications/data/default.aspx>.

Detailed information on the natural environment is available at [www.magic.gov.uk](http://www.magic.gov.uk).

Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).

Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local wildlife trust, local geo-conservation group or other recording society.

## Biodiversity and Geodiversity

### General principles

The [National Planning Policy Framework](#) (paragraphs 174-175 and 179-182) sets out how to take account of biodiversity and geodiversity interests in planning decisions. Further guidance is set out in Planning Practice Guidance on the [natural environment](#).

The potential impact of the proposal upon sites and features of nature conservation interest and opportunities for nature recovery and biodiversity net gain should be included in the assessment.

Ecological Impact Assessment (EclA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal. [Guidelines](#) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).

Local planning authorities have a [duty](#) to have regard to conserving biodiversity as part of their decision making. Conserving biodiversity can include habitat restoration or enhancement. Further information is available [here](#).

### Designated nature conservation sites

#### Nationally designated sites

The development site is within or may impact on the following **Site of Special Scientific Interest**:

- Sutton and Lound Gravel Pits SSSI

Sites of Special Scientific Interest are protected under the Wildlife and Countryside Act 1981 and paragraph 180 of the NPPF. Further information on the SSSI and its special interest features can be found at [www.magic.gov](http://www.magic.gov).

Natural England's SSSI Impact Risk Zones can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).

The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSI and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects. The consideration

of likely significant effects should include any functionally linked land outside the designated site. These areas may provide important habitat for mobile species populations that are interest features of the SSSI, for example birds and bats. This can also include areas which have a critical function to a habitat feature within a site, for example by being linked hydrologically or geomorphologically.

### **Regionally and Locally Important Sites**

The ES should consider any impacts upon local wildlife and geological sites, including local nature reserves. Local Sites are identified by the local wildlife trust, geoconservation group or other local group and protected under the NPPF (paragraph 174 and 175). The ES should set out proposals for mitigation of any impacts and if appropriate, compensation measures and opportunities for enhancement and improving connectivity with wider ecological networks. Contact the relevant local body for further information.

### **Protected Species**

The conservation of species protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 is explained in Part IV and Annex A of Government Circular 06/2005 [Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System.](#)

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.

The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.

Natural England has adopted [standing advice](#) for protected species, which includes guidance on survey and mitigation measures. A separate protected species licence from Natural England or Defra may also be required.

### **District Level Licensing for Great Crested Newts**

District level licensing (DLL) is a type of strategic mitigation licence for great crested newts (GCN) granted in certain areas at a local authority or wider scale. A [DLL scheme for GCN](#) may be in place at the location of the development site. If a DLL scheme is in place, developers can make a financial contribution to strategic, off-site habitat compensation instead of applying for a separate licence or carrying out individual detailed surveys. By demonstrating that DLL will be used, impacts on GCN can be scoped out of detailed assessment in the Environmental Statement.

### **Priority Habitats and Species**

Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found [here](#). Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to [download](#). Further information is also available [here](#).

An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys)
- Additional surveys carried out as part of this proposal
- The habitats and species present
- The status of these habitats and species (e.g. whether priority species or habitat)
- The direct and indirect effects of the development upon those habitats and species
- Full details of any mitigation or compensation measures
- Opportunities for biodiversity net gain or other environmental enhancement

### **Ancient Woodland, ancient and veteran trees**

The ES should assess the impacts of the proposal on any ancient woodland, ancient and veteran trees, and the scope to avoid and mitigate for adverse impacts. It should also consider opportunities for enhancement.

Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. The [wood pasture and parkland inventory](#) sets out information on wood pasture and parkland.

The [ancient tree inventory](#) provides information on the location of ancient and veteran trees.

Natural England and the Forestry Commission have prepared [standing advice](#) on ancient woodland, ancient and veteran trees.

### **Biodiversity net gain**

Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Biodiversity Net Gain is additional to statutory requirements relating to designated nature conservation sites and protected species.

The ES should use an appropriate biodiversity metric such as [Biodiversity Metric 3.0](#) together with ecological advice to calculate the change in biodiversity resulting from proposed development and demonstrate how proposals can achieve a net gain.

The metric should be used to:

- assess or audit the biodiversity unit value of land within the application area
- calculate the losses and gains in biodiversity unit value resulting from proposed development
- demonstrate that the required percentage biodiversity net gain will be achieved

Biodiversity Net Gain outcomes can be achieved on site, off-site or through a combination of both. On-site provision should be considered first. Delivery should create or enhance habitats of equal or higher value. When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Green Infrastructure Strategies or Local Nature Recovery Strategies.

Opportunities for wider environmental gains should also be considered.

## **Landscape**

### **Landscape and visual impacts**

The environmental assessment should refer to the relevant [National Character Areas](#). Character area profiles set out descriptions of each landscape area and statements of environmental opportunity.

The ES should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing, and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character.

A landscape and visual impact assessment should also be carried out for the proposed development and surrounding area. Natural England recommends use of the methodology set out in *Guidelines for Landscape and Visual Impact Assessment 2013* ((3rd edition) produced by the Landscape Institute and the Institute of Environmental Assessment and Management. For National Parks and AONBs, we advise that the assessment also includes effects on the 'special qualities' of the designated landscape, as set out in the statutory management plan for the area. These identify the particular landscape and related characteristics which underpin the natural beauty of the area and its designation status.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. This should include an assessment of the impacts of other proposals currently at scoping stage.

To ensure high quality development that responds to and enhances local landscape character and distinctiveness, the siting and design of the proposed development should reflect local characteristics and, wherever possible, use local materials. Account should be taken of local design policies, design codes and guides as well as guidance in the [National Design Guide](#) and [National Model Design Code](#). The ES should set out the measures to be taken to ensure the development will deliver high standards of design and green infrastructure. It should also set out detail of layout alternatives, where appropriate, with a justification of the selected option in terms of landscape impact and benefit.

### **Heritage Landscapes**

The ES should include an assessment of the impacts on any land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific, or historic interest. An up-to-date list is available at [www.hmrc.gov.uk/heritage/lbsearch.htm](http://www.hmrc.gov.uk/heritage/lbsearch.htm).

### **Connecting People with nature**

The ES should consider potential impacts on access land, common land, public rights of way and, where appropriate, the England Coast Path and coastal access routes and coastal margin in the vicinity of the development, in line with NPPF paragraph 100. It should assess the scope to mitigate for any adverse impacts. Rights of Way Improvement Plans (ROWIP) can be used to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

Measures to help people to better access the countryside for quiet enjoyment and opportunities to connect with nature should be considered. Such measures could include reinstating existing

footpaths or the creation of new footpaths, cycleways, and bridleways. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Access to nature within the development site should also be considered, including the role that natural links have in connecting habitats and providing potential pathways for movements of species.

Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

### **Soils and Agricultural Land Quality**

Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed. Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered in line with paragraphs 174 and 175 of the NPPF. Further guidance is set out in the Natural England [Guide to assessing development proposals on agricultural land](#).

As set out in paragraph 211 of the NPPF, new sites or extensions to sites for peat extraction should not be granted planning permission.

The following issues should be considered and, where appropriate, included as part of the Environmental Statement (ES):

- The degree to which soils would be disturbed or damaged as part of the development
- The extent to which agricultural land would be disturbed or lost as part of this development, including whether any best and most versatile (BMV) agricultural land would be impacted.

This may require a detailed Agricultural Land Classification (ALC) survey if one is not already available. For information on the availability of existing ALC information see [www.magic.gov.uk](http://www.magic.gov.uk).

- Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable soil handling methods and appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space).
- The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.
- The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.

Further information is available in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites](#) and The British Society of Soil Science Guidance Note [Benefitting from Soil Management in Development and Construction](#).

The following additional guidance is provided for minerals and waste development. The ES should consider and, where appropriate, include the following:

- The methods and equipment to be used for the protection, recovery, storage, and sustainable re-use of the different types of topsoil and subsoil, including consideration of any required phasing to minimise soil handling and maximise the sustainable management of the soil.
- The method of assessing whether soils are in a suitably dry condition to be handled (i.e. dry and friable), and the avoidance of soil handling, trafficking, and cultivation during the wetter winter period.
- A description of the restoration criteria, including the proposed soil horizon depths and soil characteristics; normally to an overall depth of 1.2 m over an evenly graded overburden layer (or, in the case of waste reclamation, an evenly graded capping layer), suitable for the proposed end-use, including the restored ALC Grade.
- The effects on land drainage, agricultural access, and water supplies, including other agricultural land in the vicinity. The impacts of the development on farm structure and viability, and on other established rural land use and interests, both during the site working period and following its reclamation.
- The restoration and aftercare of the site, in line with Chapter 17 'Facilitating the Sustainable Use of Minerals' of the NPPF.
- A detailed Restoration Plan illustrating the restored soil profile characteristics, landform and the intended standard of restoration including ALC Grade(s), together with details of surface features; water bodies; the availability of outfalls to accommodate future drainage requirements; and aftercare.

Further guidance is contained in the [Defra Guidance for Successful Restoration of Mineral and Waste Sites](#) and the Natural England guidance note [Planning and aftercare advice for reclaiming land to agricultural use](#). Reference could also usefully be made to the Institute of Quarrying (2021) [Good Practice Guide for Handling Soils in Mineral Workings](#) which comprises separate sections, describing the typical choice of machinery and methods for handling soils at various phases. The techniques described by Sheets A-D are appropriate for the successful reinstatement of higher quality agricultural land. The Natural England [Guide to reclaiming mineral extraction and landfill sites to agriculture](#) also contains useful background information.

## Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue. For example, approximately 85% of protected nature conservation sites are currently in exceedance of nitrogen levels where harm is expected (critical load) and approximately 87% of sites exceed the level of ammonia where harm is expected for lower plants (critical level of 1µg)<sup>[1]</sup>. A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The Government's Clean Air Strategy also has a number of targets to reduce emissions including to reduce damaging deposition of reactive forms of nitrogen by 17% over England's protected priority sensitive habitats by 2030, to reduce emissions of ammonia against the 2005 baseline by 16% by 2030 and to reduce emissions of NO<sub>x</sub> and SO<sub>2</sub> against a 2005 baseline of 73% and 88% respectively by 2030. Shared Nitrogen Action Plans (SNAPs) have also been identified as a tool to

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[1] [Report: Trends Report 2020: Trends in critical load and critical level exceedances in the UK - Defra, UK](#)

reduce environmental damage from air pollution.

The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly, or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The ES should take account of the risks of air pollution and how these can be managed or reduced. This should include taking account of any strategic solutions or SNAPs, which may be being developed or implemented to mitigate the impacts on air quality. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System ([www.apis.ac.uk](http://www.apis.ac.uk)).

Information on air pollution modelling, screening and assessment can be found on the following websites:

- SCAIL Combustion and SCAIL Agriculture - <http://www.scail.ceh.ac.uk/>
- Ammonia assessment for agricultural development <https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit>
- Environment Agency Screening Tool for industrial emissions <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>
- Defra Local Air Quality Management Area Tool (Industrial Emission Screening Tool) – England <http://www.airqualityengland.co.uk/laqm>

## Water Quality

The planning system plays a key role in determining the location of developments which may give rise to water pollution, and hence planning decisions can have a significant impact on water quality, and land. The assessment should take account of the risks of water pollution and how these can be managed or reduced. A number of water dependent protected nature conservation sites have been identified as failing condition due to elevated nutrient levels and nutrient neutrality is consequently required to enable development to proceed without causing further damage to these sites. The ES needs to take account of any strategic solutions for nutrient neutrality or Diffuse Water Pollution Plans, which may be being developed or implemented to mitigate and address the impacts of elevated nutrient levels. Further information can be obtained from the Local Planning Authority.

## Climate Change

The ES should identify how the development affects the ability of the natural environment (including habitats, species, and natural processes) to adapt to climate change, including its ability to provide adaptation for people. This should include impacts on the vulnerability or resilience of a natural feature (i.e. what's already there and affected) as well as impacts on how the environment can accommodate change for both nature and people, for example whether the development affects species ability to move and adapt. Nature-based solutions, such as providing green infrastructure on-site and in the surrounding area (e.g. to adapt to flooding, drought and heatwave events), habitat creation and peatland restoration, should be considered. The ES should set out the measures that will be adopted to address impacts.

Further information is available from the [Committee on Climate Change's](#) (CCC) [Independent Assessment of UK Climate Risk](#), the [National Adaptation Programme](#) (NAP), the [Climate Change Impacts Report Cards](#) (biodiversity, infrastructure, water etc.) and the [UKCP18 climate projections](#).

The Natural England and RSPB [Climate Change Adaptation Manual](#) (2020) provides extensive information on climate change impacts and adaptation for the natural environment and adaptation focussed nature-based solutions for people. It includes the Landscape Scale Climate Change Assessment Method that can help assess impacts and vulnerabilities on natural environment features and identify adaptation actions. Natural England's [Nature Networks Evidence Handbook](#) (2020) also provides extensive information on planning and delivering nature networks for people

and biodiversity.

The ES should also identify how the development impacts the natural environment's ability to store and sequester greenhouse gases, in relation to climate change mitigation and the natural environment's contribution to achieving net zero by 2050. Natural England's [Carbon Storage and Sequestration by Habitat report](#) (2021) and the British Ecological Society's [nature-based solutions report](#) (2021) provide further information.

### **Contribution to local environmental initiatives and priorities**

The ES should consider the contribution the development could make to relevant local environmental initiatives and priorities to enhance the environmental quality of the development and deliver wider environmental gains. This should include considering proposals set out in relevant local strategies or supplementary planning documents including landscape strategies, green infrastructure strategies, tree and woodland strategies, biodiversity strategies or biodiversity opportunity areas.



# Nottinghamshire Wildlife Trust

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Registered Charity Number: 224168R

Nottinghamshire County Council Planning Group

County Hall

West Bridgford

Nottingham

NG2 7QP

**FAO: Joel Marshall, Development Management**

21<sup>st</sup> October 2022

Your ref: SC/4471

Our ref: JMB/Minerals/Lound

Dear Joel,

## **Proposal: Request for EIA Scoping Opinion: The Retford Circular Economy Project**

Thank you for consulting NWT on the above. I note this proposed scheme would involve up to 25 years of extraction and processing of PFA, with 23 years at a tonnage of approx. 300kpa.

NWT note the level of detail contained in the Scoping Report and that the applicant has undertaken surveys largely in accord with our recommendations from our meetings, however there are some areas that will need further work:

- a) Data trawl - existing records for protected sites should be undertaken to **2.5 km** radius of the application area – the applicant has only used a 2km search area, which does not include the full potential Zone of Influence (in accordance with CIEEM guidelines), given the potential impacts from complex hydrological and hydrogeological pathways. There are water-dependent SSSIs in the wider area which should be considered, such as Mattersey Marsh SSSI.
- b) Vegetation - phase I survey with target notes and more detailed Phase II survey of areas of botanical interest identified during the phase I - this should include any areas of adjacent land near the application site that might be affected by dust or other emissions that could be damaging to valuable plant assemblages.
- c) Bats - survey of all possible structures that may support roosts, including both day time visual inspections and evening emergence surveys undertaken at the correct times of year by suitably licensed persons. If potential tree roosts are to be lost, a dawn swarming survey should be undertaken. Surveys to identify key foraging areas that may be disrupted by light, noise or disturbance should be undertaken in order to inform a rigorous impact assessment on this EPS, which has important populations in the area and on the adjacent SSSI/LWS, as identified in the surveys to date.
- d) Badgers - surveys of the whole site and adjacent land (up to 250m) for field signs and setts. Should evidence of use of the site be found, then a bait-marking exercise should be undertaken to identify



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foraging areas and social group boundaries, given the very long period of proposed disturbance and disruption.

- e) Amphibia - surveys of suitable waterbodies within 250m of the site boundary and also of potential hibernacula and other over-wintering habitat, including aquatic surveys to include torching and netting as appropriate. I note the applicant has undertaken eDNA surveys, but these were only used to detect GCN, not other amphibians, which are declining BAP priority species and it is essential that any risks to these species are identified.
- f) Reptiles - surveys for grass snakes, common lizards, and slow worms, to include the use of hand searching and refugia – I note this has been undertaken for the proposed extraction area and that grass snakes were found, it is essential that a mitigation plan for any herptiles found is put in place.
- g) Invertebrates - identification of habitats of potential value for invertebrates, followed by surveys for key groups eg. ground beetles, spiders, dead wood specialists etc. as appropriate. I note that direct impact on invertebrates has been scoped out, but the potential for indirect impacts from emissions and dust on valuable invertebrate assemblages adjacent to the development site should be assessed, which may require further surveys.
- h) Birds - over-wintering and breeding bird surveys to standard methodologies have been undertaken, although the Scoping Report does not state how wide an area was covered. It is essential that sufficient evidence is available to inform a robust assessment of the potential impacts of noise, dust, emissions, and hydrological changes on all valuable bird assemblages in the wider area, particularly in Sutton and Lound Gravel Pits SSSI.
- i) Riparian and other mammals – surveys have been undertaken for water voles and otters within the proposed extraction site and in the immediate vicinity. It should be noted that otters are EPS and a highly precautionary approach should be taken to prevent disturbance to this species or disruption to foraging behaviour, which should be rigorously assessed. Polecat are present in the area, a very rare mammal, and beavers, all of which will require assessment to ensure that there would be no impacts from noise, disturbance, light etc.

I note the applicant has stated they will follow CIEEM guidance with regard to impact assessment, which is to be welcomed. For the avoidance of doubt, the **ecological impact assessment** should include:

- a) Definition of the direction of any impact, its magnitude, temporal scale and sensitivity of receptors
- b) Direct impacts
- c) Indirect impacts (including hydrological/hydrogeological, dust, gaseous emissions, noise, vibration, light, traffic, other disturbance)
- d) Proposals for avoidance of impact, including alternatives
- e) Proposed mitigation
- f) Residual impacts that cannot be mitigated
- g) Ecological compensation for residual impacts
- h) A BNG assessment where a substantive increase in biodiversity value should be expected, in accordance with the MLP.

I note that the Scoping Report does not state what criteria or thresholds would be used to assess the impact of noise on birds, bats or other scarce mammals. **It is essential that the latest evidence of these impacts should be used**, and there is a wealth of published research that we would expect the applicant to use.



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Given the location of this proposed development it is also essential that a **rigorous assessment is made** of the **social, health and wellbeing impacts** of such a lengthy extraction and processing scheme. The impacts should be assessed for:

1. Local residents
2. Visitors to the Idle Valley Nature Reserve as a whole
3. Visitors and users of the car park and café at the Reserve who could be particularly impacted by HGV traffic using the entrance onto the A638, at a rate of 74 HGV movements per day.

Points 2 and 3 should also include an economic impact assessment with regard to detrimental effects on the use of the reserve, café and shop.

The restoration scheme could have the potential to contribute to priority BAP habitat targets for the County, **however in order to do this the scheme should:**

- a) Detail the proposed habitats in terms of the rationale behind their choice, their intended composition and the target habitat (preferably using the National Vegetation Classification as a descriptive tool).
- b) Describe the methods of hydrological restoration, substrate preparation, plant establishment, plant type and form, provenance of material, establishment maintenance and long term aftercare.
- c) **Provide assurance of the long term funding for management of the habitats of at least 30 years**, as there can be no claim for the benefits of the scheme in terms of biodiversity gain if the habitats are degraded or destroyed once the aftercare period ceases.

Were this scheme to proceed, NWT would expect to see **extensive** wet grasslands, reedbeds, ponds and species rich grassland restored on this site, based on the underlying edaphic conditions and in accordance with Notts BAP and UK BAP/Sn41 priorities for this Natural Character Area. The final topography should be designed to accommodate diverse range of wetland features including clusters of ponds suited to amphibians, as well as ridges, furrows and ephemeral pools and scrapes in wet grasslands, so as to meet those priority habitats identified in the BAP.

Please do not hesitate to contact me if you have any queries about the above.

Yours sincerely,



Janice Bradley MBE, MSc., C.Env., MCIEEM

Head of Nature Recovery (North)

c.c. Nick Crouch, NCC, Ros Deeming, NE