
Kingsmill Reservoir Sherwood Way South Sutton Junction and Harlow Wood

Ashfield District Council
Urban Road
Kirkby in Ashfield
Nottingham NG17 8DA

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Scale: 1 to 10000

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Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee as it is a proposal by the Ashfield District Council.

THE SITE

The site is situated to the east of Sutton in Ashfield on the border with Mansfield District. Primary vehicular access to the site is from Sherwood Way South providing a wide carriageway with a designated turning lane into the site for the north west bound traffic. The entrance provides good visibility for vehicles entering and leaving the site. There is a secondary vehicular access point to the north east of the site off Kings Mill Lane however, this is a farm access only. With no off road parking areas at the north east end of the site, on street parking is having an adverse effect on the residents in the vicinity.

The site is a designated nature reserve supporting a diverse range of wildlife including flora and fauna species. The reservoir comprises the main waterbody (approx. 22ha) which is fed by, and drains to, the River Maun. Habitats surrounding the waterbody include woodland, scrub, tall ruderal and grassland. To the south of the lake is the existing visitor centre and associated infrastructure.
The Hermitage Ponds are situated downstream of the reservoir, beyond the viaduct. The ponds are surrounded by woodland and are bisected by an active railway line.

The application site is located within the countryside where permissions will only be granted for appropriate development which protects the openness and character of the countryside as set out in the Ashfield Local Plan Review 2002. The site is also located within a mature landscape area and is a nature conservation site. Policies ST1; ST4; EV2; EV4 and EV6 of the local plan and Part 11 of the National Planning Policy guidance 2012 – Conserving & Enhancing the Natural Environment, are material considerations in the determination of the application.

THE APPLICATION

The development forms part of a Heritage Lottery bid to secure funding to improve the sustainability of the reservoir site and enhance the recreation infrastructure.

The planning application includes the proposal to extend the car park at the site to accommodate the increasing numbers of visitors, and to construct a sediment control weir at the main inlet of the reservoir and to implement selective dredging of the water body and the creation of wetlands receptors to deposit dredged material.

Car Park Extension
The site currently has a 43 space capacity car park for recreation visitors accessed off Sherwood Way South. The car park regularly reaches capacity and is currently operating at 98% capacity at peak hours which contributes to congestion on the access road and displacement of vehicles to side roads on the north east boundary of the reservoir (Kings Mill Lane). Further investment and promotion at the site will mean the site is unable to cater for increasing visitor numbers which may have an effect on surrounding infrastructure and residential areas.

The proposal seeks to redevelop part of the grazing land to the south west of the car park to accommodate 38 additional parking spaces including two dedicated disabled spaces and establish a native hedgerow to formalise the boundary of the car park.

Dredging Plan
In order to facilitate the construction of a sediment containment weir and maximise the efficiency of sediment disposition, it is proposed to undertake dredging within the main inlet to the reservoir. The sediment that is to be dredged from the inlet is to be reused to form a berm [raised platform] along the northern shoreline which is to be reed planted to increase the margin habitat at the site. Further sediment remodelling is proposed around the jetties which will entail sediment being pushed from the shallows and remodelled in the south east corner to form a wetland.
Weir Construction
The weir construction has been developed to form a means of controlling sediment disposition into the wider reaches of the reservoir to focus and improve the efficiency of future dredging operations and maintain the continuity of activities at the site. The weir will be constructed from clean granular fill to form the core of the structure with rock armour built up on the up and down stream profiles to prevent erosion. The finished height of the weir will be 100mm - 200mm below the water level creating no visual impact to the site and providing fish passage between the up and down stream elevations of the weir.

CONSULTATIONS
Site Notices have been posted but with the site being remote from residential areas, no individual notification of surrounding residential properties has been undertaken.

ADC Environmental Protection [ Contamination & Land Stability ]
Not necessary to require a land contamination condition of any permission issued.

ADC Landscaping
Certain revisions to the proposals were suggested in relation to car park markings; fencing; surfacing; pedestrian crossing treatments; and planting. All elements have been addressed and amendments incorporated into revised drawings.

Nottinghamshire County Council Flood Risk Management Team
No objections.

Nottinghamshire County Council Planning Strategy
Concerns raised regarding waste disposal and ecology. These were addressed by the applicant and NCC Planning Strategy further confirmed that the approach to waste is a suitable approach and that the use of an Ecological Clerk to oversee specific areas of work, as suggested by the applicant, would be useful. The specific areas of work ought to be identified in advance by way of a condition.

Nottinghamshire County Council Highways Authority
No adverse impacts on the adjacent public highways and therefore no objections to the development.

Natural England
No objection, unlikely to affect any statutorily protected sites or landscapes.

Environment Agency
 Discussions between the applicant and the Environment Agency have been ongoing concurrent to the processing of the application, in particular, regarding the impact of mobilizing phosphorous rich sediment during desilting works.
The Environment Agency have now confirmed that, providing the recommendations for mitigation for wildlife included within the Ecology Survey are followed, they have no objections to the development.

**Sutton-in-Ashfield Sailing Club**
Required assurance that their site access would not be affected; their sailing area would not be reduced; & that the existing & proposed car parking areas would be lit. Confirmation has been issued that their access is unaffected; the works will improve the water depth and thus benefit sailing; and that there are no plans within this proposal to install lighting to the car parks, principally due to the potential for pollution and effect on local wildlife.

**The Mill Adventure Base**
No response received.

**POLICY**

**National Planning Policy Framework 2012**
Part 11 – Conserving & Enhancing the Natural Environment

**Ashfield Local Plan Review 2002**
ST1 – Development
ST4 – Remainder of the District
EV2 – Countryside
EV4 - Mature Landscape Areas
EV6 - Local Nature Reserves & Sites of Importance for Conservation & Geological Significance.

**Ashfield Publication Local Plan 2016**
EV2 – Countryside
EV4 – Green Infrastructure, Biodiversity & Geodiversity.
EV5 - Protection of Green Spaces and Recreation Facilities
EV6 – Trees, Woodland & Hedgerows
SD1 – Good Design Principles for Development

**RELEVANT PLANNING HISTORY**

- **V/2006/1001** - Vehicle height barriers; bollards; & boulders to car park. CA 21/12/2006
- **V/2007/0445** - Installation of geothermal scheme to provide heat exchange for Kings Mill Hospital. CA 05/09/2007
ASSESSMENT

In the determination of the application, the main considerations include the principle of the development; layout and design; ecology and environmental impact; and impact on local amenity. These are considered below.

Principle
The Local Plan Review 2002 land designation is Countryside, Policy EV2 which constrains development to appropriate uses, which includes outdoor sport, recreational and tourism uses and ancillary element to support these uses. The proposed developments are seen as important to maintain and enhance the attractiveness, convenience and use of the site as a recreation / tourism facility and also to alleviate some off-site concerns and impacts of overspill parking.

Layout & Design
The existing 43 space car park, accessed off Sherwood Way South, regularly reaches capacity and is currently operating at 98% capacity at peak hours which contributes to congestion on the access road and displacement of vehicles on and around Kings Mill Lane to the north east of the reservoir.

The proposal seeks to redevelop part of the grazing land to the south west of the existing car park to accommodate 38 additional parking spaces including two disabled spaces. Vehicular access will be taken via the existing field entrance, widened out to 6.5m and receiving a tarmac ‘wearing’ finish. The car park will be stoned and the surrounding land seeded over. Existing hedgerow boundaries will be retained but pruned and a segregated pedestrian link provided through to the existing car park.

The balance of the grazing land to the south west up to the site boundary will receive a significant amount of tree planting, interspersed with native wild flower zones and connected by new linking footpath routes. Existing shed and stables will be removed from the land.

It is considered that the proposal car park ensures a sympathetic approach to the development of the site through the retention, management and supplementation of hedgerows; the use of the existing access to the site; and the tree planting and wild flower zones proposed. The car park construction has a permeable surface to prevent surface water runoff from impacting the drainage ditches to the north and east of the proposed carpark.

The dredging and weir construction works will be temporary and a compound is proposed utilising the car park extension access and siting for the period of works. This zone will then be reinstated, part as car park, the remainder tree and wild flower planting areas.
There will therefore be no remaining legacy of these construction works. The balance of the proposed works, dredging and construction of the weir, are equally innocuous in so much as once completed, there are no visible remains of the activity / installation.

Accordingly, the development is considered to meet the policy requirements of the National Planning Policy Framework and the current and emerging local plans.

**Ecology & Environmental Impact**

The site is a designated nature reserve supporting a diverse range of wildlife including flora and fauna species. The reservoir comprises the main waterbody (approx. 22ha) which is fed by, and drains to, the River Maun. Habitats surrounding the waterbody include woodland, scrub, tall ruderal and grassland. The Hermitage Ponds are situated downstream of the reservoir, beyond the viaduct. The ponds are surrounded by woodland and are bisected by an active railway line.

Ecology has been addressed within the application, which is supported by surveys considering:

- Preliminary Ecological Appraisal & Impact Assessment Sept. 2015
- Ecological Surveys & Mitigation Nov. 2017
- Construction Ecological Management Plan Nov. 2017
- Water Vole Survey May 2014
- Aquatic Invertebrate Survey Sept. 2012

The Environment Agency and Nottinghamshire County Council Strategic Planning have vetted the submitted documentation. The Environment Agency raised the issue regarding the mitigation strategy for water voles in relation to the de-silting and works around the banks of the reservoir. As the proposed works are not within 5metres of the water voles, a species specific mitigation strategy was not deemed appropriate. The Environment Agency have accepted this on the basis that the mitigation recommendations stipulated within Section 6 of the Ecological Surveys & Mitigation Report, Nov. 2017, relating to habitats; floral species; invasive floral species; common amphibians; large mammals; bats; nesting birds; water voles; white-clawed crayfish & fish, are adhered to.

Nottinghamshire County Council Strategic Planning also suggest that marginal reed bed planting; restriction of works within the bird nesting season; and the mitigation measures for the protection of water voles be secured by condition. Furthermore, all works should be similarly controlled by a condition ensuring compliance with the submitted ecological and environmental reports in terms of recommendations, mitigation and protection. The Construction Phase Ecology Management Plan in particular will inform the delivery of the proposal, overseen as appropriate by an Ecological Clerk of Works.
Whilst there are elements of the proposals that involve temporary disruption to the local ecology, the mitigation measures identified will ensure the resultant impact is marginal and that the completed works will bring enhancement and preservation of habitats.

Environmental issues have been addressed within the application, which is supported by surveys considering:
- Environmental Assessment of the Ditch at Kings Mill Reservoir June 2006
- Kings Mill Reservoir Bed Sediment Sampling Nov. 2015
- Kings Mill Reservoir Sediment Management System Nov. 2017

In order to facilitate the construction of a sediment containment weir and maximise the efficiency of sediment disposition, it is proposed to undertake dredging within the main inlet to the reservoir. The sediment that is to be dredged from the inlet is to be reused to form a berm along the northern shoreline and reed planted to increase the margin habitat at the site. Advice has been obtained from the Environment Agency and no exemptions or permits are required where the sediment material is to be retained within the extent of the water body. Further sediment remodelling is proposed around the jetties which will entail sediment being pushed from the shallows and remodelled in the south east corner to form a wetland.

Nottinghamshire County Council Strategic Planning were concerned over the potential release of phosphorous within the sediments during dredging and whilst this seems inevitable, appropriate pollution control measures, as discussed and agreed with the Environment Agency will be in place.

The weir will be a means of controlling sediment disposition into the wider reaches of the reservoir, to focus and improve the efficiency of future dredging operations and maintain the continuity of activities at the site.

Crucially, the finished height of the weir will be 100mm - 200mm below the water level, thereby creating no visual impact to the site and providing fish passage between the up and down stream elevations of the weir.

Nottinghamshire County Council Strategic Planning queried the waste element of the development. Confirmation has been given that excavated waste from the car park zone will be re-used to grade out the adjacent tree and wild flowers areas and the dredged materials provide an opportunity to form a wetland berm along the northern perimeter of the site providing additional habitat for a wide selection of species including birds, water voles and invertebrates to support a balanced ecology. Operational/general waste will be managed through a waste audit with disposal likely through a suitably licensed waste management contractor.
The ecological and environmental facets of the development are therefore deemed compliant with the stated policies of the current and emerging local plans and in particular, Policies EV6 of the 2002 Plan and EV4 of the Emerging Plan 2016 are respected.

Impact on Local Amenity

The reservoir forms part of a valuable green corridor linking Ashfield and Mansfield. The site offers multiple opportunities for resident, community groups and the education sector to experience outdoor activities.

The proposed development seeks to address emerging impacts which may result in the reduction or loss of these activities and seeks to enhance the site to support increasing numbers of visitors.

Much of the development will be unseen once completed and hence there will be no impact on the local amenity. The provision of the car park extension will have an impact as it replaces open grazing land. Notwithstanding, without this provision, the opportunity for increasing visitor numbers to the facility will be curtailed and there will be increased pressure on surrounding residential streets with on-street parking. On balance therefore, it is considered that the significant benefits will outweigh the marginal loss of amenity, in the short term and the proposed tree and wild flower planting around the car park will further mitigate against this impact, whilst providing longer term benefits.

CONCLUSION

The reservoir site provides a valuable green space resource contributing to healthier, more engaged communities. The development is seeking to protect the public open space from progressive environmental impact (sedimentation) and ensure the site remains able to sustain the diversity of activities.

The expansion of the car park will seek to support a growth in visitor numbers at the site which will have added benefits through supporting the visitors centre and engagement in site volunteering activities.

RECOMMENDATION : Conditional Approval

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.

2. The development hereby permitted shall be carried out only in accordance with the details and specifications included in the submitted application form and shown on the submitted drawings, as follows : -
• Site Location Plan, received 15/01/2018
• Site Layout Plan [Dredging, Weir Construction & Wetland Sediment Receptors], No. LCE/HLF/SLP/2017, Rev. LCE-1.0, received 15/01/2018
• Car Park Layout 1.0, No. LCE/HLF/CP/M/2017, Rev. LCE-1.0, received 16/03/2018
• Car Park Layout 2.0, No. LCE/HLF/CP/M/2017, Rev. LCE-1.0, received 15/01/2018
• De-silting Weir General Arrangement, No. 2017s6210_01, Rev. P01, received 15/01/2018
• De-silting Weir Details, No. 2017s6210_02, Rev. P01, received 15/01/2018.
• Design & Access Statement, Version 1.0, dated 09/01/2018
• Preliminary Ecological Appraisal & Ecological Impact Assessment, by Middlemarch Environmental, No. RT-MME-119856-01, dated September 2015, received 15/01/2018
• Ecological Surveys by EMEC Ecology, revised Nov. 2017, received 15/01/2018.
• Construction Ecological Management Plan by EMEC Ecology, revised Nov. 2017, received 15/01/2018.
• Water vole Survey by Aquascience, dated May 2014, received 15/01/2018.
• Aquatic Invertebrate Survey by Aquascience, dated Sept. 2012, received 15/01/2018.
• Environmental Assessment of the Ditch by Aquascience, dated 16/06/2017, received 15/01/2018.
• Reservoir Bed Sediment Sampling Report by Opus, dated Nov. 2015, received 15/01/2018
• Sediment Management System by JBA Consulting, No. LCE-HLF-SM-2017, dated Nov. 2017, received 15/01/2018
• Kingsmill Reservoir Management Plan by ADC, dated Jan 2016 - Dec 2020, received 15/01/2018.

3. Trees and shrubs shall be planted in accordance with the landscaping scheme submitted to the Local Planning Authority on drawings Nos. LCE/HLF/CP/M/2017, Rev. LCE-1.0 - Car Park Layout 1.0 and LCE/HLF/CP/M/2017, Rev. LCE-1.0 - Car Park Layout 2.0. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the car park, and any trees or plants which, within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning authority gives written consent to any variation.
4. There shall be no storage of any items, or parking of machinery, under the crowns of the trees during the construction process.

5. There shall be no raising or lowering of the existing ground levels, or disturbance of soil, under the crowns of the trees.

6. The development hereby approved shall be carried out in accordance with the Sediment Management System Report LCE-HLF-SM-2017 by JBA Consulting, dated November 2017 and in particular, the crest height of the proposed weir shall not exceed 131.64 metres above Ordnance Datum. All mitigation measures shall be fully implemented prior to occupation and be in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

7. Detailed design of the reed bed system to be deployed together with a construction phase sequencing plan should be submitted to and approved by the Local Planning Authority prior to the commencement of works. Details shall include plant species, layout, planting density and containment system.

8. Prior to the commencement of works, confirmation of the appointment of an Ecological Clerk of Works to oversee the dredging works phase shall have been submitted to and approved by the Local Planning Authority. The applicant shall thereafter retain validation / site records prepared by the Clerk of Works during the dredging works phase and submit these to the Local Planning Authority upon completion, for completeness.

9. The applicant and the Environment Agency acknowledge the potential for increasing the level of phosphorus into the water during the works. To ensure that such effects are minimised and that there are improvements to the ecology and resilience of the site for the future, details of the means of mitigation of pollution and water body control measures shall be submitted to and approved by the Local Planning Authority prior to the commencement of the works. Such measures should include but not necessarily exclusively :-
   - Undertaking the work during the winter season
   - Stopping work during storm events / high flows
   - Use of silt curtains to control suspended solids and silt displacement.
   - Minimise movement of the sediment
   - Monitor dissolved oxygen levels
   - Minimising the area of dredging (total area to be dredged is estimated to be 8 -10 % of the total bed area of the reservoir)
REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
4. The tree(s) in question are considered to be features of significance. This condition is imposed to ensure that they are satisfactorily protected during the period when construction works take place on the site.
5. The tree(s) in question are considered to be features of significance. This condition is imposed to ensure that they are satisfactorily protected during the period when construction works take place on the site.
6. To prevent flooding by maintaining the capacity of the reservoir.
7. To ensure that the works take the agreed form envisaged by the District Planning Authority when determining the application and thus result in a satisfactory form of development.
8. To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the dwellings in question.
9. To prevent pollution of the water environment.

INFORMATIVES

1. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent mud from transferring from the site.
2. In order to avoid impacts to nesting birds we also request that all tree/shrub/hedgerow/scrub and rough grassland removal work be undertaken outside of the bird-breeding season (March-September inclusive). If works are to be carried out during this time then a suitably qualified ecologist should be on site to survey for nesting birds prior to any vegetation clearance. As you will be aware all nesting birds', birds' nests, young and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended). Nesting is taken to be from the point at which birds start to build a nest, to the point at which the last chick of the last brood of the season has fully fledged and left the nesting area.
3. Bats and owls are protected under the Wildlife and Countryside Act, 1981. Bats and/or owls often use old buildings for roosting. If there is any reason to believe that bats or owls are present, English Nature should be informed immediately. English Nature’s address is The Maltings, Wharf Road, Grantham, Lincs NG31 6BH Tel: 01476 584800.

4. The applicant is advised that the demolition and clearance works associated with the site shall ensure that there is NO on site burning and that all materials are taken away.

5. With regards to fish passage and fish within the lake, the Environment Agency are happy that the weir will not prevent passage of fish through the lake due to it being sub surface. However they do recommend that a fish rescue is undertaken as per discussions with the applicant. This is to prevent fish becoming entrained on any pumps used for the desilting or any other reason. If fish are seen in distress then activities should cease and the Environment Agency Emergency Hotline (Telephone: 0800 80 70 60) should be called and the incident reported.

6. The proposed activity poses a risk of pollution of the River Maun, ponds and fishing ponds downstream of Kingsmill Reservoir. The applicant should be aware that to cause pollution is an offence under the Environmental Permitting (England and Wales) Regulations 2010.

7. If it is intended to impound a watercourse, ditch or stream then it is likely that an impounding licence will be required from the Environment Agency. An impoundment is a structure within inland waters that can permanently or temporarily change the water level or flow. This includes the proposed new weir. The applicant must have an impoundment licence before work is started on an impoundment structure, even in an emergency, unless an exemptions applies. Further details regarding impoundment licensing is available on the .GOV website: https://www.gov.uk/topic/environmental-management/water.